ATTITUDES AND POLICIES TOWARD JUVENILE DELINQUENCY IN THE
UNITED STATES, 1825-1935

DISSERTATION

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By

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Acknowledgment

Juvenile delinquency is more often regarded as a social problem to be solved than as a subject for historical study. An important exception is Grace Abbott's *The Child and the State* (2 vols., 1938), a documentary history of child welfare in America since 1600. My interest was drawn to the historical dimensions of delinquency when my adviser, Robert H. Bremner, invited me to become senior research assistant for *Children and Youth in America*, a three volume revision and updating of Miss Abbott's work. In this position I had the good fortune to work at the Charles Warren Center for American Studies, Harvard University. I am deeply appreciative of the financial assistance of the Children's Bureau and for the friendship and guidance of Martha M. Eliot, M.D., William Schmidt, M.D., Thomas Hood, M.D. and Professor Oscar Handlin.

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PUBLICATIONS


FIELDS OF STUDY

Major Field: American History

Recent American History. Professors Robert H. Bremner and Foster Rhea Dulles

Nineteenth Century American History. Professors Francis P. Weisenburger and Mary Young

American Literature. Professor William Charvat
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Introduction

Youthful misbehavior is a form of misconduct as old as human society. The Law of Moses threatened disobedient children with death. Writers of Roman and medieval law, also concerned with undisciplined youths, provided harsh punishments for their transgressions. Juvenile delinquency, however, describes something more precise than either youthful aberrance in general or the lawbreaking acts of children. Juvenile delinquency defines only those illegal acts of non-adults whose commission has required some form of special action by government and/or society. Delinquency is a form of behavior but, more important, it is the official admission of society that other ways of disciplining children either do not exist or have failed.

Delinquency has usually implied special consideration of children as offenders and western procedure has ordinarily differentiated in favor of the juvenile delinquent. Thus, under the Twelve Tables of Roman law juvenile theft was statutorily punished with less severity than when committed by adults. In developing the concept of lessened criminal responsibility of children, Roman law influenced the common law of both England and the American colonies.
According to Sir William Blackstone, writing in the late eighteenth century, "Under seven years of age indeed an infant cannot be guilty of felony; for then a felonious discretion is almost an impossibility in nature: but at eight years old he may be guilty of felony. Also, under fourteen, though an infant shall be prime facie adjudged to be dolio incapax (incapable of mischief); yet if it appear to the court and jury, that he was dolio capax, and could discern between good and evil, he may be convicted and suffer death."¹ Although the dictum maletam supplet aetatem (malice supplied the want of age) occasionally resulted in the conviction of young children, courts and juries more often exercised their discretionary power by refusing to prosecute children or by acquitting them after a nominal trial. In America, moreover, individual colonies statutorily exempted young children from certain punishments. Pennsylvania, for example, provided that only youths over sixteen could be sentenced to a public whipping for disobeying parents or masters. On the other hand, statutes and ordinances often dealt specifically with childish offenses such as sledding on the Sabbath or playing ball on public thoroughfares.

Legally reducing punishments for juvenile delinquency did not solve the problem but, as George Rosen has noted, various types of human deviation—insanity, bodily
deformity, poverty, even criminality—were accepted by pre-industrial western society, particularly in continental Europe, as integral features of daily life. In this largely ecclesiastical world, social misfits received alms from their more fortunate brethren and, in return, the pious were assured that through good works their own souls might be saved. Also, before the nineteenth century most people lived in either rural areas or small towns and, in these places, few commercial goods were available to tempt the potential thief. When youthful lawbreaking demanded discipline, traditional forms of corporate control, i.e., the power of parents to discipline members of their family or of masters to punish their servants and apprentices, usually sufficed.

The rapid growth of an industrial and urban civilization in Europe and then America changed attitudes toward juvenile delinquency and made apparent the inadequacy of traditional legal safeguards and methods of controlling children. Orphaned or abandoned children and runaway servants crowded the streets of London, Paris, Berlin and Rome as well as Boston, Philadelphia and New York. Often in desperate circumstances, they stole from merchants, engaged in riots and disturbed the peace of their communities. By the eighteenth century, these merchants were more interested in making money than in demonstrating their piety by
an indulgent attitude toward pilfering and other forms of social deviation.

As one result of these developments, special institutions to contain and reform juvenile delinquents were founded. As early as 1704 the Hospice de St. Michael in Rome provided a separate apartment where "children who cause sorrow to their parents . . . are lodged, nourished, entertained, instructed and chastised in the most marvelous manner." In 1784 the London Philanthropic Society established a school for children of convicts who were themselves often convicts. No special institutions for delinquents were formed in the American colonies although, as Carl Bridenbaugh has shown, urban disorder increased during the eighteenth century, especially after each of the periodic colonial wars.

In the years following Independence, cities on the eastern seaboard continued to grow as did their problems. Citizens of New York, Boston and Philadelphia became alarmed not only by increasing juvenile lawlessness but also by the number of children being sent to jail. The Society for the Prevention of Pauperism in the City of New York, established in 1817, called attention to "those unfortunate children from 10 to 18 years of age, who from neglect of parents, from idleness and misfortune, have . . . contravened some penal statute without reflecting
on the consequences, and for a hasty violation been doomed to the penitentiary by the condemnation of the law." In the 1820's this concern led to the establishment of houses of refuge—the first American institutions intended to reform juvenile delinquents and to save them from "the condemnation of the law."

This thesis traces the history of select attitudes and policies toward juvenile delinquency in the United States, 1825-1935. Generally, it is an analysis of informed opinion on the subject, i.e., the theories and opinions of men and women whose lives were devoted to the care of delinquents and the prevention of delinquency. Beginning with a discussion of the houses of refuge, this study next examines the subsequent development of preventive philanthropies and state institutions for delinquents. In the later nineteenth century new scientific explanations of human origins and conduct changed concepts of juvenile delinquency; this development is discussed in the third chapter. The last two chapters analyze the bases for our modern approach toward delinquency, establishment of the juvenile court and the research of physicians and social scientists of the early twentieth century.
Introduction - Footnotes


Chapter I - The Refuge Movement, 1825-1860

On January 1, 1825 the Society for the Reformation of Juvenile Delinquents opened the New York House of Refuge, the first American institution for delinquent children. Sixteen "depraved young people" were received at the Refuge, a converted federal arsenal on Bloomingdale Road near later day Madison Square. The next year, the Boston City Council, following the recommendation of Mayor Josiah Quincy, established the Boston House of Reformation for juvenile offenders. Also in 1826 a group of prominent Philadelphians received a charter to form a house of refuge which they opened December 28, 1828.

Two principal factors occasioned this flurry of activity on behalf of delinquent children. First, children convicted of crimes were often sent to deteriorating jails where they were, it was commonly believed, schooled by older inmates for a life of crime. Second, some children successfully appealed to the jurors' sympathy and gained acquittal—a disposition no better than jail according to many concerned citizens. A group of these citizens in New York founded the Society for the Reformation of Juvenile Delinquents in 1824. They made this comment upon the legal alternatives for delinquent children:
If acquitted, they returned destitute, to the same haunts of vice from which they had been taken, more emboldened to the commission of crime, by their escape from present punishment. If convicted, they were cast into a common prison with older culprits to mingle in conversation and intercourse with them, acquire their habits, and by their instruction to be made acquainted with the most artful methods of perpetrating crime, ... 3

Thus, it was important to prevent criminal children from being punished cruelly, but it was equally important that they be punished correctly for their misdemeanors. Untutored and errant children had to be taught the concepts of individual accountability and responsibility and, as a constituted spokesman for society, the S.R.J.D. regarded itself as the proper agent for this task. The origins of the refuge movement may be better explained by this organization's missionary outlook than by the sufferings of the children in jail.

In 1825 children in jail were not a new phenomenon. During the later eighteenth century, European reformers such as English philanthropist John Howard and Italian philosophe Marquis Caesare di Beccarria had repeatedly called attention to this problem and sought to humanize the criminal law which consigned children to prison. In 1801 Thomas Eddy, a New York philanthropist who helped to establish in 1796 the first New York State Prison (Newgate), wrote that the New York City bridewell was "a nursey of criminals for
Reverend John Stanford, first chaplain of New York City charitable institutions, recorded numerous cases like that of "little Tom", aged twelve, who, sent to the State Prison at Newgate in 1812, contracted tuberculosis and died there in June of the same year. Of the children in Newgate Stanford wrote:

Their present lot . . . is cast among a body of men, many of whom give strong evidence that they are wickedly solicitous to cultivate the evil propensities of these unhappy children, and by such means will . . . make them a great nuisance to society, and subvert the very design of the law in their punishment.  

Evidently matters had not changed much by 1827 when John Pintard, another New York philanthropist, characterized state prisons generally as "the present plan of promiscuous intercourse where little Devils are instructed to become great ones and at the expiration of their terms turn out accomplished Villans." A committee of Philadelphians denounced their city's policy of sending convicted children to the municipal almshouse "where they are liable to acquire bad habits and principles, and lay the foundation for that career of worthlessness and improvidence, which terminates often in the gaol; often in the penitentiary, and not seldom at the gallows".  

While this theme emphasizing the plight of the incarcerated child was a compelling one, it was not in itself sufficient to mobilize reformatory action. Beginning in
1812 and at regular intervals thereafter, John Stanford proposed the establishment of a separate institution for juvenile offenders. His plan was always defeated, in the last instance (1821) by Mayor Stephen Allen who was later to serve as President of the Society for the Reformation of Juvenile Delinquents from 1832 until his death in 1852. Noting that some of the penitentiary children had been transferred to the almshouse where they were being taught and cared for by the older paupers, Allen concluded of Stanford's plan that "... neither the urgency of the case requires it, nor will the finances of the city admit of it."^8

The effort to reform delinquent children derived more from their proximity to paupers than to jail keepers. Juvenile delinquency was regarded as one of a number of symptoms of pauperism; like intemperance, ignorance and gambling it was an evil which could be eradicated by changing the habits of the evil doer. The most significant group devoted to this task was the (New York) Society for the Prevention of Pauperism which was founded in 1817. Members of the Society included Thomas Eddy, John Pintard, Cadwallader D. Colden, Mayor of New York from 1818 to 1820, and John Griscom, a leading philanthropist and educator. In order to realize the prevention of pauperism, these men embarked upon a comprehensive propaganda program attacking taverns, pawn brokers, emigrants, lotteries,
houses of ill fame, gambling dens and even those charitable institutions which failed to verify the poverty of their subjects and thus supposedly encouraged indolence. With so many obvious causes of pauperism at hand, the delinquent child received scant attention although in 1820 the S.P.P. did suggest that the Bellevue city prison provide its youthful inmates with a separate room.

As Raymond Mohl has shown, the S.P.P. failed to influence the passage of state or municipal legislation drawn to suppress drinking and gambling and to plan public employment for the poor. Thus, the Society turned to the prevention of pauperism in the next generation by studying carefully the children in jail and the destitute children of the city who seemed likely to end up there. In 1818-1819 John Griscom had visited a number of European institutions devoted to the reform of refractory children and had been particularly impressed by an institution for the children of prisoners, who were themselves often prisoners, begun by the London Philanthropic Society in 1817. Griscom influenced the S.P.P. to concentrate upon the reform of children and in 1822 the group issued its Report on the Penitentiary System in the United States which called for "the erection of new prisons for juvenile offenders." "These prisons," said the report, "should be rather schools for instruction, than places of punishment, like our present State Prisons where the young and the old are confined indiscriminately.
The youth confined there should be placed under a course of discipline, severe and unchanging, but alike calculated to subdue and conciliate. A system should be adopted that would prove a mental and moral regimen . . ." In 1823 the S.P.P. began to investigate possible sites for such an institution and in the spring of 1824 received a state corporation charter for the Society for the Reformation of Juvenile Delinquents. This group had nearly the same membership as the S.P.P. and the older organizations soon became defunct.

The Philadelphia House of Refuge was also established by local philanthropists. Among them were Roberts Vaux, a leader of the Philadelphia Society for Alleviating the Miseries of Public Prisons and advocate of the separate system of confinement, John Sergeant, lawyer, congressman and supporter of the U.S. Bank and, on the Ladies Committee, Sarah Grimke, the famous abolitionist and feminist. The Philadelphia Society for Alleviating the Miseries of Public Prisons aided these philanthropists but, unlike the S.P.P. in New York, continued to exist after the refuge opened.

The houses of refuge in New York and Philadelphia were private corporations while the Boston House of Reformation was a public institution. The two refuges did receive public funds to augment the private donations of members, but their internal affairs were subject to minimal state control. Corporation members elected managers who could serve for an indeterminate period of time and these
managers appointed and controlled the administrators of the institutions. The managers submitted annual reports to the legislature usually requesting additional money and delegations from the legislature paid pro forma visits to the refuges. The Boston City Council, on the other hand, closely supervised the House of Reformation by appointing its directors and providing all of its operational expenses.

During the first half of the nineteenth century, the history of these three refuges summarizes institutional efforts to reform juvenile delinquents. Maryland incorporated a refuge for Baltimore in 1831, but lack of private funds delayed its opening until 1851. No other institutions strictly for juvenile delinquents were built until 1847 when the New Orleans House of Refuge was opened and two state institutions, the Western House of Refuge at Rochester, New York and the State Reform School for Boys at Westborough, Massachusetts, were founded.

A number of institutions such as the Boston Asylum and Farm School for Indigent Boys, the Boylston School (a school for dependent boys in the Boston House of Industry), the American Female Guardian Society (New York) and the Baltimore Manual Labor School were established to care for deserted, orphaned or abused children "in danger of becoming vicious and dangerous or useless members of society." Charles Dickens, visiting the Boylston School in 1842, noted
that it housed, "indigent boys who have committed no crime, but who, in the ordinary course of things, would very soon be purged of that distinction if they were not taken from the hungry streets and sent here." The distinction was one of a number which concerned refuge officers and managers, and other commentators too, as together they attempted to define more fully the purposes of the early houses of refuge.

All of the refuges accepted destitute and orphaned children, as well as those convicted in criminal courts. Many of the delinquent children were guilty of no greater crimes than vagrancy or idleness or stubbornness—that familiar catchall of juvenile misbehavior. But the directors of the Boylston School represented the attitude of institutions for non-delinquent children when they demanded that a clear distinction be made between destitute and delinquent children in order to exclude the latter.

The refuge founders believed that the greatest cause of both destitution and delinquency was parental neglect and thus, they sought to strengthen by legal means the parental power of their institutions and to combat the claims of natural parents. Because the refuges took some children who had been convicted by state and local courts, the legal definition of their parental power also defined the parental power of the state (parens patriae) insofar as juvenile delinquents were concerned. And, in the legal custom, the
first clear conflict between opposing parties provided the precedent which others would follow. In this instance, the significant case was *Ex parte Crouse* (4 Wharton 9, Pa., 1838) in which Mary Ann Crouse's father attempted to free her from the Philadelphia House of Refuge on a writ of *habeas corpus*. The State Supreme Court denied his claim saying, "The right of parental control is a natural, but not an unalienable one." The decision continued:

The object of the charity is reformation, by training its inmates to industry; by imbuing their minds with principles of morality and religion; by furnishing them with means to earn a living; and, above all, by separating them from the corrupting influence of improper associates. To this end, may not the natural parents, when unequal to the task of education, or unworthy of it, be superseded by the *parens patriae*, or common guardian of the community? . . . The infant has been snatched from a course which must have ended in confirmed depravity; and, not only is the restraint of her person lawful, but it would be an act of extreme cruelty to release her from it.17

The visiting French penologists Alexis de Tocqueville and Gustave de Beaumont had reached a similar conclusion on the rights of incarcerated youths during their tour of American penal institutions in 1831: "The children . . . were not the victims of persecution, but merely deprived of fatal liberty."18

The hostility of the refuge philanthropists toward the parents of juvenile delinquents went beyond the boundaries of legal decisions. The S.P.P. wrote in 1822:
The parents of these children, are, in all probability, too poor, or too degenerate, to provide them with clothing fit for them to be seen in at school; and know not where to place them in order that they may find employment, or be better cared for.  

The same year Josiah Quincy asked the Suffolk County (Mass.) grand jury to provide a workhouse "... for those idle and vicious children, of both sexes and different ages, who often under the command, and always with the permission of thoughtless and abandoned parents, are found begging in our streets, or haunting our wharves, or market places ... for the purpose of watching occasions to pilfer small articles ..." The Philadelphia Refuge denounced "the debased and besotted parent." Indeed, the New York Refuge was planned to punish the habits of the parent as much as to correct those of the child. Stephen Allen lobbied successfully to divert to the refuge a portion of the state's revenue from a tax on theatre licenses. The legislature also taxed the taverns of New York City for the refuge.  

The origins of these parents were as suspect as their habits. As early as 1801 Thomas Eddy warned that West Indian and European lower class immigration would result in an uncontrollable younger generation. The depression of 1819 threw many native Americans out of jobs just as sizeable numbers of foreigners began to emigrate. This coincidence led many citizens to blame the immigrant for not only the depressed economic conditions but also any social ill which
then troubled the country. *Niles' Register*, a barometer of early American opinion, grew increasingly cool toward newcomers and their children during the 1820's and the New York legislature apparently believed that the immigrant was a significant cause of juvenile delinquency because it allotted a varying amount of the state's emigrant head tax to the refuge.\(^{23}\)

The depression of 1837 exacerbated the nativism aroused by hard times in 1819. Citizens demanded that Congress exclude foreign born paupers, complaining in one petition that "... they immediately become burdensome to our citizens, exhausting the accumulated funds which had been raised . . . by the various charitable institutions in our country, for the use of our own unfortunate and destitute citizens."\(^{24}\) At this time refuges began to keep and to publish yearly records of the nativity of both the children and their parents; the preponderance of Irish children reflected the Irish migration to America which was then beginning.\(^{25}\) Refuge managers did not view the plight of these poor peasants and their children in a sympathetic light. Theodore Lyman, Jr., Mayor of Boston, 1831-1835, and in 1847 a principal figure in the establishment of the first state institution for delinquents, warned in 1835, "... we shall have among us a race that will never be infused into our own . . . Their children will be brought up in ignorance and idleness; disregarding
themselves every comfort and neglecting every decency of life. ..."26 Stepen Allen of New York City summarized this attitude in 1849:

... the tide of emigration ... while it enriches our country, leaves much of its refuse in our city. Pauper families, and even felons, are not infrequently sent over to us as a cheap way of disposing of them ... thus swelling the number of houseless, friendless and lawless youth, drifting loose upon society. ...27

Nor were these the only children condemned by the refuges. White female delinquents and Negro delinquents of both sexes suffered the disabilities inherent in their condition. Girls were usually committed for promiscuous sexual behavior. "Catharine has, it is believed, been acquainted with men," noted one report. Mary Ann was "quite sluttish, and wanting of ambition."28 Girls, physically separated from the boys, spent their time doing the household chores of the institutions—cooking, sewing and washing. Their future, because of their "immoral" past, was not hopefully regarded. An official at the Philadelphia Refuge told Beaumont that the reformation of females ". . . is a chimera which it is useless to pursue."29 Later refuges and reformatories often excluded girls entirely: it was not until 1856 that the first institution strictly for female delinquents, the Massachusetts State Industrial School for Girls, was founded.
Negro children were often excluded from the refuges or, if admitted, were treated as inferior to the white children. Negroes were not accepted at the Philadelphia Refuge because, as the superintendent told Beaumont, "It would be degrading to the white children to associate them with beings given up to public scorn." The New York and Boston institutions rigidly segregated Negro children. In 1834 the Manumission Society of New York donated five thousand dollars to help provide a separate building to house them. Superintendent Nathaniel Hart wrote Stephen Allen that an integrated admission policy "would be injurious to our institution." British visitors James Silk Buckingham and Edward Abdy were both surprised and angered at the discrimination against Negro children. Abdy commented:

It was painful to observe the studied manner in which the white and colored children were separated and distinguished from each other, as if moral improvement could be promoted in either by encouraging pride and inflicting humiliation . . . At present both classes were compelled to work together, to the great horror of the white young gentlemen, who were not content that the strictest barrier should be placed between them and the objects of their scorn on every practicable occasion . . .

Refuge managers entertained modest hopes for the objects of their charity. A New York report sounded this warning on the prospects of juvenile reformation:

When all the faculties of the mind have for years been accustomed to flow in a vicious and corrupt channel, how difficult
a task to arrest them in their downward course, and cause them to flow back in an exactly opposite direction.  

John Griscom, a founder of the New York Refuge, established and presided over another organization which perhaps explains his view of an appropriate future for a refuge child. In 1825, the same year that he participated in the opening of the refuge, Griscom founded the Society for the Preservation of Faithful Domestic Servants. For refuge girls, maid service was the only acceptable type of indenture from the institution except for marriage and we may guess that the distinction between these two vocations was not always appreciated by the girls themselves. Nevertheless, the fact that many refuge girls did not become local harlots was cause for some self-congratulation. Exceptions were candidly noted: "A. B. was this day returned (to N.Y. Refuge) . . . she has become a real bawd."  

Letters from boys successfully indentured as farmers' helpers or mechanics' apprentices or even as deck hands sailing in the South China Sea filled the appendices of annual reports and, while these reports were not Horatio Alger tales, they were proof to the refuge managers of modest but acceptable reformation. Stephen Allen reflected management self-satisfaction when he claimed that most refuge children "are now useful and honorable members of society, supporting themselves and families in comfort, some of them possessed of wealth and abundance."
How had this reformation taken place? What guidelines had the refuge fathers followed to save their children from lives of crime and degradation? To answer these questions we should note again the case of Mary Ann Crouse where reformation was to be accomplished, "by training . . . inmates to industry; by imbuing their minds with principles of morality and religion; by furnishing them with means to earn a living; and, above all, by separating them from the corrupting influences of improper associates." Refuge managers hoped to translate these general goals into reality through an institutional routine. A typical day in the New York Refuge went like this:

At sunrise, the children are warned, by the ringing of a bell, to rise from their beds. Each child makes his own bed, and steps forth, on a signal, into the Hall. They then proceed, in perfect order, to the Wash Room. Thence they are marched to parade in the yard, and undergo an examination as to their dress and cleanliness; after which, they attend morning prayer. The morning school then commences, where they are occupied in summer, until 7 o'clock. A short intermission is allowed, when the bell rings for breakfast; after which, they proceed to their respective workshops, where they labor until 12 o'clock, when they are called from work, and one hour allowed them for washing and eating their dinner. At one, they again commence work, and continue at it until five in the afternoon, when the labor of the day terminates. Half an hour is allowed for washing and eating their supper, and at half-past five, they are conducted to the school room where they continue at their studies until 8 o'clock. Evening Prayer is performed by the Superintendent; after which, the children are conducted
to their dormitories, which they enter, and are locked up for the night, when perfect silence reigns throughout the establishment. The foregoing is the history of a single day, and will answer for every day in the year, except Sundays, with slight variations during stormy weather, and the short days in winter. 37

Holidays were more relaxing as this extract from the superintendent’s journal shows:

January 1st, 1847. This being New Year’s Day, it was devoted to amusements by the children. Mr. McKenna, our teacher . . . prepared several pieces for the children to speak and sing. We repaired to the Chapel at 11 o'clock, and were entertained for two hours with these exercises. Samuel W. Seton, Esq., was present, and added greatly to the entertainment by a well-timed address. The appropriation of the Acting Committee afforded an ample amount of good things to eat; and the day being very fine, the children seemed to enjoy their sports and amusements with great zest.

In addition to the above, Alderman Seaman who employs about one hundred boys, came over about 3 o'clock with a dinner prepared for the children,—roast turkeys, smoking hot, minced pie and cake. 38

The usual routine was maintained by strict discipline and corporal punishment was not uncommon. In 1841 the superintendent of the Boston House of Reformation reported, "I sometimes apply the shower bath effectually . . . It is a severe punishment in cold weather, and much dreaded . . . I am not so entirely modern, as to lay aside, entirely and under all circumstances, the use of stripes." 39 The refuges divided the children into hierarchical classes. Good behavior meant promotion, minor house privileges, and eventual release
by indenture. Deviance from the rules meant demotion and punishment.

The best method of maintaining refuge discipline and preparing the child for indenture was not the superintendent's strap, but the work routine itself. The boys labored in large workshops either finishing cheap shoes or making brass nails and various types of wicker work such as cane chairs. Contractors like Alderman Seaman paid the refuges ten to fifteen cents a day for the labor of one boy and the aggregate income from refuge labor usually made up a substantial though not a major part of the institution's income. There is no evidence that contractors were regarded as exploiters of child labor. Indeed, during the early years of the refuges, their patronage was solicited and valued. The depression of 1837-1838 disrupted the New York Refuge to such a degree that the workshops operated for less than four months. Manufacturers could not be found "even to avail themselves of the gratuitous labor of the boys." Control of the children deteriorated --"a result to be expected, when children were not engaged in some constant employment." Prosperity returned in 1839 and the caning of chairs was resumed. 40

The object of the contract system was not only to maintain order and to provide revenue but also "to prepare the children to earn their own livelihood, and as soon as
they are sufficiently instructed to become valuable apprentices to any particular trade to bind them out, and let their labour be available first to their masters, and afterwards to themselves." 41 This claim by the Philadelphia Refuge perhaps implies a more developed labor program than actually existed since reformatory institutions did not provide vocational training until the last two decades of the century. 42 Louis Dwight, founder of the Boston Prison Discipline Society and the leading penal reformer of the first half of the century, observed that the workshop routine, together with Sabbath instruction and a few hours of daily school provided the milieu in which "characters will be formed for usefulness." 43 Usefulness, as we have noted, usually meant for the children placement on a farm "away from their former companions and thickly spread snares of the city." 44 Older boys were indentured to ship captains in the whaling or merchant service and a few children were apprenticed to skilled tradesmen in the city. In New York these various types of apprenticeship usually accounted for ninety per cent of the children released each year. Death, escape and outright release to parents made up the remainder; sometimes an especially unmalleable or sickly child would be returned to jail or to the almshouse as each case warranted. Children lived in the refuges at the pleasure of the managers and could be
removed by their command. Unsatisfactory apprentices were often returned to the refuges under whose control they remained—unless reapprenticed—throughout minority.

If the annual reports of the early refuges are to be believed, most of the men and women who participated in the organization and management of these institutions deemed them successful. The refuge founders claimed that both juvenile crime and juvenile incarceration in penitentiaries or jails had decreased dramatically as a result of their work; they regularly calculated the percentage of "saved" children by the number of letters from pleased farmers and masters or even by the absence of detrimental reports. At first, no one disputed the claims of refuge management, but there was some controversy between the management and the administration of the institutions as to how delinquent children could best be prepared to fulfill the claims which would later be made of them. These conflicts centered around differing attitudes toward the problem of child discipline—attitudes not too different from the modern disputes between advocates of permissive and of disciplinarian upbringing.

E. M. D. Wells and Joseph Curtis, the first superintendents of the Boston and New York refuges, were not permissive by today's standards, but they were humane men, more interested in developing the child's individual
capacities and talents through programs emphasizing self-government and education than in compelling children to an inflexible workshop routine. Because workshop facilities were not at first available in the two refuges, these men were free to follow their inclinations. Curtis instituted a trustee system letting the boys leave the refuge on errands. He allowed the better behaved boys to form a jury which recommended action on the minor infractions of the other children; he claimed, "... this liberty, this confidence, this respect which we give to the honor of the subjects is the key to open the benighted mind a light which shows the path to manhood and respectability." When the managers built an "indispensable" wall around the refuge, Curtis warned them, "... so long as they (the boys) are impressed with the idea that this institution is a prison ... you will be disappointed in the finishing of your labor." Wells, an Episcopal minister, also instituted a jury and minimized corporal punishment. He required the children to grade their own conduct, which they did severely. Because there were no workshops in the Boston House of Reformation, the children spent six hours a day in school.

Neither the Curtis nor the Wells regime suited the tastes of their employers. The managers of the New York Refuge forced Curtis to resign when he refused their demand
that he punish a returning escapee. Of this incident
Curtis remarked, "I do not believe that the mind of a human
being can be brought to that quiet and progressive state of
respect for himself and others while the body is suffering
punishment." Although a majority of the directors of the
Boston House of Reformation supported the educational
program of Reverend Wells, one dissident, Isaac Waters,
claimed that Wells was no more capable of running the
institution than "your horse." Waters instigated an in-
vestigation by a committee of the Common Council which
was attempting to demonstrate the educational deficiencies
of the institution's children and the fiscal desirability
of a workhouse program. Wells resigned after a number of
new directors were appointed by the Council in 1834. 50

The managers of the two institutions prevailed in their
disciplinarian way. The Boston directors assured the Common
Council that they had "no disposition to convert the House
of Reformation into a boarding-school, to be supported at
the expense of the city. They do not forget that its inmates
are offenders against the good order of society, and are
sent there for restraint and punishment not less than for
reformation and instruction." 51 Cadwallader Colden admon-
ished Nathaniel C. Hart, Curtis' successor, "I know from
your character that the children . . . will meet with every
indulgence they can claim. If any caution on this head were
necessary, it would be that they should be treated as that they may not forget that they are placed here for their misdeeds." The New York refuge managers were pleased with Hart whose own guide to child discipline, he confided to Stephen Allen, was Solomon.  

The ability of all the early refuges to meet further challenges from within or without varied considerably. The New York and Philadelphia refuges were privately incorporated and, although both received state and municipal appropriations, neither was subject to serious challenge until after the Civil War. But while the early skirmishes -- in New York with Superintendent Curtis and in Philadelphia with Mr. Crouse -- had been won, life in the refuges was not completely harmonious. John Luckey, the chaplain of the New York State Prison at Sing-Sing, described a mass conspiracy to escape the New York Refuge in 1830 which resulted in the wounding of a refuge officer. By the late 1840's, Stephen Allen complained regularly of his institution's inability to control older boys. In 1848 Assistant Superintendent Elijah Devoe abruptly resigned and, in a printed "expose" revealed some of the methods of control used by the institution:

... nothing short of excessive ignorance can entertain for a moment the idea that the inmates of the Refuge are contented. In summer, they are about fourteen hours under orders daily. On parade, at table,
at their work, and in school, they are not allowed to converse. They rise at five o'clock in summer— are hurried into the yard— hurry into the dining-room— hurried at their work and at their studies. For every trifling commission or omission which it is deemed wrong to do or to omit to do, they are "cut" with rattan. Every day they experience a series of painful excitements. The endurance of the whip, or the loss of a meal— deprivation of play or the solitary cell. On every hand their walk is bounded; while Restriction and Constraint are their most intimate companions. Are they contented? 54

Children in the Philadelphia Refuge were evidently more contented than those in New York, but the Philadelphia managers did note press and legislative opposition to some refuge policies, particularly the placement of children upon distant western farms. 55

At the Boston House of Reformation, the fight between the city government and Reverend Wells was only the beginning. The disciplinary practices at this smallest of the three refuges were excessive even for those days. 56 So damaging was it for children to be known as inmates of this institution, that magistrates at one point refused to commit them. After the passage of a state truancy law in 1850, the Boston House was filled to capacity, but with errant school children instead of those who had committed felonies or the like. 57 The Common Council attempted to close it in 1841 by transferring more tractable delinquents to the Boylston School, a city institution for dependent children. Incorrigible
children were to be sent to the Boston House of Correction, i.e., to jail. The directors of the House of Reformation, under the leadership of Samuel Gridley Howe, the city's most prominent philanthropist, turned back the council's challenge, reminding it of Josiah Quincy's original edict to separate and to classify the dependent classes and then to treat each according to its own need. The directors summarized, "The two classes of children are different: the end to be kept in view of their treatment is different, and the whole establishment should be different."\(^{58}\)

Unfortunately, continued life for the Boston House of Reformation meant only continued failure. Howe resigned from the board of directors and soon was attacking all institutions as pernicious to the welfare of children. By the 1850's, different types of state operated institutions were taking over the care of delinquent children in Massachusetts, but even within its narrowed scope the Boston House failed to function as a reformatory agency. State prison inspectors filed a report in 1863 calling it, "... too much of a prison, too little an institution of instruction, too much the residence of law and punishment, too little the home of grace and culture."\(^{59}\) Although the House of Reformation continued to exist, this report was, in effect, its epitaph.

