

THROWN ON THE COLD CHARITY OF THE WORLD

Kansas Cares for Its Orphans, 1859-1919

BY

Lyanne Candy Ruff

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Dr. Kim Warren,
Chairperson

Dr. Ted Wilson

Dr. Jonathan Earle

Dr. Jake Kipp

Dr. Mary K. Zimmerman

Date defended : 5/17/12

The Dissertation Committee for Lyanne Candy Ruff
Certifies that this is the approved version of the following dissertation:

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Chairperson, Dr. Kim Warren

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Abstract

This dissertation examines the role special interest politics played in securing tax-supported funding of child welfare services by local and state governments. The study begins in the mid-1850s, when Irish immigrants began to influence New York City politics, insuring municipal funding for Catholic orphan asylums, while fighting Protestant reformers determined to ride destitute immigrant children of their foreign customs and Catholic religion. My research examined the second year of the Civil War, when Pennsylvania became the first state to assure the care and education of children because early Union losses cut recruitment levels, compelling state officials to make these guarantees to Union Army recruits, who may not return home. The study then pointed to a strong voting bloc and state house connections that Kansas Civil War veterans used in 1885 to insist that the orphaned children of their wartime colleagues and those fallen on hard times gain state support. These historically significant occurrences expose the chilling affects of politics on Irish immigration, the western emigration of New York's Catholic children to Midwestern Protestant communities, legislation benefiting Union veterans, and Progressive Era reforms implemented for social control rather than alleviating poverty. This research proves that special interest groups controlled the lives of orphaned and dependent children, influencing their place in a new standardized American society of social control and suppressed behavior.

The timeframe for this dissertation begins in 1859 when three suddenly orphaned children became the responsibility of a Kansas community, moves into the

intervening decades of the last half of the nineteenth century and early twentieth century, and concludes when the Spanish Influenza forced Kansas lawmakers in 1919 to implement strict regulations of religious orphanages and children's homes. My research utilizes accumulative cause and effect data that build into my conclusions centered on outcomes-based analysis.

This dissertation examines the motivation of social workers, government officials and reformers caring for orphaned and dependent children, challenging the perception that alleviating poverty was their sole motivation. The conclusions of this study find that the political mandates of special interest groups ruled decisions made at all levels of government, within the management of private charities and among leaders in small communities. Among those decisions stood the desire to control destitute children, and mold them eventually into acceptable American adults. This research looked closely into the care of destitute children in New York, Pennsylvania and Kansas, revealing similar child welfare systems that developed under the influence of special interest politics.

Acknowledgements

The problem with thanking those who assisted me in the completion of my doctorate begins with the first individuals who come to mind. They lived over a hundred years ago. Standing on the shoulders of those once served the people of Kansas; I sat in the same chambers, roamed the same library stacks and walked the same halls of the Kansas State House. Researching the history of Kansas and its Legislature placed me in a unique position during the sixteen years I served in the Kansas House of Representatives. The best way to understand politics, its rewards, and the influence of those who wield its power is to experience the unique proximity of those in power. That experience offered me knowledge and appreciation of political leaders of the past, and of today.

Live human beings played key roles. My first and most sincere appreciation goes to my husband. He endured endless trips to libraries and archives, sat hours in front of digital readers, and chauffeured me on several road trip. He listened patiently as I talked of the past. That should come as no surprise because I was raised with a love of history.

Discovering a love of Kansas History took place in the newsroom of the oldest daily newspaper in Kansas. In the 1980s, I worked as a reporter for the *Leavenworth Times*, covering local government and working the news desk on Saturday nights. During those long evenings, I started reading the microfilm of each issue, starting March 27, 1857. Every week, I watched as my community and state grew. I sought out

publications on Kansas History, leading me to my first hero in Kansas History, Professor Rita Napier. A copy of her dissertation on the town companies created to establish the river town (including Leavenworth) in Territorial Kansas opened that period's troubling period. When I decided to return to college, Professor Napier was the first instructor I sought. She continues to serve as an example of excellence in teaching and research.

Virgil Dean became another early-day champion of Kansas History. He taught one of my first Kansas History classes at Washburn, pointing to the early publications of the Kansas State Historical Society, where he serves as publications editor. By pointing to the Kansas Collection, he emphasized the importance of contemporary materials. From those primary source documents, I became acquainted with talented resource librarians, archival experts, and custodians of precious records.

Among those I most admire are personnel at the Kansas State Library. Because they most often conduct research on current issues, they often looked surprised to see a legislator seek the state's earliest publications, state statutes and law books. Research experts with the Kansas State Historical Society offered insightful suggestions, pointed to overlooked sources and produced every request I submitted.

From the archives of the Sisters of Charity of Leavenworth, I first discovered "those thrown on the cold charity of the world." My appreciation to Sister Mary Sheehan is immense because she introduced me to St. Vincent Orphan Home and Mother Xavier Ross, the order's founder. She guided my search of early correspondence, publications and individuals. The Diocese Archives of the Catholic

Church of Kansas City, Kansas, provided valuable assistance in my search of the Church in Kansas.

My research outside Kansas produced valuable assistance starting with Victor Agure, an archivist for the New York Children's Aid Society. He shared documents that first mentioned Kansas. Although painfully recalled, he pointed to three accordion folders holding hundreds of unanswered letters from orphan train riders. Another heartfelt discovery came in the archives of the New York Foundling Home, where large ledgers held the original letters and notes women attached to the infants they had abandoned. Although I viewed these documents in their original New York locations, the archives for the New York Children's Aid Society and New York Foundling Home now reside in the New York Historical Society.

As a non-traditional student, I attended the University of Kansas while busy elsewhere. I often envied students who had time to chat with professors and drink coffee in the Student Union. Although enjoying my classes, I often multi-tasked by deciding where to shop for dinner, the laundry awaiting me at home. I also became friends with fellow non-traditional students we called the B Club. Each one has stood by me as I made my way toward completion of my doctorate.

When I read of acknowledgements in other dissertations, I find my list somewhat missing. I failed to attend important conferences or accumulate the friendships of scholarly individuals. I have not traveled the halls of academia and identifying those in the hall of political power should probably go unnamed.

Combining my political experience with my academic research occurred because of many good people, alive and dead.

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Chapter One: Introduction

“The cause of the children is the cause of the state. No form of public benevolence affords so large a return of profit as that which is devoted to the rescue of child life from the baneful influence of vicious environment or the helplessness of misfortune.”

Charles E. Faulkner,
Superintendent
Kansas Soldiers’ Orphans’ Home¹

Igniting a Crisis in Child Welfare

The child welfare crisis that prompted the 1885 Kansas Legislature to create a state-supported soldiers orphans’ home revealed the failure of privately funded child welfare and the success of special interest politics in meeting the needs of orphaned and dependent children. Because the crisis in Kansas originated in New York, my study exposes the flash point in nineteenth-century child welfare ignited by the destitute children of the Famine Irish, revealing a system incapable of meeting their needs.² Consistent tax-funded support eventually met those needs, leading government officials to take full responsibility for the care of destitute and homeless children. My research reveals that special interest politics, not the ravages of poverty, compelled them to act.³

¹ Letter from Charles E. Faulkner, superintendent of Soldiers’ Orphans’ Home, written and marked “personal” Dec. 29, 1888, to Governor John A. Martin in the State Capitol; Subseries 5, Vol.12, Box 33, Folder 2 Kansas State Historical Society, referred to as KSHS.

² This study uses the term Famine Irish to describe Irish immigrants arriving in America from 1847 to 1860 as they fled the ravages of the Potato Famine that blighted Ireland’s primary source of food.

³ In this research, special interest politics refers to a group or organization attempting to influence state legislators or municipal officials in favor of approving tax-supported funding of programs or services that

Poverty and politics comingle throughout the history of child welfare and serve as the center of this study. In early America, no power and little political interest marked the lives of orphaned and dependent children. That combination began to shift in the late 1840s when the Famine Irish arrived in New York City by the hundreds of thousands. Representing the first accumulation of power in New York City politics, Irish leaders leveraged their position on the New York City Council to insure tax supported municipal funds to benefit Catholic child welfare services, and rescue Famine Irish children from western emigration. My research continues by exploring the political power in the hands of Kansas Civil War veterans, who insisted the orphaned children of their colleagues and those who had fallen on hard times gain state supported care. Comparison with Pennsylvania further explores its promise to Union Army recruits that should they not return from the Civil War; the state would care for their orphans. The guarantee of state support bolstered recruitment, pointing to the use of soldiers' orphans in the role of special interest politics.

Although the abandoned infants of unmarried Irish immigrants possessed no power in post Civil War New York, their eight-five percent mortality rate in the city's three foundling homes hastened Progressive Era reforms while pointing to the continued need for municipal funding. In light of funding increases and needed reforms, Kansas lawmakers hesitated to regulate children's homes and religious orphanages, or offer any further financial support in the first decades of the twentieth century. The scare of the Spanish Influenza and deplorable living conditions discovered during

benefit orphaned and dependent children or advocating state government to assume total responsibility for the care of orphaned and dependent children.

unannounced home inspections at the end of World War I shocked legislators into exercising more authority and assuming greater responsibility for the state's most destitute children.

Exploring the care of destitute children and the tradition of poor relief, this study examines the Elizabethan Poor Laws to explain how colonialists from England designated municipal or county governments to bear the financial responsibility for destitute citizens, and house them in poorhouses that assumed the role of English workhouses. As the simplest and least expensive form of care for destitute and orphaned children, placement with relatives became the first alternative explored by poor relief officials. Children without relatives or with relatives, who refused to help, depended on apprenticeships that offered legal contractual agreements that involved court supervision. To avoid those complications, local officials instead offered less formalized placing-out arrangements that contained no legal supervision or follow-up, exposing children to abuse, exploitation, and isolation. Only a handful of destitute children gained greater attention and care in the few charitable institutions and religious orphanages that existed before 1846.⁴ Further research on attitudes toward the poor in

⁴ Writings on the early care of orphaned and dependent children include Homer Folks, *The Care of Destitute Neglected and Delinquent Children* (New York: MacMillan, 1902); Howard Hopkirk, *Institutions Serving Children* (New York: Russell Sage Foundation, 1944); Henry Thurston, *The Dependent Child: A Story of Changing Aims and Methods in the Care of Dependent Children* (New York, Arno Press, 1972); Amy M. Godfrey, "Divine Benevolence to the Poor: Charity, Religion, Nationalism in Early National New York City, 1784-1820," PhD diss. University of Illinois, 2007. (ProQuest AAT 3279179). John M. Cooper, *Children's Institutions: A Study of Programs and Policies in Catholic Children's Institutions in the United States* (Philadelphia: Dolphin Press, 1931); Numith Zmora, *Orphanages Reconsidered: Child Care Institutions in Progressive Era Baltimore* (Philadelphia: Temple University Press, 1994); Nelson, Claudia, *Little Strangers: Portrayals of Adoption and Foster Care in America, 1850-1929*, (Bloomington: Indiana University Press, 2003); and McCausland, Clare L., *Children*

the nineteenth century exposes the deep scars of humility inflicted on poverty-stricken families, who felt responsible for their destitute status, and held no expectation of government support.

Then the Irish came to America. My research continues by examining the tragedies that compelled Irish immigrants to wash ashore New York City in the late 1840s. Depopulating rural Irish counties because of immigration or starvation, the Famine Irish landed in America ill clad, ill prepared, and ill fed. Disembarking into uncertainty, Irish families faced few possibilities for housing, forced instead toward crowded city slums, where epidemics swept through immigrant neighborhoods. As dire poverty and disease wore down their parents' mental and physical capacities, a significant number of children became dependent.⁵ This study examines the survivors of starvation as they endured the early years in America as parents with children. Despite numerous historical accounts of Irish immigration, this scholarship focuses attention on the role Famine Irish children played in motivating Irish political leaders to take a more commanding lead in New York City politics. Responding to anti-Catholic, and pro-Protestant child saving efforts, Irish leaders fought for tax-supported state funding and against a western emigration program that removed the Irish, Catholic children from their families, culture and the Catholic Church. Fearful of losing their children to mostly Protestant Midwestern farming communities, Irish politicians and Catholic clergy scrambled to address the desperate financial needs of new Irish immigrants, whose

of Circumstance: A Story of the First 125 Years (1849-1974) of Chicago Child Service Society, Chicago, University of Chicago Press, 1976.

⁵ John D. O'Grady. *Catholic Charities in the United States, History and Problems*. (New York: Ransdell, 1931) 36, 37.

staggering numbers and poverty set them apart from earlier immigrant arrivals. State officials also responded to the arrival of the Famine Irish by establishing an emigration commission to conduct evaluations of medical and mental conditions to insure that New York leaders and native populations not suffer from the perceived deficiencies they believed all Irish immigrants carried.⁶

The analysis opens with creation of the New York System and religious charities, beginning with the Catholic Church. Because Catholicism dominated the Famine Irish, the Church faced an unprecedented call upon its services, scrambling to find Catholic homes to take in destitute Irish immigrant children. Because few existed, the clergy moved quickly to build new Catholic orphanages. However, limited resources delayed construction, forcing Catholic leaders to seek tax-supported funding from the New York State Assembly. Irish leaders and the clergy justified their request by pointing out the benefit gained by the state from the Church's care of orphaned and dependent children. Those benefits and state funding attracted opponents among Protestant ministers and philanthropic leaders, who offered another solution.

Protestant child savers put their full support behind western emigration as a solution devoid of state funding. At no expense to the state, Famine Irish children would

⁶ Writings on immigration, Irish immigration and immigration in New York include Hasia R. Diner, *Erin's Daughters in America, Irish Immigrant Women in the Nineteenth Century* (Baltimore: Johns Hopkins University Press, 1983); Maldwyn Allen Jones, *American Immigration*, (Chicago : University of Chicago Press, 1992); Roger Daniels, *Coming to America: A History of Immigration and Ethnicity in American Life*, (New York : Harper Collins, 2002); Edward Laxton, *The Famine Ships: Irish Exodus to America* (New York: Holt Publishing, 1998) Kerby A. Miller, *Emigrants and Exiles, Ireland and the Irish Exodus to North America* (New York: Oxford University Press, 1987); Jay P. Dolin, *The Irish American, A History* (London: Bloomsbury Press, 2008); Margaret M. Mulroney, *Fleeing The Famine* (Connecticut: Praeger Publishers, 2003); and Edwin G. Burrows and Mike Wallace, *Gotham: a history of New York City to 1898* (New York: Oxford University Press, 2000).

travel by train to Midwestern communities, where they would find families to take them in. New York lawmakers rejected Catholic pleas for supplemental funding to build new orphanages and increase Catholic welfare services. In the face of defeat, the Irish returned to New York determined to succeed in city politics and secure municipal funding for their orphanages and child welfare programs, creating the New York System. Coming on the heels of defeat in Albany, the Irish succeeded in New York City politics, adding a cause and effect element to my analysis.

Irish immigration added further concerns to New York officials in the decades after the Civil War. Because of the unusually high number of female Irish immigrants, who arrived single and alone, an equally elevated amount contributed to a spike in abandoned infants in New York City. My study examines the consequences of giving birth to an illegitimate child, and enduring the shame of relinquishing a baby. Most troubling to explain, the eighty-five percent infant mortality rate reported by the three foundling homes in New York City, two of which opened after the war because of the increase in demand. The deciding factors in the high mortality rate centered on the use of cow's milk before pasteurization, inconsistent behavior and infrequent availability of wet nurses and consequences of babies arriving in a weakened medical condition. Leaving their babies on the doorsteps to wealthy homes, at the entrance to police stations, or in cradles at foundling asylums, these women wrote letters and notes and pinned them to the child's clothing, revealing the unimaginable grief endured in silence. The archives of the New York Foundling Asylum contained about sixty of these written messages dating from the institution's founding in 1869 to the mid-1880s. Scribbled on

small pieces of torn paper or written neatly on fancy stationery, these messages brimmed with heartache that decried the women's circumstances and talked of abandonment, death and disgrace, while revealing their Catholic faith and Irish immigrant status.

The rippling affects of Irish immigration on nineteenth-century child welfare exposes a treasure of primary source documents beginning with the New York Public Library. The annual reports of religious orphanages and foundling homes prepared in application for municipal funding to the New York City Council served as further evidence of overcrowded conditions and unsanitary living quarters caused by the overwhelming numbers and consequent poverty suffered by Famine Irish immigrants. As solutions unfolded for handling the surge in destitute and homeless children, contemporary New York City newspapers published the public battle that pitted Protestant child-savers against the Catholic Church. Mid-nineteenth century state government reports told in less sanitized terms the workings of boards and committees formed to manage the overwhelming number of immigrant arrivals, to prevent scams aimed at confiscating their meager resources, and to treat or isolate illnesses. Contemporary sources left little doubt of the discrimination and misunderstanding perpetrated by New Yorkers, who distrusted the Irish and scoffed at the Catholic Church. A selection of current immigration and political narratives as well as social history monographs illustrates the thinking of several immigration historians well versed in the Irish Diaspora. Reactions of the Catholic Church and Protestant-based,

anti-immigrant organizations played a central role in telling of the impact Irish immigrants had on existing charitable endeavors.

The role played by Union Army veterans shifts the discussion to politics and poverty in post Civil War Kansas. This special interest group demanded state government assume full responsibility for the orphans of their Civil War colleagues. As the rippling effects of the child welfare crisis moved west, comparative methods illustrate the circumstances in Kansas. Understanding the contributing factors that motivated the 1885 Kansas Legislature to fund a state-supported orphans' home, I compare past endeavors to secure tax revenues for destitute and homeless children to what the state eventually provided after Progressive Era reforms occurred at the turn of the twentieth century. Although key leaders and organizations failed to gain state involvement in the first decades of statehood, my analysis looks closely at the reasons political figures and Civil War veterans succeeded in gaining a state-supported soldiers' orphan home and a state-supported soldiers' home. To explain more fully that success, my research takes into account the economic issues, major political figures and media reactions to the 1885 legislative session.

A strong economy and consistent rainfall made for an important contrast to the long-running drought in the 1870s and the appearance of grasshoppers that covered the plains and consumed everything in sight. Taxes that once stagnated now improved in the 1880s, when Kansas farmers added to their earnings and businesses profited from increases in purchased goods. In light of economic success, social reforms became more likely. Meaningful to 1880s Kansas politics, the Grand Army of the Republic (GAR),

composed of politically active Civil War veterans, made its first appearance in Kansas politics. During the 1885-1886 Legislative Sessions, the GAR called for reforms in poor relief and child welfare. However, special interest politics dictated the limiting nature of those reforms because benefits extended to only veterans, their spouses and the orphaned and destitute children of their Civil War colleagues, not all poverty stricken Kansans.

Destitute Kansans seldom gained much attention from politicians, veterans or any special interest groups. However, an examination of the child welfare system in nineteenth-century Kansas charts references to destitute children in Territorial laws, the 1862 Kansas Poor Laws, Session Laws, and Kansas statutes. An assessment of the state's first secular and private orphanages from their opening in 1867 to 1885 points to the number of orphaned and dependent children receiving care, and what provisions existed for placement outside the orphanages. When data on dependent children, especially those who filled county poorhouses at the same time, parallel one another, statistical significances stand out.

Exploring Primary Source Documents

Two years before counties began to construct poorhouses in 1866, orphan train riders arrived in Kansas. Delving further into the archives of the New York Children's Aid Society, the first mention of children organized to leave New York for Kansas appeared in 1864, when Junction City welcomed nearly twelve children. Reports from the children's aid society annual reports explained the duties of orphan train agents,

who accompanied the children, how they organized community leaders ahead of time to oversee the distribution of children awaiting homes. Omitted from these annual reports were the tragedies of unsuitable placements. Troublesome outcomes filled the letters from orphan train riders to the Children's Aid Society. Children asked for news of their families or begged to return home. A number of these letters survive in New York as well as the newly established National Orphan Train Museum and Research Center in Concordia, Kansas.

The archival records of Norte Dame University held the personal papers of the Rev. Peter Baarth, a Michigan parish priest and lawyer, who conducted a nationwide survey in 1885 of all Catholic orphanages in operation at the time. In response to a questionnaire sent to those in charge of the orphanages, a hundred letters and reports further clarified the complicated picture of nineteenth-century Catholic child welfare. Although nineteenth-century Catholic newspapers reported anti-Catholic, anti-Irish bias along with ongoing Protestant conflicts, the *Weekly*, a Kansas Catholic publication held at Norte Dame, covered the 1885 Kansas Legislature. Although reflective of the Catholic point of view, the articles revealed details of the debate on state funding of religious orphanages omitted from the mainstream media at the time.

A rare glimpse into the lives of children living in dissolute poverty unfolded in primary source documents in Kansas that include the original registers of three Kansas orphanages. Its whereabouts unknown for decades, "The Register of Orphans Received in the St. Vincent Orphan Asylum, January 1, 1867," stands alone as the only primary source document among Kansas historical records to reveal the circumstances of

orphaned and dependent children from 1860 to 1885.⁷ Written by the early-day Sisters of Charity serving at the first orphanage in Kansas, each admission included the child's identifying information, explanation for care, religious connection to the Catholic Church, and the adoption status or where the child placement occurred. Although the orphanage opened in 1867, the register listed children received as early as 1860 by the Sisters of Charity. When Saint Vincent moved to its second and larger location in 1885, the second register began listing arrivals to include additional data about the children.

The "History Register of the Soldiers Orphans Home" listed each child taken into the state-supported orphanage from 1887 to 1912. The details surrounding the child's entry and departure revealed a repeated pattern of parents forced to relinquish a child because of extreme poverty. The same pattern existed in the original register (1868 - 1871) of the Leavenworth Protestant Orphan Asylum. Listing the names of children, and explaining why they needed care, data from all the registers documented instances of poorhouse placements. However, the accumulated data from all the registers held striking differences between the Catholic, Protestant, and state-operated orphan homes. This research reveals how the parents' poverty and moral status affected descriptions of the child's home life and future prospects. The state's insistence that most children should work for farmers and small town merchants revealed a conflict with the Catholic Church's policy on adoption. Unless adopted, all children remained in the Catholic orphanage because a prohibition existed on placing out. These differences

⁷ Until found unexpectedly in 2010, St. Vincent Home registries were last seen in the late 1950s when Sister Julia Gilmore wrote a history of the Sisters of Charity in Leavenworth.

among others will serve as a microcosm of attitudes generally held about child welfare in Kansas as well as nationwide.

In contrast to the first hand reports of children entering orphanages in Kansas, nineteenth-century Kansas state and local government reports offered a stilted review of poverty relief, the placement of children in county poorhouses, state supplemental funding of private and religious orphanages, and year-to-year reports of the state charitable institutions, like the Soldiers' Orphans' Home. As contemporary records of the Kansas culture and the times surrounding orphaned and dependent children, the state's newspapers further documented the issues defining destitute children, the 1885 Kansas Legislature and the state's political leaders.

Politics and poverty combined in an oft-repeated partnership that defined post Civil War Kansas, where 50,000 former Union Army officers and soldiers lived and voted by the 1880s. Fifty-five percent of the Kansas Legislature boasted military service and the governor elected in 1884 once commanded a Kansas cavalry unit. These political advantages in 1885 resulted in the approval of a state-supported soldiers' orphan home. However, the promise of care extended only to the orphaned and destitute children of Union Army veterans. All others languished in county poorhouses, where local authorities placed them out with strangers or warehoused them in poorly funded private and religious orphanages.

As the study continues, similar success occurs in the late 1880s when once again politically motivated Civil War veterans insist that state government create a soldiers' home for Kansas veterans. To understand the political advantage Civil War veterans

held in the 1880s, this research delves into the rhetoric used by former Union soldiers, who claimed they saved the Republic from Southern insurgents. Their wartime sacrifices earned them great sympathies when veteran organizations pressed state governments to establish soldiers' orphans' home , and state-supported soldiers' homes for destitute and disabled veterans. In Kansas, laws also forbid county commissioners from placing veterans and their families in county poorhouses.

Discussion of the circumstances leading to state responsibility of orphaned and dependent children in Kansas also includes a comparison with Pennsylvania. As the first state in 1864 to take responsibility for soldiers' orphans, Pennsylvania stood twenty years ahead of Kansas, which became the last among the nine northern states to assume similar responsibilities. Whether New York, Pennsylvania or Kansas, special interest politics, not children's needs, forced government entities to take action. Despite the devastation of poverty and family misfortune, children's needs never commanded a top priority at any level of government.

As this study concludes, neither special interest politics nor poverty accounted for actions taken in 1919 when Kansas lawmakers imposed strict standards in the care of children. The fatalities and widespread illnesses attributed to the Spanish Influenza compelled the state to require strict licensure requirements to operate all private children's homes, charitable agencies and religious orphanages. Although state funding of the Soldiers' Orphan Home began in 1885, the Legislature as early as the 1870s granted inconsistent lump sum payments and meager supplemental funding to these private institutions. Why wait decades to impose standards of care?

Fear of any further financial commitment made lawmakers resistant to oversight and justify no additional funding to inspect these institutions, relying instead on self-reported data. This hands-off approach endured for more than fifty years. However, the fear generated by the Spanish Influenza in 1918 and 1919 finally moved the Legislature to step in and impose strict operational guidelines. When the doctor for the state health department warned of increased risks to children living in congregate or group settings (children's homes, orphanages), the Legislature passed its most stringent statutes in 1919 governing private and religious facilities. Unsure of the Influenza's cause and puzzled by its method of contamination, state health officials warned of the higher numbers of children and elderly affected by the disease. As the statewide death toll reached 12,000 by the end of 1919 and thousands more suffered in hospitals and at home, lawmakers moved to improve the facilities caring for children. In the course of one legislative session, the Spanish Influenza became the most powerful special interest to influence child welfare politics in Kansas.

Having an impact on the state's earliest social workers and corrections officials, *The Proceedings of the National Conference on Charities and Corrections* included articles on public and private charities to become the first professional journal for charities and corrections published from 1874 to 1947. The professional development of social work and the debate on government funding of religious institutions filled its pages for decades. States shared updates on social services improvements and legislation affecting the care of orphaned and dependent children as well as disabled

adults. The earliest references to reform movements added considerable value to my research of the Progressive Era at the turn of the century.

Adding to Existing Scholarship

Contemporary and recent sources explained further the role of special interest politics to include research in the past decade from historians on the Famine Irish and New York City politics. Among the first writers to bring attention to the plight of poverty-stricken Irish immigrants and homeless children, Charles Loring Brace observed in 1859 the aftermath of Irish arrivals, pointing to deplorable living conditions and criticizing their Catholic faith.⁸ He played a key role in expressing popular Protestant sentiment toward Irish immigrants, while offering a solution for the thousands of homeless children roaming the streets of New York City. He created a western emigration program to remove them to Protestant Midwestern homes. Much of the conflict surrounding Brace's program and Catholic resistance originates with this publication.

Despite Brace's writing along with countless investigations and exhaustive research, these publications fell short in discussing homeless Irish children and abandoned immigrant infants. For instance, immigration historian Kerby Miller's *Emigrants and Exiles, Ireland and the Irish Exodus to North America* defines nineteenth-century Irish arrivals as either emigrants or exiles. He argues that Famine Irish immigrants perceived themselves as involuntary and non-responsible exiles forced

⁸ Charles L. Brace. *The Best Methods of Disposing of the Pauper and Vagrant Children*. (New York: Wynkoop, Hallenbeck and Thomas Printers, 1859) Kansas State Library Collection, referred to as KSLC.

to flee their homes in hunger because of the English.⁹ Once in America, the abject poverty they encountered added another layer of bitterness to what eventually became a fatalistic attitude that influenced the way Irish immigrants responded to one another and their living conditions. From hundreds of emigrant letters, Mr. Miller stitches together a Catholic worldview of passivity, collectivism and fatalism used to explain forced child separation, parental irresponsibility and tendencies toward alcoholism, defining Famine Irish parents unable to support their children. However, the exile motif he creates is one of many troubling generalizations. Although full of anguish and regret about leaving Ireland for America, these letters (despite being massive in their sampling) failed to define or accurately describe most Irish immigrants. The limitation of his sources becomes evident when you consider that of all immigrant groups, Irish immigrants became the least likely to return to Ireland. Still, the picture he paints of nineteenth-century Ireland adds to the culture, people and crisis that propelled nearly a million and a half Famine Irish immigrants toward America.