If imitation is the sincerest form of flattery, the
managers of the New York and Philadelphia refuges could, in 1850, ignore critics like Elijah Devoe and reflect upon the exemplary nature of their institutions. By this time a number of other municipal and state institutions for juvenile delinquents were either in the planning stage or had been opened. Invariably these openings were accompanied by tributes to the first refuges and usually reflected the same type of concern which had aroused the original philanthropists—the need to remove children from jail and the even greater need to teach them the value of thrift, honesty and individual responsibility.

It was fortunate that the refuge reformers could take solace in the righteousness of their work, because the very proliferation of reformatory institutions bespoke not only their failure to stop juvenile delinquency, but also their inability to prevent its growth. Growth was a marked feature of American life in the second half of the nineteenth century. War, industrialization and immigration quickened the pace of urban life in midwest as well as seaboard cities. Children continued to be sent to jail for petty offenses and the number of juvenile crimes and juvenile delinquents also continued to increase. In 1849, New York Chief of Police George Matsell warned of "constantly increasing numbers of vagrant, idle and vicious children of both sexes . . . who are growing up in ignorance and
profligacy, only destined to a life of misery, shame and crime, and ultimately to a felon's doom.\textsuperscript{62}

This warning, indeed, this report, could have just as easily been written thirty years earlier by the members of the Society for the Prevention of Pauperism. The Society for the Reformation of Juvenile Delinquents, lineal descendants of this group, reacted to Matsell's description by increasing the capacity of their institution so as to apply more fully the solutions which they believed were indisputably successful. Newer institutions imitated the early refuges to a degree, but also initiated different types of programs to reform delinquent children.

The efforts of older institutions to cope with an expanding problem, the different concepts of later philanthropists and the attempts of newer institutions to combine old methods and new concepts--these factors defined attitudes and policies toward juvenile delinquency in the second half of the nineteenth century.
Chapter I - Footnotes

1 "Depraved young people" was the term used by the Society in its memorial to the New York legislature in 1824. For an able discussion of the origins of this group see Raymond A. Mohl, Jr., "Poverty, Public Relief and Private Charity in New York City, 1784-1825," unpublished Ph. D. dissertation, New York University, 1967, pp. 315-325.

2 Edmund Quincy, Life of Josiah Quincy (Boston, 1867), pp. 394-395; Roger D. Lane, Policing the City: Boston 1822-1855 (Cambridge, 1967), p. 20.


10 Ibid., pp. 31-36.


12 Griscom also visited Hofwyl, the famous Swiss school founded by Count Emmanuel de Fellenberg. Hofwyl had a disciplinary division for poor boys with "vicious habits," but Griscom was more interested in Hofwyl's school for wealthy boys—an institution which he thought American cities could profitably imitate. The New York House of Refuge was, however, modeled more after the school of the London Philanthropic Society. See John Griscom, A Year in Europe (New York, 1823), I, pp. 121-123, 382-401.


14 The Baltimore House of Refuge, also founded by private philanthropists, provided an interesting compromise between different types of state control. The charter of this institution required that its twenty-four managers should be appointed as follows: "Eight by the Governor . . . eight by the members of the association, and eight by the mayor and city council of Baltimore." The charter further specified that the philanthropists raise one half of the initial capital for construction. See "An Act to establish a House of Refuge for Juvenile Delinquents," 1830—ch. 64. Laws Made and Passed by the General Assembly of the State of Maryland, 1830 (Annapolis, 1831), pp. 61-64.

15 Charles Dickens, American Notes and Pic-nic Papers (Philadelphia, n. d.), p. 34.


17 A. H. Grimshaw, a later essayist on this subject wrote: "I would not wait till the child grows large enough to commit some overt act, to be actually delinquent, I would snatch him as a 'brand from the burning.' I would rescue him from the yearning gulf of poverty, drunkenness and crime, into which he is about to fall." See Edward Everett Hale, et al., Prize Essays on Juvenile Delinquency (Philadelphia, 1855), p. 135. For evidence of the impact

18 Gustave de Beaumont and Alexis de Tocqueville, On the Penitentiary System in the United States, Francis Lieber, transl. (Philadelphia, 1833), p. 115. Dickens, after a visit to the Boston House of Reformation, dryly reflected on this theme: I saw them (the children) . . . in their school, where they sang a chorus in praise of Liberty: an odd, and, one would think, rather aggravating theme for prisoners." Dickens, American Notes and Pic-nic Papers, p. 34. Parenthetical explanation added.

19 Quoted in Society for the Reformation of Juvenile Delinquents, Memorial to the Legislature of New York . . . on the subject of erecting a House of Refuge, for Vagrant and Depraved Young People (New York, 1824), pp. 9-10.

20 Report of the Committee on the Subject of Pauperism and a House of Industry in the Town of Boston (Boston, 1821), pp. 3-4, 8-9.


23 Thomas Eddy, An Account of the State Prison . . . in New York, pp. 85-86. Niles' Register, XXIV (April 20, 1823), 113; Ibid., XXX (July 29, 1826), 377; Ibid., XXXII (July 21, 1827), 344. The state contributed annually between six and eight thousand dollars of the emigrant tax to the Refuge, but occasionally contributed more when capital outlays (new buildings and major repairs for example) were high.


34. Ibid., 1838, pp. 36-51. Parenthetical explanation added.


38 Ibid., 1847, p. 23.


42 Enoch C. Wines and Theodore W. Dwight, Report on the Prisons and Reformatories of the United States and Canada (Albany, 1857), pp. 429-430. One of the questions which Wines and Dwight asked of juvenile reformatory officials was: "Are they (the children) all taught a trade?" The answers were the same: "It is not an object to teach the children a trade; but they all have regular work; and are trained to habits of industry." Parenthetical explanation added.

43 Boston Prison Discipline Society, Second Annual Report (Boston, 1827), p. 144. Dwight created this society and it served as a platform for his views until his death in 1854.

44 New York. Senate, Documents, 1857, Doc. 8, "Report of Select Senate Committee to Visit Penal Institutions, 1857." (New York, 1857), pp. 153-157. See also Philadelphia House of Refuge, Third Annual Report, 1831, pp. 5-6. Distant placing was another measure of the disdain which the refuges had for the natural parents of the child inmates. This hostility remained a predominant feature of attitudes toward dependent and delinquent children throughout the nineteenth century.


47 Ibid., p. 100. Parenthetical explanation added.


52 S.J.R.D., Annual Report, 1826, p. 44; Hart to Allen, December 17, 1834, Allen Mss.


56 See above, pp. 26-27.


59 Report of Committee Appointed to Investigate Alleged Abuses at the House of Reformation and House of Correction (Boston, 1864), pp. 22-23.

60 Among those institutions opened around midcentury: House of Refuge, New Orleans (1847); State Reform School (boys), Massachusetts (1847); Western House of Refuge, New York (1849); Colored House of Refuge, Philadelphia (1850); House of Refuge, Cincinnati (1850); New York Juvenile
Asylum (1853); Children's Aid Society, New York (1853); Western House of Refuge, Pittsburgh (1854); State Industrial School (girls), Massachusetts (1856); Ohio Reform School, Lancaster, Ohio (1857).

61 See Katz, The Irony of Urban School Reform, pp. 168-170, for the attitude of Massachusetts' jurists toward jailing children or, letting them go free but unattended, 1845-1850.

Chapter II - The Preventive Agencies and the State
Reformatories, 1850-1890

The alarm sounded by Police Chief Matsell in 1849 and again in 1851 was heard not only by those involved in the administration or planning of juvenile reformatories, but also by other citizens such as Charles Loring Brace, Samuel Gridley Howe and Rufus Jook who believed that juvenile delinquency would have to be prevented by means other than long term incarceration. To translate this general sentiment into reality they founded philanthropic organizations such as The Children's Mission to the Children of the Destitute (1849), the New York Juvenile Asylum (1851), the New York Children's Aid Society (1853) and the Boston Children's Aid Society (1864). Their organizations shared two beliefs: first, that juvenile delinquents were usually neglected vagrants, not criminal children; second, that vagrant children were so numerous, that it was impossible and not even desirable to incarcerate all of them during minority and therefore, the reformatory process would have to be the work of a force outside of the refuge walls; this force was most often defined as an ordinary American family, preferably a farm family, willing to receive and
to care for the destitute and delinquent children "placed out" by these institutions. The Children's Mission and the New York Children's Aid Society were proponents of immediate "placing out" while the Juvenile Asylum and the Boston Children's Aid Society maintained homes to discipline children for a period of six months to a year prior to their departure.

The Children's Mission to the Children of the Destitute was founded in Boston by Unitarian clergymen. The Mission maintained a temporary home from which children were passed on to jobs and foster homes. The temporary home was maintained in part by the contributions of more affluent children in the Unitarian Sunday schools of Boston. The children whom the mission collected were delinquent only in the technical sense of the word.

"Patrick B., 13 years . . . has been idle around the streets for months, and his parents fear that he would get into trouble . . . . . Richard B., 15 years has been absent from school several months, his mother represented him to be a very disobedient boy . . . Sarah R., 10 years of age . . . found in the street begging for work" read typical entries in the mission's records. The first President of the mission was John E. Williams; soon after this charity had been established, he moved to New York where he helped Charles Loring Brace to found the most significant of all
the "placing out" institutions, The New York Children's Aid Society.

Brace (1826-1890) was the son of John P. Brace, a well-known Connecticut educator and editor. He trained for the ministry but, after serving as a missionary to prisoners of Blackwell's Island (New York) and to the poor of Manhattan's Five Points district, Brace heard a more compelling call to the work of "child saving." When he began the Children's Aid Society, it was known largely for "Boys' Sunday Prayer Meetings"—gatherings where Protestant clergymen exhorted street waifs to lead pious and frugal lives. The children showed little interest in these meetings and sometimes disbanded them with the riotous cry of "Gas! Gas!" Brace, realizing that something more concrete was needed to improve the children's welfare, established newsboys' lodging houses where homeless and vagrant youths could purchase cheaply a bunk and a bath. He also founded a number of industrial missions throughout the city where children received free meals and learned how to make clothes.

But for Brace and the C.A.S., the important task in the struggle against delinquency and destitution was "draining the city" of poor and delinquent children. Brace had no doubt as to where this drain should empty. "The founders of the Children's Aid Society," he recalled, "early saw that
the best of all Asylums for the outcast child is the farmer's home . . . the cultivators of the soil are in America our most solid and intelligent class . . . their laborers or 'help,' must be members of their families, and share in their social tone." Brace believed that this change could mean great things for city children. He recounted this speech by one of his "westernized" newsboys to fellow newsies:

Do you want to be newsboys always . . . If ye do ye'll stay in New York, but if you don't you'll go out West, and begin to be farmers, for the beginning of a farmer, my boys, is the making of a Congressman, and a President.6

Not everyone shared Brace's optimism when he asked, "If enough (western farm) families can be found to serve as reformatory institutions, is it not the best and most practical and economical method of reforming these children . . . ?" Some farmers replied that no family could be expected to reform the "criminal children" whom the C.A.S. had "dumped" on them. Brace consistently denied these charges, but he did so with added vigor after visiting the West himself in 1859 and, in fact, they were seldom proved.7 Brace believed that the main opponents of placing out were not irate westerners, but the "asylum interests"--in other words, those people whose institutions kept and trained children before placing them out. These organizations
badgered Brace by catering to the fears of western farmers with questions such as, "Shall we take these children as they are brought to us, thieves, liars, profane swearers, licentious, polluted in body and soul, and put them into your families in that condition?" Brace denied their tales of the C.A.S. "scattering poison over the country" and got in some licks of his own by characterizing the "institutional child" as one who "is lighted, warmed and watered by machinery... even his vices do not present the frank character of a thorough street-boy; he is found to lie easily, and to be very weak under temptation... and... the longer he is in the asylum, the less likely he is to do well in outside life."^8

Brace was an enfant terrible at professional gatherings of reform school officials. If refuge superintendents claimed that their large congregate institutions were run as families, he remarked that "... whatever... sympathy we may have with the poorest subjects put under our care, I hold that it is impossible for a man to feel towards them in any degree as a father feels towards his own offspring." If they exclaimed on the need to separate boys and girls within institutions, Brace replied as follows:

I think... we may be a little too morbidly delicate with reference to these children. They are sometimes not so bad as they appear... it will
not do to separate one sex from another . . . We must not excite passions by excluding the sexes from each other, but have . . . a healthful intercourse between the boys and the girls. The interchange of notes or communications would not be of great danger, but to shut them up, as in a nunery, would be bad.9

We shall see how changing conditions after the Civil War led the C.A.S. and a number of reformatory institutions to make common cause: but during the first decade of the Society's existence, men devoted to the institutional care of juvenile delinquents believed that Brace and his organization were trying to solve the problem of juvenile delinquency in a dangerously permissive way.

Samuel Gridley Howe had no organization to carry out his remedies for juvenile delinquency, but his views were close enough to those of Brace to enable us to imagine the reception which his institution would have received. Howe, once a director of the Boston House of Reformation, had come to distrust the reformative or curative powers of all centralized institutions. He had broken down the large and congregate Perkins School for the Blind into cottage units in order to separate the sexes and better classify the students. He had in mind an even more radical curative plan for the blind "... and indeed for several other classes of youth" when he wrote:

... the larger a community of infirm or defective persons is, the more they act upon each other; the more salient
become the particularities flowing out of their infirmity; the more they become like each other and the more unlike ordinary persons;—hence the less fitted for ordinary society.  

Of the Boston House of Reformation Howe remembered, "that some of the most satisfactory cases of reformation . . . were those effected out of the House, and in families, after the Institution had failed to do them any good."  

In 1854, Howe proposed unsuccessfully that the Massachusetts State Reformatory for Girls, then in its planning stage, be developed as a placement agency where, "the first business of the Superintendent would be to procure places in suitable families for the girls as fast as they should be sent to him." Families were "the natural reform schools existing in the Commonwealth." Like Brace, Howe doubted that most juvenile delinquents were as bad as they were made out to be. "Ah! this imaginary line between the righteous and sinners!" he wrote to Horace Mann, "of how much uncharitableness and wrong is it in origin."  

Robert M. Hartley (1796-1881), organizer and secretary of the New York Association for Improving the Condition of the Poor (1843), believed, like Brace, that western immigration was the best solution to the social problems of the city. One historian has written that his general advice to the poor was: "Go somewhere else." Within Hartley's organization, however, there were a number of men who felt
that for the destitute and delinquent children of the city this dictum should read: "Go somewhere else, but not before we teach you how to behave yourselves." In 1849 A. R. Wetmore, Joseph B. Collins, Peter Cooper and other members of the A.I.C.P. formed a committee within that organization to plan an institution "differing in some of its features from any before projected for the benefit of the friendless, neglected, and vicious children, which abound in this city." The outcome of their planning was the New York Juvenile Asylum, incorporated in 1851 and, like the C.A.S., a privately controlled philanthropic organization.

The Juvenile Asylum received from parents and public authority both destitute children and children convicted of minor criminal offenses; if either type of child proved too unmanageable the institution could return them to their parents or to the court or send them to the New York House of Refuge. The Asylum regarded the Refuge as a "quasi-prison" for children, but the main differences between the two institutions were that a child had to spend a longer time in the Refuge and that the Asylum had a more comprehensive indenturing system. The organization of the two reform schools was not much different. The Asylum, like the Refuge, received money from public authority. The city provided an initial general disbursement.
to match private funds and also gave the Asylum a varying share of the common school fund. There was a greater emphasis upon school work in the Asylum, but this extract from the institution's rules reflects the similar outlook of the two reform schools:

The work of the boys may consist of gardening, tailoring, shoe-making, the plaiting of straw and palm, the manufacture of brass nails. The girls shall be employed in cooking, washing, ironing, scouring, sewing, knitting.

No play or conversation shall be allowed among the children, while engaged at their work, on parade, at meals, or after they have retired to their sleeping rooms.

The managers of the Juvenile Asylum were less concerned with the similarities between their institutions and the New York Refuge than they were angered by the placing out policy of the Children's Aid Society. Placing out was also the Asylum's main reformatory activity but the institution's children had to complete a period of training beforehand. In 1856 George H. Allan was officially employed as the Asylum's indenturing agent, although earlier, "... 140 children had been sent to Illinois in charge of Reverend E. Kingsbury, and were settled by him in Edgar and Vermillion counties." Four or five times a year Allan or his assistant conveyed a company of about forty children to Illinois where they were parceled out to families whose
suitability had been previously determined. The agent also visited Asylum children already indentured and attempted to discipline or to comfort those who were unhappy with their situations. Thus, the more informal system of placing out inaugurated by Brace enraged the Asylum managers and they did not hesitate to let him know it. "Why sir," cried John Bryan, "the Children's Aid Society is takin a child . . . out of the streets . . . not knowing what influences have been brought to bear upon him previous to the age of four . . . (and transplanting him) into a family where they expect all the hallowed influences of a home to surround him . . . That is all very poetical but the facts will not bear it out."

Bryan summarized the Asylum's attitude:

> The 'vagabond boy' is like a blade of corn, coming up side by side with a thistle. You may transplant both together into a fertile soil, but you have the thistle still . . . I would have you pluck out the _vagabond_ first, and then let the boy be thus provided with 'a home', and not before.\(^\text{21}\)

The Boston Children's Aid Society (1864), like the New York Juvenile Asylum, maintained a home to pluck thistles before transplanting. Located on Pine Farm in suburban Newton, the home emphasized agricultural work and family living and thus, attempted to emulate the environment into which most of the children would find themselves placed. This routine set the Boston C.A.S.
apart from the other preventive agencies already discussed, but the organization's greatest claim to originality in dealing with delinquent children lay in the fact that it greatly enhanced a rudimentary system of juvenile probation begun in the Suffolk County Court (Boston) years earlier.

John Augustus (1785-1859) was a shoemaker by trade who had no official position with the Boston courts. Indeed, in 1841 when he began providing bail for men convicted of drunkenness, he was made to feel officially unwelcome. In his simple, practical way Augustus kept many people out of jail. Augustus also sympathized with the plight of child offenders. "During the year 1846," he wrote, "I became bail to the amount of about $3000, in the Police Court... That year I became surety for eleven boys, who were arrested for larceny; they were young, being from nine to thirteen years old."22 Augustus supervised the children throughout their probation--sometimes he got them jobs or provided clothing and temporary shelter. He often paid court costs at the expiration of their sentences.23

After Augustus' death, his work was taken up by Rufus R. Cook, chaplain of the Suffolk County Jail. "Uncle" Cook consented to act as the agent of the Boston Children's Aid Society soon after its founding in 1864. The Society's members were dissatisfied with merely visiting the jail in order to distribute religious tracts and pious advice to
children incarcerated there. Cook was employed to screen out the more promising cases for further help. He put up bail for some accused children and then sent them to Pine Farm. Often he was able to persuade the judge to place other children on probation prior to their trial. Cook also led many children who were friendless or destitute to the Catholic Home which was established in 1864.  

The growth of preventive agencies in the decade before the Civil War reflected a more optimistic attitude toward the problem of juvenile delinquency. The men who initially guided these philanthropies believed that delinquent children were by and large poor and neglected children whose delinquencies would cease if their environment were changed. A crowded and poor urban environment had caused their delinquency: a spacious and modest rural environment would cure it. A foster farm family was to take the place of supposedly neglectful natural parents or, as in some cases, no family at all. The work of these agencies affected the programs of both the older refuges and the ever increasing number of new state and municipal institutions for juvenile delinquents. "Child saving" philanthropy left these reformatories with less tractable children, but it also provided them with new ideas concerning the reformation of children. Both the preventive agencies and the reformatories were soon faced with even greater problems unleashed
by the forces of war, immigration and industrialism which gripped the nation during the last half of the nineteenth century.

* * * * *

Beginning in the mid-nineteenth century state governments played an increasing role in the founding and administration of institutions for juvenile delinquents. By the end of the century, nearly every state outside of the South had some type of reformatory for boys and often a separate institution for girls.25 These institutions cared for most of the delinquent children in the United States and a number of dependent children as well.

At first, state governments relied upon private benevolence to supplement their own efforts just as the refuges had petitioned state and local governments for their financial needs. Massachusetts founded the first state reform school for boys at Westborough in 1847, but could not have done so without a substantial gift of $22,500 from former Boston Mayor Theodore Lyman.26 The Reverend Thomas M. Clark of Hartford, Connecticut successfully exhorted his congregation to help match a state grant for the construction of a reform school. "For what has God given you your wealth?" he asked, "Is it that you may pamper your
body, upon which the worms have a lien which they will soon execute? . . . You know it is not." Smaller gifts were also appreciated. A. O. Moore donated "a lot of books" to the State Reform Farm in Ohio and the American Bible Society gave "the welcome gift of sixty Bibles . . . through the kindness of Rev. J. S. Galloway of Springfield, Ohio, and R. F. Rowe, of New York City." 28

Despite the assistance of private benevolence, state and municipal governments had to support their charitable and penal institutions largely out of their own revenues. Like the early canal and railroad companies, they were not bashful about requesting aid in the form of land grants from the federal government. The founders of the St. Louis House of Refuge asked for, "a sufficient quantity of the public domain to establish and support institutions calculated to prevent the growth and accumulation of pauperism and crime." 29 Earlier, in 1819 and in 1826, Congress had granted land to Connecticut and Kentucky to enable them to support state institutions for the blind. In 1854, responding to a memorial from Dorothea Dix, Congress passed a bill granting ten million acres of land to help the several states to establish institutions "for the benefit of indigent insane persons." 30 President Franklin Pierce's lengthy veto of Miss Dix's Bill did not discourage the supporters of the St. Louis Refuge who petitioned Congress:
as highly as we approve a measure designed to ameliorate the condition of the indigent Insane, yet, we are fully persuaded that a measure looking to the improvement and reformation of the indigent and vicious children of large cities, is one of much greater importance.  

Congress ignored them and others like them thereby establishing a precedent of denying public land to the charitable institutions of the states and cities. Had Miss Dix's bill been allowed to pass, the ability of public charitable and custodial institutions to support themselves would unquestionably have been strengthened.

Although many of the state institutions founded in this period were indistinguishable from the refuges (large congregate institutions with strict workshop routines), Massachusetts and Ohio, following the lead of European pioneers, made significant departures from this system. The (Massachusetts) State Industrial School for Girls (1856) and the Ohio Reform or Farm School (1857) introduced the cottage or family plan to America. Under this system, the institution's children were divided into small families of forty or less and each family had its own cottage and autonomous schedule. Because of the fragmented nature of the cottage system, congregate workshops were discouraged and thus the children spent their days building and maintaining their cottages or cultivating the farm upon which these institutions were purposefully located. "Habituate
him (the delinquent) to the life and labor of a farm," advised the Commissioners of the Ohio Reform School, "and he will, in nearly every case, continue so to live and labor when restored to society . . ." 32

Cottage institutions emphasized the importance of inspired and intimate guidance for each delinquent and the need for a more aesthetic and varied institutional life. Gymnastics, swimming and music were often integrated into the daily routine. The "elder sisters" and "elder brothers" who guided the individual cottages were supposedly chosen because they intuitively understood and sympathized with the destitute and delinquent children under their care. "Only where persons are actuated by a proper feeling of love," wrote Gustav Werner, one of the German originators of the cottage system, "can children be made partakers of love, and this love may even excel a parent's love, in the formation of human character, if its wisdom be combined with holiness." 33

In 1836 Werner (1806-1887) had founded Gotthilf ("God help") in Reutingen, Germany to aid destitute and delinquent children. While his work attracted some attention in England and America, the two most widely emulated and discussed cottage institutions were the Rauhe Haus ("Rough House"), founded by Johann H. Wichern (1808-1881) near Hamburg, Germany in 1833 and, in France, Mettray which was
founded by Frederic Auguste Demetz (1796-1873) in 1840.

Horace Mann was one of the first American visitors to Wichern's institution: in 1843 he noted with satisfaction the absence of walls and other signs of penal restraint. When Mann asked Wichern how he reformed his children, the German replied, "By active occupations, music, and Christian love." Mann told his friends of Wichern's work and one of them, Samuel G. Howe, was sufficiently impressed to idealize the family plan in his letter to the (Massachusetts) State Commissioners who were planning an institution for delinquent girls. As we have noted, the Commissioners did not adopt Howe's proposal, which aimed to eliminate institutions altogether, but they did attempt to emulate, perhaps too explicitly, Wichern's cottage plan. "Each house is to be a family, under the sole direction of the matron, who is the mother of the family," ordered the institution's trustees in their first report. "It is the design to give a home interest, a home feeling and attachment, to the whole family." The Commissioners of the Ohio Reform School were also attracted to the cottage plan, particularly as it had been adapted at Mettray and Red Hill, the farm school which the London Philanthropic Society opened in 1848. Charles Reemelin, one of the Commissioners, visited these two institutions in 1856 and was impressed by their emphasis
upon the reformatory value of agricultural labor. The Ohio Commissioners also visited the older refuges and reformatories in the United States but, on the strength of Reemelin's report, recommended that the legislature locate the new state reform school upon a farm. The legislature purchased land near Lancaster, Ohio and in the summer of 1857 the first inmates helped to build the initial cottage.

Although the Ohio Reform School and its later imitators gave full expression to the idea of rural reform envisioned by Demetz and Wichern, expectations of Americans and Europeans for the young people reformed by this system were quite different. The Ohio Commissioners shared Charles Loring Brace's belief that farming life offered great possibilities for bettering oneself. They hoped to make the Reform School "the model farm of the State" and, to provide delinquents with "those . . . passports to the favors of the world—polite manners, clean habits, and a capability to adapt themselves easily to each new family." Europeans, viewing agricultural labor in a more traditional way, hoped that cottage institutions would produce loyal peasants or faithful domestic servants, but not self-reliant, equality-minded farmers. Wichern told Horace Mann that the routine of the Bauhe Haus, "commends and habituates them (the delinquents) to the idea of an honorable poverty." Some Europeans believed that the family system
involved too great familiarity between officers and inmates. "With us," declared the Director of His Majesty's Convict Prisons, "the distinction of classes is a national characteristic. There may be considerable kindness between classes, but there is no cordiality." 41

Despite this and other criticisms, the cottage system continued to grow. In England, private philanthropists aided by grants from the government opened a number of reformatories in the early 1850's, the most famous of which were Mary Carpenter's Kingswood Reformatory (1852) and her Red Lodge Girls' Reformatory in Bristol (1854). 42 In the United States, New Jersey (1864) and Indiana (1866) opened cottage schools and, more important, some older institutions converted from congregate to cottage plan. In 1859 the Massachusetts Reform School for Boys was partially destroyed by incendiaryism and rioting and, in the ensuing reorganization, Joseph Allen, the new superintendent, abolished cruel punishment and introduced a modified cottage plan which dispersed the living units but retained the work shops. "Fear may restrain," he wrote, "but love only can reform." 43 The House of Refuge for Western Pennsylvania (1851) and the Philadelphia House of Refuge converted more completely. The Western House removed from the town of Allegheny to a farm near Morganza in 1876 and the Philadelphia Refuge eventually removed from the city to the Glen Mills Farm in 1892. 44
Advocates of the cottage system were not reluctant to call attention to their own merits or to note what they regarded as the many faults of older reformatory institutions. Enoch C. Wines and Theodore W. Dwight, making their comprehensive survey of conditions in penal institutions in the northern and border states after the Civil War, found the Industrial School for Girls at Lancaster, Massachusetts, "first among its peers". The Boston House of Reformation, on the other hand, was "more open to criticism than any we met with elsewhere in the whole course of our visitation."\textsuperscript{45} Commissioners of the Ohio Reform School drew this odious comparison between "the family and the big house system:"

\begin{quote}
In the first, the inmates are always more mannerly, more cleanly and more cheerful. Manners, neatness, and all those so called outer qualities of men are almost invariably neglected in the big houses. The inmates sleep, eat, walk, dress and play slovenly . . .\textsuperscript{46}
\end{quote}

Of the Cincinnati House of Refuge, the (Ohio) Board of State Charities concluded in its first report (1867), "... that it was a mistake to locate an institution of this character so near a city, and we prefer the farm and family system."\textsuperscript{47} According to the managers of the Philadelphia Refuge, Mary Carpenter "appeared to be favorably impressed" with their institution after her visit in 1875. In fact, she disapproved of both the New York and Philadelphia houses of
refuge. "There is no natural life or freedom," she wrote, "young men of an age to have very large experience of vice are associated with young boys . . . instead of the cultivation of the land, which would prepare the youth to seek a sphere far from the danger of large cities, the boys and young men were being taught trades, which would confine them to the great centres of an overcrowded population."48

Officials of the refuges and other congregate reformatories continued to constitute the great majority of those caring for juvenile delinquents and they did not remain silent before these charges. They resented contentions that their congregate organization corrupted innocent children by mixing them indiscriminately with older and presumably hardened offenders. "You may divide these boys into classes, and the vicious will grow more vicious," cried Orlando Hastings of the New York Western House of Refuge, ". . . but when mixed with the rest, and when they see a public opinion in favor of reform, they will reflect, improve, and in the end be reformed."49 At their first of two conventions, reformatory officials resolved among other things: "That the government of these Institutions should be strictly parental—as nearly conformed as possible to that of a well-regulated family."50 Mrs. Mary E. Cobb, a later defender of congregate officials, denied that they were ipso facto "hard and unloving." "While less demon-
strative and impulsive," she noted, "the interest is steady and just and soon understood by the child to be used solely to its advantage."51

The conflict between the cottage and congregate philosophies was vocal, if little else. Of more significance were the common problems which both types of institutions faced, largely because of the Civil War. The war was a source of pride as well as alarm to reformatory officials. The Managers of the Philadelphia House of Refuge simultaneously praised "the gallant élèves of the Institution (who) have perilled their lives in defence of their country" and yet warned that "the absence of so many fathers engaged in the defence of their country, has thrown upon our charge a very large number of children."52

The New York Juvenile Asylum noted that a "psalm singing company" composed of many former inmates went into battle "chanting the beautiful words of the 23d Psalm. Not a man in the company was injured though many fell around them."53

As part of a reorganization of the Westborough (Mass.) reform school, the state legislature established in 1860 a ship school to care for older boys, 14 to 16 years old: the Civil War filled Westborough as well as the ship school and officials were forced "to repeatedly notify the courts that our institutions were full, and that no more could be received."54 Frederick B. Sanborn, Secretary of the Massa-
chusetts Board of State Charities, found the overflow when he toured the state's jails in 1865 and saw an "increasing proportion" of young prisoners--"Among them . . . mere infants . . . such as the one I found in Plymouth House of Correction, sentenced to thirty days imprisonment--and he only six years old." In New York City the number of juvenile delinquents increased far beyond the capacity of existing institutions to accommodate them. Young men and boys played a prominent part in the draft riots of July, 1863 which threatened the survival of the city government.

While the refuges and reformatories were besieged by rapidly increasing numbers of delinquent children on the one hand, economic factors simultaneously forced them to modify their operations. War and post war inflation drastically shrunk the purchasing power of institutional funds. At the New York Refuge, for instance, per capita cost of food and provisions increased nearly fifty per cent from 1862 to 1865. Because state legislatures were faced by numerous competing demands, they did not or could not provide additional revenue. It must be remembered that during the second half of the nineteenth century, governments in the northern and western states increasingly assumed responsibility for the welfare of many different types of dependents. Institutions for juvenile delinquents vied for state funds with orphanages, almshouses, insane
asylums, and schools for the blind, deaf and dumb. Under these circumstances, reformatory trustees relied increasingly upon the contract system to provide needed revenue.

Although the contract system had been part of reform school life from the beginning, it now took a different, more exploitive character.\(^7\) Manufacturers, whose work was once welcomed because it supposedly instilled correct habits, were viewed more skeptically because they often insisted upon controlling institution children during working hours. Philadelphia Refuge officials made this complaint to Wines and Dwight:

Those immediately entrusted with the government of the boys are generally but illy qualified for so responsible a position . . . If the work be well done and a responsible amount of it, they are satisfied. These seven and a half hours of labor are spent without one moral lesson taught the boys, at least so far as the workmen of the shops are concerned.\(^8\)

Reverend Marcus Ames, superintendent of the girls' cottage reformatory at Lancaster, Massachusetts, resigned in 1874 rather than accept the installation of workshops.\(^9\) At the New Jersey State Reform School at Jamesburg, farming and maintenance work gave way to shirt making in 1875 and a factory appeared among the cottages. A few years later, legislative investigators found life in the institution "hard, routine and monotonous," James Leiby concludes in
his comprehensive study of New Jersey institutions, "Jamesburg was not a family, nor a reformatory, but a boys' prison." 60

A few officials continued to defend the contract system although state legislative investigations demonstrated that it exploited the labor of refuge and reformatory children. Bradford Peirce, chaplain of the New York Refuge, considered industrial labor an "indispensable" reformatory agency. 61 In 1871, the New York Commission on Prison Labor, headed by Enoch Wines, investigated the system and uncovered many instances of exploitation and brutality. Refuge boys were paid thirty cents per day for doing the same work for which an outside worker received four dollars. 62 The commissioners got this picture of shop life from former New York Refuge employees, Thomas Crowne and Valentine Feldman:

Q. Have you ever known instructors employed by the contractors to strike the boys? A. (Crowne) I have seen them do it, though it is forbidden. I have also seen them, when a keeper was around, and they did not dare to strike, tread on the boys' bare toes (they wear no shoes in summer), so as to cause them to squirm all around. Q. What was the general character of the contractors' instructors? A. . . . they are compelled to be very selfish. I have been told by one of the contractor's agents that I did not report my boys and get them whipped half often enough, thus not getting enough work out of them . . . Q. Have you ever seen any of the boys abused by the contractors' employees? A. (Feldman) Often and often. They do not call it abusing a boy to give him a kick, or a blow on the head . . .
Q. Please describe the way in which they are punished? A. I have seen boys punished for not completing their tasks, so that blood ran down into their boots.63

Conditions were much the same at the Philadelphia House of Refuge where the boys were paid a quarter per day and severely lashed when they failed to meet contractors' quotas.64 The Directors of the Cleveland Refuge admitted that their chair caning industry had driven prices "far below what should be obtained for such labor" and continued, somewhat ambivalently, "The question is not, and never should be: What can these youths earn for the institution? (though we would not lose sight of this by any means,) but: what can we, their guardians, for the time being do to educate and fit them for usefulness in the world?"65

Workingmen vigorously protested the competition of reformatory labor. The New York State Workingmen's Assembly petitioned the legislature to stop further appropriations for the New York Refuge because "... we find a contractor making to the amount of $183,800 clear profit on the earnings of the inmates confined there."66 Although this petition was unsuccessful, reformatory nautical schools in Massachusetts, New York and California died out in the 1870's, in part because adult seamen protested that they could not find work during the depression of that decade.67

The child workers inside the reformatories were no happier than the laborers without. Rioting, incendiarianism
and even murder marked the history of nearly every institution. Daniel Credan and five of his friends put the torch to Westborough in 1859. On May 17, 1872, Justus Dunn stabbed to death Saul Calvert, an overseer in the North Shop of the New York Refuge. "In March last (1877)," reported Superintendent Loring Lathrop of Massachusetts girls' reformatory, "House No. 3, an old building . . . replete with interesting associations, was burned to the ground, having been set on fire by two of our inmates."

Reformatories were losing control of their children without as well as within the institutions' walls. Indenture to farmers and craftsmen declined steadily after 1850 and the number of outright discharges increased commensurately. "The destruction of the system of apprenticeship renders it very difficult to obtain suitable places where the inmates can be placed to learn suitable trades," complained the managers of the Philadelphia Refuge, adding, "and many of them are not inclined to become agriculturists." In desperation the refuges turned to their philosophical rivals, the preventive agencies, and requested their help in placing boys far from the eastern cities. As early as 1858, the New York Refuge asked Reverend W. C. Van Meter, founder of the Howard Mission, to aid them in locating farmers who needed help and whose farms were inaccessible to the expanding railroad system which served
runaway apprentices all too easily. Charles Loring Brace must have taken pride in the fact that he could continue to berate "congregated reformatories" while at the same time helping one of them (the New York Refuge) to place its children on western farms. Despite the efforts of Brace and others, both rural and urban indenturing virtually disappeared by 1890.

However much proponents of preventive philanthropy and defenders of the reformatory system might have differed over ways to care for delinquents, both were staunch Protestants (many were ministers) who used their position to proselytize all of the children under their care. The New York Refuge, commented one observer, was "in its faith and practice, eminently Protestant." The aim of placement --"good rural homes," were, as James Leiby notes, "mostly Protestant, of course."

Catholic opposition to the religious policies of Protestant dominated institutions increased sharply in the 1840's when the number of destitute and delinquent children in the seabord cities also increased with the immigration of thousands of Irish Catholic peasants fleeing famine in their native land. "Boston is a dreadful place for making Protestants of people," a priest in Halifax advised an Irish mother, "and you must be careful, especially of the children, or they will get them from you." A group of New
York Catholics complained, "all . . . institutions organized for the protection of destitute children are Protestant, having Protestant directors, Protestant superintendents, Protestant teachers, Protestant worship, and Protestant instruction and training." A New Jersey legislator argued that Catholics, "would not submit having their children sent to an institution (Jamesburg) where the love of their religion was likely to be crushed out."

The New York City missions and institutions worked hard to convert Catholic children, whom Bradford Peirce referred to as "worse than heathen." Charles Loring Brace insisted that some of his best friends were Catholic and praised them lavishly for their humanism and missionary spirit. Unfortunately, Francis Xavier and Ignatius Loyola were not alive to receive his commendation and contemporary Catholics heard him only when he denounced "the spiritual lifelessness of Romanism." Brace sadly concluded, "A Protestant has great difficulty in coming into connection with the Romanist poor."

Some Catholics who were not so poor made efforts to aid the destitute and delinquent children of their faith. The Brothers of the Holy Cross opened a Manual Labor School at Notre Dame, South Bend, Indiana in 1842 and, shortly thereafter, the Sisters of the same order established a home for girls in Bertrand, Michigan. The Home of the Angel Guardian
was founded in Boston (1851) and, by 1860 the Holy Cross
order had opened two more schools in Baltimore and New
Orleans. In 1863 the largest single effort to aid Catholic
children was begun by Archbishop John Hughes of New York
and a number of wealthy laymen who incorporated the
Society for the Protection of Destitute Roman Catholic
Children of the City of New York. Much like the Society
for the Reformation of Juvenile Delinquents, this Catholic
group managed its own institution, the New York Catholic
Protectory. 80

The leading spokesman for the Protectory was its first
President, Levi Silliman Ives (1797-1867) who, before his
conversion in 1852, had been the Episcopal bishop of North
Carolina. Ives was particularly incensed by the activities
of child placing agencies which, he contended, purposefully
separated children from their parents and, more important,
from the religion of their parents. "What charity commenced," he said, "fanaticism has grossly perverted; or what we had
supposed charity, turns out to be only sectarian zeal." 81
Ives also led the successful drive to gain state funds for
his institution over the objections of Protestant opponents
who argued that church-state relationships had been vio-
lated. He satirically phrased the argument of his opponents
as follows: "We want both your money and your children; but
if you will persist in holding on to your children, we must
at least have your money: keep your children, but pay your taxes to us!" 82

The most significant feature of the New York Catholic Protectory was its resemblance, not its contrast, to the Protestant led institutions. The Catholic Protectory and the New York Refuge were alike from their gloomy prison architecture to their chair caning shops. Both institutions thought that their special mission entitled them to state money. Levi Silliman Ives, like Brace, believed that outcast children, the plague of Augustan Rome, could be the progenitors of a modern catastrophe too if they were left uncared for. Indeed, little besides their religion separated the Catholic and Protestant philanthropists, but in an age of religious bigotry and factionalism, this difference was enough.

Although economic, religious and disciplinary problems continued to plague institutions for delinquents throughout the nineteenth century, some state governments were making efforts to remedy these ills by defining them more fully. The principal agencies of reform were the state boards of charity. Massachusetts again led the way, establishing hers in 1863: Ohio, New York, Illinois and other northern states soon followed. Board members were state appointed but un-paid (to discourage spoilsmen) and their job was to inspect, report on, and recommend improvements in reformatories,
asylums and almshouses. State legislatures were not required to act on their suggestions—and often didn’t. But the presence of even a weak watchdog caused state and state supported institutions to fear for their appropriations unless they heeded board suggestions. Also, many institutions were left defenseless in another respect when their self-serving annual reports, which often hid true conditions from the public eye, were superseded by the reports of the state boards.

The investigative efforts of the state boards were often supplemented by inspections of private voluntary associations such as the New York State Charities Aid Association (1872). Both state boards and philanthropic societies attracted eminent citizens to their cause. Frederick H. Wines (1838-1912), son of Enoch Wines and himself a distinguished penologist, was appointed first secretary of the Illinois board in 1869. Franklin B. Sanborn (1831-1917), secretary of the Massachusetts board, established a system of inspection and reporting which was widely copied. Hastings H. Hart (1851-1932) served as first secretary of the Minnesota board in 1883 and, in 1909, was appointed director of the child helping department of the Russell Sage Foundation. Louisa Lee Schuyler (1837-1926), a principal organizer of the New York State Charities Aid Association, had been active in the Children’s Aid Society
as well as the U. S. Sanitary Commission, a federation of voluntary associations which helped government agencies care for Union soldiers and sailors during the Civil War. Later she led a successful campaign to remove insane persons from almshouses. In 1876 Josephine Shaw Lowell (1843-1905), who had been active in the Freedman's Aid Association during the war, became the first woman member of the New York State Board of Charities. The most significant figure in the state board of charities movement was the President of this board, William Pryor Letchworth (1823-1890). A prosperous Quaker businessman, Letchworth turned to philanthropy after the Civil War. In 1869 he was appointed to the New York State Board and seven years later became its President.

Although members of the state boards visited all types of institutions, they were primarily concerned with the deplorable conditions which they discovered in county poorhouses and, in particular, with the plight of many children who were incarcerated there. Wines reported scenes of "nakedness, filth, starvation, vice, and utter wretchedness, which a very slight exercise of common sense and of humanity might have entirely prevented." Letchworth noted flagrant cases of child abuse and torture. For the rest of the century these men campaigned to remove children from almshouses and to place them in orphanages, foster homes and reformatories.
The dominant theme of their effort—the necessity of separating innocent children from almshouse corruption—shaped their attitude toward juvenile delinquents as well. In the 1880s they became convinced that removal of the young was only half the battle. To take children from the "poisoned moral atmosphere" of the almshouse and then to dump them indiscriminately in reformatories and other institutions solved one problem but created another.

"Absolute separatism should be maintained between the innocent and the guilty and between the pure and morally depraved, by means of separate institutions," wrote William Letchworth. He continued, "... the ultimate good of society would be realized by correcting the bad and preserving the good character of the good." Josephine Shaw Lowell advised Letchworth, "Keep bad boys in the House of Refuge ... homeless and truant boys should be sent to entirely other and distinct institutions, when it is necessary to send them to institutions at all."

Letchworth proposed that states operate separate institutions for each of four classes of children—felons, minor offenders, truants and the merely homeless. He urged that job training replace contract labor and, as a means of effecting even further classification among juvenile delinquents, he favored the cottage system. He also endorsed the system of family visitation established by the (Massachusetts)
Board of State Charities in 1869. Under this plan, an agent of the State Board took charge of delinquents before they appeared in court and often secured their probation or release on condition of their future good behavior.

Letchworth's progress in this campaign—like his crusade to remove children from almshouses—was slow. The first comprehensive vocational education program began in 1885 at the Western House of Refuge, Rochester, New York. Many reformatories were still using the contract system in the early decades of the twentieth century. The New York "Children's Law of 1875" provided for the removal of dependent children from county poorhouses and for their placement in institutions "governed or controlled by officers or persons of the same religious faith as the parents of such child, as far as practicable." But subsequent legislation confused the "religious clause" which was the subject of bitter debate and the almshouses were slow to comply with the other provisions of the law.

The state charities movement emphasized saving innocent children not protecting juvenile delinquents. William Letchworth and Josephine Shaw Lowell spent their early careers trying to rescue children from almshouses. In the 1880's they began to attack the failure to discriminate among those children sent to refuges and reform schools. Letchworth and Lowell were anxious to clear as many children
as possible of the stigma of delinquency but they believed that those children who behaved so badly that they had to be sent to reformatories generally deserved the rough treatment which they received there.

Beginning in the 1870's, separate state reformatories for young men, ages sixteen to twenty-five or thirty, who had committed their first offense were established. This development further restricted that category of children known as juvenile delinquents. Stephen Allen of the New York Refuge had demanded a separate institution for older offenders in the 1840's. In 1851 The Pennsylvania Journal of Prison Discipline called for an institution to provide for "a large class of grown-up boys, and the very worst in the community."92

The advances of European penologists during the middle decades of the century made reformatories for young men a reality. Captain Alexander Maconochie came to Norfolk Island, the British penal colony in Australia, in 1840 and improved conditions markedly by eliminating the flat-time sentence and introducing the commutation of sentence for good behavior. Sir Walter Crofton combined the idea of the indeterminate sentence with the ticket-of-leave or parole plan which came to be known as the Irish system. Education and vocational training dominated the routine of English and Irish reformatories. According to the French judge,
M. Bonneville de Marsangy, the principle of conditional liberation around which the new penology was built was "nothing more nor less than the extension to adult convicts of a principle applied with such great success to juvenile offenders." 93

American penal reformers soon applied the European innovations even if they did not always acknowledge them. The New York State Reformatory at Elmira was incorporated in 1869 and opened in 1877 under the superintendency of Zebulon R. Brockway, formerly superintendent of the Detroit House of Correction. Enoch Wines and Theodore Dwight, then in the twilight of their careers with the Prison Association of New York, were influential in gaining legislative support for this institution as was Gaylord B. Hubbell, Warden of Sing Sing Prison and a supporter of Croton's Irish system. 94 In 1877 a determined group of women led by Ellen Cheney Johnson (1829-1899), another veteran of the U. S. Sanitary Commission, persuaded Massachusetts legislators to found a reformatory for girls "too old to be sent to Lancaster." 95 In 1884 Franklin Sanborn helped to establish the Massachusetts Reformatory for Men at Concord. In 1893 Josephine Shaw Lowell eventually roused New Yorkers to found a reformatory for women convicted of misdemeanors, chiefly those involving sex morality. 96

Reformers argued over the contention that the reformatory movement was built upon principles which had already
been successfully applied to juvenile delinquents. From the earliest days, houses of refuge had employed a mark system where good behavior resulted in special favors within the institution and the possibility of early indenture, a form of parole.\textsuperscript{97} Like his father, Frederick Wines saw the connection:

Somewhat unconsciously, perhaps, the methods adopted resembled those which had been long in use in institutions for the reformation of juvenile offenders. Indeed, it could not be otherwise, since men are but children of a larger growth, and the methods which succeed at a youthful age ought, with necessary modification, to succeed, though probably not to the same degree, with older men.\textsuperscript{98}

Zebulon R. Brockway, never one to hide his light under a bushel, thought otherwise. Writing to penologist, Louis A. Robinson, he "denied explicitly that he in any way drew on the institutions for juvenile delinquents for suggestions as to principles and procedure."\textsuperscript{99} In his autobiography, \textit{Fifty Years of Prison Service}, Brockway claims to have discovered independently the indeterminate sentence and other innovations of European penal reformers.\textsuperscript{100}

Whatever the merits of this dispute, the growth of the reformatory did relieve many institutions for juvenile delinquents of their older and often more troublesome inmates. In light of the other problems facing those attempting
to reform children, this development could not have been unwelcome.

* * * * *

Our discussion of attitudes and policies toward juvenile delinquency has thus far centered upon the efforts of those institutions founded to solve the problem. Juvenile delinquents themselves did not, however, acknowledge this frame work and, throughout the nineteenth century, they disrupted the peace of locales far removed from refuges and conventions for reform school managers. Francis Lieber, editor of Tocqueville and Beaumont's study of the American prison system and a professor at South Carolina College from 1835 to 1852, recorded the case of a well-bred Charleston boy who was expelled from college for dueling, later shot his antagonist, studied law, served a prison term for the shooting and then was elected to the state legislature—all before he was twenty-two years old. 101 Jack Kenny Williams, historian of the South Carolina prison system, noted other cases of white youths convicted of forgery, vandalism, theft and passing counterfeit money. These boys were usually pardoned if they were "of respectable parents." 102 Similar conditions existed on the frontier where an editor in Houston, Texas recorded a
"... quarrel between two little boys, the oldest of whom was scarcely ten years; and, strange to say, one of them actually drew a small pocket pistol and shot at his opponent, fortunately, without doing injury." 103

Institutions for juvenile delinquents eventually caught up with frontier rowdies, but in the South no special provisions were made for young lawbreakers until the end of the nineteenth century. Before the Civil War the South was an agricultural society based upon Negro slave labor. Plantation discipline took care of the disobedient Negro child and few if any southerners dreamed of considering him as a juvenile delinquent in need of special care. White delinquents did not exist in great number and the resultant lack of societal concern allowed them to run free or to languish in local jails. Louisiana provided some exception to this indifference when, in 1822, the state legislature appointed Edward Livingston (1764-1836), former Mayor of New York, to revise the state penal code. The Livingston Code, completed in 1824, provided for a school of reform much like the earlier refuges and, although not adopted in Louisiana, it was widely discussed in Europe and the northern states and exercised strong influence on the reform of criminal and penal law. 104 New Orleans opened a House of Refuge in 1847, but this institution did little reformative work besides separating some children from older offenders. 105
The Civil War destroyed, among other things, the growing penitentiary system in the southern states. Many prisons were completely ruined and others were converted to factories which made war supplies. The war also ended legal slavery and, as a result the southern states faced the task of providing for thousands of destitute freedmen who had committed crimes—often trumped up crimes such as those enumerated by the Black Codes. Although some of these Negroes were placed in jails, the great majority were leased out on contract to railroad companies and manufacturers where they were treated miserably.  

Some of these convicts were children. Laura M. Towne (1835-1901), an abolitionist who devoted her life to the freedmen of the Sea Islands, reported the case of a Negro boy in the South Carolina penitentiary who "prays night and day that God will let him die. The irons have cut into his wrists. The beds are rotten straw, full of vermin." In 1872 Robert Day (Age 12, Height, 4'9", Complexion black, hair and eyes black, scar from dog-bite on calf of right leg) was serving a life time for murder in the Mississippi State Prison. James Harrington (Age 13, Height 5'1", Complexion black, hair and eyes black) was serving ten years for "burglary with intent to rape."  

Under these conditions, children were often pardoned by state executive clemency. The author George Washington
Cable reported that twenty-five children under sixteen years old were pardoned from terms in the Huntsville, Texas penitentiary in 1880. A Georgia pardon read: "Wade Hampton, Convicted of burglary, October term, 1893, Fulton county; sentence, five years. At time of his conviction was a mere child, and since confinement has lost a leg."  

Nothing else was done for juvenile delinquents of either race until the Populist uprisings near the end of the century. Many children continued to suffer in jail, in convict camps and on the county road gang and prison farms which gradually replaced the lease system in the 1890's. North Carolina established a State Board of Charities in 1869, but the legislature did not heed its recommendations.  

The number and variety of reformatories for juvenile delinquents multiplied during the later nineteenth century but so too did the severity of institutional problems. The "child saving" philanthropies also grew rapidly during this period, but they were able to minimize these problems by limiting the institutional life of their children and by emphasizing the placing out system. The work of both the institutions and the philanthropies bore later fruit. Those who were encouraged by the success of preventive efforts supported new reforms designed to remove delinquents from
the processes of criminal law altogether. And those who blamed the troubles of the reform school on the perversity of its inmates accepted science's deterministic explanations of man's limitations.
Chapter II - Footnotes

1 The unpublished records of the Children's Mission, located in Boston, show that most of these homes were in Massachusetts.

2 Unpublished records, Children's Mission, Boston, Massachusetts.


4 Charles Loring Brace, The Dangerous Classes of New York (New York, 1880), p. 93; Francis E. Lane, American Charities and the Child of the Immigrant (New York, 1932), pp. 75-82; Robert H. Bremner, From the Depths (New York, 1956), pp. 39-41. It would be misleading to make an analogy between the placing out system in the United States and the system of criminal transportation employed by European countries. Although some European children convicted of felonies were transported, the system was devised mainly to get rid of adult recidivists and political prisoners. The placing out system was conceived in order to help children who had not yet been convicted of any serious crime. Moreover, these children were placed in homes, not penal colonies. If the child failed to realize the difference, he could often escape the home—an opportunity which did not exist in such remote penal colonies as Norfolk Island off the Australian coast. As early as 1822 the Society for the Prevention of Pauperism concluded of transportation:

The United States can never resort to the transportation of convicts, to any distant spot, beyond the jurisdiction of municipal authorities, while the present form of government remains, and the people cherish their existing moral and civil institutions.


5 Brace, The Dangerous Classes, p. 225. Italics in original. Frederick Jackson Turner could have used Brace's next statement to sustain his thesis that empty and available western land was the major influence upon the formation
of American society. Brace continued, "The United States have an enormous advantage over all other countries, in the treatment of difficult questions of pauperism and reform, that they possess a practically unlimited area of arable land."

6 Brace, *The Dangerous Classes*, p. 112.


10 Draft of undated (185?) article on the education of handicapped children, folders 1411 and 1412, Samuel Gridley Howe Papers, Harvard College Library.


12 Ibid.


14 Bremner, *From the Depths*, pp. 35-38. The A.I.C.P., like the Children's Aid Society, undertook numerous projects --model tenements, public bath, local dispensaries, etc.--to aid those poor people who did not take its advice to go West.

16 The A.I.C.P. continued its own work after the Juvenile Asylum was founded.


21 Second Convention of Managers and Superintendents of Houses of Refuge and Schools of Reform, Proceedings, 1859, p. 44. Parenthetical explanation added. Italics in original.

22 John Augustus, A Report of the Labors of John Augustus, for the Last Ten Years, in Aid of the Unfortunate (Boston, 1852), p. 33.


24 Lane, American Charities and the Child of the Immigrant, pp. 84-86; Boston Children's Aid Society, First Report of the Executive Committee (Boston, 1865), pp. 5-8, 12-16. Thurston, Concerning Juvenile Delinquency, pp. 77-79.

25 Beginning in 1880 U. S. Census reports give comprehensive summaries of the activities of many private and all public institutions for juvenile delinquents. The annual reports of the U. S. Commissioner of Education (1880 ff.) are also useful.

26 Lyman (1792-1849) bequeathed the institution an additional $50,000.


29 M. Tarver, "Juvenile Reform Schools," The Western Journal and Civilian, XI (December, 1853), 186-188.


31 Congressional Globe, 33 Cong., 1 Sess. (1854), 1061-1063; The Western Journal and Civilian, IX (November, 1852), 80-81.


33 Ibid., p. 632.


35 See above, p. 46. Theodore Parker, another famous Bostonian, was also an admirer of the cottage system. See Theodore Parker, A Sermon of the Dangerous Classes of Society (Boston, 1847); p. 47.


Mary Carpenter (1807-1877), English philanthropist, was influential in securing passage of the Youthful Offenders Act of 1854 and Industrial Schools Act of 1854. The former authorized the establishment of reformatory schools by private groups. For her praise of Mettray and the cottage system see Mary Carpenter, *Reformatory Schools for Children of the Perishing and Dangerous Classes and for Juvenile Offenders* (London, 1851), pp. 324-330, 339-340.


Homer Folks, *The Care of Destitute, Neglected and Delinquent Children* (Albany, 1900), pp. 119-120, 123.


Ibid., p. 16. These conventions, in 1857 and 1859, symbolized the growth of a new profession and, concomitantly, of professional self-esteem. Reformatory officials disgressed endlessly on classification, placing out,
discipline and other topics of administrative concern. There were no further conventions of this type during or after the Civil War, but the National Prison Congress on Penitentiary and Reformatory Discipline meeting in 1870, the National Prison Association meeting annually beginning in 1871 and the National Conference of Charities and Correction meeting annually beginning in 1874 provided ample platforms for their views.

51 Mary E. Cobb, The Responsibility of States to Their Dependent Children (Fall River, Massachusetts, 1888), p. 15.


57 See above, p. 23.


59 Massachusetts, State Industrial School for Girls, Annual Report, 1875 (Boston, 1875), pp. 8-9.

60 James Leiby, Charities and Correction in New Jersey (New Brunswick, 1967), p. 82.


63 Ibid., pp. 164, 181.


65 Cleveland. Directors of the Workhouse and House of Refuge and Correction, Sixth Annual Report, 1876 (Cleveland, 1877), pp. 17-18.


68 Massachusetts. State Reform School at Westborrough, Thirteenth Annual Report, 1859 (Boston, 1859), pp. 3-4.

69 S.R.J.D., Annual Report, 1872, pp. 45-47. A year earlier Bradford Peirce had written, "The inmates of the Refuge, after an absence of a few years visit their old home with the enthusiasm of returning children, and fall upon the arms of their teachers often with the warmth of a long-absent youth coming into the presence of a beloved mother." See Bradford K. Peirce, "New-York House of Refuge," Appletons' Journal, V (March 18, 1871), 301-308.


74 Jacoby, *Catholic Child Care in New York*, p. 42.

75 Leiby, *Charities and Correction in New Jersey*, pp. 82-83.

76 Unlike German Catholics, many of whom took up farming, the Irish worked on the canals and railroads and in the eastern cities where they settled. See Aaron I. Abell, *American Catholicism and Social Action: A Search for Social Justice, 1865-1950* (South Bend, 1963), pp. 12-13.


79 Brace, *Dangerous Classes*, pp. 155-156. See also Langsam, *Children West*, pp. 45-56.

80 Abell, *American Catholicism and Social Action*, pp. 18-23. Hughes was more intimately connected with another but similar dispute—the common schools controversy of the 1840's. Catholics were embittered by their failure to gain public funds for their own schools and by the anti-Catholicism of common school officials and textbooks. See Lawrence Kehoe, ed., *Complete Works of Most Reverend John Hughes, I* (New York, 1866), 41-283.


83 Jeffrey R. Brackett, Supervision and Education in Charity (New York, 1903), passim. State boards were authorized to inspect private institutions like the New York Refuge and the New York Catholic Protectory because both places received state financial aid.

84 Quoted in Bremner, From the Depths, pp. 49-50.


Proceedings of the National Conference of Charities and Corrections (1888), pp. 229-234. The Centennial Exposition exhibit of The Imperial Technical School of Moscow greatly stimulated American interest in programs of vocational education. On the continuity of the contract system see, for example, Kentucky. State Legislature, Documents, 1906-1907 (Louisville, 1908), pp. 4-5.

90 New York State. Laws of 1875 (ch. 173).

91 Jacoby, Catholic Child Care in New York, pp. 49-50.

92 On Allen see above, p. 78; Pennsylvania Journal of Prison Discipline, IV (October, 1851), 187.


95 Eugenia C. Lekkerkerker, Reformatories for Women in the United States (The Hague, 1931), pp. 89-98.


100 Zebulon R. Brockway, Fifty Years of Prison Service (New York, 1912), pp. 133-135.
93

101 Thomas S. Perry, ed., The Life and Letters of Francis Lieber (Boston, 1882), p. 126.


103 Telegraph and Texas Register, July 14, 1841.


110 Georgia. House of Representatives, Journal, 1895 (Atlanta, 1895), p. 82.

Chapter III - New Departures in Science and Institutional Care, 1880-1910

During the period 1880-1910 attitudes and policies toward juvenile delinquency changed considerably as a result of new causal theories of human behavior and origins generated largely by European thinkers and scientists. The leading figure of this renaissance was the English naturalist, Charles Darwin (1809-1882). His Descent of Man (1871) applied the thesis of evolution—the mutability and interrelatedness of the species—to human beings. Two philosophers, Herbert Spencer (1820-1903) and Ernst Haeckel (1834-1919) constructed a social theory based upon certain aspects of Darwin's work. Spencer applied Darwin's ideas of the struggle for existence and of survival of the fittest to human society; Haeckel similarly developed the theory of recapitulation whereby the individual was supposed, in the relatively brief period of his maturation, to live through the course of paleontological evolution.