Utilizing documentation more reflective than emigrant letters, Bruce Bellingham's writings, including "Waifs and Strays in New York" in *The Uses of Charity*, call for new explanations of immigrant parent behavior.¹⁰ When orphan train founder Charles Loring Brace damned parents who abandoned their children, Mr. Bellingham argues instead that unrelenting poverty forced parents to sign over their

⁹ Kirby Miller, *Emigrants and Exiles, Ireland and the Irish Exodus to North America*, (Oxford University Press: New York, 1987).

¹⁰ Peter Mandler, *Uses of Charity: The Poor on Relief in the 19th Century Metropolis* (Philadelphia: University of Pennsylvania Press, 1990).

children in exchange for training in usable skills available from foster parents better equipped to care for them. Where Bellingham's thesis centers on the damage caused by intolerance and misunderstandings permeating middle class attitudes of nineteenth-century poverty, I use that model to detect the damage and apply it to middle class attitudes about poverty in Kansas.

Although Hasia Diner's *Erin's Daughters in America: Irish Immigrant Women in the Nineteenth Century* (1983) offers a sympathetic gender history of nineteenth-century Irish women in America, his research fails to complete the picture.¹¹ Further fracturing an overburdened child welfare system, out-of-wedlock births increased because of thousands of Irish immigrant arrivals in the post Civil War decades. Increases in infant abandonment paralleled the swelling numbers of unmarried Irish women that Diner reports from the late 1860s to the end of the century. Where Diner argues that Old World cultural traditions followed these women to America, I counter with evidence that shows how behaviors epitomizing those traditions become more understandable in light of a woman forced at a young age to abandon her baby. Because Diner's contention that economic independence and not marriage typified the majority of Irish immigrant women, I demonstrate how those characteristics typified a reasonable response from women forced to relinquish a child because of stifling poverty. Where Diner points to this immigrant group's susceptibilities to alcoholism and domestic violence, I argue that the unrelenting grief of losing a baby and keeping it secret wore down their spirits, leaving them filled with guilt and unable to stand up for themselves.

¹¹ Diner, *Erin's Daughters*.

In her dissertation *Gotham's Waifs: Foundlings in Nineteenth Century New York*, Julie Miller researches New York's poorhouse and two foundling homes to discover the tragic outcomes of the infants abandoned by Irish immigrant women.¹² She places blame for infant mortality rates as high as eighty-five percent on stifling Victorian morals, startling indifference of government officials, and significant increases in female immigrant arrivals. Miller adds weight to my argument that the nineteenth-century child welfare crisis began with the Famine Irish, but the abandoned infants of mostly Irish immigrant women placed additional pressure on an already damaged informal child welfare system. Despite Ms. Miller's challenge to understand past occurrences in light of the times in which they occurred, she argues that little justification explains away the wholesale suffering of these infants least able to care for themselves. Mortality rates failed to abate until economic conditions improved, milk became pasteurized, and immigrant patterns shifted from Ireland toward southern and Eastern Europe. High mortality rates from the late 1860s to the turn of the century compel Miller to direct her harshest criticisms toward government funding shortfalls.

The publications and scholarly works about nineteenth-century orphanages and child welfare, whether filled with criticism or praise, revealed few references to Kansas. One of the few, Joan Gittens's research in *Poor Relations: The Children of the State in Illinois, 1818-1990* offers several comparisons that apply to Kansas.¹³ She argues that

¹² Julie Miller, "Gotham's Waifs: Foundlings in Nineteenth Century New York," PhD. diss., City of New York University, 2003, (ProQuest AAT 3083693).

¹³ Joan Gittens, *Poor Relations: The Children of the State in Illinois, 1818-1990*. (Urbana: University of Illinois Press, 1994).

Illinois, which she referred to as a traditional state, failed to adequately fund the needs of destitute children. Kansas as a strong state-executive state responded to dependent children in a more enlightened fashion. Unlike Kansas orphanages, the bulk of child welfare funding for Illinois orphanages and foster care rested on municipal sources until the 1930s.

Julie Miller's research on municipal governments reveals why cities and counties stepped into supporting orphanages when states refused. Three founding institutions of New York City (municipal, Catholic and Protestant) received the majority of their funding from the City of New York. Although a founding home did not open in Kansas until the third decade of the twentieth century, Ms. Miller's description of how Protestants and Catholics handled morality issues applies easily to Kansas. My examination of St. Vincent and the Soldiers Orphans Home original ledgers exposes the subtle differences employed by orphanage personnel completing entries about family background and current circumstances. Of the hundreds of children taken into St. Vincent, not one entry describes the parents' marital status, while only one explains the family's poverty. On the other hand, nearly all the entries at the Soldiers Orphans Home denote the parents' poverty and marital status. Although St. Vincent speaks of harsh economic conditions endured by laboring fathers, the Soldiers Orphans Home seldom mentions inequities in economic realities.

Ms. Miller argues that those considered the deserving poor, and thus entitled to the support of Protestant leaders, failed to be unwed mothers and their illegitimate infants. In comparison, Catholics leaders faulted poverty not the moral shortcomings of

unwed mothers, whom they considered worthy of care and support. Although improvement in living conditions at foundling homes resulted from Progressive Era reforms, Ms. Miller's theory that shame continued to mark women who relinquished their infants enforces my argument that this invisible disgrace affected the behaviors and outcomes of Irish immigrant women.

Adding to the scholarship on the role of orphanages in the nineteenth-century child welfare crisis, several monographs in the past decade offer relevant theories about individual institutions, their superintendents and the impact on children's lives. Kenneth Cmiel's *A Home of another Kind: One Chicago Orphanage and the Tangle of Child Welfare* uses personal stories found in letters, individual writings and memories of adult orphans and their families to argue that early-day social work professionals destroyed Protestant-based, volunteer institutions.¹⁴ My research found those institutions destroyed under the weight of overwhelming numbers in need, and the inconsistent nature of philanthropic giving. Faulting congregate settings, he supports foster care placements, but notes how social work professionals applied a regimented template to each child's circumstance, subjecting them to what Mr. Cmiel calls trends in psychologizing brought about by inconsistent policy changes. Despite the application of any template, social workers and orphanage personnel failed to supervise adequately foster care placement. Children left in orphanages benefitted from adult supervision, unlike those placed out in isolation and neglect.

¹⁴ Kenneth Cmiel, *A Home of Another Kind: One Chicago Orphanage and the Tangle of Child Welfare* (Chicago: University of Chicago, 1995).

In her dissertation, *The German St. Vincent Orphan Home: The institution and its role in the immigrant German Catholic community of St. Louis, 1850—1900*, Madeline Faden theorizes that perceptions in blame accounted for differences in the operation of orphanages.¹⁵ She argues that religious communities, which operated Catholic orphanages, blamed economic hard times for causing temporary shelter needs or when parental irresponsibility dictated a new home for children. Officials in charge of state-supported and Protestant orphans' homes faulted parent morals. My research in Kansas replicates Mr. Cmiel's observations and Ms. Faden's theory by using data culled from the original registers at Leavenworth's Catholic orphanage, its Protestant orphan home and the state orphans' home in Atchison.

From specific institutions to a macroscopic view, Timothy A. Hacsí's *Second Home: Orphan Asylums and Poor Families in America* (1998) accesses census data to generate a computer database on orphanages nationwide from colonial times to the New Deal.¹⁶ Drawing from the state census records as well as annual and biennial reports of nineteenth and early twentieth-century Kansas orphanages, I apply his outcomes-based analysis to Kansas.

Important to perceptions held in nineteenth-century society of asylum care, David J. Rothman's well-respected classic, *Discovery of the Asylum: Social Order and Disorder in the New Republic* (1971) fashions a set of comparisons to justify his theory

¹⁵ Regina Madeline Faden, *The German St. Vincent Orphan Home: The Institution And Its Role In The Immigrant German Catholic Community of St. Louis, 1850—1900*, PhD. diss., St. Louis University, 2001, (ProQuest AAT 9973341).

¹⁶ Hacsí, *Second Home*.

that orphans held a more charitable place in society and thus gained a higher quality of care.¹⁷ He argues that asylums became useful for social control, housing those who displayed excessive behaviors. Some evidence exists that the state orphans' home in Atchison admitted children with behavior disorders. Because these occurrences take place in Kansas, Rothman's work adds to my discussion of the role orphanages played. His praise of social control left little room to question the motives of those calling for change. My research found little sympathy for the children asked to erase their ethnic differences or express patriotic fervor for America. Despite the public sympathy they might generate, children in orphanages became valuable once social changes occurred.

As a thorough examination of Catholic child welfare in the late nineteenth and early twentieth-century, *The Poor Belong to Us: Catholic Charities and American Welfare* (1977) played an important role in the early stages of developing my thesis that the destitute children of Famine Irish immigrants ignited a crisis in nineteenth-century child welfare.¹⁸ Dorothy Brown and Elizabeth McKeown argue that rejection of state supplemental funding of Catholic orphanages drove Famine Irish immigrants to participate in New York City politics and secure municipal funding. That assessment sparked my initial contention that special interest politics, not the needs of destitute children, guaranteed tax-supported revenues. Taking their research a step further, I

¹⁷ David Rothman. *Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston and Toronto: Little, Brown and Company, 1971).

¹⁸ Dorothy Brown, and Elizabeth McKeown, *The Poor Belong to Us, Catholic Charities and American Welfare*, (Cambridge: Harvard University Press, 1997).

tracked the path of anti-Catholic animosity toward tax support of religious orphanages as it headed west to culminate in the 1885 Kansas Legislature.

Animosity toward poverty adds another dimension to the thorough exploration of American charity found in Matthew A. Crenson's *Building the Invisible Orphanage: a Prehistory of the American Welfare System*.¹⁹ American attitudes toward destitute children and their families shifted when social workers and policy makers started advocating for the cheaper system of "paid homes" (mothers paid cash stipends) rather than the "free homes" (county poorhouses in exchange for board and keep). However, fiscal conservatism and not concerns for destitute families dictated the change. When that change came to Kansas in 1912, few contemporary sources exist that advocated more humane ways to keep children in their own homes. Whether financial outcomes or benevolent consideration, I agree with Mr. Crenson, who maintains a paradigm shift occurred in America's handling of orphaned and dependent children when Mother's Pensions offered small financial compensation to allow destitute parents to keep their children in the home and not depend on orphanages or the poorhouse for their care.

Adding further evidence of the paradigm shift's existence and supporting what eventually becomes America's welfare system, Robert Bremner's *Children and Youth in America* and Michael Katz's *In the Shadow of the Poorhouse: A Social History of Welfare in America* offer similar explanations of how religious groups and non-secular

¹⁹Matthew A. Crenson, *Building the Invisible Orphanage: a Prehistory of the American Welfare System* (Chicago: Harvard University Press, 2001).

charities crossed paths in the late nineteenth century.²⁰ He found little to praise in government intervention, arguing that the guarantee of tax revenue is too little and too late. Similar conclusions mark my survey of Kansas social services.

Because a lack of recent Kansas-specific materials exists, I turned to James S. Schell's master's thesis *The Administration and Financing of Poor Relief in Kansas, 1855-1937*, in which he argues that court decisions, not legislation, guided the state's handling of its poorest citizens.²¹ Nearly eighty years ago, Nina M. Swanson produced a master's thesis on *The Development of Public Protection of Children in Kansas*, finding few laws and even fewer legal opinions to protect children.²² Although writing at a time when social work emerged in its early stages in Kansas, she criticizes religious and charitable leaders for failing to place criminal penalties on perpetrators of child abuse and neglect until the turn of the century. The earlier research of Frances Maud Ellis on sixty of the *County Almshouses of Kansas* argues in her master's thesis against the barbarity of having fifty three children still living in county poorhouses by 1915 when most other states prohibit such placements by 1900.²³ Lack of educational opportunity

²⁰ Robert Bremner, *Children and Youth in America* (Cambridge: Harvard University Press, 1974); and Michael Katz, *In the Shadow of the Poorhouse* (New York: Basic Books Inc., 1986).

²¹ James S. Schell, *The Administration and Financing of Poor Relief in Kansas, 1855-1937* (master's thesis, University of Kansas, 1952) Manuscript Collection of the University Libraries of the University of Kansas at Lawrence.

²² Nina M. Swanson, *The Development of Public Protection of Children in Kansas* (master's thesis, University of Kansas, 1922) Manuscript Collection of the University Libraries of the University of Kansas at Lawrence, referred to as Manuscript Collection KU University Libraries.

²³ Maud Ellis Frances, *County Almshouses of Kansas* (master's thesis, Kansas State University, 1918) Manuscript Collection KU University Libraries.

and exposure to society's most objectionable adults left poorhouse children compromised and vulnerable, sins she lays at the feet of state lawmakers.

Because Kansas writer Marilyn Holt includes Kansas-specific material in *Orphan Trains: Placing Out in America*, her assessment of the inconsistency experienced by orphan train riders placed with Midwestern farm families goes hand in hand with findings collected by retired teacher Robert Hodge of Emporia.²⁴ Having verified the outcomes of hundreds of orphan train riders in two self-published volumes of newspaper clippings, stories of individual experiences and letters from orphan train riders' descendants, he maintains that two-thirds of initial placements in Kansas failed, forcing destitute children to either run away or search on their own for another home.

The differences between placement outcomes of Protestant and Catholic child-saving institutions conclude the assessment of nineteenth-century child welfare. Because so many of the orphan train riders did not remain with the first family responsible for them, I find startling differences when compared to placement outcomes of the Catholic-operated Mercy Trains. Matthew Goeblich's monograph *The Foundling Hospital* credits good case management skills for the success of the Catholic system.²⁵ The Sisters of Charity of New York, who operated the New York Foundling Asylum and created the Mercy Trains, experienced successful placement rates of nearly ninety percent. When hopeful couples wrote to inquire about a placement, the Sisters tried to match their physical characteristics with the hundreds of infants and toddlers in their

²⁴ Marilyn Holt, *The Orphan Trains: Placing Out in America* (Chicago: Ivan R. Dee, 1992).

²⁵ Martin Gottlieb, *The Foundling: The Story of the New York Foundling Hospital* (New York: Lantern Press, 2001).

care. Once identified, the Sisters added the infant to others they accompanied on Mercy Trains to the Midwest, making deliveries along the way to waiting parents and the parish priest, who recommended the couple and followed up on the placement to guarantee good treatment.

Orphan train riders endured a far different system, according to Stephen O'Connor's *Orphan Trains: The Story of Charles Loring Brace and the Children He Saved and Failed*.²⁶ He criticizes the New York Children's Aid Society for a placement system riddled with neglect and indifference. Because Mr. Brace depended on citizen committees to place orphan train riders in Midwestern communities, O'Connor argues that the Society's failure to designate a local agent put children at risk, leaving them open to abuse and neglect. Although the Society's agents traveled with the children and promised to periodically return and check on their well being, the author finds few instances of this occurring, relying instead on those accepting the children to voluntarily update the Society. Taking Mr. O'Connor's overall assessment of placement outcomes together with similar findings from Mr. Hodge's research, I agree that the Protestant-based system failed to compare favorably with that of the Catholic Church. However, significant differences existed between the two systems that I believe negate the outcome, the most important being the children's age. Mercy Trains carried infants and toddlers, the orphan train riders bore youngsters between ten and fourteen years old. Although born to destitute unmarried women, infants were unaware of their initial surroundings, while children who experienced the ravages of big city slums and the loss

²⁶ Stephen O'Connor. *Orphan Trains: The Story of Charles Loring Brace and the Children He Saved and Failed* (Chicago: University of Chicago Press, 2001).

of at least one parent were bound to have adjustment problems in rural farm communities.

Progressive Era reforms at the turn of the twentieth century reversed these outcome misfortunes when networks of child placement agents and children's homes developed to offer temporary shelter to orphaned and dependent children. State law imposed restrictions on out-of-state placement agencies, requiring expensive bonds be posted to bring children to Kansas.

Although significant scholarship published nearly forty years ago, *The Search for Order* defines the Progressive Era in terms of middle class involvement and bureaucratic management.²⁷ Despite author, Robert Wiebe's, delineation between the isolation of nineteenth-century communities and interdependence that results from technology and economic advances, he quarrels with those fighting these changes as they struggled to maintain a sense of place or community. He argues that fear of chaos ruled the decisions of political leaders, who sought to eradicate ethnic differences and insist on American values, all of which found duplication in Kansas.

When Mr. Wiebe turns to social welfare reforms, he contends that social control, not compassionate concern, motivates the standardization of state institutions, tax-supported charities and the professionalization of social workers, especially those who care for children. Reforms taking place in Kansas child welfare at the turn-of-the-century track with Mr. Wiebe's perceptions of how they promoted Protestant-dominated ideals.

²⁷ Robert Wiebe, *The Search for Order* (New York: Harper Collins, 1968).

In popular literature of the nineteenth century, fiction writers track the lives of orphaned and dependent children, lacing their stories with moral messages of good versus evil. Charles Dickens and Charlotte Bronte add to perceptions of orphans as virtuous, but victimized and crushed by those who should love them. Although fiction fails to play a role in this research, the actions and decisions of government officials, state lawmakers and religious leaders find more meaning when an orphan's place in Victorian society comes to life in the words of popular writers.

Common among Victorian society, orphans filled county poorhouses, juvenile homes, and abandoned shelters. Many women died in childbirth and infants often failed to live past their first birthdays. These conditions generated sympathy for orphans.

Whether Pip in *Great Expectations*²⁸, or Little Eva in *Uncle Tom's Cabin*, story plots generated familiar patterns; orphans as outsiders, friends as good and bad; quests filled with obstacles; happy endings rewarded with marriage; and punishment for evildoers. After countless nineteenth-century novels, the public imagination filled a perception prevailing then and continues today. "Other than the gods, no single persona is more dominant as a hero symbol in literature than the orphan figure."²⁹

Where did that leave the Catholic Church? Thomas Woods believes the Church wrestled with conflicting solutions. He contends in *The Church Confronts Modernity: Catholic Intellectuals and the Progressive Era* that a strong segment of Church leaders

²⁸ Charles Dickens, *Great Expectations*, (Penguin Classics: New York, 2002); and Harriet Beecher Stowe, *Uncle Tom's Cabin* (Simon and Brown, New York, 2002)

²⁹ Dr. Dennis Leoutsakas, serves an associate professor of Communication Arts at Salisbury University, Baltimore, MD. www.americaeverything.com/books/more276.html

believed in employing modern scientific methods to alleviate poverty and embrace the spirit of the Progressive Era for its desire for order.³⁰ He admits that opposition arose when others demanded that the spiritual element of poor relief take precedence over non-secular considerations. The outcome, he insists, produced fierce opposition that made the two sides impossible to reconcile. Whether in Kansas or elsewhere, Mr. Woods admits that Catholics and Progressives occupied little common ground, which I find helpful in explaining the nature of conflicts and compromises ruling the programs and services given to orphaned and dependent children.

To explain the conflicts of the 1885 Legislature, I turned to well-established Kansas historians beginning with James Malin, who explains the development of post Civil War Kansas and the state's unique position in the development of the West in *History and Ecology: History of the Grassland*.³¹ Described as geographical determinism in terms of time, space, and experience, his thesis credits the railroads for influencing settlement throughout Kansas, which takes place amidst droughts, booms, busts, and grasshopper invasions. Because homesteaders establish farms on massive grasslands without understanding the climate or the soil, he argues these actions toughened their souls, allowing for collective social actions in times of emergency. Whether rural or urban centers, I find his claims of social action to run rather thin when considering destitute children. Allowing orphaned and dependent children to linger from decade to decade in county poorhouses indicates a community's failure to insist its

³⁰ Thomas Woods, *The Church Confronts Modernity: Catholic Intellectuals and the Progressive Era* (New York: Columbia University Press, 2004).

³¹ James Malin, *History and Ecology: History of the Grassland* (Lincoln: University of Nebraska, 1984).

leaders press for legislation prohibiting such placements and to find foster homes for alternative care.

Understanding how social actions translated into social reforms of the 1880s, Craig Miner maintains in *West of Wichita: Settling the High Plains of Kansas* that the decade's legislative initiatives could not have taken place beforehand because of the financial downturns suffered in the 1870s.³² Once economic prosperity returned in the 1880s, he argues that the state's Republican Party leaders demonstrated a willingness to discuss social reform in economic good times. Evidence also pointed to Civil War veterans, who took advantage of the political climate to further their causes in Topeka, and to women suffrage workers, who gained municipal voting rights.

Comparing how advocates pressed their individual causes adds another element to my analysis of the 1885 Legislature. When it came to the Republican Party, veterans did not repeat the political missteps of suffrage supporters. Wilda M. Smith's article "A Half Century of Struggle: Gaining Woman Suffrage in Kansas," argues that women learned a painful lesson in 1867 by casting their political lot with Democrats during the first attempt to pass a suffrage amendment in Kansas.³³ Having aroused the wrath of the state's majority party, the Kansas Women's Movement regrouped in the 1870s by claiming a moral authority based on home and family. Important to my study will be

³² Craig Miner, *West of Wichita: Settling the High Plains of Kansas* (Lawrence: University Press of Kansas, 1986)

³³ "A Half Century of Struggle: Gaining Woman Suffrage in Kansas," *Kansas History*, 4 (Summer 1981) Manuscript Collection KU University Libraries, 74-95.

Smith's observation of how these women captured the GOP's favor, resulting in the 1887 passage of municipal suffrage.

Because Kansas veterans traveled a different political path, the actions of the Grand Army of the Republic revealed a successful strategy caused by casting its lot from the beginning with the Republican Party. With nearly 50,000 Civil War veterans living in Kansas by the 1880s, their endurance of the state's cultural conflict reflected well on how they participated in its social adaptation. Combining William Cutler and Noble Prentis's early-day histories of Kansas with twentieth-century historians, James Malin and Craig Miner, a common Kansas theme emerges. Concentrating on the state's troublesome beginning, its cultural conflicts, and the individuals who enacted its laws, I point to the unique place Kansas held in the West, demonstrated December 27, 1887, when the *New York Times* called Kansas the great experimental ground of the nation.

Orphans and veterans stand among those experiments, but primary and secondary sources revealed few scholarly references in Kansas historical accounts to link the two in the nineteenth century. My comparative study fills that gap by turning to articles, publications, and monographs addressing each subject individually.

Concentrating first on Kansas-specific materials in state historical publications, I then move to regional and national works. Because the Grand Army of the Republic took an active political role, its national and state chapter publications contain important contemporary data while more recent scholarly works such as Theda Skocpol's, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United*

States, offers insight into the political influence exerted in Congress and state legislatures.³⁴

Following a similar historical search for orphans and child welfare, I incorporated research of Kansas specific material on religious, private and state-operated orphanages to include scholarly works about orphanages elsewhere as well as the role such institutions played in child welfare. In recent years, an explosion of material on the Orphan Train experience offers some Kansas-specific stories as well as scholarly articles evaluating the impact of less thoughtful placement policies that left orphans without oversight and left Midwestern communities struggling to handle destitute children unfamiliar with rural lifestyles and values.

Other than two contemporary articles in Kansas historical publications, little material exists on the Grand Army of the Republic in Kansas. However Kyle S. Sinisi's recent article, "Veterans as Political Activists: The Grand Army of the Republic, 1880-1893," argues that after GAR activists took credit for John A. Martin's 1884 gubernatorial victory, they began to advocate for a soldier's orphans' home, a soldiers' home and a prohibition against placing veterans and their families in county poorhouses.³⁵ She fails to explain why the GAR insisted on compassion and respect for orphans and dependent children of Union soldiers but not all children living in destitute conditions. Why did the GAR limit its compassion to only those children with veteran

³⁴ Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in United States* (Cambridge: Belknap Press of Harvard University Press, 1992).

³⁵ Kyle S. Sinisi, "Veterans as Political Activists: The Grand Army of the Republic, 1880-1893," *Kansas History, A Journal Of The Central Plains*, 2, no. 14 (Summer 1991) KSHS, 89-99.

fathers? A search of GAR-sponsored legislation in other states revealed similarities and differences with Kansas.

Matthew A. Raney's thesis "The Early Political and Military Career of Governor John Alexander Martin of Kansas" concentrates on Governor Martin's Civil War service and explains the loyalty he felt toward the Kansas regiment he commanded in war.³⁶ It lacks references to the governor's later political involvement with veterans. However, several of Governor Martin's personal letters written in later years to veterans down on their luck verified a genuine compassion for his Civil War comrades, but little political interactions. State publications of his annual messages to the Legislature revealed references to some veteran-related issues to include a pamphlet published in 1885 about his appearance at a special GAR gathering where he spoke of the debt he owed veterans for his election. Pamphlets and programs on the Kansas GAR offered details of yearly encampments, state chapter expenditures as well as the work of the Ladies Auxiliaries.

The circumstances of individual veterans in the 1883 pension records of Civil War veterans in Kansas exposed the personal hardships of veterans and their widows. The role veterans played, as the "deserving poor" appears also in Mrs. Skocpol's monograph on Civil War veterans. Concentrating on Congressional initiatives dating to the early nineteenth century, she argues that post Civil War politicians catered to Union veterans by securing generous pensions for them. Mrs. Skocpol contends the cash benefits served as a payment for the role former soldiers played in saving the Union.

³⁶ "The Early Political and Military Career of Governor John Alexander Martin of Kansas" (master's thesis, University of Kansas, 1991) Manuscript Collection KU University Libraries.

From the personal to the political, Stuart McConnell's, *Glorious Contentment: The Grand Army of the Republic, 1866-1920*, argues that GAR lobbyists learned a hard lesson by entangling their legislative fortunes with Congressional Republicans. Because pension victories in the 1880s followed defeats in the 1890s, he points to failed Republican political battles tied to a loss of GAR legislation.³⁷ McConnell found it difficult to draw a fine line between the GAR and Republicans, whether in Washington or state capitals. My research found no dividing lines between Civil War veterans and Radical Republicans in Congress. In the early decades after the Civil War, both used the same voice to call for harsh punishments for Southerners. However, Republican leaders in Kansas complained of economic differences and battles over tariff laws to explain legislative failures in the 1890s. Blame for losses in veteran benefits may fall among numerous GOP defeats in the 1890s, all victims of Republican excesses in post Civil War America. Where McConnell blames the close relationship for the GAR failures, I ask, whom else would veterans join? The GAR and the GOP grew together, and in political failure, they both suffered.

Although Ernest G. Wells' *Grand Army of the Republic* and Robert B. Beath's *History of the Grand Army of the Republic* dedicated much of their research to the national and state organizations, they failed to delve into party politics. However, their

³⁷Stephen O'Connor, *Orphan Trains*.

material proved helpful when comparing Kansas legislative successes with other states.³⁸

Kansas archival sources contained some references to the Soldiers' Orphans' Home in Atchison appearing in the *Kansas Collections*. Larry Jochims, research historian for the Kansas State Historical Society, writes in 1987 of the institution's long history in a paper he delivered at its centennial year. The annual reports of the Kansas State Board of Charities and Corrections, the Kansas State Board of Control, and the Soldiers' Orphans' Home add greatly to the study of the orphanage's first twenty years.

Following the introduction in the first chapter, the second chapter concentrates on Irish immigration, examining the informal child welfare system at the mid-nineteenth century and how it shattered under the weight of great numbers and abject poverty experienced by Famine Irish immigrants. The role special interest politics played in the creation of a government-funded child welfare system started when Irish immigrant leaders became more actively involved in New York City politics after the state denied supplemental funding to support destitute and homeless Famine Irish children. As a result, municipal funding of Catholic orphanages led to the New York System and a guarantee of funding that lasted until the 1930s.