Darwin's thought had a profound impact on other sciences. The psychologist Joseph Jastrow wrote, "Within a remarkably short period all the sciences of life were recast in the scientific world, particularly psychology."1 William James:
(1842-1910) belief that behavior was an expression of the adjustment of organism to environment helped to integrate the biological principle into psychology. Evolution's emphasis upon development and origins sponsored child psychology and Darwin himself published an infant's biography in 1877. Anthropologists also studied the origin of man and human races and thus attempted to determine the effects of race crossing, environmental selection and racial adaptations and modifications due to temperature, altitude and other factors. In the 1860's Gregor Johann Mendel (1822-1884), an Austrian monk, founded genetics, the study of characteristics transmitted from parent to offspring. Mendel's work was largely ignored until the late nineteenth century when he was discovered by Sir Francis Galton (1822-1911), a cousin of Darwin, who was then developing eugenics, the study of (human) race improvement through control of hereditary factors. Galton also began the "nature and nurture" debate over the relative influence of heredity and environment on individual development.

Darwin's theories also led to significant development in criminology which changed attitudes toward juvenile delinquency. The leading figure in this field was an Italian law professor, Cesare Lombroso (1835-1909), whose L'uomo delinquente (1876) contended that the habitual
criminal constituted an abnormal anthropological type clearly distinguished by characteristic stigmata which were anatomic, physiological, psychological and social. He explained the origin of this type by the theory of atavism—the criminal was a reversion to the more primitive, pre-societal type of the species. Lombroso's attempt to verify the criminal type by numerous anatomical and physiological measurements was aided by the advances of Adolphe Quetelet (1796-1874) in anthropometry (the science of body measurements) and of Alphonse Bertillon (1853-1914) in the science of criminal identification. Quetelet, a Belgian astronomer and statistician, believed in "nature fixed types" and, after measuring many people, he conceived of a new man, the physically average man: he regarded variations from this type as defective human beings. Bertillon, a Paris police official, developed fingerprint identification and, a standardized form of body measurements and descriptions and of chromatic notations on eyes, hair and beard. Although these scientists admitted that their findings applied largely to mature adults, Galton drew on their theories when he experimented anthropometrically with children in an attempt to measure youthful intelligence.
Americans played only a small part in the scientific discoveries of the nineteenth century, but they were receptive to the new thinking and, more important, they were eager to apply it to the explanation of problems such as juvenile delinquency. Even in the years before Darwin, scientific explanations of youthful misbehavior enjoyed some currency in America. The popularity of phrenology, which purported to analyze individual character and behavior by studying the shape and proturbances of the skull, is a case in point.

As John D. Davies has pointed out, phrenologists viewed the law-breaker merely as a person "whose mental organs had not developed properly." The famous English practitioner George Combe (1788-1858) toured America from 1838 to 1840 giving optimistic lectures on the possibility of reforming young criminals by stimulating through education the uses of such propensities as concentrativeness ("It renders permanent, emotions and ideas in the mind") and adhesiveness ("Attachment: friendship and society result from it"). Visiting the Boston House of Reformation in 1838, he examined the heads of some children and reported "the moral and intellectual organs favorably developed in proportion to the animal organs." Although Combe was unsuccessful in an appeal for better educational programs in prisons and refuges, he won the admiration
of Samuel Gridley Howe who saw in phrenology confirmation of his belief in the infinite educability and improvability of the human race.  

Like Howe, Charles Loring Brace supported an optimistic view of juvenile reformability with scientific (though not phrenological) explanations. Although Brace is usually associated with a moralistic and agrarian solution to the problem, his account of a young girl’s fall would have sounded familiar to later Darwinian eugenicists:

"The 'gemmules' or latent tendencies, or forces or cells of her immediate ancestors were in her system, and working in her blood, providing irresistible effects on her brain, nerves and mental emotions, and finally, not being met early enough by other moral, mental and physical influences, they have modified her organization until her will is scarcely able to control them and she gives herself up to them."  

Brace believed that even the worst children had virtuous gemmules and that if parents would allow him to place their children with farm families, these virtuous buds would rise to the surface and serve as antidotes to the poison in their blood. He was enthralled by The Origin of the Species, reading it thirteen times and optimistically concluding that ". . . the law of natural selection applies to all the moral history of mankind, as well as the physical. Evil must die ultimately as the weaker element, in the struggle with good."
Beginning in the 1870's, the growth of new (and the development of old) universities, professional societies and government agencies, enabled Americans to apply systematically the new scientific thought to the study of children. The leader of the child study movement was Granville Stanley Hall (1846-1924), a psychologist who studied in Germany and, in 1882, founded the first laboratory of experimental psychology at Johns Hopkins University. In 1888 Hall was appointed first President of Clark University which he developed into the center of the child study movement in the United States for the next three decades. He was a genetic psychologist whose interest in the origins of and changes in youthful behavior laid the basis for our modern belief that childhood, youth and adolescence are separate stages of life with their own values, often different from or hostile to values of the adult world.8

G. Stanley Hall's concept of adolescence, which shaped his views on juvenile delinquency, was based upon his application of Haeckel's recapitulation doctrine to mental evolution. Thus, Hall believed that the years of childhood were psychologically and physiologically years of savagery, "... when the very worst and best impulses in the human soul struggle against each other for its possession ..."9 He regarded the onset of adolescence as a period of "storm
and stress," a passing phase hopefully to be followed at maturity by the emergence of a new and civilized self. Hall took an indulgent view of juvenile delinquency. "The youth who go wrong are," he wrote, "in the vast majority of cases, victims of circumstances or of immaturity, and deserving of both pity and hope." Hall denounced, "ignorant and cruel public opinion" which condemned "all those who have once been detected on the wrong side of the invisible and arbitrary line of rectitude."10

Some of Hall's students were quick to develop this theme. After interviewing a number of prominent men and totaling up their youthful pranks and delinquencies, Edgar J. Swift concluded in 1901 that a period of semicriminality was not only right but necessary for healthy boys.11 Going beyond individual delinquencies, J. Adams Puffer in 1912 described gang delinquency as an "ancient virtue of savagery" and assured the gang boy's worried parents, ". . . as his ganginess fades with later adolescence, much of his native barbarity will go with it. Till that time comes the wise adult will not attribute to thorough going depravity what is only a temporary stage in the boy's psychic evolution."12 Even Jane Addams was influenced by the recapitulation theory. Pondering a title for her 1909 survey of the problems of urban children she
discarded *Juvenile Delinquency and Public Morality* and settled instead on *The Spirit of Youth and the City Streets*. Jane Addams believed that juvenile delinquents were often promising young people whose natural, if primitive pursuit of joy had been frustrated by an urban environment organized for commercial pursuits, but not creative recreation. Children broke laws, "... in their blundering efforts to find adventure and in response to the age-old impulse of self expression."13

This optimistic reading of Social Darwinism failed to satisfy other scholars and scientists who wanted to know why some "promising young people" were sent to reformatories while others were not. In 1902 William Forbush, one of the most prolific writers on boyhood, offered the explanation that some children suffered "psychic arrests" during recapitulation (theft, for example, was the persistence of the predatory instinct) and, if these arrests became permanent, criminal conviction was only a matter of time.15 But this concept, like the theory of recapitulation itself, was essentially speculative and not subject to the empirical study which characterized the scientific approach. Moreover, the objects needed for empirical study, the delinquent children themselves, were conveniently incarcerated, seemingly inviting scientific
study of their individual physical structure and ancestry.

During the later years of the nineteenth century, many experiments were conducted upon children attempting to measure their rate of growth and bodily structure. The American pioneer in this effort was Henry Pickering Bowditch (1840-1911), a Harvard physiologist who extensively measured Boston school children over a twenty year period beginning in 1872. Anthropologist Franz Boas (1858-1942) co-ordinated for the World's Fair Exhibit of 1893 a series of similar measurements in Oakland, Toronto, St. Louis, Milwaukee and Worcester, Mass. Bowditch and Boas both concluded, among other things, that American and Canadian children were taller and heavier than children of foreign born parents but, unlike many of their colleagues, they did not make pejorative judgments about the smaller and lighter subjects of their study. 16 William Townsend Porter, for example, concluded in his 1892 study of St. Louis school children that there was a physical basis for precocity—that dull children were lighter and precocious children heavier than the average child. Porter and others associated mediocrity of mind with mediocrity of physique. Henry G. Beyer claimed that "successful children are larger than unsuccessful." 17

Juvenile delinquents must have exemplified the concept of physically unsuccessful children. Certainly scientists
and educators applying Lombrosian criminology to the measurement of reformatory youths seemed bent upon finding a physical basis to explain the unhappy condition of these children. 18 George E. Dawson, another Hall student, compared Worcester public school children with delinquents from the Lyman School for Boys and the State Industrial School for Girls at Lancaster, Massachusetts. He concluded that the delinquent children were not only less intelligent, smaller and lighter than the school children but also, that they had, "more physical anomalies than are found among normal persons . . . deformed palates . . . smaller heads, broader heads, and broader faces, the type being, in general, that of lower races or of the infantile period of our own race." 19 Eugene S. Talbot, a Chicago dentist, conducted anthropometrical measurements upon youths in two state reformatories, Pontiac, Illinois and Elmira, New York, and found, "their physical stigmata (head, face, jaws, teeth, etc.) twice as numerous as those in non-criminal individuals." 20

The most vigorous and persistent American proponent of applying Lombrosian criminology to the study of children was Arthur MacDonald (1856-1936), a minor employee of the U. S. Bureau of Education. MacDonald had studied psychology under Hall at Johns Hopkins and also had spent time in Europe studying and collecting the works of Lombroso, Ferri
and other criminologists. In 1897 he contributed excerpts from their writing to the Bureau's *Annual Reports*. MacDonald also reprinted the conclusions of Porter and Dawson and began to make his own anthropometrical and "psycho-physical" measurements of school children of the District of Columbia. He measured their heads (cephalic index), tested the strength of their grasp and their sensibility to heat and locality (with instruments such as the "Aesthesiometer"). Then he attempted to correlate these measurements with arbitrarily conceived descriptions such as "bright," "dull," "average," or "unruly." Among his conclusions were the following:

**Shape of head.** -- A large proportion of boys are broad-headed rather than long-headed. Long-headedness, or dolichocephaly, seems to be an unfavorable sign, for the bright show the smallest percentage, the average next and the dull the largest percentage; the unruly boys have a large percentage of long heads.

**Sensibility to heat.** -- The bright boys are the most sensitive to heat; but there is no further parallelism between sensitiveness to heat and mental ability, for the average boys are less sensitive than the dull boys.

The Bureau of Education tolerated MacDonald's experiments for a few years but, in 1902, omitted the appropriation under which he had been employed noting that, "... as children come to be known and marked out in the school or in the community as possessing the bodily signs of degeneracy..."
in such permanent form as the shape of the skull, or ears, or mouth, it would operate seriously to discourage them from efforts to form good habits." \(^{23}\)

Undaunted, MacDonald began a vigorous Congressional lobbying campaign to establish a criminological laboratory (with Arthur MacDonald as presumed director) in the Department of the Interior. He emphasized that this laboratory would be "a development of work already begun by the Federal Government." \(^{24}\) He found supporters both inside and outside Congress. Republican Senators George F. Hoar, Boies Penrose and Matthew Quay reporting favorably on MacDonald's scheme said, "It would be desirable to find what physical and mental traits are common to unruly school children and children in reformatories . . . " \(^{25}\) Scholars such as Richard T. Ely and Havelock Ellis and institutions like the American Medical Association also endorsed his work. \(^{26}\)

MacDonald's congressional contacts enabled him to get a number of his works published as legislative documents at government expense. In a work published in 1908 he declared, "The time has come when it is important to study a child with as much exactness as we investigate the chemical elements of a stone or measure the mountains of the moon." To aid in this precise task MacDonald offered the following description of "children who seem to be
vicious by nature:" "There is a certain animality in the face, the eyes are without expression, the forehead is low or depressed, the jaws are very large, the edges of the ears are rough, the ears extend out prominently from the head . . . Such children may be too large or too small for their age or they may appear older or younger than they are. Some do not look you straight in the face, but have a stealthy, oblique, or variable glance." 27

On various occasions MacDonald proposed that Congress establish his laboratory in the Department of Justice, the Department of Commerce and Labor and, in 1909, independent of any department at all. This latter proposal received a favorable report from the House Committee on the Judiciary, but a biting minority dissent prevented the bill from coming to a vote. In essence, the congressmen opposed to MacDonald's proposal confirmed the earlier report of the Bureau of Education:

We have no hesitation in our opinion that a bureaucratic inquisition into these matters by officers of the government would be resented even in a reformatory, and would be utterly out of place in hospitals, schools, and charitable institutions. The results would be by no means as trustworthy as those obtained by physicians, clergymen, and philanthropists in the ordinary walks of life; that an attempt to distinguish physical defects as criminal is dangerous in any hands. 28

Although MacDonald's supporters in Congress continued to
introduce similar legislation for fifteen more years, this 1909 report delivered the *coup de grâce* to his plans for a laboratory.29

The effort to apply criminal anthropology to the study of juvenile delinquents suffered at the hands of its most zealous advocates. Thomas Travis, a physician, even went beyond MacDonald by claiming that the best remedy for delinquency was to change the shape, by operation, of the crania, jaws and palates of delinquent children. "For those who are not amenable to reformation there is only one realm left," he added, "and that is extirpation."30

Contentions such as these did not go unanswered by other, more careful scholars. Again it was Franz Boas who led the attack against "craniology." In two volumes—"Immigration and Crime" and "Changes in Bodily Form of Descendants of Immigrants"—in a huge federal investigation of immigration (1911), he admitted that immigrant children were committed to reformatories in excess of their representation in the juvenile population, but he denied that their commitment was related to either their racial type or their physical structure. He emphasized instead the favorable effects of the American environment upon immigrant children concluding not only that they were taller and heavier than their parents, but also that their distinct structural traits (head type, etc.) had tended to disappear.
because of better nutrition and less frequent diseases. When long heads grew shorter and short heads grew longer, an assimilationist American type was sure to evolve. 31

Other investigations of delinquent children uncovered a more significant cause of their delinquency than their structural form. The anthropologist Ales Hrdlicka, in an 1898 study of children admitted to the New York Juvenile Asylum, noted their abnormally high rate of malnutrition and physical neglect. He attributed their delinquency, "... not so much to their constitution as to the social circumstances and environment to which they were subjected." He concluded, "... misbehaved children are not characterized as a class by any considerable physical inferiority, or by any great proportion of physical abnormalities." 32 Edward F. Waite, a judge of the Juvenile Court in Minneapolis, asserted that much of the delinquency of children appearing before his court resulted more from children aggravated by remediable defects such as infected tonsils, poor eyesight and bad teeth than from any structurally criminal types attempting to act in conformity with their shape. 33

* * * * *
Despite the findings and professional disclaimers of Boas and Hrdlicka, criminal anthropology, with its emphasis upon structural deficiency, was essentially pessimistic about the possibility of reforming juvenile delinquents. During the period 1890-1915, this mood was reinforced by the rising popularity of hereditarian explanations for crime, vice, pauperism and other social ills. In 1875 Richard Louis Dugdale (1841-1883), a visitor for the Prison Association of New York, published *The Jukes: A Study in Crime, Pauperism, Disease and Heredity* as the result of his intensive study of the consanguinity of many inmates in one county jail. Two years later he expanded this work to include case histories of two hundred and fifty-one convicts in the Sing Sing and Auburn State Prisons, noting in this study many prisoners who had formerly been refuge and reformatory boys.34

Although Dugdale was careful to record the histories of virtuous members of the Juke family and to point out the importance of environment in modifying individual behavior, other hereditarians gave a more alarmist cry. Reverend Oscar C. McCulloch, a Congregational minister in Indianapolis, emphasized the notoriety of generations of a local family whom he called *The Tribe of Ishmael* (1888). In 1879 Josephine Shaw Lowell advocated the establishment of a (New York) state reformatory for women which would
incarcerate sexually delinquent, vagrant girls and thus "prevent the transmission of moral insanity." "What right have we today to allow men and women who are diseased and vicious to reproduce their kind, and bring into the world beings whose existence must be one long misery to themselves and others?" she asked. As early as 1864, the Massachusetts Board of State Charities claimed that the main explanation for the state's high number of criminals and delinquents was "inherited organic imperfection, --vitiated constitution, or poor stock." 

Despite these warnings, efforts to win widespread endorsement for the hereditarian explanation of crime and delinquency were unsuccessful before the 1890's. As Mark Haller and Arthur Fink have shown, leading penologists and medical authorities continued to believe that criminals could be reformed by Christian persuasion and by improving their environment. Frederick H. Wines acknowledged that heredity might be one cause of crime, but stressed that crime sprang from social and cosmic sources as well and that its causes were not mutually exclusive. In 1884 John P. Gray, a respected alienist, noted that law-abiding parents had criminal children and vice-versa. Zebulon R. Brockway, a supporter of hereditarian theories, won little support from his colleagues in the National Prison Association when he suggested that one half of the prison
population in 1884 were incorrigible by reason of defective parentage. 37

The popularity of the eugenics movement during the first two decades of the twentieth century enabled hereditarian ideas to gain the substantial acceptance which had previously escaped them. Galton's application of Mendelian theory to human beings seemed to offer prestigious scientific proof of the transmission from generation to generation of characteristics that obeyed their own fixed laws without regard to the external life of the organism. To Galton, eugenics meant advancing the human race by encouraging the propagation of its better elements while at the same time restricting the breeding of criminals, paupers, idiots and insane persons. Clearly, eugenicists were preoccupied with these latter groups as evidenced by their extensive debates over various ways—restrictive marriage laws, incarceration of the morally delinquent, different methods of asexualization—to stop procreation of dependent and delinquent classes. 38

Galton preached his gospel to biologists and scientists, many of whom saw, in John Higham's words, "a way of converting their scientific interest into a program of social salvation—a program based wholly on manipulation of the supposedly omnipotent forces of heredity." 39

Higham further notes the special success of the eugenics
Movement in the United States where it was fueled by rising patrician and nativist opposition to immigration from southern and eastern Europe. The leading American figure in eugenics was Charles Benedict Davenport (1860-1944), a descendant of a family of Puritan New Englanders who was worried about the supposed "dying out" of the aristocratic breed. In 1903 Davenport helped to organize the American Breeders' Association which gave practical advice about eugenics to plant and animal breeders. Four years later this organization was enlarged to include a eugenics division whose activities were soon dominated by Preston F. Hall and Robert DeCourcey Ward of the Immigration Restriction League. Simultaneously, Davenport established a genetics research center at Cold Spring Harbor, Long Island, New York. In 1910 he persuaded Mrs. E. H. Harriman to finance an adjoining Eugenics Record Office which prepared an index of the American population and advised individuals and local groups on eugenical problems.

One result of Davenport's activity was the revival of studies, similar to The Jukes but claiming to be more scientific and objective. Arthur H. Estabrook, a colleague of Davenport, verified Dugdale's original notes and brought the study of the family up to date with The Jukes in 1915 in which he concluded that all of the Jukes who were
criminals were also feebleminded. Henry H. Goddard, psychologist at the Vineland Training School for the Feebleminded, Vineland, New Jersey studied two branches of the Kallikak (Greek for good/bad) family. He contended that the criminality and feeblemindedness of one side was hereditary and therefore likely to be transmitted to future generations. Davenport, in his own work, Heredity in Relation to Eugenics (1911), was more positive: He claimed that two mentally defective parents would produce only mentally defective offspring. Frank W. Blackmar, a sociologist at the University of Kansas, described the crimes and immorality of a "tribal group" whom he called "The Smoky Pilgrims." He demanded that their home be broken up and that the older children be sent to the state reform school.

Physicians and officials of state schools for feebleminded children anticipated the eugenic message and created out of it a new type of delinquent child whom they called the moral imbecile or the defective delinquent. Isaac N. Kerlin (1834-1893), Superintendent of the Pennsylvania Training School for Feebleminded Children at Elwyn, called attention to, "a group of cases quite distinct in their symptoms of derangement, and requiring forms of discipline quite unusual as compared with those applicable to the children ordinarily recognized as idiotic." He listed as
their characteristic behavior, "thieving, generally without acquisitiveness; a blind and headlong impulse toward arson; delight in cruelty ... delight in the sight of blood; habitual willfulness and defiance."

Kerlin suggested not only that these children were of "faulty stock" but also that they accounted for most of the delinquents whom reformatories and refuges failed to improve. Martin W. Barr, Chief Physician at Elwin, supported this view:

"It is needless to speak of reformatories. These may reshapen a deformed nature, perhaps recover what has been lost, but never yet have they recreated what never existed; and with this element they may dig deep and patiently, yet never find the moral soil in which good principles may take root and grow. It is not there, and never has been."

Barr and his colleagues proposed to solve this problem by "permanent sequestration" in special institutions where, "asexualization should be the law, ... not only assuring to the individual release in large measure from exaggerated impulses and desires, but also the safety of society in event of a possible escape."

Special institutions for defective delinquents were expensive and, at first, were established in only a few states. In 1894 New York opened the Rome State Custodial Asylum for helpless and unteachable idiots. The efforts of Dr. Walter E. Fernald of the Massachusetts School for
Idiotic and Feebleminded Youth led that state to authorize separate provision for defective delinquents in 1911, but Massachusetts did not provide the necessary funds until 1922. A year earlier New York had opened a special institution for male defective delinquents at Napanoch.\textsuperscript{47}

Instead of sequestration, physicians charged with the care of defective delinquents in state asylums resorted to various types of sterilizing operations, the most common being the vasectomy (section of the seminal ducts in the male) and the salpingectomy (section of the fallopian tubes in the female).\textsuperscript{48} Dr. Hoyt F. Pilcher, Superintendent of the Kansas State Home for the Feeble Minded, could not wait for state sanction and, in 1895, castrated eleven allegedly feebleminded youths in the home.\textsuperscript{49} Indiana passed the pioneer statute in 1907 requiring sterilization for "confirmed criminals, idiots, imbeciles and rapists." By 1936 twenty-five states had eugenic sterilization laws and, ten years later, \textit{Eugenical News} reported that 45,127 sterilizations had been performed in thirty states.\textsuperscript{50}

Although these operations were performed mostly in homes for the feebleminded and insane asylums, a number of young male delinquents in Indiana also felt the knife. Dr. Henry C. Sharp, physician at the state reformatory, sterilized several hundred inmates in 1905, two years before state law legalized the practice. His action so thrilled
the National Christian League for the Promotion of Purity that it resolved to advocate "a more healthful, effective and merciful treatment by efficient surgeons, for special criminals and degenerate children."51 Other reformatory officials sympathized with Sharp if they could not imitate him. When Goddard's Training School asked twenty-seven superintendents to provide the approximate number of defective delinquents in their institutions the estimates averaged nearly fifteen percent of all inmates. The Preston School of Industry, Lone, California, complained that homes for the feebleminded were full, "and because of that a great many foolish boys are sent to this institution that ought not to be sent here." An Iowa official agreed: "Boys of weak mentality often make it very difficult to maintain the standard of discipline . . . I regard them as a very undesirable class of inmates in an institution such as ours."52

Hereditarian and anthropological views offered little encouragement to those hoping to reform juvenile delinquents. Although the positivist or Lombrosian school shifted the focus of criminological study from crime to the individual criminal or delinquent, this new concern was, at first, hardly compassionate. Rudolph Vecoli has pointed out that while scientific theories of crime and dependency were based upon empirical study of individuals, the pessimistic
conclusions of the studies moved concerned people to place paupers, criminals and delinquents "outside the pale of normal human sympathy." In 1888 Professor J. J. Blaisdell of Beloit College asked how it was possible to help the hereditary criminal if he belonged to "a peculiar species, out of the reach of the influences and controlled by the reverse of the principles of the rest of men?"53 As we shall see in Chapter V, further scientific advances in psychology and mental testing helped to develop a genuine and sympathetic understanding of the individual delinquent.

Developments in the institutional care of juvenile delinquents, 1880-1910, partially reflected scientific thinking about juvenile delinquency. Reformatory physicians and superintendents emphasized the importance of physically conditioning delinquent bodies, broken down by environment and heredity. Hamilton D. Wey, Physician at the Elmira Reformatory, instituted a program of calesthenics, turkish baths and cold showers for young men "greatly in arrears physically." "It is not sufficient to train them in habits of industry, with attention to mental and moral needs," he said, "but of paramount importance is the systematic culture of the body; that is, exercise and training most
suitable for individual requirements, systematized and carried out under the supervision of a competent teacher."  

A Kansas reform school report stated, "It is a well established fact that there is a lack of tonicity about the abnormal child, either delinquent or feeble-minded."  

Former military men took over the administration of some reform schools and introduced army drill into the daily routine. Colonel E. C. Barber assumed charge of the New York House of Refuge in the 1890's and Colonel C. B. Adams became superintendent of the Boys' Industrial School at Lancaster, Ohio (formerly the Ohio Reform Farm). Colonel Adams summarized the military concept of delinquent care:

There are no better exercises known for developing the chest, hardening the muscle and giving the boy an erect figure and soldierly bearing, than the seventeen setting-up exercises of the United States Drill Regulations. His training in self-control and respect for authority begins. He is taught that prompt, unquestioning obedience is a fundamental military principle. . . . He must always stand erect, look his officer in the eye, and never forget his 'sirs.'

"His will has become subordinate to the will of another," concluded Colonel Adams of the properly trained reform school boy.  

F. H. Nibecker of the Philadelphia House of Refuge found military drill and calisthenics valuable in teaching "that highly moral obligation of obedience to a superior authority without question, and that other social
virtue in which the individual is sunk in the whole and shines as part of the whole."57 Lucy M. Sickels, superintendent of the Michigan Industrial Home for Girls boasted that her girls could do fourteen of the seventeen setting up exercises in the U. S. Drill Manual. 58

These new routines were designed as much to reinforce the authoritarian type of control for which reform schools had been traditionally noted as they were to improve the physical condition of the inmates. With the decline of the contract system of labor, reform school officials were eager to find alternative ways to occupy the time of their inmates. As noted in Chapter II, William P. Letchworth pioneered a breakthrough in this area by securing (New York) state approval in 1885 to introduce a program of industrial training at the Western House of Refuge, Rochester. 59 "What we want," said one reformatory official, "is that preparation on the part of our inmates for some handicraft which will enable them . . . to care for themselves when released from the institution—the teaching of a trade for the trade's sake." Printing and carpentering were the two principal trades introduced. Agricultural training was rejected, "... as most of our boys come from cities, and will surely return to their former homes soon after leaving us."60 Some institutions introduced sloyd, a Swedish system of general manual training designed
to familiarize students with use of hand tools in wood carving and joining. 61

By the turn of the century, programs of industrial and manual training had been so thoroughly integrated into institutional routines, that a group of pedagogues led by David Snedden (1868-1951) of the Teachers College at Columbia University believed that reform schools offered better education than common schools. 62 Snedden's attraction to reform schools was understandable; he conceptualized education as a means to discipline children to standards of social efficiency rather than a way to transmit cultural heritage. He blamed public schools for having "failed largely to cooperate with and learn from juvenile reform schools" and urged them to correct their errors by classifying students on the basis of behavior and by introducing vocational education programs. 63

If public school officials were skeptical of Snedden's views, they could hardly be blamed. Reform schools were increasingly criticized both for cruelly treating their inmates and for failing to reform them. Josiah Flint Willard (1869-1907), nephew of temperance leader Frances E. Willard, ridiculed the cottage system of the Pennsylvania Western House of Refuge where he was committed for horsestealing in 1886:
The place was arranged on the cottage plan—the boys of a certain size being told off to a certain cottage. For instance, I was placed with lads much younger and far more inexperienced than I was simply because I was their height. It struck me at the time . . . that this was a very peculiar way of classifying prisoners, particularly boys.

Bored by the institution’s routine and harassed by constant beatings, Willard escaped to a nearby farmhouse where he made a successful plea for old clothes and shoes. "I'll only go to the devil in that school," he told the farmer. "It did me no good." The Illinois Reformatory at Pontiac did a boy named Hamlin, no good either. After being hung by chains on a wall for the better part of three days, he was alternately beaten and given the "water cure" until he died with his back broken in three places. The reform school, concluded one superintendent, "... is not the first aid to the injured but is the forlorn hope, the dernier resort—and begins only where others have ended in failure."

The National Conference of Charities and Correction increasingly became the forum for attacks upon established institutions for juvenile delinquents. In 1891 Homer Folks, Secretary of the Children's Aid Society of Pennsylvania, set the tone of criticism for the next decade by listing five major failures of the reform school:
1. The temptation it offers to parents and guardians to throw off their most sacred responsibilities . . .

2. The contaminating influence of association . . .

3. The enduring stigma . . . of having been committed . . .

4. . . . renders impossible the study and treatment of each child as an individual

5. The great dissimilarity between life in an institution and life outside. 68

Reformatory officials reacted predictably by denying that they crushed out individuality or fostered dependency and by complaining that they were forced to receive incorrigible youths who contaminated relatively innocent children. 69 Clearly, new ideas in institutional care were needed.