Chapter Three focuses on Kansas, examining state statutes, government funding and religious charities that defined child welfare from the opening of the Territory until the 1880s. The outcome of the 1885 Legislative Session culminated in the creation of

³⁸ Ernest G. Wells, *Grand Army of the Republic* (Gettysburg: Allied Orders of the Grand Army of the Republic, 1966); and Robert B. Beath, *History of the Grand Army of the Republic* (New York: The Jones Brothers Publishing Co., 1888).

state-supported soldiers' orphans' home to address the needs of destitute children, whose circumstances state lawmakers knew to exist for years. In addition, the role of the Grand Army of the Republic and the influence of former Civil War commander Governor John A. Martin reveal the state's solid economic and financial situation while exposing the labor unrest erupting in that decade. The Senate debate on the soldiers' orphans' home became clouded once dramatic reductions occurred in state supplemental funding to Saint Vincent Home, a Catholic orphanage, while Protestant institutions remained untouched. Equally troubling but never fully explained, veterans and lawmakers failed to offer reasons why former Union soldiers and their families should be the sole recipients of benefits, squeezing out destitute adults and orphan children without veteran connections.

The fourth chapter tells of the development and first twenty years of the Soldiers' Orphans' Home in Atchison starting with its original register and annual reports. Failure to fund adequately the orphanage's operation in its early years resulted in shortfalls affecting the children's care. Comparison between the state-operated orphans' home and the Catholic orphanage in Leavenworth reflected a resistance to placing children with strangers and blaming youngsters for their parents' poverty and moral decisions. Comparisons also existed between Kansas and the soldiers' orphans home in Pennsylvania, the first state to assume the responsibility of Union veterans' orphaned and dependent children. A closer look at how Kansas and Pennsylvania operated their soldiers' orphans' homes revealed the political pressure from special interest to include the railroads and veteran organizations.

The fifth chapter tells of Lafayette Carter's experience as a child growing up at Guardian Angel Orphanage. Established in 1887 to care for African American boys, the Oblate Order of the Sisters of Providence staffed the orphan home as well as the Holy Epiphany Home for Girls, while teaching at Holy Epiphany's parish school. The chapter also explores Progressive Era reforms in child welfare resulting in major changes taking place nationwide as well as in Kansas by the turn of the twentieth century. Statutes that prohibited the neglect of children revealed an improvement in the laws protecting children and a professionalization of those who worked with them. The chapter also discusses the charitable children's homes and religious orphanages in operation at the same time in Kansas as well as the role of state political and social services leaders in hosting the 1900 annual meeting of the National Conference on Charities and Corrections.

The sixth chapter reveals the circumstances that forced state lawmakers to impose stringent guidelines on charitable agencies and private organizations caring for children. Satisfied for decades to provide slight oversight, lawmakers depended on self-reported data to keep apprised of the private institutions receiving state supplemental funding to care for orphaned and destitute children. However, the Spanish Influenza frightened the Legislature into ordering unannounced inspections of children homes and religious orphanages. Faced with thousands of deaths and hundreds more barely holding onto life, the Kansas State Department of Health warned of children and the elderly suffering higher mortality rates. Lawmakers authorized state officials to issue a license to those private and charitable agencies caring for children regardless of state

supplemental funding. Licensure occurred after unannounced on-site visits took place, standards of care existed, and an account recorded the outcome for all children placed by court order.

The seventh and last chapter draws the study to its conclusion, reiterating the influence of special interest politics in the care of orphaned and dependent children. Starting with the impact of the Famine Irish on New York City politics, the review continues with the insistence of Civil War veterans in Kansas to have state support of a soldiers' orphans' home, while exploring how Pennsylvania used the offer of similar state support to recruit Union Army volunteers. Finally, the study concludes by documenting how Spanish Influenza forced Kansas lawmakers to take greater responsibility for destitute and orphaned children, indicating the diminishing affect of special interest politics.

Chapter Two: Famine Irish

Overwhelmed: Private Child Welfare System Shatters Forever

“We should consider the condition in which the infants are received. Some are exposed carelessly or unavoidably to cold in their transit to the hospital, entering seemingly perfectly healthy; but in a few hours the extremities become wrinkled and shriveled, the skin upon the hands and feet harsh and dry, feeling like thin parchment, and too large for the tissue within; jaundice ensues, and deepens day by day, while the body diminishes in weight, and the little ones quietly sleep into death.”

Report of the Foundling Asylum
Sisters of Charity in the City of New York³⁹

Holding a small infant in her arms, the young woman adjusted the blanket around her baby, born hours earlier on Christmas Day 1869. For the last time, she kissed his forehead, and placed him in the small wooden cradle sitting just inside the front door of a modest three-story home on West Twelfth Street in New York City.⁴⁰ From a coat pocket, she took out a small piece of paper, and read it over several times before bending down to tuck it inside the baby’s blanket.

“With your and our Savior’s blessings a boy is left at your house on Dec. 25, 1869, born this morning. Be kindhearted enough with me and the blessedness of the Savior and the Saints to call his name Henry Ward.

A Mother.”⁴¹

³⁹“Report of the Foundling Asylum of the Sisters of Charity, in the City of New York, From Its Opening October 11, 1869, to October 1, 1871,” 13, vo. 15, Subseries II.1 - Published Annual and Biennial Reports, 1869-2000, Records of the New York Foundling Hospital, MS 347, New York Historical Society, referred to as Foundling Collection NYHS.

⁴⁰ “Human Waifs” *New York Times* (May 30, 1870).

⁴¹ Anonymous, letter from “A. Mother” labeled No. 101 to designate the Ward infant as the 101st child taken into the institution, Volume 67, Series XIII - Notes Left with Children, circa 1869-1884, Foundling Collection NYHS.

As the last rays of sunshine faded from the clear cold sky, she stood up slowly, took the latch in hand and rang the bell to signal the arrival of an infant at the New York Foundling Asylum. Moments later the sound of footsteps became louder and a nun opened the vestibule door. She bent over the cradle, pick up the infant, and then closed the door behind her.⁴²

The young woman stood long enough in the shadows at the bottom of the steps to assure herself of the boy's welcoming into the newly established infants home created when the Sisters of Charity of New York opened the facility three months earlier. Her son was the one hundred first of 1,560 foundlings abandoned from the institution's opening, October 8, 1869, to the publication of its first annual report in October 1871.⁴³ Unprepared and overwhelmed, Sisters Mary Irene, Teresa Vincent and Ann Aloysia struggled with the number and needs of infants left daily. While planning to open the facility, the trio located beds, linen and clothing, hoping to spend three months furnishing the home at 117 West Twelfth Street and securing wet nurses at a

⁴² Julie Miller "Gotham's Waifs: Foundlings in Nineteenth Century New York.", PhD. diss., City of New York University, 2003. (ProQuest AAT 3083693) Miller describes the experience of missionary, Helen Campbell, who witnessed a young woman leaving her infant in the wicker cradle inside the door of the New York Foundling Asylum. "Weather Report" *New York Times*, Dec. 25, 1869; 10; <http://proquest.umi.com.www2.lib.ku.edu:2048/pqdweb?index=0&did=80434410&SrchMode=1&sid=12&Fmt=10&VInst=PROD&VType=PQD&RQT=309&VName=HNP&TS=1301521460&clientId=42567>. accessed 04/30/07.

⁴³ "Report of the Foundling Asylum of the Sisters of Charity, in the City of New York, From Its Opening October 11, 1869, to October 1, 1871," 20-25; Statistics of infants initially receiving care only included an accumulated total in 1871 to include 1869, 1870 and 1871 until October. Afterwards, the asylum's annual and biennial reports included yearly totals. "Human Waifs" a *New York Times* article on May 30, 1870, recorded a reporter's visit to the asylum to include the process of accepting infants, how they are registered, and the care they would receive. <http://proquest.umi.com.www2.lib.ku.edu:2048/pqdweb?index=1&did=87590228&SrchMode=1&sid=3&Fmt=10&VInst=PROD&VType=PQD&RQT=309&VName=HNP&TS=1310664361&clientId=42567> accessed 04/30/07.

dollar a month to feed the infants. The first night the Sisters stayed in the home, three newborns abandoned on the doorstep signaled the inundation of infants who would soon fill the facility.⁴⁴

Before the arrival of the Famine Irish in the late 1840s, forsaken newborns and homeless children existed in the shadows of Colonial America and the early Republic in numbers that seldom aroused moral indignation, government response or public comment. An informal child welfare system evolved from a tradition of caring for orphaned and dependent children in county poorhouses, religious orphanages or through apprenticeships and placing-out programs. Except in isolated instances, tax-funded support of charitable endeavors seldom occurred before 1850s.⁴⁵ Only those children languishing in county and city poorhouses or with disabled and destitute parents unable to care for them benefitted from a limited form of (local) government support.⁴⁶ Sunlight seldom brought the plight of orphaned and dependent children out from the shadows.

Poorhouses, religious orphanages, private charities meet limited needs

⁴⁴ Julie Miller, *Abandoned: Foundlings in Nineteenth-Century New York City* (New York: NYU Press, 2008) 85-128, Chapter Four traces the beginning of the New York Foundling Asylum.

⁴⁵ Hacs, 242-246; before 1830 there were 30 orphanages in America. By 1860, the number increases to 200.

⁴⁶ "Poorhouses and Almshouses," *Proceedings of the National Conference of Charities and Corrections, 1889*, 197-209; discussion of the effects of children placed in poorhouses; <http://quod.lib.umich.edu/cgi/t/text/pageviewer-idx?c=ncosw;cc=ncosw;idno=ach8650.1889.001;q1=poorhouses;frm=frameset;view=image;seq=240;page=root;size=s>; accessed 7/12/2009.

The first report of dependent and orphan children to arrive in the North American colonies occurred when seventeen children in 1655 left the shadows of poverty in Holland for an uncertain, but hopefully brighter future in New Amsterdam. Representing the first of thousands of workhouse children sent to Dutch and English colonies in the seventeenth century, the original group possessed a letter from Amsterdam's Burgomaster to Peter Stuyvesant, regent of New Amsterdam, asking that the children, many as young as twelve, receive kindly treatment and care. The Burgomaster admitted the Amsterdam City Council decided to reduce its expenses by sending orphan children to New Amsterdam, where Stuyvesant declared the need for "new blood." The children volunteered for the journey, but probably knew little of their destination. They could count on employment "according to their abilities," work for the "best advantage of the company," and an opportunity for "proper advancement of themselves."⁴⁷

Sweeping European poorhouses of their orphaned and destitute children became common practice in Colonial America, and served as the foundation of an informal child welfare system that provided shelter, offered employment and education, and supplied limited stability in their lives. Distinguished by poorhouses, orphanages, and placement with strangers, the system operated with no state or federal funding, relying instead on local governments that constructed poorhouses and offered destitute parents very little in food, clothing and firewood or coal.

⁴⁷ The list of orphans and the letter from the Burgomaster in Amsterdam as well as the quotes from Howard Swain were in *Documents Relative to the Colonial History of the State of New York*, 325-326, Volume 14. <http://www.olivetreegenealogy.com/ships/nship72.shtml> accessed 9/11/10.

Among the earliest arrivals to the Massachusetts Bay Colony and the Jamestown Settlement were children from the workhouses of England.⁴⁸ Recognizing an opportunity to alleviate the financial burden of Europe's city governments, officials arranged passage in hopes of reducing the community's obligation to its poor children. During the seventeenth century, colonial leaders, like Stuyvesant, eagerly sought new settlers.⁴⁹ Readily available and numerous in numbers, orphaned children found homes and apprenticeships with willing families, and once old enough to care for themselves, they became solid members of the community. With unlimited opportunities and endless available land, poorhouse orphans experienced better outcomes in Colonial America, where many of them broke their family's continuous cycle of poverty and serfdom endured for centuries in Europe.

Not all children experienced good outcomes. Poverty still managed to take its toll. Children arriving in the New World as orphans or with parents unable to care for them realized their futures rested in solutions that came from Old World traditions. English Colonists imported the 1601 English Poor Laws to serve as guideposts for handling orphaned and abandoned children, as well as adults who had fallen on hard times or suffered from illness. Whether in American cities or English villages, Poor Laws functioned at the local level through county or city governments, which levied

⁴⁸ Nathaniel Philbrick, *Mayflower* (Viking Press: New York, 2006) 89; four orphan girls were counted among the first Pilgrim settlers, arriving November 21, 1661, on the ship *Fortune*.

⁴⁹ In the letter from the Burgomaster of Amsterdam, he mentioned Stuyvesant previous request for people to settle in the new colony, found in *Documents Relative to the Colonial History of the State of New York*, 214, Volume 14 <http://www.olivetreegenealogy.com/ships/nship72.shtml> accessed 9/11/10.

taxes to support relief efforts.⁵⁰ Poor families received outdoor relief in their own homes, which became the most common method of support by offering food to prevent starvation, clothing to avoid wearing rags, and wood or coal to warm them in winter. Because outdoor relief tended to deplete existing resources and prompt strangers to seek aid, most local jurisdictions offered only indoor relief limited to workhouses (England) or poorhouses (America). Requests for poor relief declined when living in a poorhouse became the only form of assistance.

Before orphanages became readily available by the end of the Civil War, orphaned and dependent children faced few options other than the poorhouse, or if old enough to work, placement with strangers in exchange for room and board. Abandoned infants in the poorhouse received care from destitute and disabled adults should no wet nurses offer to care for them in their homes. Regardless of age, all children lived alongside adults too old, too poor, or too ill to provide adequate care. In 1731, the first public poorhouse in America opened in Philadelphia, just a handful of years after the first English workhouse opened in 1697 at Bristol.⁵¹

Under British rule in the late seventeenth and early eighteenth centuries, New York municipal government levied taxes to support relief efforts, and established residency laws to determine eligibility for relief or in some cases, resettlement elsewhere. Historian Amy Godfrey argues that rules on the receipt of public relief

⁵⁰ Edith Abbott, "Abolish the Pauper Laws," *Social Service Review*, 8, no.1, (March 1934) KSHS, 43-66.