The sharpest critics of reform schools were also those who offered alternative plans. Joseph G. Rosengarten of the Philadelphia Charity Organization Society proposed in 1881 a new role for that group. Instead of scrutinizing public and private charity for "the mischief of indiscriminate almsgiving," he believed that the society should gather information about reform school inmates and also, maintain a home either to help them find employment upon release or to place them in good families. 70 In 1890 the Children's Aid Society of Pennsylvania, with the cooperation of local criminal courts, went a step further by offering to receive delinquent children prior to their commitment to reform school. The experiment was not undertaken without misgiving. "We have sometimes left our wards in their home with fear
and trembling, and returned half expecting the next mail to announce their evil doing and disappearance," Homer Folks recalled. "But we have been happily surprised as weeks passed by and all the reports were hopeful." 71

Unlike earlier Children's Aid Societies, the Pennsylvania group carefully checked families applying for children in order to avoid charges of exploitation. Approved families received a $2.00 weekly allowance to school, clothe and provide for a delinquent child. The New York Society for the Prevention of Cruelty to Children established a similar program after influencing passage of legislation which enabled it to receive children who otherwise would have been criminally convicted. 72

During the last quarter of the nineteenth century, a few states passed probation laws, designed to keep children out of reform schools. Usually, as in the case of New York and California, these laws depended upon private charitable societies to receive delinquents and to supervise their probation. 73 Massachusetts, however, continued to increase the size of its state visiting agency which was established in 1869 to serve as a parole and probation office for the delinquents of that state. 74 After 1900 the experience of this agency proved helpful to other states who were faced with demands for a public probation system in the wake of the juvenile court movement.
At the same time advocates of placing out and probation were attempting to reform delinquents without incarcerating them, other men and women were establishing new types of institutions which they claimed were superior to older reform schools. Many industrial schools were founded in the late nineteenth century in an attempt to provide institutions for dependent and semi-delinquent children which were free from the opprobrium attached to the name "reform school." Certain girls were thought to be particularly appropriate subjects for industrial schools. Hastings Hart of the Russell Sage Foundation described the type:

The girl is not vicious, she does not want to do anything wrong, but she is in a critical and dangerous situation. She is giddy, headstrong, easily influenced. She needs to be kept safe for a year or two, until she comes to herself, and in the meantime she ought to receive such training as will either enable her to support herself or will make her a more efficient housewife and mother.75

In 1879 Illinois authorized private societies to establish industrial schools for girls and, shortly thereafter, a group of women opened a home in Evanston, Illinois.76 Similar schools were begun in Philadelphia, Baltimore and New York. These institutions must have helped at least some children, because they soon suffered from imitation, that most endearing form of flattery. Reform schools
began to call themselves industrial schools or, when that name also became suspect, training schools. The original industrial schools continued to reject seriously delinquent children.

New private reformatories and schools contributed some understanding to the care of delinquents, but they too avoided incorrigible children. William Marshall Fitts Round (1845-1906), a New York prison reformer, carefully supervised adoption of the cottage plan at the Burnham Industrial Farm, a private reformatory established in 1887. Believing, not without cause, that the original cottage system of Mettray and Hamburg had not received a fair trial in the United States, Round was determined that boys selected for the Burnham School would receive close personal supervision and live in family units, "not more than fifteen or twenty under one roof." He was also determined, as he wrote to former President Rutherford B. Hayes, "to save unruly, but not criminal boys." The school would not receive a boy charged with anything more serious than vagrancy, and many boys were received directly from parents or guardians.

The growth of private military schools around the turn of the century provided upper and middle class parents with institutions for those of their boys whose behavior caused mild concern. The Culver Military Academy, founded
in 1894, warned parents of the danger of sending their boys to college untamed: "There, with his mind unawakened and his moral nature undisciplined, he has fallen an easy victim to vicious companions or to the evil influences to which he must needs be exposed." Typical military school boys, according to Methodist clergyman, James Monroe Buckley, were "somewhat sluggish, little inclined to study, and are to some extent under the influence of other boys." They were not really juvenile delinquents and their schools did little to solve the problem of juvenile delinquency.

A much more significant contribution to understanding delinquency was made by William R. "Daddy" George (1866-1936), founder of the George Junior Republic. George was born near Ithaca, New York, but as a young man moved to New York City where he prospered in the export business. In 1890 he opened a fresh air camp for Manhattan street children in Freeville, New York, not far from his boyhood home. After a few years, George became convinced that the children were taking his charity for granted and that summer outings, far from helping them, conditioned them to a life of dependency. To discourage this tendency and to promote self-reliance, he began to require that everything be paid for by labor and that the children elect their own representatives to pass and to administer laws
of the camp. Youthful judges and policemen tried and punished violators of these laws, although "Daddy" George retained a veto power over actions of both judicial and legislative branches of government.

In 1895 the George Junior Republic was incorporated and began to operate on a year-round basis, accepting both dependent and delinquent children mostly from New York City. "Daddy" George recalled the effect of his reformatory methods upon the first "citizens" of the Republic:

Theoretical instruction or classroom lecture to teach the values of laws and property rights to them was simply infantile. In their daily life of practical experience they did the real thing. No idle play was their court of justice operated by their judge, attorneys and jurors; their jail and its warden; their police force with its physically fit 'cops'; their town meeting where they enacted their own laws; their president who made these laws enforceable by his signature; their bank; their store; their employment at trades for which they received payment based on the value of the labor they performed. In plain words it was conditions and not theories that daily confronted them.83

The records of this institution reflect the great emphasis which George placed upon teaching children to accumulate their own wealth. Instead of the usual inmate register noting crime committed, habits of parents, length of commitment, etc., the Republic accounted for individuals by their economic standing within the institution (see following table).84
### Table 1

**Wealth of Citizens in the George Junior Republic**

<table>
<thead>
<tr>
<th>Name</th>
<th>Occupation</th>
<th>Age</th>
<th>In Junior Republic</th>
<th>Wealth in Cash</th>
<th>Bank Account</th>
<th>Loaned</th>
<th>Personal Property</th>
<th>Indebtedness</th>
<th>Total Wealth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anderson, Arthur</td>
<td>Publishing House</td>
<td>13</td>
<td>2½ years</td>
<td>$.60</td>
<td>No</td>
<td>$1.60</td>
<td>$15.00</td>
<td>No</td>
<td>$17.20</td>
</tr>
<tr>
<td>Jackson, Gilbert</td>
<td>Hotel Keeper</td>
<td>14</td>
<td>2½ years</td>
<td>No</td>
<td>$16.00</td>
<td>$13.25</td>
<td>$2.50</td>
<td>No</td>
<td>$31.75</td>
</tr>
<tr>
<td>Meade, Ella</td>
<td>Dining Room</td>
<td>16</td>
<td>1 year</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>$.40 Behind</td>
</tr>
</tbody>
</table>

* Papers of the George Junior Republic, Olin Library, Cornell University.
Those children who failed economically or who disobeyed the rules of the Republic were harshly treated. Laziness or foolish expenditures led to the pawnshop and the pauper's hotel—just like real life, according to "Daddy" George. Lawbreakers were tried and, if found guilty, sent to the Republic jail where they donned striped suits and worked on the rockpile under the watchful eye of an armed citizen. The Republic "yell" epitomized its spirit:

Cssss! Boom! Hear ye this!
Down with the boss; down with the tramp;
Down with the pauper; down with the scamp;
Up with the freeman; up with the wise;
Up with the thrifty; on to the prize;
Who are we? why, we are,
Citizens of the George Junior Republic!

The George Junior Republic inspired growth of Republic reform schools throughout the country and adoption of self-government as an aid to reformation in existing institutions. Philanthropic citizens of Washington, D. C. and Baltimore combined to establish the National Junior Republic in 1899. The Pennsylvania George Junior Republic (1909), a replica of the parent Republic, was founded in the conviction "that delinquent youth could be saved socially by wise directed self-training in civic responsibility." The Toledo Newsboys' Association was governed like the Republic.
Perhaps because the George Junior Republic was twice investigated (in 1897 and 1913) and charged with untidiness and mistreatment by the New York State Board of Charities, state institutions were cautious in adopting inmate self-government. In 1901 the Lyman School for Boys abandoned a brief experiment in delegated power. One reform school superintendent asked, "Shall the dependent children, generally the offspring of shiftlessness and lawlessness, be left to the leadership of self-chosen members of their own fraternity, or shall the training of future citizens be given to God-fearing, sober-minded, law-abiding men and women of years and experience enough to lead their helpless, and often wayward, charges along safe paths to true manhood and womanhood?" \(^9\)

Some reformatory officials thought that the two methods were not mutually exclusive. In 1912 Calvin Derrick instituted modified civil government at the Preston School of Industry, Ione, California. Although he was critical of George's judicial system, believing that the Republic children were "concerned chiefly with prosecuting one another," Derrick knew that delinquents could be reformed within institutions only if they developed a sense of participation in their own destiny. "These boys do not understand our civilization, or at least they do not fit into it," he wrote. "Self-government starting with
the boy's view enables him to work out a civil and social order of his own, which he approves and understands . . .

His comfort, happiness and progress depend upon his social relations; his social relations depend upon his free choice of conduct in the field of self-government."\(^91\)

Thomas Mott Osborn (1859-1926), prison reformer and President of the George Junior Republic Association, went a step further by introducing limited self-government into Auburn and Sing Sing State Prisons in New York. Institutional authoritarianism, he believed, only prepared men for future institutions. As warden of Sing Sing, 1914-1916, he applied the principles of Auburn's Mutual Welfare League which enabled prisoners to control portions of their own leisure time.\(^92\)

The growth of a reformatory system in southern states near the turn of the century did not signal the origin of a new type of institution for delinquents, although it did reflect features unique to that section of the country.\(^93\) Populist governors like James K. Vardaman of Mississippi and Jeff Davis of Arkansas warred against the convict lease system by establishing self-sustaining prison farms over the opposition of labor contractors and plantation owners. At first, reformatories were built for whites only although Davis proposed a school "... where white boys might be taught some useful occupation
and the negro boys compelled to work and support the institution while it is being done. This would prove a blessing, not only to the white boy, but to the negro boy as well. 94

Many Negroes felt that their own privately maintained reformatories would be a greater blessing. In Virginia, John Henry Smyth (1844-1908), Minister to Liberia under President Hayes and editor of the Richmond, Virginia Reformer, led the crusade to remove delinquent negro boys from jail. "There is no middle ground, no house of refuge, correction, or reformatory for the black boy or girl who, from defective and from no training, has taken the first step downward," he said, "and, as a consequence, crime is accelerated and increased by law."95 In 1897 Smyth helped to establish the Virginia Manual Labor School, a private institution financed in part by railroad magnate, Collis P. Huntington. Believing that Negro delinquency resulted from parents encouraging their children to pursue unattainable goals, Smyth wrote:

Too many Negro children are guarded from soiling their hands and developing their muscles with necessary and useful toil . . . This encouragement of laziness can have but one outcome—the living in the sweat of others' faces than their own . . . to the extent that a child's mind becomes familiar with higher conditions and mind-work, to that degree does physical
exertion in the way of mere muscle-work become distasteful, and as a result the child becomes less efficient as a mere bread-winner by the sweat of his brow.96

Brow sweat became the order of the day at the Virginia School and similar institutions such as the Alabama "reformatory for Negro boys," established in 1910 by the State Federation of Colored Women's Clubs. Booker T. Washington's influence was reflected in the rigid agricultural and vocational routines aimed at preparing children for lives as menials. John Henry Smyth boasted, "... that for tractableness and responsiveness to kindly influences, delinquent Negro children show themselves of legitimate kinship to that race among whom, as the classic writer tells us, 'the gods delighted to disport themselves—the gentle Ethiopians'."97 Southern state governments occasionally aided efforts of negro reformatories, but their legislative action was piecemeal. Negro children served jail sentences even during the New Deal.98

Penal theory lay close beneath the surface of many innovations and changes in institutional care for delinquent children in the late nineteenth century. The imaginative proposals of Homer Folks and "Daddy" George were neither widely nor faithfully emulated. The reformatory system came to be increasingly distrusted as a way
of reforming children. America was rapidly becoming a modern urban society—a society which needed a new framework of reference to examine old and new social problems. The juvenile court provided the vehicle of change for juvenile delinquents.
Chapter III - Footnotes


3 George Combe, Notes on the United States of America During a Phrenological Visit in 1838-9-40 (Philadelphia, 1841), I, pp. xx-xxiii. The areas of concentrativeness and adhesiveness were located near the base of the skull. See also George Combe, Essays on Phrenology (Philadelphia, 1822).

4 Combe, Notes on the United States of America, I, 113.

5 Ibid., pp. 86-87. Not everyone was as optimistic as Howe and Combe. In 1840 James Silk Buckingham toured the New York Refuge and reported, "... the worst collection of countenances we had ever seen; ... the phrenologist and physiognomist would both have found abundant proofs of the general truths of their theories, that the shape of the cranium and the expression of the features are often faithful indexes of the minds within." See James Silk Buckingham, America: Historical, Statistical and Descriptive (London, 1841), I, p. 130.

6 Brace, Dangerous Classes, pp. 43-44. Gemmule is a diminutive for gemma, a biological term for a bud.


10 Ibid., pp. 136, 140. Hall's views on delinquency are available in more detail in G. Stanley Hall, Adolescence, I (New York, 1905), 334-410.


24 MacDonald, *Laboratory*, p. 2. MacDonald was no Social Darwinist. "Every child has the right to a proper bringing up," he decreed. "If it has no parents or its parents can not give it the rearing it has a right to the community or State should do it." See U. S. Congress, House of Representatives, Arthur MacDonald, *Juvenile Crime and Reformation*, 60 Cong., 1 Sess., Senate Doc. 532 (Washington, 1908), p. 51.


27 MacDonald, Juvenile Crime and Reformation, pp. 44-45, 296.

28 MacDonald, Laboratory, p. 4. The minority report was signed by Republican Representatives John J. Jenkins, Richard Wayne Parker, Charles Q. Tirrell and H. S. Caulfield.

29 MacDonald's own interests strayed from the study of juvenile depravity, but not from anthropometry. During the late 1920's, Senator Royal S. Copeland, Democrat of New York, attempted unsuccessfully to have him appointed "an official examiner of Congressional brain weights." In 1933 he studied the relative brain weights of Senators and Representatives and, because the Senators had a higher average weight, he concluded, "...it takes more brains to get into the Senate than into the House." Before his death in 1936 MacDonald wrote a book reflecting another subject of interest to him: The Scientific Political Training of Calvin Coolidge. Obituary in New York Times, October 18, 1936.

30 Thomas Travis, The Young Malefactor (New York, 1908), pp. 209-211.


36 Quoted in Katz, The Irony of Early School Reform, p. 181.


39 Higham, Strangers in the Land, p. 150.

40 Higham, Strangers in the Land, p. 150; Haller, Eugenics, pp. 40 ff.; an excellent study of the eugenics movement in one state, Wisconsin, is, Rudolph J. Vecoli, "Sterilization: A Progressive Measure?" Wisconsin Magazine of History, XLIII (Spring, 1960), 190-202. Like Higham, Vecoli points out the reformist appeal of eugenics with its appeal for state action and race improvement through education.

41 Higham, Strangers in the Land, pp. 150-153.

Norman Dain, *Concepts of Insanity in the United States, 1789-1865* (New Brunswick, New Jersey, 1964), pp. 204-210, notes the rise of pessimism about the curability of mentally ill persons after 1850. Crowded conditions in asylums combined with psychiatrists' inability to understand the problems of an increasingly poor, immigrant clientele defeated attempts at moral treatment and reduced the probability of achieving cures.


47 Deutsch, The Mentally Ill in America, pp. 352, 368-369.

48 Only one state, Oregon, permitted castration.

49 Both Martin Barr and Mary Ellen Lease, the Populist orator and, in 1895, President of the Kansas State Board of Charities hailed Pilcher as a heroic pathfinder. See Martin W. Barr, "President's Annual Address," Journal of Psycho-Astheneics, II (September, 1897), 1-13; Kansas Board of Trustees of the State Charitable Institutions, Ninth Biennial Report, 1892-1894 (Topeka, 1894), pp. 86-87.


52 "Estimated Number of Feeble Minded Persons in State Reformatories and Industrial Schools," The Training School Bulletin, IX (March, 1912), 8-10.


54 Proceedings of the National Prison Association (1888), 139.

55 Kansas Board of Control of State Charitable Institutions, Second Biennial Report (Topeka, 1908), p. 585.


59 See above, Chapter II, pp. 73-74.


63 Drost, David Snedden, p. 74.

64 Josiah Flynt, My Life (New York, 1908), p. 87. Willard wrote under the pen name Josiah Flynt.

65 Flynt, My Life, p. 97. In Notes of an Itinerant Policeman (Boston, 1900), pp. 85-91, Willard noted that many children who were incarcerated in local jails were awaiting trial and then commitment to reform schools.

66 Clarissa Olds Keeler, American Bastiles (Washington, 1910), pp. 8-9. This incident took place in 1907. The water cure consisted of blasting the prisoner with ice cold water from a thick hose. A variety of this treatment once used in a Georgia convict camp, was to shoot water into the nostrils of the prisoner, forcing blood from both his ears and nose. Ben Lindsey reported
that he witnessed the water cure applied to boys in the state reform school of Colorado during the 1890's, the decade before he opened his famous juvenile court. See Benjamin B. Lindsey and Rube Borough, The Dangerous Years (New York, 1931), p. 162.


69. See, for example, California, Whittier State School, Biennial Report of Trustees, 1892-1894 (Sacramento, 1894), pp. 8-9; Iowa, First Biennial Report of the Board of Control of State Institutions, 1898-1900 (Des Moines, 1900), pp. 174-175; Proceedings of the National Conference of Charities and Corrections (1902), 439-444. It would be interesting to know what part these attacks played in the decision of reformatory officials to establish in 1904 The National Conference on the Education of Backward, Truant and Delinquent Children.


71. Folks, "The Care of Delinquent Children," 140-144.


73. "An act . . . to provide for the probationary treatment of juvenile delinquents," 1883—ch. 91, The Statutes of California, 1883 (Sacramento, 1883), pp. 377-378. See also, Ohio, General and Local Acts, 1892 (Columbus, 1892), LXXXIX, 161. New York's reliance upon the S.P.C.C. has been noted above.

74. See above, Chapter II, pp. 73-74.

76 "An act to aid industrial schools for girls," Laws of the State of Illinois, 1879 (Springfield, 1879), pp. 309-313. This home was eventually taken over by the Illinois Children's Home and Aid Society.

77 Hart, Preventive Treatment of Neglected Children, pp. 70-71.

78 Frederick Burnham, a wealthy New York lawyer, bought a former Shaker community in upstate New York for his own use. At his wife's insistence, he donated this farm to a private non-profit group incorporated to reform "street Arabs" of New York City. In 1896 the name of the reformatory was changed to the Berkshire Industrial Farm.

79 W. M. F. Round to Rutherford B. Hayes, December 1, 1887, Rutherford B. Hayes Papers, Hayes Library, Fremont, Ohio.

80 Round to Hayes, September 24, 1889, Hayes Mss. Hayes had an active interest in prison reform and in 1883 was President of the National Prison Association.

81 Catalogue of the Culver Military Academy (Culver, Ind., 1897), pp. 26-27. Southern military academies were established in the mid-nineteenth century. Unlike northern military schools, they specifically trained their graduates for military careers.


83 Undated (1825?) radio speech by William R. George, Box 47 of the George Junior Republic Papers, Olin Library, Cornell University.

84 Box 2, Republic Mss.

85 Pictures of the Republic jail show children in leg irons, doing the humiliating "Sing Sing Shuffle" (head down, arm on the preceding prisoner) on their way to work. Even Sing Sing had abandoned this practice by the 1890's.

87 Jack R. Holl, Assistant Professor of History, Williams College, is completing a dissertation on the Republic movement under the direction of Professor David B. Davis of Cornell University.

88 Folder 800, Republic Mss. See also Earle D. Bruner, A Laboratory Study in Democracy (New York, 1927), pp. 2-6.

89 John E. Gunckel, Boyville (Toledo, Ohio), passim.

90 Charities, VI (June 1, 1901), 467-469. On the investigations of the Republic see the relevant Annual Reports of the New York State Board of Charities.

91 Quoted in Stuart Queen, The Passing of the County Jail (Menasha, Wisconsin, 1920), p. 121. See also, California, Board of Charities and Corrections, Sixth Biennial Report, 1912-1914 (Sacramento, 1915), pp. 73-75.

92 Thomas Mott Osborne, Society and Prisons (New Haven, 1916), pp. 139-164.


95 Proceedings of the National Conference on Charities and Corrections (1898), 472.

96 John Henry Smyth, "Negro Criminality," The Southern Workman and Farm Record, XXIX (1900), 625-631.

97 Ibid., 631.
Chapter IV - The Juvenile Court, 1899-1910

Dissatisfaction with efforts to reform juvenile delinquents was widespread but, by the 1890's, discontent was especially strong in Illinois. Many citizens were outraged by their state's inept handling of neglected and dependent children and were anxious to change the situation. "Illinois had been slow to appreciate the advances made by many of her sister states in the care of children," recalled Carl Kelsey, one of the juvenile court pioneers. Foremost among these reformers was John Peter Altgeld (1848-1902), who, as Governor of the state from 1892 to 1896, offended conservative opinion by pardoning the men accused of inciting the Haymarket Riot and by refusing to call federal troops to suppress the Pullman Strike. Even before Altgeld became Governor, he had been concerned enough about the brutal and indiscriminate treatment which children received in state and local jails to write a book protesting the practice. "Remember," he wrote in Our Penal Machinery and Its Victims, "brutal treatment brutalizes and thus prepares for crime."

In 1893 Governor Altgeld made his concern meaningful by appointing Julia C. Lathrop (1858-1932), a resident of Jane Addams' Hull-House, to the Board of State Commissioners.
of Public Charities. Miss Lathrop revived the concept of state supervision by carefully inspecting all of the state's county jails and poorhouses as well as its insane asylums, industrial schools and institutions for the deaf, blind and crippled. She soon focused her attention upon the plight of children held in jails or dumped in county almshouses. The 1898 report of the State Commissioners expressed her concern:

There are at the present moment in the State of Illinois, especially in the city of Chicago, thousands of children in need of active intervention for their preservation from physical, mental and moral destruction. Such intervention is demanded, not only by sympathetic consideration for their well-being, but also in the name of the commonwealth, for the preservation of the State. If the child is the material out of which men and women are made, the neglected child is the material out of which paupers and criminals are made.

Because the state had no reform school for younger boys and girls, these delinquents were often committed to privately sponsored industrial schools for dependent children where, according to Julia Lathrop, "their mingling with innocent children was undesirable." Otherwise, juvenile delinquents were sent to jail, or freed, "more hardened and more skillful with each experience." Some boys were sent to the reformatory at Pontiac, an institution intended for young men and adult misdemeanants.
Julia Lathrop's call for reform did not go unanswered. In 1895 the Chicago Women's Club sponsored the establishment of the John Worthy School for delinquents who were then being sent to the Chicago House of Correction. The school provided juveniles with part time instruction in basic subjects. Unfortunately, it failed to prevent the children from spending their free time with adult inmates.

In 1898 Horace Fletcher (1849-1919), a nutritionist and advocate of free kindergartens in the Chicago public school system, shocked public conscience with a tract reporting an encounter between a Chicago policeman and a four year old "baby crook" whom he had caught stealing cakes. Finally deciding to let the child go, the policeman barked, "if you git into my hands again I'll cut your ears off close ter yer head, and I'll sew yer mouth up so's yer can't eat no cakes, an' then I guess yer won't want ter steal 'em. Now git! yer little bastard, and ter hell wid you!" This story was widely discussed at the meeting of the Illinois Conference of Charities in 1898 which was devoted entirely to problems of state care of dependent and delinquent children. "Who are the children of the state?" asked Jenkin Lloyd Jones (1843-1918), Conference President and a renowned Unitarian minister. "All children are children of the state or else none are," he answered himself. "The state is but the
coordinated parentage of childhood, yielding to the
inexorable logic of civilization that will compel co-
partnership, co-operation, corporate life and conscience." ¹⁰
After a great deal of debate, Frederick Wines, one of
the foremost American students of prison reform, proposed
a plan of action. "What we should have, in our system
of criminal jurisprudence, is an entirely separate system
of courts for children, in large cities, who commit
offenses which would be criminal in adults," he said. "We
ought to have a 'children's court' in Chicago, and we
ought to have a 'children's judge', who should attend
to no other business." ¹¹

In 1895 the state legislation necessary to provide
such a court had been deferred on the grounds that it might
not be constitutional. ¹² But the legal fraternity in
Illinois, notably the Chicago Bar Association, was also
troubled by the state's inability to provide reformatory
care for delinquent children. Lawyers were particularly
anxious to reverse what they regarded as a challenge to
the right of the state to assume parental power over
children legally determined to be in need of such care. In
1870 the Illinois Supreme Court had reversed the vagrancy
conviction of Daniel O'Connell to the Chicago Reform School
on the grounds that Daniel had been imprisoned without
committing a crime and without due process of law. "Why
should minors be imprisoned for misfortune?" asked the Court. "Destitution of proper parental care, ignorance, idleness and vice, are misfortunes, not crimes . . . This boy is deprived of a father's care; bereft of home influences; has no freedom of action; is committed for an uncertain time; is branded as a prisoner; made subject to the will of others, and thus feels that he is a slave." Chicago circuit court judge (and later, first judge of the juvenile court) Richard S. Tuthill believed that this decision explained the absence of a state reform school. In the O'Connell case, said Tuthill, the state supreme court "overthrew the whole prospect we then had of getting a chance to aid the boys."  

This decision protecting the legal rights of child offenders found only a few companions in and outside of Illinois. Theodore Angelo, "about eleven years of age," escaped sentence to an Illinois reform school when his conviction for manslaughter was overturned because the prosecuting attorney failed to question whether such a young child was capable of discerning the difference between right and wrong. In 1897 a California court freed Jonie Becknell from the Whittier State School on the ground that he had been committed solely on the basis of a grand jury hearing and "cannot be imprisoned as a criminal without a trial by jury."
Far more indicative of state attitudes toward juvenile delinquents was the case of Ah Peen of San Francisco, "a minor child, of the age of sixteen, leading an idle and dissolute life," who in 1876 was committed to an industrial school without a jury trial. Ah Peen's incarceration was a justifiable exercise of parens patriae, said the California Supreme Court, and therefore not subject to the safeguards of criminal prosecution. "The purpose in view is not punishment for offenses done," said the court, "but reformation and training of the child to habits of industry, with a view to his future usefulness when he shall have been reclaimed to society..."\(^{17}\)

In this and similar decisions, state courts cited the Crouse decision (4 Wharton 9, Pennsylvania, 1837), discussed in the first chapter.\(^{18}\)

It is not unreasonable to assume, however, that Illinois jurists and reformers, troubled by a menacing precedent concerning the constitutional rights of juvenile offenders, were anxious to obviate this issue by creating a new legal mechanism, a chancery or non-criminal court of equity which, by definition, would not have to be concerned with the rights of the accused child.\(^{19}\) They desired that the same protection which most reform schools enjoyed be extended to the entire legal process touching the delinquent: they wanted a special court for children which would be
considered a place of aid and education, not punishment. "The fundamental idea of the Juvenile Court is so simple it seems anyone ought to understand it," said Timothy Hurley, President of the Chicago Visitation and Aid Society, a Catholic charitable organization whose favorable attitude facilitated the establishment of the court. "It is, to be perfectly plain, a return to paternalism. It is the acknowledgement by the State of its relationship as the parent to every child within its borders. Civilization for years lost sight of this relationship and as a consequence the utter demoralization of society was threatened." 20

With widespread support from the Chicago Bar Association and philanthropic reformers, the Illinois legislature unanimously passed in 1899 "An act to regulate the treatment and control of dependent, neglected and delinquent children." 21 Focusing primarily upon delinquent children, this act united extant legislation affecting juvenile delinquents in two states, Massachusetts and New York. It combined the concept of probation as developed in Massachusetts with several New York laws providing for special trial sessions and detention for delinquents. 22 There was, however, no provision for paying probation officers, a deliberate omission based upon the "well founded belief" that officers appointed through political
Influence "would render the law useless and inoperative."\(^{23}\)

In 1905 Homer Folks, Secretary of the State Charities Aid Association of New York, spoke of the importance of the Chicago Juvenile Court: "Although some of its beginnings were had in some of the eastern states, its great progress and development, its distinctive character, its propaganda, all took their origin in the city of Chicago. And I think it is from this city that we have drawn some of the best ideas of what the juvenile court should be and what it should do . . . the central idea . . . is that the juvenile court is the community pondering upon the problem of the exceptional child."\(^{24}\)

By 1912 Grace Abbott, director of the Immigrant Protective League and Chief of the U. S. Children's Bureau from 1921 to 1934, noted that twenty-two states and the District of Columbia had passed and sustained juvenile court legislation. Other states had modified their laws regarding delinquent children, but they failed in some way to meet Miss Abbott's three criteria for a juvenile court: "the child offender is regarded not as a criminal but as a delinquent; he is kept entirely separate from the adult offender, and the probation system is used whenever practicable."\(^{25}\)

Women's clubs were especially influential in spreading the juvenile court idea. Hannah Kent Schoff, President of
the National Congress of Mothers, led the campaign to get Pennsylvania to adopt a juvenile court law in 1903 and her organization contributed to the support of probation officers for the new court. Similarly, Charlotte C. Eliot and the ladies of the Humanity Club of St. Louis helped to secure a juvenile court for that city.26

A recent student of the juvenile court movement has asserted that it was built on "a maternal view of the world" and that "feminist organizations were instrumental in influencing public opinion in favor of the juvenile court."27 This view, true in part, neglects not only the legislative contributions of overwhelming masculine legal associations, but also the importance of male juvenile court judges in administering the program. Judge Tuthill of the Chicago court described his approach: "I talk with the boy, give him a good talk, just as I would my own boy, and find myself as much interested in some of these boys as I would if they were my own . . ."28 "It is the personal touch that does it," said George W. Stubbs, judge of the juvenile court in Indianapolis. "I have often observed that if I sat on a high platform behind a high desk . . . with the boy on the prisoner's bench some distance away, that my words had little effect on him; but if I could get close enough to him to put my hand on his head or shoulder, or my arm around him, in
nearly every such case I could get his confidence."  

No one better illustrated the importance of "the personal touch" or, as he called it, "the artistry of human approach" than Benjamin Barr Lindsey (1870-1943), Judge of the Circuit Court of Arapahoe County (Denver), Colorado. As a boy, Lindsey worked as a janitor and newsboy to support his family. When he began to read law, he was unable to grasp the technicalities and sophistries of the subject and, he became so discouraged that at one time he tried to kill himself. Sobered by the experience, Lindsey redoubled his efforts to master the legal profession and, in 1894, he was admitted to the Colorado bar.  

Lindsey's first case took him to Denver's West Side Jail to meet his clients. He described the encounter: "At the end of a corridor I came in front of a cage on the floor of which were two small boys engaged in gambling with two grown men . . . . I found that these boys had already been in jail more than 60 days and had learned to play poker from their older cell mates, a safe cracker and a horse thief, upon whom they had come to look as great heroes."  

Although Lindsey obtained freedom for these boys and others like them, he was unable to achieve any comprehensive reform until 1900 when he was appointed
to the probate division of the circuit court as a result of his loyal service to the Democratic Party of Colorado.