⁵¹ Stephen Anthony Klips, "Institutionalizing the Poor: The New York City Almshouse, 1825-1860." 18-24, PhD diss., City University of New York, 1980. (ProQuest AAT 8104103).

became necessary to insure only those considered true residents of New York City received aid as well as those considered “worthy of assistance.”⁵²

Orphans, elderly and the sick represented the most worthy to receive food, cash, clothing and other provisions to sustain survival, but nothing for those deemed unworthy, such as beggars and vagrants. Whether worthy or not and to set them apart, all relief recipients wore blue and red badges stamped with the letters, NY.⁵³ By 1736, the city’s opened the “House of Correction, Workhouse and Poor House,” the first poorhouse opened to worthy and unworthy recipients alike. Difficulty arose in trying to identify how many children lived among the adult inmates in the city’s poorhouse, but capacity limited the number to no more than a hundred before the 1850s.⁵⁴

Informal child welfare also included religious organizations that took active roles in helping the poor. Policies of open tolerance shown by Dutch and English rulers toward Catholics, Protestants and Jews resulted in strong congregations, which offered basic provisions to the poor. When families within these congregations became unable to care for their children or when lay leaders discovered orphaned children among their members, clergy sought solutions within their own faiths.

During the first half of the nineteenth-century, New York City Catholic parishes bore distinct immigrant representation that preserved the faith, national customs and cultural identifications, along with assistance to destitute parishioners. For instance,

⁵² Amy M. Godfrey. “Divine Benevolence to the Poor: Charity, Religion, Nationalism in Early National New York City, 1784-1820.” 4, PhD diss., Northern Illinois University, 2004. (ProQuest AAT 3279179).

⁵³ Godfrey 5, 6.

⁵⁴ Godfrey 7.

Germans in New York continued their tradition of fraternal societies. The Irish, on the other hand, did not arrive with fraternal associations; instead, they developed groups for preserving Irish national heritage. Parishes created fraternal or racial societies within immigrant neighborhoods to respond to parishioners' needs. Sweeping through immigrant conclaves before the mid-1800s, frequent and devastating epidemics overwhelmed these communities and strained limited parish resources, forcing the Diocese to step forward and provide additional support.⁵⁵

However, not all families attended church, and those children devoid of religious congregations became poorhouse residents. In the absence of religious organizations or private charities, placing-out arrangements became the traditional manner in which orphaned and dependent children received care. Turning children over to strangers drew as many critics as poorhouse placements, compelling religious orphanages to offer yet another option. In 1727, the country's first religious orphanage opened in New Orleans, followed by a handful of others in the South, and later in the large eastern colonies. During the Republic's early years, orphan homes opened gradually.

Well known among religious communities, the Sisters of Charity arrived in America from France in the early 1800s. Long associated with establishing charitable institutions in Europe, the Sisters started a religious community in Emmitsburg, Maryland, followed by other locations in Maryland, New York, Pennsylvania, Ohio, Missouri, Kentucky and Tennessee. In each community, the Sisters followed similar

⁵⁵ John O'Grady, *Catholic Charities in the United States, History and Problems* (Arno Press, New York, 1971) 73.

patterns of teaching in parish schools, ministering to the sick in their homes or in hospitals, and opening orphanages. Before 1846, the Sisters of Charity of Mount St. Joseph, Emmitsburg, served as the supervising Order for all Catholic institutions in America that cared for orphaned, dependent and neglected Catholic children. Only sixteen Catholic orphan asylums existed in America by 1846.⁵⁶

Orphan Homes Before Famine Irish Arrive

In New York City, a handful of orphan homes opened before the Famine Irish arrived in 1846. All together, they provided care for about a thousand children. The first to open in 1807, the New York Orphan Asylum began in a small home on Raisin Street. As a Protestant facility with room for twenty children, the orphanage suffered a cholera epidemic in 1834, prompting its board of directors to relocate to a large facility off Broadway.

The Sisters of Charity started the Roman Catholic Orphan Asylum in 1817 on Prince Street, and by 1825, a large four-story brick building accommodated three hundred fifty children. Standing alone among orphanages for Jewish children, the Hebrew Benevolent and Orphan Asylum Society of the City of New York began in 1832 with a three-story, brick building on Seventy-Seventh Street that accommodated one hundred and fifty eight orphans. Two other Jewish orphan homes existed in

⁵⁶ Hacsí, 242-246; an explosion of orphaned and homeless children resulted from Ireland's Potato Famine and the unrest that took place during the Civil War forced governments to reconsider their resistance to funding child welfare services. Before 1830 the number of orphan asylums, including private, religious and non-secular, stood nationwide at 33, growing to nearly 200 by 1860; 600 by 1890; 972 in 1910; and 1,321 in 1933.

nineteenth-century America at Philadelphia and Cleveland. None of these facilities accepted any form of government funding. Because this research centers on orphanages in receipt of local and state funding and the accompanying political conflict, the Jewish orphan homes were not included in this study.⁵⁷

In 1833, the Colored Orphan Asylum opened in a small frame cottage on Twelfth Street but eventually grew to accommodate three hundred children in a larger facility. Quakers leaders, Anna Shotwell and Mary Murray, founded the country's earliest orphanage for African-American orphans, offering a permanent home, skills training and job placement once the children grew older. During New York City's race riots in 1863, the orphanage suffered the ravages of hatred when an angry mob stripped and burned the facility. Rebuilt by the late 1880s, the orphan home expanded to adopt the cottage style system of housing children in smaller residents supervised by one adult.⁵⁸

In January 1836, the Society for the Relief of Half-Orphans and Destitute Children opened in a basement on Whitehall Street with room for twenty children. The next year the orphan home moved to 65 West Twelfth Street, with room for two hundred fifty children. Operated from private donations, the facility renamed the Protestant Half Orphan and Destitute Children Home, also received supplemental funding in the early 1860s from New York's municipal government and from the state

⁵⁷ Indana Goldsberg, "Gender, Religion and the Jewish Sphere in Nineteenth Century America." PhD diss., University of Pennsylvania, 2004. (ProQuest AAT 3125829).

⁵⁸ Robin Lee Elizabeth Hemenway, "Efforts of Their True Friends: African Americans and Child Welfare in New York, 1836-1930." PhD diss., University of Minnesota (ProQuest AAT 3252493), 19-87; the second chapter told of the orphanage's early years.

in the 1870s.⁵⁹ The home welcomed seventy-four children. Private donations and a generous inheritance allowed the Leake and Watts Orphan Home to open in November 1843 at One Hundredth Tenth Streets, where three hundred children from three to twelve years old immediately found a new home. Its superintendent, the Rev. R.M. Hayden, grew up in the orphanage, and supervised the facility's move to Yonkers in 1890.⁶⁰

In nineteenth-century New York, cholera epidemics stood as the chief cause of turning children into orphans. Entire immigrant communities felt the impact of the disease, which left children without parents and the Catholic Church with greater numbers to support.⁶¹ Despite the devastating effects of epidemics, children without parents failed to arouse much attention because they were absorbed into the private system of child welfare that existed at the time. That changed when the Famine Irish arrived.

In the mid-nineteenth century, the Irish came to America in numbers that far exceeded past immigrant arrivals and with fewer financial resources than other European groups.⁶² Because the Irish Potato Famine resulted in the greatest number of

⁵⁹ "Local Charities," *Third Annual Report of the Board of State Commissioners of Public Charities of the State of New York*, (Albany: Argus Co. Printers, March 1870) 105, 106
<http://books.google.com/books?id=LysrAAAAYAAJ&pg=PA149&lpg=PA149&dq=%22Board+of+State+Commissioners+of+Public+Charities+of+the+State+of+New+York%22>, accessed 03/10/11.

⁶⁰ Hacci, 71; quoting from "Soon to Leave," (*New York Times*, June 8, 1980).

⁶¹ O'Grady, 85.

⁶² Kerby A. Miller, 6; although women, men and children left Ireland to populate every corner of the world, they never seemed to fully dislodge their connections to Ireland. Cursing the country's perpetual disadvantages, they yearned to return home. Damning the English overlords, they tended to blame

Irish immigrant arrivals in American history, the relationship between cause and effect becomes evident. Unlike other Western Europe immigrants, the Famine Irish came to America as families, not individuals, mired poverty, and in possession of few skills.⁶³

Irish Diaspora Floods America

Although grateful to leave behind famine and starvation, the Irish faced uncertainty in England, Canada and America. The Irish Diaspora resulted in the loss of nearly a quarter of Ireland's population from 1846 to 1860, an era commonly termed the famine years because of a blight on the potato, the country's major crop and source of sustenance.⁶⁴ Under Ireland's damp earth and wet skies, generations of Irish families learned that few other food sources grew as well as the potato, sustaining families every day and at nearly every meal. When potatoes turned rotten in the ground, Ireland's rural villages and farms felt the impact in ways unimaginable. Although absent English landowners and dispassionate British lawmakers possessed the ability to alleviate the hunger and provide provisions to outlast the Blight, no nationwide relief efforts took place. Widespread starvation and consequent death marked nearly all Ireland's counties, but some experienced even greater losses.⁶⁵

themselves for England's domination. Despite reams of literature that told of dreams to return to Erin's green pastures, the Irish were the least likely of all immigrant groups to re-emigrate.

⁶³Margaret M. Mulroney, *Fleeing The Famine* (Connecticut: Praeger Publisher, 2003) 5.

⁶⁴ Kerby A. Miller, 291.

⁶⁵Tyler Anbinder, "From Famine to Five Points: Lord Lansdowne's Irish Tenants Encounter North America's Most Notorious Slum," *The American Historical Review*, 1, no. 2 KSHS (April, 2002) 351-387.

Regardless of the departure point in Ireland, children of the Famine Irish arrived in New York City hoping to catch a glimmer of hope in their parents' eyes. For as long as many of them could remember, Famine children grew to expect the worst from the world in which they lived. Old enough to fear the pangs of starvation, the familiarity of death, and the uncertainty of homelessness, they carefully scrutinized the faces of the adults responsible for them. Encouragement appeared only when talking of America.

Did America live up to their parents' expectations? It depended. While traveling on what many termed the "coffin ships," children absorbed the miseries that surrounded them. Because nearly 50,000 died in transit, "coffin ships" became a common term given the ships carrying Irish immigrants to America during the Famine years of 1847 to the late 1850s.⁶⁶ Crammed together on the lower decks, children and their families had few opportunities to sit topside. Meals were meager and in short supply. Sea conditions made the journey even more desperate because depravation in Ireland forced many families to risk a winter voyage, adding to the cold and damp conditions suffered during four months of sailing.⁶⁷

The most severe blow inflicted on Famine children occurred when a mother or father died at sea, leaving them orphaned, dependant, and on their own. Watching their parents endure deplorable living conditions onboard, children assisted as best they could in trying to alleviate the suffering already wrecking their parents' weakened bodies and

⁶⁶ Jay P. Dolan, *The Immigrant Church, New York's Irish and German Catholics, 1815-1865* (Baltimore: Johns Hopkins University Press, 1973) 77, 78.

⁶⁷ Dolan, *The Immigrant Church*, 18-21.

dispirited souls. Multiple deaths resulted on nearly every ship arriving in New York during the Famine immigration years.⁶⁸

Once the Famine Irish families finally reached New York's ports of entry, they became nameless among the thousands who arrived daily and joined what would become nearly a million immigrants from Ireland.⁶⁹ Having left behind starvation and certain death, Famine victims stepped into confusion and bewilderment along the docks that circled the tip of Manhattan. Barely comprehending their new surroundings, younger children clung tightly to their parents while older brothers and sisters helped sort out the family's meager belongings.

The few Famine Irish families with resources and contacts moved quickly into the country's interior to work the land, dig canals, labor in construction or toil in factories. Their assimilation took place quickly, avoiding conflict with Protestant majorities. Because an overwhelming number remained in large eastern seaboard cities, chiefly New York, problems soon erupted with Protestants. Among the most extreme, Nativists seldom welcomed any foreigners, let alone Catholics. Alarm rang throughout their ranks in the early stages of Famine Irish arrivals as they pointed to Irish

⁶⁸ *Annual Reports of the Commissioners of Emigration of the State of New York, 1847-1860*, (New York: Trow Printing, 1861) Contained in each yearly report were the number of immigrant arrivals, the number of ships carrying them, and those who died while at sea. Deaths were reported on each immigrant ship that arrived in New York City during this reporting time.
http://www.google.com/search?rlz=1C1CHMZ_enUS320US320&sourceid=chrome&ie=UTF-8&q=Leake+and+Watts+Orphan+Home#sclient=psy&num=10&hl=en&newwindow=1&rlz=1C1CHMZ_enUS320US320&q=%22Annual+Reports+of+the+Commissioners+of+Emigration+of+the+State+of+New+York%22&aq=f&aqi=&aqj=&oq=&pbx=1&bav=on.2,or.r_gc.r_pw.&fp=fd1a2cf87d4138e7
 accessed 12/11/09.

⁶⁹Dolan, *The Immigrant Church*, 74.

Catholicism and ethnic differences as reasons to denounce, deport and demand no public assistance.

Nativists, Protestants Denounce, Demand

Nativists and Protestant leaders targeted lifestyles, behavior and living conditions in tenement slums, where Famine Irish families found heartbreak and despair. Stacked like cordwood along damp walls, children and parents suffered in dark and airless rooms. Worst of all, contagious diseases spread among family members, through tenement buildings, and finally engulfing entire neighborhoods.⁷⁰ Menial jobs and long periods of unemployment added further to the trouble caused by intemperance and alcohol abuse. Death, severe illness, mental breakdown, abandonment, neglect, and intentional disassociation tore families apart and left children forsaken and alone.

The accumulated affects on Irish children prompted Protestants to form charitable groups, and identify themselves as child savers. Accepting defeat when it came to reforming Famine Irish adults, Protestant child savers turned to children in hopes of having a religious impact on young souls and unspoiled minds.