At first Lindsey's probate court had no special legislation to enable him to discriminate in favor of juvenile delinquents. 32 But, as he said, "It is not so much a question of law as a question of doing the thing." 33 Lindsey's "thing" consisted not only of comradely talks with individual delinquents in court and private chambers, but also of "snitching bees" with gangs of boys—sessions in which youths confessed their peccadillos to the judge, who, in return, protected them from police harassment on condition of their future good behavior. 34 Lindsey's approach inspired great loyalty and affection from youngsters, even those whom he finally had to send to the state reform school. "My dear friend," wrote Charles Wise, an inmate at the State Industrial School for Boys, "I would like to know how you are. I read your last letter. I was very glad to hear you were coming (sic)." 35 Lindsey confounded oppressive police officers who believed that he had "hypnotized" the boys of Denver. "Why couldn't they see how violence projected violence, hate projected hate?" he wondered. 36

Lindsey was a breath of fresh air compared to the deterministic academics studying juvenile delinquency at the turn of the century. To the University of Chicago
criminologist Charles Richmond Henderson he wrote, "I do not believe that the physical defect is often present, or at least responsible for any misdemeanor, unless it might be, and frequently is, the case that an empty stomach may prompt a boy to certain acts which otherwise he would not be guilty of." He could also be pleasantly naive as this letter to G. Stanley Hall demonstrates:

I wish to say that the methods I have employed here have simply grown up as a result of my observations and experience, and I have up to this time purposely refrained from consulting or studying any sociological works for fear I might imbibe (sic) some theory, preferring to work things out from what seemed to me the practical standpoint, and after an experience of four years I am glad I have taken this course... At the present time I am simply trying and hoping to learn.

By "trying and hoping to learn" Lindsey was able to secure the passage of a juvenile court law, a law punishing parents who neglected their children and numerous other measures protecting the children of Colorado. He became a leading figure in the Progressive Party and championed many reform causes in what he called "the larger fight."

"More than through books I saw through the tears and misfortune of these children, the defects and injustice in our social, political and economic conditions, and I have to thank the child for my education. I owe more to the children than they owe to me," he said. Always the
center of contention, Lindsey was disbarred in 1927 for illegally accepting a gift in his capacity as judge. When the State Supreme Court reinstated him in 1935, he had moved to Los Angeles and had been elected to the Los Angeles Superior Court. His advocacy of birth control and trial marriage did not alter his concept of juvenile reform. "So much depends upon personnel," he wrote Father Flanagan of Nebraska's Boys' Town in 1941. Almost forty years earlier he had written, "The Juvenile Court rests upon the principle of love. Of course there is firmness and justice, for without this there would be danger in leniency. But there is no justice without love."

Many of Lindsey's contemporaries during the early days of the juvenile court believed that the new institution would need more than love or judicial personality in order to be an effective reformatory agency. Specifically, they believed that delinquency could be combated more efficiently by a professional probation bureaucracy than by a charismatic judge. Julian W. Mack (1866-1943), Judge of the Chicago Juvenile Court from 1905 to 1907 and later a distinguished federal judge and Jewish leader, regarded Lindsey's success and popularity as threatening to the future development of the court. "Judge Lindsey cannot be imitated, because his work depends upon his personality," he said. "His real greatness is his work as his own chief
probation officer. Now, if a judge happens to be fitted by nature to be the chief probation officer in his community, and if his community is of a size that he can combine the work of the judge and chief probation officer, that community is fortunate. But the lines of our work should not be laid out on the basis that we are going to find that unique personality in any of our communities.\(^4\)

Lindsey himself encouraged the development of a probation system in Denver although his personality seemed to hinder its development elsewhere.\(^5\)

Probation had existed in various forms before the inception of the juvenile court, but it was radically extended in the wake of the court movement. And, like the court itself, probation systems varied considerably from one place to another. By 1902, Rhode Island, Indiana, Minnesota and New Jersey had followed Massachusetts' example by passing state probation laws which provided for paid state agents to assist the juvenile courts. San Francisco and Washington, D. C. passed municipal ordinances for the same purpose. State laws also permitted courts in other cities—Chicago, Philadelphia, Boston and New York for example—to utilize services of volunteers from the same child saving societies, settlement houses and municipal organizations who had campaigned to establish the juvenile court.\(^6\)
Probation officers, whatever their sympathies for delinquent children, considered themselves servants of the judge of the juvenile court, not defenders of the rights of children. They gathered what they regarded as relevant facts and opinions on each case in order to help the judge make his disposition. Because children in juvenile court were no longer subject to criminal law, probation officers dismissed due process safeguards of that law as unnecessary or even injurious—an attitude which often obscured or eliminated the proof of facts essential to establish the court’s authority to intervene in the circumstances. For their part, juvenile court judges saw nothing anomalous about returning children to the supervisory care of the same probation officer whose testimony had placed them at the court’s mercy in the first place.⁴⁵

At first, most juvenile courts relied upon volunteer juvenile probation officers whose importance was heavily emphasized. Their work, said one observer, "is the cord upon which all the pearls of the Juvenile Court are strung. It is the keynote of a beautiful harmony, without it the Juvenile Court could not exist."⁴⁶ In fact, the "beautiful harmony" was often a set of balanced antagonisms between ethnic groups or between Protestant and Catholic child saving societies. Frederic Almy, secretary-treasurer of
The Charity Organization Society of Buffalo, described the careful ethnic and religious division of probation responsibility in his city:

Of the ten probation officers in Buffalo all are unpaid for this special work, but two are truant officers, two are officers of the Charity Organization Society, and one is the head worker of Welcome Hall, a leading settlement. The city is divided into two districts, in each of which there are a Catholic and a Protestant female officer for the girls and younger boys, and a Catholic and Protestant male officer for the older boys. There are a Jewish officer and a Polish officer for the city at large.47

The development of the probation system in Chicago serves best to illustrate the delicate nature of voluntary support as well as the consequences of replacing volunteers with publicly paid "civil service" professionals. As we have already noted, the Chicago Juvenile Court initially had the enthusiastic support of all local philanthropic organizations. As a continuing token of their support, these groups sent privately paid representatives to the juvenile court as probation officers. Timothy Hurley of the (Catholic) Visitation and Aid Society served as principal probation officer, while the predominantly Protestant Illinois Children's Home and Aid Society also contributed an officer.48

The Chicago Women's Club, under the leadership of Lucy Flower and Louise de Koven Bowen, provided the salary of Mrs. Alzina Stevens, a Hull-House resident and the first
female officer of the court. In 1902 Mrs. Flower and Mrs. Bowen helped to found the Juvenile Court Committee which not only mobilized financial support for Protestant probation officers, but also established a detention home for children awaiting hearing in Chicago Juvenile Court.⁴⁹

Timothy Hurley strongly supported this voluntary system, because he believed it guaranteed that child probationers would be placed in families of their own religion if they could not be returned to their own homes. "Atheists fight this here," he wrote to Ben Lindsey.⁵⁰ The atheists he was probably referring to were the women of the Juvenile Court Committee, the residents of Hull-House and particularly, Judge Julian W. Mack. In 1903 Mack had been appointed to the Illinois Civil Service Commission. Two years later, with the help of the Juvenile Court Committee, he helped secure passage of an amendment to the Juvenile Court law providing for a publicly supported probation force which was to be selected competitively on the basis of a civil service exam. As a result of this test, Henry W. Thurston, a sociologist at Chicago Normal School, replaced Hurley as Chief Probation Officer. The remainder of the staff consisted solely of representatives from Protestant organizations. The "beautiful harmony" had been shattered.⁵¹
Timothy Hurley and members of the Visitation and Aid Society had some reason to feel aggrieved. Under the pretense of civil service reform, they had been excluded from helping Catholic children appearing before the Juvenile Court, just as their ancestors had been prevented from assisting Catholic youths locked inside houses of refuge. Henry Thurston minimized religious differences, but Louise de Koven Bowen, one of the graders of the civil service exams, ridiculed the efforts of Catholic candidates, particularly one man who gave his qualifications as 
"... having had charge of four boys who bid fair to be criminals, and made priests out of all four." Mrs. Bowen was nearly mobbed during several speaking appearances.

In 1907 Hurley took a measure of revenge when he was appointed to the Chicago Circuit Court and convinced his fellow judges to vote Julian Mack off the bench of the Juvenile Court. Hurley's enthusiasm for the legal prerogatives of the juvenile court had diminished considerably by this time. "Children and parents have constitutional rights and they must be observed," he said. "God, in his goodness and mercy, blessed parents with children, and before the court severs the relations of parent and child, ... greatest care should be exercised."

Probation officers often exacerbated religious animosities by assuming an authoritarian attitude toward
probationers and their families, many of whom were both foreign-born and poor. "When my son is so ruthlessly torn away from me, it gives me much pain," a bereaved father wrote to Ben Lindsey, protesting the highhanded methods of one officer. Homer Folks, the leading advocate of probation, defended the right of the court authority to enter the delinquent's home as, "the very essence of the probation system." Although Folks believed that probation visiting must be friendly in order to be successful, he warned at the same time that it "must utilize to the fullest degree whatever advantages there are in the shock caused by apprehension of the child, by the court proceedings and the judge's counsel." Probation, he concluded, "provides a new kind of reformatory, without walls and without much coercion." 

Coercion, however, lurked close to the surface. Probation officers emphasized the friendly aspect of visitation, but simultaneously they felt compelled to threaten the delinquent and his family. "When sterner treatment was demanded," said one officer, "the friendly adviser became the official representative of the court with the demand that certain conditions be observed or that the probationer be returned to the court." "All right-minded people are willing to have boys and girls have chances to do the right
thing," wrote Henry Thurston, "but after they persistently throw chances away the same people have a right to insist that these young people be really controlled, even if it takes a criminal court process to do it." 59

The passage of parental delinquency laws during the first decade of the twentieth century (often as amendments to juvenile court laws) reflected another traditional attitude toward juvenile delinquency—blaming parents for the faults of their children. 60 Ben Lindsey berated "the careless father, unworthy as a man, dangerous as a citizen," and he influenced the passage of a Colorado law providing jail sentences and fines for parents whose children the juvenile court determined were dependent or neglected. 61 In Kansas, parents could be "fined in a sum not to exceed $1000, or imprisoned in the county jail for a period not to exceed one year, or . . . both" for contributing to or encouraging the delinquencies of their children. 62

Parental delinquency laws widened the scope of some juvenile courts, making them rudimentary family courts. Among the most active supporters of this development were two hitherto unknown reformers, Bernard Flexner (1865-1945), a Louisville lawyer who excelled in corporate finance as well as juvenile court law and Roger Nash Baldwin (1884- ), a St. Louis social worker who later
founded and served as first director of the American Civil Liberties Union. Flexner served as contributing editor of *Survey*, the unofficial journal of early social workers, and in 1910, he edited the magazine's special edition commemorating the tenth anniversary of the juvenile court. In their various writings, but especially in their joint work, *The Juvenile Courts and Probation*, Flexner and Baldwin contended that while the court's treatment of the child had "fully justified itself," it had failed to treat "the adult responsible for the child's condition." Thus, they advocated a new type of court "to deal more effectively with the family which produces the neglected or delinquent child, who is merely a factor in the larger and more complicated problem."64

The development of domestic relations courts, beginning in Buffalo in 1910 and dealing primarily with cases of non-support and desertion, augmented the movement toward family courts. In 1914 in Hamilton County (Cincinnati), Ohio, the juvenile court and the domestic relations court were joined to create the first official family court in the United States. The aim of this court, according to Judge Charles W. Hoffman, its foremost spokesman, was to provide "for the consideration of all matters relating to the family in one court of exclusive jurisdiction, in which the same methods of procedure shall prevail as in
the juvenile court and in which it will be possible to consider social evidence as distinguished from legal evidence. In fact, providing for a family court is no more than increasing the jurisdiction of the juvenile court and designating it by the more comprehensive term of family court.  

During World War I and throughout the 1920's, the family court and the domestic relations court increased the impact of the juvenile court by carrying out its essential function under different organizational guises.

* * * * *

Heretofore, our discussion of the initial development of juvenile courts and probation systems has emphasized the persistence of ideas reminiscent of early reform school officials and their supporters. Although the judge and the probation officer were supposed to protect children from the harsh authoritarianism of the reformatory, they often threatened youths with the prospect of incarceration or they used home visitations and court sessions to scold delinquents and their parents for failing to foresee the consequences of their misdemeanors.  

Again, the developments in Illinois reflected the reformers' belief that criminal sanctions were ultimately necessary in order to
control delinquency. The state, which lacked a reform school prior to the creation of the juvenile court, established a cottage institution at St. Charles in 1904. Significantly, this school materialized largely because of the efforts of Judge Tuthill, Lucy Flower and Louise de Koven Bowen.

But while those concerned with solving the problem of juvenile delinquency continued to have faith in the deterrent effect of punishment and the reformatory power of the concept of individual moral accountability, they did not believe that delinquents could be reformed merely by being lectured and locked up. Julia Lathrop, Bernard Flexner and Homer Folks were more interested in understanding and combating poverty, crime and disease—the larger social problems of which delinquency was only one part. "All children need for successful rearing the same conditions: homes of physical and moral decency, fresh air, education, recreation, the fond care of wise fathers and mothers," said Julia Lathrop. "These essentials curtailed at any point, the degree of human wastage grows with the curtailment. No institution, no probation system, no orders of court, can instantly produce from chaos these essentials." According to Homer Folks, the probation officer should regard the offense of the delinquent "as the joint product of his individuality and his environment.
and (the officer) seeks to influence both factors so that
they will work together for good. "69

Around the turn of the century, reformers established
a number of schools of philanthropy and social work to
gain a better understanding of environmental forces. The
New York School of Philanthropy, the first school for
the professional training of social workers, was founded
in 1898. In 1907, the Misses Sophonisba P. Breckinridge
(1866-1948) and Edith Abbott (1876-1957) began their dis-
tinguished careers in social work administration as
"Directors of the Department of Social Investigation" in
Graham Taylor's Chicago School of Civics and Philanthropy.
In 1917 the New York institution became the New York
School for Social Work while the University of Chicago
adopted Chicago School of Civics in 1920 and, in 1924,
renamed it the School of Social Service Administration. 70
Roy Lubove has demonstrated how these schools stimulated
conversion of social work from a voluntary activity to a
profession seeking environmental explanations for social
problems. 71

Children, because they seemed poignant victims of
exploitive forces and because they embodied reformers'
hopes for a better future, became the focal point of social
concern. Robert Wiebe has noted, "If humanitarian pro-
gressivism had a central theme, it was the child. He united
the campaigns for health, education, and a richer city environment, and he dominated much of the interest in labor legislation . . . The most popular version of legal and penal reform also emphasized the needs of youth.72 Juvenile delinquents, like child laborers and tubercular youths, seemingly would find little reason to exist in the brighter days ahead.

In 1910, however, great numbers of delinquents existed and appeared regularly in juvenile courts through the country. The court was being criticized more often, because judges were failing to deal sympathetically with the children and also because court routine was being cluttered by activities which properly belonged to other agencies. Securing for the child medicine, shoes, clothes and school books may have been the humane thing to do, but, as sociologist Thomas D. Eliot said, "if this be granted, no line can be drawn short of a court administering all the children's charities; as a sort of department of maladjusted children, many of whom might have been kept normal had the community shouldered the task in time."73 Eliot advocated replacing the court with expanded community services and, as we have noted, Flexner, Baldwin and Judge Hoffman proposed to modify it with a new approach emphasizing the family.74
But whatever its form or mission, the day of the juvenile court was not over yet. By virtue of its considerable administrative power and its convenient municipal location—delinquents' personal histories were filed here and delinquents themselves could be studied here—the court was to serve as a laboratory for the professional study of juvenile delinquency. The social and medical scientists who flocked into this laboratory during the quarter century preceding the New Deal laid the basis for modern attitudes toward juvenile delinquency.
Chapter IV - Footnotes


2 A sympathetic study of the Chicago reformers in Ray Ginger, Altgeld's America, 1890-1915 (Chicago, 1965). According to Ginger, reformers such as Altgeld, Julia Lathrop, Jane Addams and Florence Kelley drew inspiration for their efforts from the humanity of Lincoln and the moral righteousness of the Union cause in the Civil War.

3 John P. Altgeld, Our Penal Machinery and Its Victims (Chicago, 1866), p. 32.


7 Ibid., p. 291.

8 John Worthy was superintendent of the House of Correction in 1895.

9 Horace Fletcher, That Last Waif or Social Quarantine (Chicago, 1898), pp. 27-28.

11 Ibid., p. 336.


15 Angelo v. The People, 96 Illinois 209 (1880).

16 Ex parte Becknell, 51 Pacific Reporter 692 (California, 1897).

17 Ex parte Ah Peen, 51 California 280 (1876).

18 See above, pp. 14-15. For similar cases see In re Ferrier, 103 Illinois 367 (1882) and Prescott v. The State, 19 Ohio 184 (1870); Milwaukee Industrial School v. The Supervisors of Milwaukee County, 40 Wisconsin 328 (1876); Rule v. Geddes, 23 App. D. C. 31 (1904).

19 According to Grace Abbott, "Our equity courts are the American substitute for the English High Court of Chancery, which was the keeper of the king's conscience in applying the principles of equity to cases in which the right rules of law alone would not result in justice. They exercised the prerogative of the crown or of the state as parens patriae in behalf of children whose welfare was in jeopardy." Abbott, The Child and the State. II, p. 331. See also Herbert H. Lou, Juvenile Courts in the United States (Chapel Hill, 1927), pp. 1-11 and Bernard Flexner, "The Juvenile Court--Its Legal Aspect," Annals of the American Academy, XXXVI (July, 1910), 49-56.

20 Hurley, The Origin of the Juvenile Court Law, p. 56.


23 **Charities, X** (January 3, 1903), 14-15.


26 Hannah Kent Schoff, The Wayward Child (Indianap- 
opolis, 1915), pp. 206-234; Hannah Kent Schoff, "Pennsyl-
vania's Unfortunate Children," Charities, XI (November 7, 
1903), 425-428; Charlotte C. Eliot, "Before and After in St. 
Louis," Charities, XI (November 7, 1903), 430-432.

27 Anthony M. Platt, "The Child Savers: the 
Emergence of the Juvenile Court in Chicago," unpublished 
Ph.D. dissertation, University of California, Berkeley, 
1966, p. 5.

28 Commercial Club of Chicago, How Can Juvenile 
Offenders be Cared for and Reformed? p. 60.

29 Quoted in U. S. Cong. H. R., Children's Courts 
in the U. S., 58 Cong., 2 Sess. (1904), Doc. 701, 
p. xiii. See also Julian W. Mack, "The Law and the 
Child," Survey, XXIII (February 5, 1910), 642 and Harvey 
H. Baker, "Procedure of the Boston Juvenile Court," 
Survey, XXIII (February 5, 1910), 643-652.


31 Benjamin B. Lindsey and Rube Borough, The 
Dangerous Life (New York, 1931), p. 49.

32 Benjamin B. Lindsey, "Denver Juvenile Court," 
Juvenile Record (February, 1902), 9-10. The Juvenile 
Record, later the Juvenile Court Record was the official 
organ of the (Chicago) Visitation and Aid Society.

33 Quoted in U. S. Cong. H. R., Children's Courts 
in the U. S., 58 Cong., 2 Sess. (1904), Doc. 701, p. xi. 
An analysis of Lindsey's social thought is Peter Gregg 
Slater, "Ben Lindsey and the Denver Juvenile Court: A 
Progressive Looks at Human Nature," American Quarterly, 
XX (Summer, 1968), 211-223.

34 A description of a "snitching bee" may be found 
in Lindsey and Borough, The Dangerous Life, pp. 120-130 
and Ben B. Lindsey, "The Reformation of Juvenile Delin-
quents through the Juvenile Court," Proceedings of the 
National Conference of Charities and Corrections (1903), 
206-230.

35 Charles Wise to Ben Lindsey, December 17, 1902 
Box 1, The Papers of Benjamin B. Lindsey, Library of 
Congress.
36 Lindsey and Borough, *The Dangerous Life*, p. 168.

37 Ben Lindsey to Charles Richmond Henderson, August 29, 1904, Lindsey Mss, Box 2.

38 Ben Lindsey to G. Stanley Hall, September 27, 1904, Lindsey Mss, Box 2.

39 Ben B. Lindsey, "My Lesson from the Juvenile Court," *Survey*, XXIII (February 5, 1910), 652-656.

40 Ben Lindsey to Father Flanagan, November 25, 1941, Lindsey Mss, Box 289.

41 Ben B. Lindsey, "The Boy and the Court," *Charities*, XIII (October 18, 1904), 354.

42 Julian W. Mack, "The Juvenile Court; the Judge and the Probation Officer," *Proceedings of the National Conference of Charities and Corrections* (1906), 123-125. Some of Lindsey's admirers even went further. James F. Hill of the Detroit Society for the Prevention of Cruelty to Children demanded a law requiring that judge as well as probation officer visit the home of the delinquent. See James F. Hill to Ben Lindsey, January 12, 1903, Lindsey Mss, Box 1.

43 Mack and other reform and philanthropic leaders were privately cool toward Lindsey although they continued to endorse his work in public. See Julian Mack to Julius Rosenwald (1925?), The Papers of Julius Rosenwald, University of Chicago Library.


45 These procedures have been the cause of much contemporary criticism of the juvenile court. See, for instance, Maxine Boord Virtue, *Survey of Metropolitan Courts, Detroit Area* (Ann Arbor, 1950), pp. 345-347 and *Public Services to Children in Michigan* (Ann Arbor, 1952), pp. 229-237.

46 Anon., "Third Day in Juvenile Court," *Juvenile Court Record*, II (February, 1901), 15-17.


50 Timothy Hurley to Ben Lindsey, January 1, 1903, Lindsey Mss, Box 1.

51 Parker, "Personnel and Organization in the Probation Department of the Juvenile Court of Cook County, 1899-1903," pp. 10-14.

52 Survey, XXIII (February 5, 1910), 665; Bowen, Growing Up With a City, pp. 115-118. As late as 1926, Hastings Hart described a reform school superintendent as "a Roman Catholic, but . . . a broad minded man." Hastings Hart to Graham Taylor, July 19, 1926. Taylor Mss, Newberry Library, Chicago, Illinois. Graham Taylor was founder of the settlement, Chicago Commons.

53 Charities, XVIII (July 13, 1907), 416-417.


55 Charles Wenske to Ben Lindsey, October 6, 1902, Lindsey Mss, Box 1.

56 Trattner, Homer Folks, p. 92.

57 Homer Folks, "Juvenile Probation," Proceedings of the National Conference of Charities and Corrections (1906), 117-122. Folks helped to establish the New York State Probation Commission in 1907 and served as its first President. The Commission provided state control and supervision of probation work and, by 1931, had been emulated by twenty other states. The National Probation Association was established in 1907.

59 Quoted in Charities, XX (May 30, 1908), 287-288.

60 These laws resembled colonial legislation which indentured "any idle or indigent Person, who hath a Family and who by his evil Course of life is likely to become a Town Charge." See Margaret Creech, Three Centuries of Poor Law Administration (Chicago, 1936), pp. 78-79.

61 Benjamin B. Lindsey, "The Child, the Parent and the Law," Juvenile Court Record (May, 1904), 9-10; "An Act concerning parents and other persons responsible for or by an act contributing to the dependency or neglect of children and providing for their punishment," 1905--ch. 81. Laws of Colorado, 1905 (Denver, 1905), pp. 163-165.


63 Survey, XXIII (February 5, 1910).

64 Bernard Flexner and Roger N. Baldwin, Juvenile Courts and Probation (New York, 1912), p. vii. This book was originally submitted to the National Probation Association as the report of the special committee on juvenile courts. Members of the committee included, among others, Ben Lindsey, Julian Mack, Julia Lathrop and Homer Folks. Relevant articles by Flexner and Baldwin appear in Survey, cited above, and also in Proceedings of the National Conference of Charities and Corrections (1910).

66 The transference of traditional attitudes toward delinquency from reform schools to home-centered probation systems may add to our understanding of the acceptability of the family as a child caring institution during the Progressive Era. The 1909 White House Conference on the Care of Dependent Children resolved that children must not be deprived of home life, "except for urgent and compelling reasons." See Proceedings of the Conference on the Care of Dependent Children, Washington, D. C., 1909 (Washington, 1909), p. 5. Theodore Roosevelt convened this meeting in January, 1909 as one of the last acts of his administration.

67 Parker, "Personnel and Supervision in the Probation Department of the Juvenile Court of Cook County, 1899-1903," pp. 7-20; Charities, XVIII (July 13, 1907), 416-417.


69 Quoted in Trattner, Homer Folks, p. 89. Parenthetical explanation added.

70 The history of the Chicago School of Civics is ably discussed by Louise C. Wade, Graham Taylor, pioneer for social justice, 1851-1938 (Chicago, 1964), pp. 161-185.


74 Thomas D. Eliot, The Juvenile Court and the Community (New York, 1914), passim.; on Flexner and Baldwin see above, pp. 166-167.
Chapter V - The Development of Modern Theories Toward Juvenile Delinquency, 1909-1935

As we have noted in Chapter III, the doctors and scientists who investigated juvenile delinquency in the late nineteenth and early twentieth centuries were essentially pessimistic about the chances of reforming persistent youthful offenders. Attracted by deterministic explanations of human conduct such as Lombrosian criminology or eugenics, men like Arthur MacDonald, Isaac N. Kerlin and Henry H. Goddard spent more time attempting to prove these gloomy theories than devising ways to improve juvenile delinquents.

Their concepts were strengthened by the origination and wide-spread application of intelligence tests designed to measure in quantifiable terms the mental abilities of children and, later, adults. Developed originally by French psychologist Alfred Binet (1857-1911), these tests were a series of problems, graded in difficulty and requiring for their solution little else but pencil, paper, pictures and a few common objects. In 1904 Binet tested Paris school children and, with the results, devised a rough scale aimed
at diagnosing feeble-minded or subnormal pupils. Before he died, Binet, in collaboration with other specialists, twice revised his scale, including within it the concept of mental age which further refined measurement of school children's academic achievement.

In the United States, Henry H. Goddard of the Vineland Training School became the leading apostle of Binet tests, first applying them in 1906 to the feeble-minded children in his institution. To Goddard, the tests were the ultimate weapon in confirming the common belief that persistent wrongdoers must be mentally defective. In 1911 he claimed, "... now we may say with perfect assurance that the Binet tests of intelligence are entirely satisfactory and can be relied upon to pick out the mental defective at least up to the age of twelve years. The public schools will be the clearing house for all these cases; they may be there tested and their mental condition found and they can then be cared for as condition leads ... When we have learned to discriminate and recognize the ability of each child and place upon him such burdens and responsibilities only as he is able to bear, then we shall have largely solved the problem of delinquency."¹

Because Binet tests were inexpensive and easy to administer, they were widely used, not only by public and private schools but also by juvenile courts, reform
schools, institutions for defective and dependent children and, eventually by the U. S. Army. Designed primarily to detect mental incapacity, they enthusiastically confirmed their purpose. During World War I, for instance, Army recruits were tested and their poor showing contributed to the popular fear that the United States was being inundated by a rapidly propagating population of idiots and morons.

Juvenile delinquents fared little better with Binet tests. Studies of boys in the Texas Reform School (Gatesville) and the Whittier State School (California) found most of them far below the average mental age for their respective chronological ages. Similar tests in New York reformatories also attempted to confirm the relationship of mental defectiveness to juvenile delinquency. Henry Goddard and his colleagues tested one hundred children in the Juvenile Court of Newark, New Jersey and fifty-six girls on probation from an anonymous reform school. In the first study they found only one normal child (that is, one whose chronological age corresponded to his mental age) and, in the latter, only four girls who were not feeble-minded. "Mabel B----, 16 years old physically; 10 years old mentally. Taken by her mother from a laundry where she and another girl had been spending the night with two Chinamen . . . Nina N----, 15½ years old
physically; 9.3 years old mentally . . . This girl absolutely incorrigible, steals, associates with commonest type of men, even yelling to them from House of Detention, absolutely immoral," read typical entries in the examination of girls detained by the Newark Juvenile Court. Much like Josephine Shaw Lowell fifty years earlier, Goddard demanded permanent institutionalization for such girls which would insure, "that this race should end with them; they shall never become the mothers of children who are like themselves." A psychologist testing children who passed through Judge Lindsey's court complained, "instead of sterilizing or segregating these people, we are still buying them Bibles." 

The fatalistic attitude of these psychologists and administrators failed to satisfy other, more sophisticated observers of delinquent and feeble-minded children. An early critic of intelligence test administrators raised the possibility—familiar even today, "that the differences in the classifications are primarily due to subjective differences in the examiners and not to objective differences in the groups examined." Two eminent psychologists, Robert M. Yerkes and James W. Bridges, categorically denounced the tests: "Indeed, we feel bound to say that the Binet scale has proved worse than useless in a very large number of cases." Even supporters of intelligence
tests such as psychologist James B. Miner cautioned against extremist interpretations of their results. "Nobody has suggested isolating all persistent delinquents," he claimed.11

Psychometric studies of juvenile delinquents in institutions declined after World War I as did the percentage of feeble-minded children supposedly discovered in each test. In twenty-four separate studies, 1910-1914, an average of forty-five percent of the children were termed feeble-minded; in sixty-five studies during the period, 1915-1919, this average dropped to thirty-two percent and, in fifty-six tests, 1920-1928, it declined to seventeen percent.12

* * * * *

The man who led scientific study of juvenile delinquency away from sterile efforts to quantify its relationship to mental ability or bodily form was William Healy (1869-1963), an English-born psychologist who was brought to the United States as a child. He studied at Harvard College and Medical School and also at the University of Chicago Medical School where he received his M.D. in 1900. After working as a physician at Wisconsin State Hospital and instructing in gynecology at Northwestern University
Medical School, he did postgraduate research in Vienna, Berlin and London in 1906 and 1907. Between 1903 and 1916 he was also an instructor and associate professor of nervous and mental diseases at the Chicago Polyclinic. In this capacity he came to the attention of Julia Lathrop who was heading a committee from Hull House and the Juvenile Protective Association seeking to establish a clinic to study repeated offenders (recidivists) in the Chicago Juvenile Court. 13 In 1909 the Juvenile Psychopathic Institute was founded with Healy as the first director.

For an initial five year period, the clinic was financed by Ethel Sturges Dummer (1866-1954), a wealthy Chicago philanthropist, who wished to support "an inquiry into the health of delinquent children in order to ascertain as far as possible in what degrees delinquency is caused or influenced by mental or physical defect or abnormality with the purpose of applying remedies in individual cases whenever possible." 14 Healy went beyond this mandate to examine not only the mental capacity and physical condition of Chicago's delinquents but also their social histories and, through psychiatric interviews, the attitudes and character of each child's mental life.

Healy's work in Chicago and, after 1917, at the Judge Baker Foundation in Boston stimulated the establishment of
many similar child guidance clinics, especially during the 1920's. At first, these clinics were organized in liaison with juvenile courts, but later they were usually founded in connection with hospitals, schools or community agencies where they could better serve children whose behavior problems required attention but not institutionalization. Child guidance clinics, together with habit clinics devoted to study and treatment of behavior problems of infancy, formed an integral part of the mental hygiene movement which also developed rapidly in the twenties. By 1931, 674 psychiatric clinics existed of which 232 were child guidance clinics employing, either full or part-time, a three member team of psychologist, psychiatrist and social worker.

William Healy could have hardly foreseen these developments when he began to study individual cases of children in the Chicago Juvenile Court. Indeed, by his own admission, he was still very much influenced by traditional scientific attitudes toward delinquency. As a charter member of the American Breeders Association (1903), he had been interested in the eugenic explanation of crime and, even in 1910, he spent a great deal of time measuring delinquents to see if they conformed to Lombroso's description of the born criminal. Also, his belief that persistent delinquents were feeble-minded led him to support their permanent institution-
Nevertheless, Healy refused to make an absolute correlation between mental defect and misconduct and, he believed that intelligence tests were unreliable indices of mental quality because they failed to take into account individual emotional factors. He was dissatisfied with the attempts of psychologists such as Edward Lee Thorndike (1874-1949) of Columbia to use tests to establish statistically the relationship between juvenile delinquency and mental backwardness. Psychology, he believed, should concentrate more upon introspection and reasoning than on searching for theoretical explanations based upon observable reactions to laboratory experiments. "Of general theory there is no lack," he said, "but when we come to that study of the individual which leads to clear understanding and scientific treatment, there is almost no guidance."

To fill this void, William Healy used a broadly diagnostic approach, personally examining each child for physical as well as psychological defects and, in cooperation with court probation officers and community social workers, obtaining information about the child's home and school life; at the same time, a psychologist (usually Augusta Bronner) administered mental tests. Healy and Bronner then discussed each case informally, often conferring with interested social workers in other
agencies. On the basis of diagnosis and discussion, Healy recommended to the Judge of the Chicago Juvenile Court a specific course of treatment for each child.

In 1917 Healy accepted the invitation of Judge Frederick P. Cabot of Boston to become the director of the Judge Baker Foundation (later the Judge Baker Guidance Center) in that city. There he was able to treat children as well as to study them and he received close cooperation from local social agencies and the Boston Juvenile Court. Until his retirement in 1946, Healy remained at the Judge Baker Center, refining and developing the methods of helping delinquents which he began in 1909.

The title of William Healy's first book, *The Individual Delinquent* (1915), indicated his and Augusta Bronner's attitude toward juvenile delinquency. In the introduction he wrote, "Our main conclusion is that every case will always need study by itself. When it comes to arraying data for the purpose of generalization about relative values of causative factors we experience difficulty." Typing or classifying a delinquent "may be an impossible task," said Healy. The complexity and variability of the causes of delinquency led him to emphasize the importance of studying "youthful recidivists" in order to understand the origins of their misbehavior; this knowledge would lead in turn to comprehension of "the structural
growth of whole delinquent careers." "Just because the delinquents' character is the result of a long-continued process of growth, one needs to regard him as the product of forces, as well as the sum of his present constituent parts; one must study him dynamically as well as statically, genetically as well as the finished result," he added.27 In short, Healy and Bronner were interested in the study of causations (etiology) not because they wished to construct a theory or theories rationalizing juvenile delinquency but rather, they were concerned "with the eminently practical and specific points of what can be done with certain given individuals" under their charge.28

Healy always recognized the importance of environmental factors in causing delinquency; he never doubted that social improvements would lessen crime.29 Nevertheless, his ability to help children depended largely upon his skill as a psychiatrist and thus he began to discuss environment in a familial or personal context and not as a broad social force. In his next book, Mental Conflicts and Misconduct (1917), he noted, "it comes out repeatedly in our histories that environment plays a great part, and particularly mental environment."30 Through psychiatric interviews he discovered "potent subconscious mental mechanisms working according to definite laws and . . . types of hidden early experiences which definitely evoke
these mental processes that are forerunners of miscon-
duct. These findings led him to believe that the
common feature of delinquents' "psychological environment"
was that they "never had any one near to them, particularly
in family life, who supplied opportunities for sympathetic
confidences." Healy and Bronner developed this theme most completely
in New Light on Delinquency and Its Treatment (1936), "a
comparison of the delinquent with a non-delinquent child
in the same family." Here they concluded: "The father
or mother either had not played a role that was admired
by the child or else on account of the lack of a deep
love relationship was not accepted as an ideal," and thus
"the origins of delinquency in every case unquestionably
represent the expression of desires and urges which are
otherwise unsatisfied." Healy and Bronner knew Freud's
work and reflected it in their stress upon the subcon-
sscious motivation of conduct. They feared, however, that
practitioners of Freudian psychiatry relied excessively
upon the curative power of theorizing on dreams and
probing the sexual nature of familial relationships. Their rejection of extreme Freudianism coupled with their
emphasis upon satisfactory family life as the key to
preventing delinquency led Healy and Bronner to blame
parents for the misbehavior of their children. How familiar
was this plea by Augusta Bronner to remove delinquent children from their home and place them out, "... a type of treatment that will remain much needed for long—indeed, until sufficient time has elapsed to make over unworthy or stupid parents, to teach them the principles of child-psychology, to alter in very fundamental ways a considerable share of mankind."  

In *Delinquents and Criminals: Their Making and Unmaking* (1925), Healy and Bronner were equally critical of reformatories and juvenile courts for failing to understand and to meet the needs of individual delinquents. Only few reform schools for boys (girls' schools, as we shall see, had a somewhat better record) such as the Whittier State School (California) were able to afford or willing to provide the skilled professional staff necessary to treat children psychiatrically. Even the advances of these institutions were precarious. Under the leadership of Frederick Nelles, superintendent from 1914 to 1927, the Whittier School developed a Bureau of Juvenile Research whose staff not only provided psychological care for the (male) inmates but also began a program of statewide community education through child guidance clinic demonstrations. One staff psychologist emphatically claimed, "The basic philosophy of correctional education has changed from the concept of punishment to
that of adjustment through the understanding of individual differences." During the 1930's, however, state political interference forced the departure of enlightened administrators and reduced the school's budget. Repression and cruel punishment once again became prevalent—and to such a degree that in 1940, following the suspicious death of Benny Moreno, a Mexican inmate, the state was forced to appoint Ben Lindsey to make a special investigation of the institution. Lindsey's findings led to conviction of two staff members on charges of assault and battery.

William Healy knew that most institutions for juvenile delinquents were either unable or unwilling to provide children with skilled psychiatric care, but he was surprised to learn that this approach was not particularly effective, even at the Judge Baker Center. Sheldon and Eleanor T. Glueck's One Thousand Delinquents: Their Treatment by Court and Clinic (1934), written as part of the Boston Crime Survey, noted the high rate of recidivism among children treated at the Center and by the Boston Juvenile Court. The Gluecks emphasized that just as delinquency was not caused by any single factor, rehabilitation could not occur in any one institution but required instead, "a delicate multifaceted approach." Healy admitted his disappointment over the findings of the
Crime Survey; he proposed, in a meeting with Felix Frankfurter of the Harvard Law School, to correct this failure by "an intensive clinical study and careful social supervision of a very small number of cases." In his study of the emergence of social work as a profession, Roy Lubove has noted that environmental explanations of dependency and delinquency were no longer fashionable among social workers and psychologists of the late 1920's and the 1930's. During the Depression, when vigorous exploration of social factors was needed, leading figures such as Virginia P. Robinson and Jessie Taft, both of the Pennsylvania School of Social Work, contended that juvenile misbehavior was caused mainly by conflicts within the individual psyche. Special institutions like the Montefiore School (1929) in the Chicago Public School System were established to provide intensive psychiatric care for a small number of delinquent and emotionally disturbed children. Also indicative of the popularity of this approach was the professional acclaim for August Aichhorn's, *Wayward Youth* (1935), an account of the use of Freudian methods in a German reform school during the Weimar Era.

William Healy continued to warn that psychoanalysis of delinquents and older criminals would do little good unless social and economic conditions were improved. His
research, however, continued to ignore his own warning. After a study of children at the Judge Baker Center with psychoanalyst Franz Alexander, he reemphasized his belief that crime would most likely be reduced "by a better understanding of the psychological processes which underlie human behavior in general and crime in particular." For Healy, and for most psychologists, the key to understanding delinquency was not better knowledge of its larger social milieu but rather psychiatric study of the individual delinquent's attitude toward his or her familial environment. Such study provided new perspectives for understanding youthful misbehavior and crime but, due to limited application, it did not noticeably reduce juvenile delinquency.

* * * * *

The number of girls being sent to reform schools in 1920 may not have been significantly affected by a greater comprehension of their psychological problems, but this new understanding made life inside these institutions a good deal pleasanter than had previously been the case. Female delinquency often involved sexual offenses and, in the Victorian Age, such moral lapses were regarded not as the way of all flesh but as signs of mental
incapacity. Therefore, girls' reform schools were commonly thought of as storage bins for witless moral transgressors who, for their own protection, would have to be imprisoned during their child-bearing years. And delinquent girls, because of the supposedly hereditable nature of their misbehavior, were particularly vulnerable to the alarmist conclusions which were drawn from intelligence tests.

The first signs of a more enlightened attitude toward female delinquency appeared before World War I. In 1908 Mary W. "Molly" Dewson (1874-1962), Superintendent of the Parole Department, State Industrial School for Girls (Lancaster, Mass.), denounced lengthy sentences based upon "mere lack of scholastic capacity." The female delinquent, she believed, could be reformed "by testing herself under real conditions." Although recognizing the need to detain "licentious girls," Molly Dewson and her successor, Edith N. Burleigh, placed most of the school's girls on probation as soon as possible. The (Chicago) Juvenile Protective Association, under the leadership of Jessie Binford, Executive Director from 1916 to 1952, rescued many girls from predicaments clearly not of their own making. "We must release virtue," said Jessie Binford, "not suppress vice."
World War I mobilization with its rapid proliferation of military training camps and consequent social disorganization gave added importance to the need for protective work with girls. Investigators from the Juvenile Protective Association and from other wartime emergency groups such as the Committee of Protective Work for Girls (part of the Commission of Training Camp Activities in the War Department) vigorously denounced the flourishing prostitution industry near these bases and "uniform crazy" girls whom they discovered in local cabarets dancing cheek to cheek with youthful soldiers. Mrs. Dummer, however, found in investigative work a humane sympathy for young prostitutes and girls whose escapades had led to premarital pregnancy. "If the unmarried mother were given comfort and courage instead of condemnation, the ranks of prostitutes would be depleted," she wrote to Paul U. Kellogg of Survey. 48

The "ranks of prostitutes" and willing amateurs, difficult to calculate even in sedate times, no doubt remained full during the morals revolution of the 1920's --the heyday of "flaming youth." But the casualties of this revolution also found some comfort at a number of girls' reform schools, the foremost of which were: Sleighton Farms (formerly the girls department of the Philadelphia House of Refuge), Samarcand Manor (North Carolina), the Texas State School for Girls, Sauk Center
Reform School (Minnesota) and El Retiro (Los Angeles County). Able superintendents such as Martha P. Falconer (Philadelphia), Carrie Weaver Smith (Texas) and Miriam Van Waters (El Retiro) recruited idealistic college women to staff their institutions and established routines which emphasized education, cultural appreciation and inmate self-government. In a survey of girls' reform schools conducted for and supported by Mrs. Dummer, Miriam Van Waters found "more knowledge of the delinquent girl, more sympathy, more of that greatness which reveals itself in the interpretation of humane life, better theory and better practise in the problem of delinquency than we find outside in the general community." Miriam Van Waters (1887- ) was the leading figure in the field of female corrections during the twenties and thirties. The daughter of an Episcopal minister in Portland, Oregon, she graduated from the University of Oregon and then attended Clark University, writing her Ph.D. dissertation (1914) on "The Adolescent Girl in Primitive Society." Awed at first by G. Stanley Hall, she came to believe that his view of delinquency was too rigid: "a prostitute is not a type," she is reported to have told him. After receiving her degree, Miriam Van Waters became Superintendent of the Frazer Detention Home in Portland and, in 1916, moved on to a similar job at
Juvenile Hall in Los Angeles. In 1920 she was appointed first superintendent of El Retiro School for Girls, a (Los Angeles) county home for semi-delinquent girls.

Miriam Van Waters once said, "All my life to the point where I entered into the understanding and treatment of delinquency and crime was but a preparation for a Christian Mission to offenders."\(^52\) This evangelical Christian view combined an optimistic concept of the historical process with sympathy, even kinship, for the misdoer and condemnation for society's frivolous or indifferent attitude toward juvenile delinquency. "Yes, I believe with you it is a tide--this affair of humanizing our ideas and our treatment of children, this restoration to them of their joy and faith in life," she wrote to Mrs. Dummer whose own ideas coincided so closely with hers that she became Miriam's personal benefactress. Miss Van Waters concluded of her early days at El Retiro, "Sometimes it would seem that all the thinking people are indifferent, so much is said, so little is done. But the joy of working with those glorious young rebels supports everything."\(^53\)

Believing, then as now, that reform school unrest was caused by the failure of administrators to feel "oneness" with their children, she created a "society of inmates" which emphasized group participation in government, choice of institutional occupation and encouragement of self-
expression through plays, essays and a school newspaper.

El Retiro returned girls to respectable jobs in the community as soon as possible and, in order to facilitate community reintegration, maintained a "half-way" house in Los Angeles staffed by girl probationers and one supervisor. "We do not wish to shelter them until they are twenty-one," said Miriam Van Waters, "but to build up sufficient moral muscle for their protection in the world outside." Van Waters remained superintendent until 1924 when she became Referee of the Juvenile Court of Los Angeles. In 1927 El Retiro, always the subject of unfriendly political probes, was converted into a conventional custodial institution.

During the twenties, Mrs. Dummer's financial support freed Miriam Van Waters from the vicissitudes of El Retiro to pursue the enemies of humane treatment for female delinquents. In her survey of female reform schools (1922), she was harsh on those institutions who failed to meet her standards:

(Virginia State School for Girls) They still thrash the girls, the Supt., a young healthy woman . . . applying the switches herself

(Delaware School for Girls) They horse-whip the girls. We must needs see these institutions for a type

(New Jersey School for Girls) Dr. Harris is too complacent for results. They are trying to do psycho-analysis, but they remind me of the friends of Hamlet,—they fret the girls, but do not play upon them.
Van Waters summarized, "Hardly an old institution is free from its historic riots with arson, flogging, jailing, hand cuffing and the like, and those who have passed through this horror and come to a better method all agree 'no punishment'. If punishment is used at all, it ends eventually in brutality."\(^56\)

Miriam Van Waters' sympathy for institutionalized girls led her to distrust both criminally oriented juvenile courts which committed them and negligent parents who raised them. "We find the public filled with ideas of vengeance and cruel punishment . . . One court refers to its 'felonies' and 'misdemeanors'. One judge reported that 'young criminals in this state are carefully looked after by the judges'," she said.\(^57\) Her suspicions of the court were confirmed by personal letters such as these from El Retiro girls:

Dear Dr. Van Waters: . . . The Juvenile Court has so many cases that we are just treated like cattle--we go in one door of the courtroom and out the other and have to do whatever the court says and sometimes without a chance. Is that justice? (signed anonymous)

Dear Dr. Van Waters: . . . Why must we be taken away (?) My own mother has suffered hell and no doubt many others have. On account of courts, always courts. I think that if America is a free country lets have more Liberty absolutely. (signed anonymous)
Dear Dr. Van Waters, Boys and girls should be taken away from home when their parents are not able to support them and when they are cruel to them but not when they have a home and their parents can take care of them.

Christine Stone. 58

Despite the faith of those girls in their parents, Miriam Van Waters believed that the seeds of delinquency were sown in the home. "Why cannot . . . mother face Mary with calm affirmation of the family stand on questions of selfish pleasure, pre-nuptial chastity and industry?" she asked. "Because the mother herself has lost faith in old standards of virtue . . . She recalls her own drab, misunderstood, frequently punished youth (when the Puritan home was losing its arts, crafts, its good cookery, and somber, rich coloring of the old faith, and there remained little of the spirit and very much of the letter of colonial Church and home discipline), so in her words, she 'wants Mary to have a good time'." 59 Parents had acquiesced, even encouraged the mechanization of civilization and thereby robbed the home of "its emotional and imaginative appeal" and their children of "legitimate energy-outlets."

"It took as much mechanical ingenuity and self-control properly to prime the pump as to start the Ford, but the pump never got you into trouble," Miriam Van Waters observed. 60 In Parents on Probation (1927) she listed "Nineteen Ways of Being a Bad Parent" (for example, "A
parent is bad who repudiated a child in dire need" and, 
"a parent is bad who can not shelter a child from pre-
mature anxiety and perplexity"). She entitled one chapter, 
"I would Rather die than Go Home." 61

In 1929 Miriam Van Waters was appointed consultant to 
the National Commission on Law Observance and Enforcement 
(The Wickersham Commission) and prepared one part--The 
Child Offender in the Federal System of Justice--of the 
Commission's final report. 62 She discovered that the 
federal government had few responsibilities concerning 
juvenile delinquents, but had met these tasks poorly 
or not at all. Child offenders brought before Federal 
courts (mostly for violations of postal laws or Federal 
laws on prohibition, motor vehicles, immigration and 
white slavery) were treated like adults; juvenile court 
procedures did not exist in these tribunals. Often delin-
quents were detained in wretched U. S. district court 
jails and then sentenced to federal penitentiaries or 
state reformatories which had contracted with the Bureau 
of Prisons to receive them. 63 Of the state schools she 
said:

The best of the institutions houses 
the children in large groups, uses 
basements for living and play rooms, 
employs disciplinary measures such 
as silence at meals, marching, formal 
routine, and flogging; inmates are
frequently at the mercy of boy
captains; the worst is not to be
distinguished from the prison.
Individualization of treatment
has not been accomplished.64

Her work revived efforts to restructure Federal
policy on juvenile delinquency. As early as 1912 George
W. Wickersham (1858-1936), then Attorney-General of the
Taft Administration, proposed to return federal offenders
to state juvenile courts but Congress refused to appro­
priate the necessary funds.65 In 1922 the United States
Children's Bureau reported on the plight of juvenile
offenders against federal laws but this too was ignored
by the national legislature.66 Similarly, Congress--and
particularly southern Representatives--refused to modify
the Juvenile Court Law for the District of Columbia to
provide more humane and discrete disposition and better
education for the (mostly black) children whom it served.
"I am opposed to taxing my people in Georgia to give all
sorts of high falutlng curleyques in the way of education
to a crowd of Washington niggers that is of no benefit to
them," said Georgia Congressman William S. Howard.67

In 1932, shortly after Miriam Van Waters' investi­
gation, Congress remedied one shortcoming of the federal
judicial system by providing for surrender of juvenile
violators of federal laws to state authorities if the
delinquents had also broken state law. In 1938 this act was supplemented by legislation allowing federal courts to use juvenile court procedures when dealing with children. That same year, the Juvenile Court for the District of Columbia was finally modernized. 68

With her appointment as Superintendent of the Framingham Reformatory in 1931, Miriam Van Waters moved into the field of adult corrections. She did not, however, lose interest in juvenile delinquents or in the problems of youth as a whole. From 1935 to 1941 she served as Secretary of the American Youth Commission, a non-governmental organization established in 1935 by the American Council on Education and composed of major national educational associations and institutions. In addition to collecting information about the needs of youth, the Commission conducted studies of New Deal agencies such as the Civilian Conservation Corps and the National Youth Administration in order to increase their ability to employ and to educate more youths. 69 The study of delinquency was only a small part of the American Youth Commission's work. Nevertheless, Miriam Van Waters' contribution to this segment was unmistakeable:

Older societies to be sure gave youth many adult life opportunities, such as work and community participation. But we give almost unlimited personal
freedom without supervision, then when youth fails we punish them with more penal severity than any other civilized democracy.  

* * * * *

While William Healy and his followers in the child guidance movement were explaining delinquency in terms of individual mental conflicts and Miriam Van Waters was attempting to improve the institutional care of delinquent girls, academic sociologists, who taught at the University of Chicago or who had been trained there, were critically examining the environmental causes of juvenile delinquency. The leaders of the "Chicago School" of the 1920's--Ernest W. Burgess (1886-1966), Robert E. Park (1864-1944) and William I. Thomas (1863-1947)--and their students, notably Clifford R. Shaw (1896-1963), Henry D. McKay (1899-- ), Frederic M. Thrasher (1892-1962) and Walter C. Reckless (1899-- ), drew their inspiration and method from the settlement house work of Jane Addams, Julia Lathrop, Graham Taylor and from the urban surveys conducted by reformers during the Progressive Era.  The investigations of various municipal welfare departments and of the New York Tenement House Commission (1900) and the Pittsburgh Survey (1908-1914) compiled massive statistical and factual evidence of
the miserable working and living conditions of the urban poor and served as models for academicians anxious to use the city about them as a laboratory for social science. "We cannot separate the beginnings of urban sociology from the perennial battle to wipe out the slums," said Nels Anderson, an early student at Chicago. 72

To Park and Burgess, juvenile delinquency was one manifestation of the acute social disorganization which characterized the urban environment of their day. "Village gangs," wrote Park in his preface to Frederic M. Thrasher's The Gang (1927), "because they are less hemmed about by physical structures and social inhibitions of an urban environment, ordinarily do not become a social problem, certainly not a problem of the dimensions and significance of those which constitute so obvious and so obdurate a feature of city life." 73 Rapid industrialization of land near the centers of cities had deteriorated surrounding neighborhoods and driven those who could afford to move into fashionable suburbs from which the poorer classes were excluded because of the increased land value. The old neighborhoods turned into slums because they became inhabited by great numbers of recently arrived immigrants and Negroes—the poorer classes who were, according to Park, "unable to defend themselves from associations with the derelict and the vicious." 74
Park's viewpoint stimulated development of the science of human ecology or, the study of the relationship between man and man as conditioned, among other factors, by his (man's) habitat. The writings of Clifford R. Shaw--*Delinquency Areas* (1929), *The Jack-Roller: A Delinquent Boy's Own Story* (1930), *The Natural History of a Delinquent Career* (1931) and (with Henry D. McKay) *Social Factors in Juvenile Delinquency* (1931)—best exemplified this approach as applied to study of juvenile delinquency. Shaw and McKay utilized truancy records of the Chicago Board of Education and case histories of the Chicago Juvenile Court and the Institute for Juvenile Research (formerly Healy's Psychopathic Laboratory) to prove graphically and statistically that juvenile delinquents were not distributed uniformly over the city, "but tend to be concentrated in areas adjacent to the central business district and to heavily industrial areas." Their other findings flowed from this thesis:

... rates of truancy, delinquency and adult crime tend to vary inversely from the center of the city ... This radical pattern may not be characteristic of all cities, and even in Chicago there are several deviations from this pattern .... While all cities may not show the same pattern of distribution as Chicago, it is probable that all will reveal marked differences in concentration between local areas.
Another striking finding . . . is the marked similarity in the distribution of truants, juvenile delinquents, and adult criminals in the city.

. . . it is interesting to note that the main high rate areas of the city . . . have been characterized by high rates over a long period . . . (and) that relatively high rates have persisted in certain areas notwithstanding the fact that the composition of population has changed markedly.

. . . delinquents living in areas of high delinquent rates are more likely to become recidivists. 78

After physically locating delinquency areas, the Chicago School called for situational analysis of the problem—i.e., study of juvenile delinquency in its relation to the social situation in which it occurred. Delinquents and their behavior could not be understood apart from the various social groups to which they belonged. These groups—families, clubs, schools and gangs—subjected every child, delinquent or not, "to an increasing number and variety of personalities to which he must make some sort of adjustment. In the process of adjustment . . . the child's attitudes and behavior trends are gradually built up." In socially disorganized areas, crime and delinquency became "more or less traditional aspects of life," which were transmitted to the young through personal and group contacts. Thus, juvenile delinquency was the normal way of life or, "a traditional group pattern." 79
Shaw's works and especially Frederic M. Thrasher's, The Gang, demonstrated how some juvenile gangs developed into delinquent ones and then transmitted their norms—i.e., delinquent behavior—to younger children. Utilizing the records of private social agencies as well as those of the Chicago Juvenile Court and its allied institutions, Thrasher described and categorized activities of various types of gangs. In discussing the behavior of delinquent gangs such as "The Murderers" and "Joe's Gang," Thrasher emphasized that gang membership was both natural and satisfying for a boy living in the disorganized areas:

(The Murderers) . . . a gang of thirty Polish boys, who hang out in a district known as The Bush.

The pastimes of the boys were loafing, smoking, chewing, crap-shooting, card-playing, pool and bowling . . . The new members who had been taken in from time to time were congenial spirits who had shown ability to elude the police or gameness in a fight.

A favorite rendezvous of the gang was a large sand pile near the railroad tracks. Here they had great fun camping, flipping (derailing) freights, and pestering railroad detectives . . .

They broke into box cars and 'robbed' bacon and other merchandise. They cut out wire cables to sell as junk. They broke open telephone boxes. They took autos for joyriding.

(Joe's Gang) Originating with a dozen adolescent truants in the vicinity of Halsted and Harrison streets, Joe's Gang has been a solid group. Its members have initiative and a sense of honor toward each other and those who have befriended
them. They went straight for some time, owing to the efforts of teachers and social workers, but they have now become a hold-up and beer-running outfit.

. . . Several of them pulled off a $100,000 robbery in a Loop jewelry store. Joe drove a wagon that bombed a building under construction on the North Side.  

Thrasher and Shaw went beyond court and agency records to obtain the gang boy's own story, believing that adults often failed to help the delinquent because they interpreted his life by their own standards or interests and with "a total disregard of the boy's personality and his role in his own social group and juvenile community."  

"We robbed the Jews on Maxwell Street," one boy confided to Thrasher. "We'd go into a china store and ask how much a plate was and then drop it. Then the Jew would throw plates. My mother sold some suits to a Jew. The gang followed in a Hudson and robbed the suits." Shaw recorded another boy's own story:

When I was ten the gang started to robbin stores and homes. We would jimmy the door or window and rob the place. I always stayed outside and gave jiggers. The big guys went in and raided the place. They showed me how to pick locks, jimmy doors, cut glass, and use skeleton keys and everything to get into stores and houses. Every guy had to keep everything a secret and not tell anybody or he would be beat up and razzed. The police were enemies and not to be trusted.  

The autobiography of Stanley, "The Jack-Roller," recorded by Shaw and his associates over a five year period,
showed most fully the ubiquitous debasement of life in the
delinquency areas and in the detention homes and reform
schools largely populated by children from the slums. 

Driven from his home at age six, Stanley became a vagrant
and petty thief and was sent in succession to the Juvenile
Detention Home (of the Chicago Juvenile Court), St. Charles
(Illinois) School for Boys and eventually the Illinois
State Reformatory at Pontiac. In each of these institutions
Stanley's general demoralization, his hatred for the law
and his enthusiasm for breaking it were reinforced by other
inmates who often became his companions and fellow crim­
inals upon release. In the Detention Home he recalled,
"I was really awed by the bravery and wisdom of the older
crooks. Their stories of adventures fascinated my childish
imagination, and I felt drawn to them. My timid spirit
(you remember I was only eight) wanted to go out and
achieve some of the glories for myself." Two years later
"the glories" led Stanley to St. Charles where he learned
that "to squawk on a fellow-prisoner is an unpardonable
sin and only the lowest characters will squawk. But there
were boys who would squawk and they would usually become
boy officers . . . They were not fit to be associated with
decent boys." Stanley also discovered a good deal about
sexual perversion which he later used to his advantage as
a jack-roller: "The bullies would attack the younger boys
in the dormitories and force them to have relations. Some of the boys caught venereal disease and had to be treated . . . I knew little boys who had sex relations with four or five older boys every night. It was easy in the dormitory to slip into another boy's bunk." Committed to St. Charles for a second time Stanley summarized his view of life:

Crime and imprisonment were becoming more a matter of business, and I didn't worry and feel tender-hearted. I was beginning to be hard-hearted, sarcastic, and resigned to rough treatment. Besides, I was becoming an old timer and the young guys were beginning to look up to me and regard me as a hard-boiled gunman of wide experience.85

The Chicago sociologists believed, in the tradition of Albion W. Small, that different ways of studying society led to a varying but nonetheless fuller understanding of social problems. By viewing delinquency in terms of cultural conflicts within immigrant groups, Louis Wirth and William I. Thomas added perspectives to the work of Thrasher and Shaw. Obviously referring to Delinquency Areas, Wirth said, "We may be able to determine statistically that certain regions in the city have more delinquency than others, but we will not be able to interpret the localization of crime adequately until we see that in each area we may be dealing with a different community and that in each community we
may find a different set of conflicting strains of cultural influences and mutually referring groups.\textsuperscript{86} High delinquency rates, Wirth believed, might be the result of cultural sanction within certain immigrant groups or of the emotional security of gang life which "makes it easier for the individual to meet culture conflict situations with a delinquent form of behavior."\textsuperscript{87}

The cultural dimensions of immigrant juvenile delinquency were explored by William I. Thomas in \textit{The Polish Peasant in America} (5 vols., 1918-1920, in collaboration with Florian N. Znaniecki) and \textit{The Unadjusted Girl} (1923).\textsuperscript{88} With Znaniecki, a Polish philosopher, Thomas studied Polish peasant society both in rural Poland and, following emigration, in the slums of Chicago. He discovered that Polish families were disintegrating under the impact of life in an industrial urban society that placed no value upon those canons--female chastity, cultivation of domestic arts, economic solidarity of the household--which bound family and community together in the old country. With no relevant traditions to impart to their children, parents either taught them nothing or, in order to relieve family poverty, encouraged their children's delinquencies.\textsuperscript{89}

Thomas drew upon records of the Chicago Juvenile Court to demonstrate the amorality rather than the im-
morality of the immigrant children's behavior. "Joe and John Kasperek" read one case, "... In July, 1913, John and Joe left home separately. After 8 days John was picked up by an officer, but Joe was gone 5 weeks ... John frequently stayed home and looked after the younger children, but Joe was wilder and was soon sent to an institution ... John was picked up later and sent to the Parental School also. The parents did not go to see the children or send them any clothes, though ordered to do so by the court. The father pretended he did not know where they were. When they were released Joe and another boy broke into a drygoods store and stole some things ... John about the same time was arrested for stealing $1 from his father and leaving home." Without the close social controls of the village, immigrant girls sometimes turned to prostitution, not only to avoid the meaningless drudgery of housework or factory employment, but also to obtain nice clothes and other luxuries whose availability they saw constantly advertised. "Nettie Wieczorek" was one case: "... she has been soliciting for 3 months on the streets downtown ... she seems to know all the routine and the ways, mentions several 'rich hotels' where they had 2 beds in a room with bath connected ... (Court): Did you want to do this sort of thing? (Nettie): Why no, I did
not. (Q): Who first induced you to do that? (A): Della Fox. (Probation Officer): She had gone down to the Beach with Della one time and she said the other day she did not want to do house work because it was so much easier to make money that way."91 Another record included this letter from Marien Stepanek to her mother:

Dear Mother, I am feeling fine. Everything is all right, don't worry about me. I am leading high life because I am an actress. I got swell clothes and everything, you wouldn't know me . . . I want you to write a letter and say you'll (sic) forgive me for not telling the truth (sic) . . . sent (sic) the letter to me this way General Devilry (sic) Miss Marion Stephan.92

In The Unadjusted Girl, Thomas used case records and studies of reformatories in New York and Boston as well as the Chicago Juvenile Court records. Thomas confirmed his belief that two factors accounted for much female delinquency: the disintegration of immigrant peasant culture in an urban environment and the girl's expectations for an affluent life--hopes which could be fulfilled only by illegal or amoral means.93 But Thomas knew that tentative explanations for delinquency often became deterministic theories and therefore he pointed out instances of youthful immigrants and immigrants' children who resisted temptations to become delinquent. "We over-

weight the standpoint acquired by our particular expe-
rence and our preconceived line of approach," he said. Eschewing debate on the etiology of delinquency, he asked, "How can we call certain experiences 'causative factors' in a delinquent group when we do not know the frequency of the same factors in a non-delinquent group?"