If charitable groups formed to save destitute Famine Irish children, what did local or state governments offer? At first New York City officials failed to grasp the immigration crisis.⁷¹ Reports of ragged and starving Famine victims stunned local officials as they scrambled to address the reduced circumstances in which the Irish

⁷⁰ Edwin G. Burrows and Mike Wallace, *Gotham: An History Of New York City to 1898* (USA: Oxford University Press, 2000) 502, 503.

⁷¹ Laxton, 163-169.

arrived. In increasingly greater numbers, Famine survivors came ashore without official government notice, which left the New York City docks open to calculating swindlers, who increased their pace of deception and greed to separate Irish families from the few resources they possessed.⁷² Those grim realities stood among the reasons for the New York State Assembly to establish the Commissioners of Emigration in 1847.⁷³

Among their first objectives, Commissioners established Castle Garden, a large octagon-shaped reception center, where state officials conducted a triage system to evaluate new arrivals, offer information on where to settle, provide medical assessments, and direct them to limited financial support. The wood-framed building reduced access of swindlers and thieves as well as others intent on taking advantage of new Irish immigrants. Motivation for these efforts did not spring from progressive ideas of helping the less fortunate. Instead, public officials worried about intemperance tendencies, unstable minds and disease-ridden bodies the Famine Irish immigrants might inflict on unsuspecting American citizens. That fear prompted the Commission to establish medical facilities to treat contagious diseases and mental ailments.⁷⁴

⁷² Maldwyn Allen Jones, *American Immigration*, (Chicago: University of Chicago Press, 1992), 110.

⁷³ *Annual Reports of the Commissioners of Emigration*,” iv-viii; In the Preface to the annual reports, the Commissioners explained the circumstances that led the New York State Assembly to create the Commission on Emigration. Also the details of Castle Gardens were discussed as well as the role and function of the Commission, 246-248. In each yearly report, details of the medical facilities were outlined as well as the number of families receiving public assistance or placed in the poorhouse because of their destitute situation. In the Appendix section, the medical directors of the institutions gave their annual reports.

⁷⁴ “*Annual Report of the Commissioners of Emigration*,” 393.

Famine Irish children soon realized these evaluations might separate them from their parents.⁷⁵ Fear consumed children who watched Commission authorities identify one or both of their parents with medical problems that might result in removal to a hospital. In the Commission's annual reports to the New York Assembly, no indications reveal efforts to reunite children separated from parents or provide them with care other than the city poorhouse. Ready to step in and respond to these concerns, the Catholic Church assisted the Famine Irish. As Roman Catholics in a Protestant country, Famine Irish immigrants depended first on what was most familiar, the Catholic Church.

Germans also found the Catholic Church familiar. Immigration in the nineteenth century split equally among western European arrivals to include about a third each for Germans and Irish. However, once in America, these groups took different paths to settlement. Irish immigrants remained in east coast cities, settling in industrial centers and near major construction projects, such as the Erie Canal.

Germans left the cities quickly, traveling to farming communities, where they found their compatriots already established in Midwestern cities, along wide river valleys, and on the vast, open plains. Unlike the Irish, Germans came to America with resources, having left their homeland voluntarily with an idea of where they would live. Most came as single men with valuable skills, such as carpentry and masonry.⁷⁶

The Irish departed from overcrowded, disease-ridden ships in New York City, having escaped the horrors of the potato famine. Nearly all came as families with little

⁷⁵ "Annual Report of the Commissioners of Emigration," 92-95.

⁷⁶ <http://www.ushistory.org/us/25f.asp>, accessed 6/1/12.

more than they could carry. Few had families awaiting their arrival and a lack of resources left them few options, but to stay in New York or other east coast cities.⁷⁷

Once they arrived in New York, Irish immigrants found that Irish laity and priests dominated New York's Catholic Church from 1785 to 1865, serving as recognizable figures in local parishes and communities.⁷⁸ For instance, Catholic priests and Irish politicians became important contributors to the yearly St. Patrick Day parades, which came to define the Irish-American community in the 1850s.

Participation grew in accordance with Irish immigrant arrivals. Growing from 1,600 men marching in 1849 to estimates of 40,000 by 1870, parade participants walking the streets of New York symbolized the political and assertive powers of the Irish in local politics and the bond that strengthened Irish nationalism and American patriotism.⁷⁹

When Archbishop John Hughes delivered a sermon on St. Patrick's Day in 1853, he extolled Famine survivors to refrain from judging the things of God in a manner similar to judging man. By forcing the Irish to America and other countries, God signaled the Irish to see the Famine as his will at work. Archbishop Hughes said the Irish stood as tools to disseminate God's word.⁸⁰

⁷⁷ <http://www.spartacus.schoolnet.co.uk/USAEgermany.htm>, accessed 6/1/12.

⁷⁸ Dolan, *The Immigrant Church*, 22. Although published 33 years ago, Dolan's landmark work remains the definitive work on the Catholic Church in New York.

⁷⁹ Kenneth Moss, "St. Patrick's Day celebrations and the formation of Irish-American identity, 1845-1875." *Journal of Social History* 29, no. 1 (Fall 1995) 136.

⁸⁰ The entire front page of the *New York Herald Tribune* was devoted to the St. Patrick's Day parade to include societies and groups taking part, politicians giving speeches and Catholic Church leaders delivering sermons. Mention was also made of how well the Irish participants behaved by not overindulging in alcoholic drinks.

Irish leaders used those tools to gain political power that had more to do with grassroots organizing of potential voters than carrying God's word. Increased arrivals of destitute, Famine immigrants continued to intensify an anti-Catholic, anti-Irish sentiment among majority populations long established in New York. Irish political leaders joined the Catholic Church hierarchy to face the first crisis caused by the Famine Irish immigrants. Homeless and destitute Irish immigrant children began to appear in open doorways, dirty alleyways, and on the doorsteps of local parishes, seeking shelter, food and comfort. Faced with overwhelming numbers of children in need, the Church expanded its few existing orphanages and initiated the building of new orphan asylums in New York, rejecting the standardized response of indenture arrangements and placing out programs. Although a handful of Catholic orphan asylums existed before the Famine Irish arrived, orphaned and dependent, regardless of religious affiliation, usually found shelter in the poorhouse followed by placing out with strangers. Unlike Catholic countries in Europe where orphan homes received state support, America depended on an informal child welfare system of religious and non-secular orphanages to compensate for the lack of government-funded facilities. Still, the voices of Nativists and Protestant leaders grew louder when tax-funded support of Catholic orphanages and child welfare programs surfaced as a solution to the Famine Irish in America.⁸¹

<http://proquest.umi.com.www2.lib.ku.edu:2048/pqdweb?index=1&did=1624573212&SrchMode=2&sid=5&Fmt=10&VInst=PROD&VType=PQD&RQT=309&VName=HNP&TS=1311445041&clientId=42567> accessed 07/01/11.

⁸¹ Hacsí, 242-246.

Ill-kept, Ill-fed, Irish Immigrant Children Suffer

Regardless of detractors, and whether welcomed or not, the Famine Irish fled Erin as families, arriving in America ill kempt, ill prepared, and ill fed. German, English and Scottish newcomers immigrated as skilled workers, in good health and unmarried. Devoid of specific talents, resources and sound bodies, Famine Irish families gravitated toward crowded city slums, where disease ran rampant, filth masked insects and vermin, and crowded conditions spread familiarity and contempt. In the face of these realities, children became vulnerable and bore the burden of their parents' shortcomings.⁸² As dire poverty wore down their parents' mental and physical capacities, children suffered from homelessness and looked to others for their care.⁸³

Few options existed. Local poorhouses soon reached their capacity.⁸⁴ Within a span of seven years when the Famine Irish began arriving in 1847, the New York City Police commissioner reported nearly 10,000 homeless and destitute, mostly Irish

⁸² O.C. Gardiner, "Foreign Immigration: Charitable Institutions of New York," *American Whig Review*, 7, no. 4, (April 1848) 419-432; This candid contemporary account of Famine Irish immigrants involved a two-year assessment of the influx of Irish immigrants into New York City following the potato famine and reviewed the existing charitable hospitals and religious orphanages in New York at the time, noting how these institutions were overwhelmed. The city's almshouses were also overwhelmed by the increased need. Solutions to assisting the needy Irish included immediate relocation to interior states because local and state resources were exhausted. Because so few families and businesses were available for placing out, destitute and homeless children were warehoused on Ward's Island, one of the city's facilities for children. <http://ebooks.library.cornell.edu/cgi/t/text/pageviewer-idx?c=amwh;cc=amwh;rgn=full%20text;idno=amwh0007-4;didno=amswh0007-4;view=image;seq=0445;node=amwh0007-4%3A9> accessed 7/12/09.

⁸³ John D. O'Grady. *Catholic Charities in the United States, History and Problems*. (New York: Ransdell, 1931) 36, 37

⁸⁴ "Foreign Immigration: Charitable Institutions of New York," 422-424.

Catholic children, roaming the streets of New York City in 1854.⁸⁵ Alone and friendless through no fault of their own, they attracted public attention from political officials and religious leaders, who came under fire for failing to meet the children's needs. No safety net captured needy children.

As solutions gained supporters, conflict surfaced between proposals from Catholics and Protestants.⁸⁶ With private charities depleted of resources, and poorhouses scorned for their desperate environment, the Catholic Church experienced a severe funding shortfall in child welfare services. Despite a hurried plan to add Catholic orphanages to those existing at the time, Church lay leaders fell way short of the funds necessary to construct and operate the facilities. Efforts to secure Catholic homes for Catholic orphans faced another type shortfall of too many orphans and not enough Catholic homes.

While trying to provide these homeless and dependent children a home-like environment, an education and moral upbringing, the Church claimed these children would become wards of the state if not for the Church's care and services. Many already resided at Randall Island, a city-operated juvenile facility that came under fire from Catholic Church leaders for warehousing mostly Irish Catholic children in deplorable conditions. The petty crimes that landed them on Randall's Island indicated more about poverty and parental irresponsibility, if they had parents. However, Charles

⁸⁵ Brace. *The Best Methods*, 10-12; As the founder of the New York Children's Aid Society, Mr. Brace claims that 10,000 mostly Irish Catholic homeless children roamed the streets of New York in 1853. He is quoting New York City Police Commissioner.

⁸⁶ Maureen Fitzgerald, "Charity, Poverty and Child Saving," *Harvard Divinity Bulletin*, 25 no. 4 (1996) Kansas University Libraries, 12-17.

Loring Brace expressed a negative, but common perception of Randall Island children as well as those roaming the streets of New York.⁸⁷

Sending Children West Becomes Protestant Solution

That negative perception saturated his animosity toward Irish immigrants and Catholics. As a prominent Protestant child saver and chief opponent to tax-funded support of Catholic orphanages, Mr. Brace outlined in an 1859 publication the plan he implemented four years earlier by creating the New York Children's Aid Society. Its annual report claimed, "Children cannot be long supported at the public expense, except as a burden or charity."⁸⁸ Sending children west served as the Protestant solution.⁸⁹

First, they had to separate the children from their family's poverty, Irish heritage and the Catholic Church. By transferring Irish immigrant children to Midwestern farms and rural communities, Mr. Brace declared them situated after leaving their homes, Irish culture and Catholic religion. He considered Protestant homes on Midwestern farms more appropriate than the streets of New York.⁹⁰ By filling Orphan Trains with mostly Irish Catholic immigrant orphans and dependents, he started sending children West in 1854. Without state funding, his program offered a solution to the care of destitute and dependent children of the Famine Irish.

⁸⁷ O'Connor, 149; As a solution to the Randall Island children, Mr. Brace created the placing-out system for children riding the Orphan Trains. It was estimated that from 1854 until 1929 well over 250,000 children were moved from New York City into the Midwest.

⁸⁸ *Annual Report of the Children's Aid Society, Vol. 1 to 10, 1855 to 1863* (New York: Arno Press and New York Times, 1971) Volume Five, (February 1859) KU Libraries, 8.

⁸⁹ Brace, 13, 14.

⁹⁰ Brown and McKeown, 17.

Those solutions unfolded in contemporary newspapers that carried notices of orphan train arrivals and stories about what happened afterwards, often revealing the orphans' ethnic and religious affiliations. John Cogan's story typified the children seeking homes in Kansas. Although both parents were born in Ireland, he was born in New York after they escaped the Potato Famine. While still quite young, his father died in a train accident, leaving his mother to care for five boys. Hired as a domestic servant, she and four of his brothers died during a cholera epidemic, leaving John alone. Joining a group of homeless boys living in an East River slum, he slept under bridges, in abandoned buildings or in cardboard boxes, eating whatever he could beg or steal. After several desperate years, he found Children's Aid Society agents in the late 1860s, who placed him on an orphan train headed to Eureka, Kansas.⁹¹

Stories similar to John's alarmed Catholic Church officials, then outrage ignited righteous indignation as lay leaders continued to fight Mr. Brace's bigoted philosophy. Claiming their Irish Catholic nature made the children desperate and a menace to society, Mr. Brace insisted that immigrant orphans break all ties with their families and religion. When orphan train riders wrote to the Children's Aid Society headquarters asking for news of their New York families, officials told them to forget the past. Still remaining in the society's archives, hundreds of these children's letters languish unread, never acknowledged or answered.⁹²

⁹¹ Robert A. Hodge, *These We Know*. (Emporia: self-published, 1997), Volume Two, 16-20; copy on file with author.

⁹² Brown and McKeown, 17, 18.

Thousands of Irish immigrant children left New York City slums at no expense to state government. In the first decades following the Civil War, northern states began to create their own system to care for Union veterans and their orphaned and dependent children. During the first half of the nineteenth century, no state funding supplemented the operation of child welfare programs, whether religious or charitable and regardless of their father's military status. However, Michigan became the first state in 1876 to support completely all its destitute and homeless children. The remaining states either opened a state-supported orphan home for only the children of Civil War veterans or appropriated supplemental funding to support them in religious and private orphanages.