Because the Chicago sociologists regarded juvenile delinquency as essentially a social problem, they criticized Healy for overemphasizing the study of the delinquent as an isolated individual reacting to his or her environment: the juvenile delinquent, they believed, was first of all a person, "... the product of social interaction with his fellows ... an individual who has status ... (i.e.) position in society." Robert Park explained:

It is in (the) community with its various organizations and its rational schemes for control of the individual, and not elsewhere, that we have delinquency. Delinquency is, in fact, in some cases the measure of the failure of our community organizations to function.

Thrasher, Shaw and McKay saw delinquency as the breakdown of the machinery of spontaneous social control and, for them the community represented the logical starting place for remedial plans. Thrasher demanded "a definitely organized and thoroughgoing preventive program in the local community from which the bulk of delinquents and
criminals are produced." He believed that this program should utilize the "services of and cooperation among all preventive agencies existing in the given community" and that it should include "all children in the delinquency area, especially all the maladjusted and those likely to become delinquents . . ." The Chicago Area Project, established in 1934 under Clifford Shaw's leadership and the sponsorship of the sociology department of the Illinois Department of Juvenile Research, provided Shaw and McKay and their students with the opportunity to test the findings of their studies. The project staff included residents of neighborhoods in delinquency areas and they were encouraged to form local organizations which attempted to socialize delinquent groups (mostly male gangs) by encouraging their participation in legitimate recreational and vocational activities. Like the recent War on Poverty, the Chicago Area Project tried to sustain the autonomy of these local groups and, as a result, was accused of promoting disorder and undermining the work of professional social workers. Such criticism did not, however, bother the Chicago sociologists. They viewed the prevention of juvenile delinquency as only one task in the greater struggle to humanize the city or, as Robert Park put it, "the problem of achieving in the freedom
of the city a social order and a social control equivalent to that which grew up naturally in the family, the clan and the tribe."101

* * * * *

During the first third of the twentieth century attitudes and policies toward juvenile delinquency were affected by new interpretations ranging from the intensely individualistic approach of William Healy and his followers to the broad social explanation of the Chicago School. Psychologists based their remedial treatment upon intelligence tests and, later, psychiatric diagnoses while sociologists studied the effects of the disorganized urban environment upon slum children and then recommended locally controlled community programs to prevent delinquency. Miriam Van Waters and other women charged with the care of delinquent girls did not overly concern themselves with academic debate about juvenile delinquency. Instead, they employed a broadly humane and evangelical approach to win greater sympathy and understanding for girls whose delinquencies often involved moral offenses.
Chapter V - Footnotes


2 Surveys of the early history of Binet tests in the United States are J. E. Wallace Wallin, Problems of Subnormality (New York, 1917); James B. Miner, Deficiency and Delinquency (Baltimore, 1920) and Gardner Murphy, Historical Introduction to Modern Psychology (New York, 1949), pp. 354-357.


6 Gifford and Goddard, "Defective Children in the Juvenile Court," 133-134.

7 Goddard and Hill, "Delinquent Girls Tested by the Binet Scale," 56. On Mrs. Lowell see above, pp. 109-110.


9 Wallin, Problems of Subnormality, p. 120.

10 Robert M. Yerkes and James W. Bridges, A Point Scale for Measuring Mental Ability (Baltimore, 1915), p. 94. As President of the American Psychological Association in 1917, Yerkes (1876-1956) was commissioned a major in the army to mobilize psychologists for various war activities. Though their efforts were known primarily through the intelligence testing of 1,700,000 men and officers, many scientists, including Yerkes, were active in the National Research Council which was established to deal with numerous problems—motivation, propaganda, rehabilitation—engendered by national participation in a global war. See Roback, History of American Psychology, pp. 449-455.

11 Miner, Deficiency and Delinquency, p. 250. Miner and others were influenced by Charles Goring's The English Convict (London, 1913) which claimed on the basis of case studies that only a few children of criminals inherited a predisposition to crime.


13 The Juvenile Protective Association was formerly the Juvenile Court Committee. See above, p. 163.

14 Ethel S. Dummer, circular letter, January 2, 1909, The Papers of Ethel Sturges Dummer, Schlesinger Library, Radcliffe College. In 1914 control of the clinic passed to Cook County and, in 1917, to the State of Illinois. In 1914 it was renamed the Institute of Juvenile Research.


17 The child guidance movement was greatly stimulated by a five year demonstration program launched jointly in 1922 by the Commonwealth Fund and the National Committee for Mental Hygiene.

18 John C. Burnham, "Oral History Interviews of William Healy and Augusta Bronner," Houghton Library, Harvard University (1960, 1961) is an interesting, first hand account of the ideas of Healy and his life-long collaborator and second wife, Augusta Bronner. These interviews may not be directly quoted in print.


23 These casual talks were the beginning of the case conference, a social work procedure which Healy formalized as director of the Judge Baker Foundation in Boston. See Burnham, "The New Psychology: From Narcissism to Social Control," pp. 364-366.

24 The Judge Baker Foundation was established with a bequest of $2,500,000 by George B. Tinkham, a Republican Congressman from Massachusetts. It was named after Harvey Humphrey Baker (1869-1915), first judge of the Boston Juvenile Court. Cabot (1868-1932) was also the first President of the Foundation. In *The Delinquent Child* (New York, 1932), p. 51, Cabot characterized delinquency as "one of the natural outcomes of those clashes of interest, prerogative and need that are inherent in living as a social group."


31 Ibid., p. ix.


35 Burnham, "Oral History Interviews of William Healy and Augusta Bronner," pp. 218-220. For an example of the Freudian approach see John Christian Tjaden, The Causes of Delinquency in Boys of Superior Intelligence (Des Moines, Iowa, 1923), pp. 12-13. Case "S-1" reads, "Apparently one of the dominating factors in this case is the hate aspect of the complex which in this subject has brought about an intense resentment to the father . . . the mother is over indulgent with the boy . . . she is periodically separated from her husband . . . she is willing to divorce him in order to live with the son."

36 Augusta F. Bronner, "The Contribution of Science to a Program for Treatment of Juvenile Delinquency," in Lathrop, et al., The Child, the Clinic and the Court, p. 84.


38 Norman Fenton, et al., The Delinquent Boy and the Correctional School (Claremont, California, 1935), p. 27. Italics in original.

39 Investigation of the Whittier School, Lindsey Mss, Box 288.

40 Sheldon and Eleanor T. Glueck, One Thousand Delinquents: Their Treatment by Court and Clinic (Cambridge, Mass., 1934), pp. 250-261. While Healy and others inclined increasingly toward psychological treatment of delinquency, Sheldon Glueck (1896- ) and his wife Eleanor (1898- ), Harvard criminologists, continued to emphasize the importance
of broad social and economic reform. In *500 Criminal Careers* (New York, 1930), pp. 306-339, a study of inmates in the Concord (Mass.) reformatory, they stressed the need for the United States to meet social problems as rapidly and as successfully as it had met technological ones.


43 Ethel Dummer was a leading supporter of the Montefiore School. See Dummer Mss, folder 822.


The Papers of Mary W. Dewson, Schlesinger Library, Radcliffe College, folders 3.3, 3.4 and 7; Elizabeth Glendower Evans and Mary W. Dewson, "Feeblemindedness and Juvenile Delinquency," Charities, XX (May 2, 1908), 183-193. During the New Deal, Molly Dewson headed the Women's Division of the Democratic National Committee. Mrs. Evans (1856-1937) was an active reformer and philanthropist from Boston. See also Edith N. Burleigh and Frances K. Harris, The Delinquent Girl (New York, 1923).

Dummer Mss, folder 451.

Ethel Dummer to Paul U. Kellogg, May 23, 1919, Dummer Mss, folder 613. In a letter to Augusta Bronner, January 26, 1920 (folder 463), Mrs. Dummer equated female feeblemindedness to "shell-shock" and therefore believed it was curable. Like William Healy, Mrs. Dummer supported Prohibition as well as other authoritarian movements arising from the social upheavals during and after World War I. "I hope you are both rejoicing at the progress in Italy," she wrote the Healys, September 9, 1920, Dummer Mss, folder 579.

Formal training for reform school staff members did not exist. Whatever advice these young women did receive was brief and to the point. "Remember two things, girls," Martha Falconer told two Oberlin graduates. "No sweaters (unhygienic) and no ducks and dollies (lesbianism with inmates)." Interviews with Mrs. Karl De Schweinitz, October 17, 1968. Parenthetical explanations added.


Ibid., book-cover.

Van Waters to Dummer, June 12, 1920, Dummer Mss, folder 818. Mrs. Dummer's autobiography, Why I Think So (Chicago, 1937), reflects her interest in mystical thought. She was influenced by the English seeress Mary Everest Boole who taught (much like Georg Hegel), "that one must
grasp whatever truth there was in the thought antagonistic to one's own before being sure of one's position." Concerning El Retiro, Mrs. Dummer wrote Miriam, "Our vision cannot fail, for it is part of necessary evolution, and the Life Force which has brought us up from the amoeba is not dependent upon any one person." Dummer to Van Waters, July 4, 1923. Dummer Mss, folder 820.


55 Van Waters to Dummer, December 16, 1920, Dummer Mss, folder 818.

56 Van Waters to Dummer, March 10, 1921, Dummer Mss, folder 818.


59 Miriam Van Waters, Youth in Conflict (New York, 1925), p. 77.

60 Van Waters, "The Juvenile Court from a Child's Viewpoint," pp. 221-222. "Children should deal with the elemental things of the world--earth, stones, trees, animals, running water, fire, open spaces--instead of pavements, signboards, subdivided lots, apartment houses, and electric percolators. Civilization has been hardest on children," she said.

61 Miriam Van Waters, Parents on Probation (New York, 1925), pp. x, xii.

62 This study was made under joint auspices of the commission and the (1930) White House Conference on Child Health and Protection. Judge Frederick P. Cabot, Chairman of the Conference's Committee on the Socially Handicapped,


64 Ibid., p. 106.


67 Kathryn Sellers, Judge of the Juvenile Court of the District of Columbia was not regarded as a friend of enlightened treatment for juvenile delinquents. Mrs. Dummer found her "too wierd for words" and Grace Abbott, Chief of the Children's Bureau from 1921 to 1934 tried to have her replaced. See Dummer to Van Waters, July 14, 1922, Dummer Mss, folder 822 and Grace Abbott to Charles P. Sisson, Assistant Attorney General, January 15, 1931. The Papers of Grace and Edith Abbott, University of Chicago Library. For a favorable picture of Judge Sellers and the District of Columbia Court see Raymond W. Murray, "The Delinquent Child and the Law," unpublished Ph.D. dissertation, Catholic University of America, 1926.

68 For a summary of federal legislation involving juvenile delinquents before World War II see Abbott, The Child and the State, II, 432-437.

70 Miriam Van Waters, "Delinquency and Youthful Crime," Van Waters Mss, folder 471. See also folder 480.

71 The Chicago School owed its existence to Albion W. Small (1854-1926), chairman of the University's Sociology Department from 1904 to 1924 and founder and editor of the American Journal of Sociology, 1895-1926. The Chicago School included among others E. Franklin Frazier (1894-1962), sociologist of Negro family life and Louis Wirth (1897-1952) who wrote on the Jewish ghetto in Chicago. Only those scholars who wrote significantly on juvenile delinquency are discussed in this chapter.


Harvey W. Zorbaugh, *The Gold Coast and the Slums* (Chicago, 1929) and, for an example of graduate work in this field, William A. Butcher, "Juvenile Delinquency in a Rapidly Growing City," (South Bend, Indiana), unpublished Master's Thesis, University of Chicago, 1926.


82 Thrasher, *The Gang*, p. 76.


84 Commenting on this work, Shaw said, "The story should be read with a view to getting insight into the boy's attitudes, typical reactions, and the social and moral world in which he lived. From this standpoint . . . rationalizations, prejudices, exaggerations are quite as valuable as objective description." See Shaw, *The Jack-Roller*, p. 76. A Jack-Roller beat up drunks and homosexuals and then robbed them.


86 Louis Wirth, "Culture Conflicts and Misconduct," *Social Forces*, IX (June, 1931), 488.
231

87 Ibid., 489; see also Louis Wirth, "Culture Conflicts in the Immigrant Family," unpublished Master's Thesis, University of Chicago, 1925.

88 William I. Thomas and Florian Znaniecki, The Polish Peasant in Europe and America. 2 vols. 2nd edition (New York, 1927). This work was originally published in five volumes, 1918-1920 by the University of Chicago Press (Vols. I and II) and Richard G. Badger (Vols. III, IV and V); William I. Thomas, The Unadjusted Girl (Boston, 1923). Morris Janowitz's introduction in Morris Janowitz, ed., W. I. Thomas on Social Organization and Social Personality (Chicago, 1966) contains a brief, but informative biography of Thomas (pp. ix-xviii). After Thomas left Chicago in 1918, as the result of prosecution for a morals offense, he worked briefly on the Americanization studies sponsored by the Carnegie Corporation and, from 1920 to 1923, he was provided with research funds and living expenses by Ethel Dummer, surely the lady bountiful of delinquency study. Mrs. Dummer also aided Thomas and his second wife, Dorothy Swaine Thomas, in preparing The Child in America (New York, 1928), a survey of child study programs in the United States and Canada.

89 Thomas and Znaniecki, The Polish Peasant in Europe and America, II, 1776-1778, 1800-1802.

90 Ibid., p. 1780.

91 Ibid., pp. 1805-1806.

92 Ibid., pp. 1806-1807.

93 Thomas, The Unadjusted Girl, pp. 98-150. In an introduction to a later edition of this book, Michael Parenti notes that many of Thomas' findings anticipated Daniel Bell's explanation of crime among second generation ethnics. Parenti commented, "... actual destitution and hunger counted for less than the disparity experienced between a circumscribed and confining reality on one hand, and the often illusionary lures of high mass-consumption society on the other..." The Unadjusted Girl, Torchbook edition (New York, 1967), p. xviii.

95 Ibid., pp. 161-162.

96 Ernest W. Burgess, "The Study of the Delinquent as a Person," American Journal of Sociology, XXVIII (May, 1923), 657-680; Robert E. Park and Ernest W. Burgess, Introduction to the Science of Sociology (Chicago, 1921), p. 55. Walter C. Reckless, a Chicago trained sociologist, noted the persistence with which prudish, middle class concepts intruded in Healy's "scientific" case studies (e.g., "Father drinking at time of conception . . . Mother alcoholic . . . since Prohibition she has been behaving better"). See Reckless and Smith, Juvenile Delinquency, p. 217.

97 Robert E. Park, "Play and Juvenile Delinquency," Playground, XVIII (May, 1924), 96.


101 Quoted in Glaab and Brown, A History of Urban America, p. 251.
Chapter VI - Summary

Since 1825, America has changed from a rural agricultural country into an urban industrial nation. Attitudes and policies toward juvenile delinquency reflected this transformation, first in efforts to reform children by returning them to the agrarian way of life and, later in programs and institutions based upon better understanding of delinquency in its urban context. This change of approach, like the larger transition of which it was a part, was not made easily nor, as yet, successfully. The reformatory method of the first refuges and preventive agencies—placing out children in rural districts—declined after the Civil War under the impact of continued urban growth and the rise of a factory system which supplanted apprenticeship. State governments were drawn increasingly into the prevention and control of delinquency; despite some institutional efforts to imitate family government and agrarian life, state reform schools were usually organized to exploit children as factory workers and, beginning in the late nineteenth century, to train them for jobs in urban industry. After 1900, general disenchchantment with institutional reform together with
growing sympathy for the delinquent as a victim (rather than a perpetrator) of urban disorder resulted in legal innovations to prevent incarceration and, sophisticated social and psychological studies designed to humanize the environment.

Despite the greatly altered social and economic background of juvenile delinquency, the significance of the historical study of this problem lies as much with the similarity as with the variety of approaches to it. The Society for the Prevention of Pauperism of the 1820's and the Chicago School of the 1920's were trying to prevent youthful violence in the developing city—a fact equally as important as the contrast between the moralistic style of Refuge founders and the non-judgmental attitude of Clifford Shaw and his associates. Charles Loring Brace knew a delinquency area as well as later sociologists although he tried to remove children from it while social scientists sought to make it liveable.

Miriam Van Waters caught the timeless spirit of efforts to help juvenile delinquents when, referring to the juvenile court, she told me, "An idea is born; that idea begets organization; organization kills the idea."1 Surely this observation applies to refuges and state reform schools as much as it does to the juvenile court. Just as the inspirational leadership of Joseph Curtis
(New York House of Refuge) and E. N. D. Wells (Boston House of Reformation) gave way to the oppressive regimes described by Elijah Devoe and Josiah Flynt Willard, so did cottage reformatories, hopefully built upon European models, become places of exploitation and cruelty. Likewise, the Juvenile Court of Ben Lindsey bore little resemblance to the remote bureaucracy which shunted Stanley the Jack-Roller to a variety of storage bin institutions. Miriam Van Waters saw her own attempt to help delinquent girls ruined by bureaucratic interference and it is no wonder that she grew fond of quoting the anarchist Kropotkin: "Men are everywhere better than the institutions they have built about them."²

Differing opinions on causes of delinquency were not necessarily related to the life cycle of reformatory institutions. The debate between advocates of reformation through permissive treatment (Wells, Brace and Ben Lindsey for example) and disciplinarians such as Stephen Allen or the founders of the New York Juvenile Asylum, who believed that juvenile reform meant compelling children to obey orders, was older than the oldest refuge. Today, as always, this controversy involves not only reformatory officials, but anyone concerned about the proper way to rear children.

Nevertheless, projects for helping children in trouble often passed from inspirational, formative periods to
tedious and often poorly paid routines and, this development may account for certain attitudes toward delinquents. Institutions founded to prevent juvenile delinquency proclaimed the need for reformatory work in sweeping terms but, as in the cases of the Boylston School (Boston), the Burnham Industrial Farm (New York State) and the New York Juvenile Asylum, often excluded from their care those children who were especially difficult. In the nineteenth century, refuges and state schools despaired of reforming some delinquents and returned them to jail; later, these same schools sought to exclude children because of their supposed feeblemindedness. Also, the mere presence of children whose values and backgrounds varied considerably from those seeking to reform them—Irish youths in the nineteenth century, Mexican and Polish children in the twentieth century, Negroes anytime—often led to unsympathetic treatment.

The discouragement which often attended delinquency work perhaps explains in part the recurrent blame heaped upon parents of delinquent children. To refuge reformers these parents were "thoughtless and abandoned" or "debased and besotted." Evidently matters had changed little by the 1920's when Augusta Bronner called upon "unworthy or stupid parents" to learn the principles of child psychology.
Since the 1930's attitudes and policies toward juvenile delinquency have been greatly influenced by the psychologists Healy and Bronner and the sociologists of the Chicago School. Indeed, some of the pioneers remain leading scholars and vigorous advocates of one or the other interpretation. During the past two decades, Sheldon and Eleanor T. Glueck shifted from the social to the psychological explanation for delinquency. Although retired from teaching, they continue to write books and articles supporting this view. Until recently, most research and preventive work has interpreted delinquency primarily as a manifestation of pathology or malfunction of personality. The St. Paul Project (1937-1943), sponsored by the U. S. Children's Bureau and the Highfields Project, begun in 1950 by the state of New Jersey, are but two examples of studies designed to help delinquents by analyzing their individual motives and behavior. On the other side, Henry D. McKay and Walter C. Reckless are now concluding their teaching careers which were marked by combat against what they regard as the exaggerated emphasis upon psychological causes of delinquency and by continued stress upon the social context of delinquent behavior. McKay wrote two studies for the President's Commission on Law Enforcement and Administration of Justice (1967) in which he noted that intensive psychiatric care
failed to reform recidivists in the Chicago Juvenile Court and, in his second paper, that juvenile delinquency declined in areas which had formed local preventive agencies. Recent studies—Richard A. Cloward and Lloyd E. Ohlin, *Delinquency and Opportunity* (1960), Albert K. Cohen, *Delinquent Boys* (1955) and Robert K. Merton, *Social Theory and Social Structure* (1957), to name only a few—have emphasized, in the tradition of the Chicago School, that delinquency is a group phenomenon resulting largely from the collective perception of poor urban children that they have almost no chance of legally attaining social and economic success.

Although contemporary students of delinquency are, for the most part, absorbed in modern social and psychological explanations, this study suggests that they might profitably expand their understanding by exploring its historical dimensions. In a recent series of articles in the *Christian Science Monitor*, Howard James noted the persistence of widespread abuse of children in reform schools and under the care of the juvenile court. He also pointed out examples, few and far between, of successful rehabilitative programs most of which depended not upon complex theories but upon a sensitive and sympathetic understanding of the problems of delinquent youth. In historical perspective these victories seem as precious
today as they did to E. M. D. Wells in 1830 or Ben B. Lindsey in 1900. As successes, they can not, however, be termed promising until American society makes a whole-hearted commitment to provide humane and just treatment for all those children who transgress its laws.
Chapter VI - Footnotes

1 Interview with Miriam Van Waters, July 26, 1968.

2 Van Waters Mss., folder 178.

3 See above, p. 16 and pp. 191-192.


Government Documents, Institutional Reports, Manuscript Collections and Bibliography of Works Relating to Juvenile Delinquency, 1825-1935

The Refuge Movement, 1825-1860. The most important sources for the Refuge Movement are the Annual Reports of the institutions themselves. In New York, these documents include the Annual Reports and two special reports, Report on the Penitentiary System in the United States (1822) and Memorial to the Legislature of New York (1824), of the Society for the Prevention of Pauperism (1819-1825) as well as Annual Reports of the Society for the Reformation of Juvenile Delinquents (established 1825). Reports of the Boston House of Reformation (1826) are included in the annually published Boston City Documents while Annual Reports of the Philadelphia House of Refuge (1828) were published by the managers of that institution. Laws and government documents which proved helpful in understanding various aspects of life in the refuges are cited on specific points and should be consulted by the interested reader. Annual Reports of the Boston Prison Discipline Society (1826) summarized reports of the refuges and occasionally provided additional information on their activities. Proceedings of the Conventions of Managers and Superintendents of Houses of Refuge and Schools of Reform
(1857 and 1859) demonstrate the tensions between refuge officials and advocates of newer methods of preventing delinquency. Manuscript collections dealing with the refuge movement include the Papers of Stephen Allen (New York Historical Society) and the Reverend John Stanford (New York Historical Society). My understanding of the origins of institutional care of juvenile delinquents was broadened by an interview with Thorsten Sellin, Professor Emeritus of Sociology at the University of Pennsylvania. Robert S. Pickett, House of Refuge: Origins of Juvenile Reform in New York State, 1815-1857, is soon to be published by Syracuse University Press.


Coffey, W. A. Inside Out, or an Interior View of the New York State Prison. New York: James Costigan, 1823.
Curtis, Joseph. *Examination of Subjects who are in the House of Refuge in the City of New York.* Albany: Crosswell and Van Benthuysen, 1825.


The Preventive Agencies and the State Reformatories, 1850-1890. Annual Reports of preventive agencies are quite valuable. These include reports of the New York Association for Improving the Condition of the Poor (1843), the New York Children's Aid Society (1853), the New York Juvenile Asylum (1853), the New York Catholic Protectory (1864) and the Boston Children's Aid Society (1865). Records of the Boston Children's Mission are unpublished but equally valuable. The origin and spread of state reform schools in the second half of the nineteenth century can be studied
in the collected documents of those states where such institutions were established. One of the most complete depositories of state documents is the annex of the Massachusetts State House Library. In addition to Annual Reports of individual reform schools, state documents contain Annual Reports of boards of state charities. Again, special investigations and legislation are specifically cited to aid the reader seeking further information. The Papers of Samuel Gridley Howe (Houghton Library, Harvard University) contain several of his essays on reformation of juvenile delinquents.


Cobb, Mary E. *The Responsibility of States to their Dependent Children*. Fall River, Massachusetts: J. H. Franklin, 1888.


Tarver, M. "Juvenile Reform Schools." The Western Journal and Civilian, XI (December, 1853), 188-188.


New Departures in Science and Institutional Care, 1880-1910. State documents and legislation continue to reflect developments in institutional care of delinquents and in beginnings of state probation systems. Relevant reports of the U. S. Immigration Commission and the studies of Arthur MacDonald may be found in U. S. Congressional documents and reports. The Papers of Josephine Shaw
Lowell (Radcliffe College, Schlesinger Library) and Rutherford B. Hayes (Hayes Memorial Library, Fremont, Ohio) contain interesting correspondence relating to dependency and delinquency in the late nineteenth century. The Papers of the George Junior Republic give a complete picture of life at the Republic and, through "Daddy" George's wide and varied correspondence, provide a compendium of opinion on juvenile delinquency in the 1890's and early twentieth century. William H. Knox, former director of research at the Republic, broadened my understanding of self-government within reform schools.


Auden, George A. "Feeblemindedness and Juvenile Crime," *Journal of Criminal Law and Criminology,* II (July, 1891), 228-238.

Barr, Martin W. "The How, the Why, and the Wherefore of the Training of Feebleminded Children." *Journal of Psycho-Asthenics,* IV (September, 1899), 204-212.


Blackmar, F. W. "The Smoky Pilgrims," American Journal of Sociology. II (June, 1897), 490-500.


Dawson, George E. "A Study in Youthful Degeneracy." *Pedagogical Seminary*, IV (December, 1896), 221-258.


Kellor, Frances A. "Criminal Sociology." Arena, XXIII (March, 1900), 301-307.


McCasy, J. H. "How to Limit the Over-Production of Defectives and Criminals." *Journal of the American Medical Association,* XXXI (December 31, 1898), 1345-1347.


Shaw, Albert. "Learning by Doing at Hampton." Review of Reviews, XXI (April, 1900), 419.


Town, Clara Harrison. "Mental Types of Juvenile Delinquents Considered in Relation to Treatment." Journal of Criminal Law and Criminology, IV (May, 1913), 83-89.


The Juvenile Court, 1899-1910. Juvenile Courts were usually created by state legislation which varied a great deal from state to state. These laws may be consulted separately or, beginning in 1912, in the periodic surveys conducted by the U. S. Children's Bureau. One of the most
complete surveys is Children's Bureau Publication 193, The Child, the Family and the Court (1929). Proceedings of the 1909 White House Conference on the Care of Dependent Children provide information on the status of the court at that time. The Papers of Benjamin B. Lindsey (permission required, Library of Congress) are especially rich not only in recollections of the juvenile court's leading spokesmen, but also in writings and correspondence on delinquency by many figures of the Progressive Era. Relevant legal cases are cited individually. The Papers of Jane Addams (microfilm copy, Schlesinger Library, Radcliffe College) and Graham Taylor (Newberry Library, Chicago, Illinois), reflect the optimistic outlook of the settlement house movement and do not include much discussion of juvenile delinquency. The comments of Professor Leonard Schneiderman of The Ohio State University helped me to understand the relationship between probation officers and the juvenile court.


Lindsey, Benjamin B. "The Boy and the Court." *Charities*, XIII (October 18, 1904), 350-359.


Lindsey, Benjamin B. "Denver Juvenile Court." *Juvenile Record* (February, 1902), 9-10.

Lindsey, Benjamin B. "My Lesson from the Juvenile Court." *Survey*, XXIII (February 5, 1910), 652-656.


The Development of Modern Theories Toward Juvenile Delinquency, 1909-1935. Significant public documents on juvenile delinquency in the twentieth century include two volumes from the Report of National Commission on Law Observance and Enforcement (the Wickersham Commission): Clifford R. Shaw and Henry D. McKay, Social Factors in Juvenile Delinquency (1931) and Miriam Van Waters, The Child Offender in the Federal System of Justice (1931). The U. S. Children's Bureau published reports on developments in treatment of juvenile delinquency but, before the New Deal, the efforts of this agency were concentrated mostly on improving child health (see, for instance,
Proceedings of the 1930 White House Conference on Child Health and Protection). The pioneers of modern attitudes—William Healy, Miriam Van Waters, the Chicago sociologists—contributed to both federal and state studies and reports, but their most significant writings were either commercially published or are available in manuscript collections. The Papers of Miriam Van Waters (Schlesinger Library, Radcliffe College) and Ethel S. Dummer (Schlesinger Library, Radcliffe College) add to our knowledge of the movement to reform female delinquents and to our understanding of the ideas of psychologists and sociologists interested in helping children. The Papers of Mary W. Dewson (Schlesinger Library, Radcliffe College) contain some information on efforts to end the repressive treatment of girls in one state (Massachusetts). The Papers of Felix Frankfurter (Library of Congress) have interesting correspondence between Frankfurter and both Miriam Van Waters and the Gluecks. The Papers of Grace and Edith Abbott (University of Chicago Library) show the cautious approach of the federal government toward delinquency and also reveal the ideas of leading social work administrators. The Papers of Ernest Watson Burgess (University of Chicago Library) are presently being catalogued and, when complete, should broaden our
knowledge of the Chicago sociologists of the 1920's. Interviews with Dr. Martha M. Eliot, former Chief of the U. S. Children's Bureau, Dr. Miriam Van Waters and Mrs. Karl De Schweinitz helped me to understand the problems of caring for female delinquents. Professor Lloyd E. Ohlin of the Harvard Law School clarified for me the contemporary relevance of the Chicago School.


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Kenworthy, Marion. "Mental Health in Childhood." Mental Hygiene, X (April, 1926), 242-252.


Park, Robert E. "Play and Juvenile Delinquency." Playground, XVIII (May, 1924), 95-96.


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