Irish politicians and Catholic clergy offered another solution to the New York State Assembly. Requesting state supplemental funding, Church leaders insisted they provided valuable public services that justified taxpayer support.⁹³ Protestant members of the Assembly objected as well as charitable groups led by Protestant child savers. The expenditure of state revenue to support a religious entity stood at the heart of Protestant opposition. Child savers insisted on western emigration because it would be implemented at no cost to state or local governments. Mr. Brace's plan removed mostly Irish and nearly all Catholic children from New York, using the railroad to transport them to rural homes in Midwestern states.

The New York Assembly refused to supplement Catholic efforts. Without tax-funded state aid to assist its programs, Irish politicians and Church leaders watched hopelessly as destitute Irish Catholic children filled the trains headed west. In no time, a

⁹³ Brown and McKeown, 23.

storm of indignation within New York's Irish Catholic community arose against the prospect of child emigration. Political and Church leaders reconsidered their battleground and funding options by turning to New York City Hall. Organizing large blocks of Democrat voters, Irish leaders joined forces with Tammany Hall, watching as Irish Catholic politicians became more influential in New York City politics.⁹⁴ Within a handful of years following Albany's refusal to grant supplemental funding to Catholic child welfare services, the New York City Council expanded its funding to build and maintain Catholic orphanages. From the late 1850s until the early 1930s, municipal funds supplemented both Catholic and Protestant orphanages as well as other charitable endeavors, creating the New York System.⁹⁵

Whether living in overcrowded Catholic orphanages, stranded in city poorhouses, or roaming city streets alone and homeless, thousands of orphaned and

⁹⁴Elizabeth McKeown and Dorothy M. Brown, "Saving New York's Children," *U.S. Catholic Historian*, 13 (Summer 1995): 77-96. In the first half of the nineteenth century, Protestant leaders led efforts to gain state funding of public schools and a city-operated House of Refuge for delinquent children, all of which were slanted toward Protestant teachings. Angry at the imbalance and reacting to Irish immigrants, who had overwhelmed Catholic resources, Catholic clergy turned to Albany for support. When it was refused, clergy and Irish lay leaders turned to New York City politics. McKeown and Brown chart the political gains of Tammany Hall-based Irish immigrant politicians who succeeded in securing municipal support of Catholic orphanages in the late 1850s. <http://www.jstor.org.www2.lib.ku.edu:2048/stable/pdfplus/25154515.pdf?acceptTC=true> accessed 06/15/09; See also Melvyn Dubofsky, *When Workers Organized: New York City in the Progressive Era* (Boston: University of Massachusetts Press, 1968) 22; and Chris McNickle, *To Be Mayor of New York: Ethnic Politics in New York* (New York: Columbia University Press, 1993) 7-9.

⁹⁵George Fitzhugh, "Private Charities and Public Money," *Catholic World*, 29, no. 170, (May, 1879) 256-264; this article was written in 1879 in response to charge that municipal funding benefitted Catholic programs in greater number than Protestant efforts. Charting the meager beginnings in the 1830s, the article named Protestant and Catholic institutions that gained support, including the increases in the 1850s. When funds for construction and operational budgets were compared, the Protestant agencies received far more funding; <http://quod.lib.umich.edu/m/oaajrnl/bac8387.0029.170/261:13?rgn=main;view=image> accessed 04/11/11; and Brown and McKeown, 13-50, Chapter One explained the New York System that included municipal funding of orphanages and child welfare programs operated by Catholic and Protestant charities. Municipal funding continued until the New Deal programs began in the 1930s.

dependent children became the visible victims of distressed conditions, forcing religious, business and government leaders to eventually take notice and respond. What forced these children from the shadows of homelessness into the public spotlight? Why had the longstanding tradition of local poor relief failed to meet its obligation to destitute children?

Although the tradition of caring for poor and destitute citizens by local government and private charities began with the country's earliest settlers, distinct occurrences in the mid-nineteenth century disrupted that continuum of care. Numbers, poverty and shame exposed the dark side of America's informal child welfare system. The overwhelming number of destitute Famine Irish immigrants arriving before the Civil War caused the first fissure. Shame and poverty accounted for the remainder when female Irish immigrants endured the heart-wrenching grief of abandoning their infants in the decades after the war. Unwanted, ill-kept and orphaned foundlings and children resulted from both these immigrant occurrences.⁹⁶

Shame Takes Its Toll on Immigrant Women

When large numbers of poverty stricken, Famine Irish immigrants arrived in New York, sheer numbers alone overwhelmed existing resources. Numbers played a role in the care of abandoned infants after the Civil War, but shame also took its toll. During those decades, female Irish immigrants accounted for a higher percentage of

⁹⁶ Julie Miller, "Gotham's Waifs," 214.

immigrant arrivals coming through the port of New York.⁹⁷ The large influx became a visible link to a higher number of unwanted, out-of-wedlock births. Shamed into abandoning their infants, these Irish immigrants found some comfort in leaving their babies in the newly opened New York Foundling Asylum. Whether left at this Catholic facility or the two other foundling homes in the city, these infants inundated the resources. The lack of wet nurses forced the bottle feeding of cow's milk, an unhealthy alternative from the 1860s to the early 1890s. The compromised medical condition in which babies arrived, coupled with being fed unpasteurized milk accounted for death rates of eighty-five percent, exasperated by the unsanitary conditions in the foundling home at the city poorhouses.

Stretched now to improve or expand existing Catholic orphanages, foundling asylums and city poorhouses, municipal funding increased in the early 1870s to both Protestant and Catholic child welfare services to include the New York Foundling Asylum. By the late 1870s, state government responsibility for destitute children assumed a more complete role. Allowing local taxpayer funds to supplement Catholic orphan asylums and other child welfare programs marked a departure from long standing policies regarding the funding of religious-based charities, and a decrease in the stranglehold exerted by Nativists and Protestant majorities. This policy change

⁹⁷ Julie Miller, *Abandoned*, 17; and Diner, 35, 36; What distinguished Irish immigration in the nineteenth century centered on the unusually high percent of women leaving their homes, making the Irish the only major group of immigrants in American history to contain so many females. What began at the start of the 1800s with 35 percent female, moved to 52.9 percent by mid-century, climbing to 53.8 percent in 1900. Where the percentage of German women, who arrived during the same timeframe as the Irish was 41 percent of the total, Irish women stood at 52.9.

reflected greater political influence of Irish immigrants as voters and Tammany Hall politicians.⁹⁸ However, the guarantee of municipal funding failed to quiet Irish concerns. In the decades following the Civil War, what else drove the Irish to protect their faith and culture? Anti-Irish, anti-Catholic rhetoric continued to dominate Protestant child saver sentiments, driving Irish lay leaders and Catholic clergy to persist in their fight against efforts to take Irish immigrant children from their neighborhoods and away from their Catholic faith into the mostly rural Protestant regions of the Midwest.

Conflict arose between the Irish Catholic solution of placing children in orphanages, and charitable Protestant agencies that placed out children with strangers.⁹⁹ Flaws in the western emigration program soon developed as Mr. Brace stepped up the number of orphan trains leaving New York with homeless and destitute children. As he organized train passage, supervised agents to facilitate their placements in rural communities and raised funds to insure the program continued, his motives and the program's outcome came under scrutiny.¹⁰⁰ Historian Stephan O'Connor's biography of Brace explains the attitude prevalent among social reformers in the mid-nineteenth century. Identifying children as the best hope of reform among poor citizens, especially Irish immigrants, Mr. Brace placed great importance on separating children from bad

⁹⁸ Brown and McKeown, 15, 30.

⁹⁹ Hacsí, 17, 18.

¹⁰⁰ Some evidence of unanswered letters exists today in the archives of the New York Children's Aid Society. Three accordion folders holding hundreds of letters in chronological order stood on a back shelf in a closet adjacent to the archives office. Archivist Victor Remer said no evidence exists that these letters were ever answered or acknowledged.

influences that could lead to crime. Removal of children from immigrant neighborhoods and religious authority stood as the only solution. Mr. O'Connor tells of the informal, almost neglectful, system of tracking children placed in rural Midwestern communities. He says Mr. Brace admitted not answering all letters and inquiries coming into the New York Office.¹⁰¹ When letters sent to foster parents, who agreed to take an orphan train rider, went unanswered, the Children's Aid Society did little to ascertain the child's outcome.¹⁰² Mr. O'Connor admits, "even if we made the most generous interpretations of available evidence, it would seem the substantial majority of orphan train riders did not find the happiness or loving homes that everyone associated with the Children's Aid Society hoped they would."¹⁰³

In addition, problematic placements occurred between orphan train riders and foster parents in the West, but gained little attention from the society's agents, who were often not available to arrange new homes. These occurrences pointed to an endemic attitude toward troublesome placements. In most instances, work in exchange for a place to live dominated the children's arrangements. To avoid placement in orphanages, family members would take orphaned children into their homes, but with the tacit understanding that the child owed the relative for rescuing them from homelessness or institutionalization.¹⁰⁴ Because orphan train riders only knew the world

¹⁰¹ From primary source documents that remain in the society's New York office, old and faded letters hold evidence of a deliberate effort to keep children from communicating with their families.

¹⁰² O'Connor, 103, 104, 140, 152,153.

¹⁰³ O'Connor, 202.

¹⁰⁴ O'Connor, 99-102.

of New York City streets and large urban environments, they often felt out of place in rural environments.¹⁰⁵ Displeasure with initial placements became the child's problem to solve, which often occurred by running away or seeking out others in the community to give them a home.

The New York Foundling Asylum seldom faced problems with placements. As the second wave of Irish immigrants to affect the informal child welfare system, young female arrivals accounted for the unique impact these young women had on post Civil War New York. Many of the Famine Irish men who served in the Union Army, made their way afterwards into Midwestern and Western states to settle on farms and work in factories. In the decades following the war, the bulk of Famine Irish became absorbed into American society.

Although occurring in far fewer numbers, Irish immigrant women arrived alone as single women. The consequences of so many single women on their own pointed to an astonishing increase in infants abandoned at public buildings, on the steps of wealthy residents' homes and in some instances in a small cradle set inside the front door of the New York Foundling Asylum. All too often, infants ended up dead on the trash heaps of the city's slums.¹⁰⁶

¹⁰⁵ Clara Leonard, "Family Homes for Pauper Children and Dependant Children," *Proceedings of the National Conference of Charities and Corrections, 1879*, (Sanborn: Boston, 1879) <http://quod.lib.umich.edu/n/ncosw/ach8650.1879.001/185?page=root;rgn=pages;size=100;view=image;g1=placing+out> accessed 06/12/11.

¹⁰⁶ Julie Miller, *Abandoned*, 41, 42, 280; Miller lists several *New York Times* articles from 1858 and 1859 that tell of abandoned infants and their deaths; and *New York Times* (Sept. 19, 1867) 4, "Minor Topics" an article in 1867 expressed concerns for abandoned infants, and tried to answer why mothers would not keep them <http://proquest.umi.com.www2.lib.ku.edu:2048/pqdweb?index=19&did=79366773&SrchMode=1&sid=5>

Historian Kerby A. Miller argues that this influx of Irish immigrant women who remained single or married late in life resulted from their attachment to Ireland or their commitment to assist older parents. The birth of an unwanted child deserves a greater explanation. Historian Julie Miller points to domestic service as the only options open to young female Irish immigrants. However, the young, unwed mother knew how difficult it would be as a servant to take care of an infant, forcing her to face the tragic alternative of abandoning her baby.¹⁰⁷ In the decades following the Civil War, the flood of Irish immigrant women and the increase in infant abandonment produced a pattern of shame and regret matched closely with the number of women choosing not to marry. Having endured the guilt of an illegitimate birth and the blame of abandonment, these women decided to live their lives alone.¹⁰⁸

These abandoned infants played havoc on the institutions that received them. With infant mortality hovering around eight-five percent, the specter of death plagued the foundling homes in New York.¹⁰⁹ Before the pasteurization of milk in the 1890s, wet-nursing infants had the greatest chance of survival. In the absence of wet nurses, bottle fed infants risked the impurities of cow's milk. Poverty, disease and malnutrition took their toll in nearly all instances of infant abandonment.

[&Fmt=10&VInst=PROD&VType=PQD&RQT=309&VName=HNP&TS=1310525295&clientId=42567](#)
accessed 06/11/11.

¹⁰⁷ Julie Miller, *Abandoned*, 120-122.

¹⁰⁸ Kerby A. Miller, *Emigrants and Exiles*, 581, Table of male and female immigrant arrivals pointed to higher percentages of females in the post Civil War decades.

¹⁰⁹ Julie Miller, *Abandoned*, 87, 88; infant mortality always ran high in the city's poorhouse and three foundling homes. In the years before pasteurized milk became available, infants in these institutions experienced mortality rates of eight-five percent.

Sleeping Quietly into Death: Infants at the New York Foundling Asylum

As old and new orphanages filled quickly, children needing care continued to multiply. After the Civil War, Church officials faced a new dilemma. Again, the actions of so many Catholic Irish immigrants, this time young women, forced the Church to respond. New York City newspapers reported daily of numerous infants abandoned in public places and on the steps of wealthy homeowners. Worse yet were reports of newborns found dead soon after birth.¹¹⁰ Historian Julie Miller explains the shift in immigration patterns after the Civil War. The wholesale hardship of the Potato Famine affected all members of Irish families. In the mid-1860s, young Irish females heard of the success experienced when their fellow females arrived in America. They yearned for a better environment in which to thrive. By the end of the American Civil War, the Famine years and the consequent potato blight ended in Ireland's rural communities. Erin's economy improved but the female population still faced few options for advancement. What awaited them in America?

Because domestic service became the only option in the first decades after the Civil War, these young Irish immigrants became isolated in domestic service and devoid of family and friends. As a result, they often became the victims of the affection and attention of men uninterested in meeting their obligations once a pregnancy occurred. Ashamed and frightened during their confinement, Irish immigrant servants disappeared in a crowded city, emerging after giving birth often unassisted and alone. In a society that cruelly condemned and shunned unmarried mothers, these young women

¹¹⁰ Julie Miller, *Abandoned*, 41, 42.

could choose public damnation or infanticide. Although reports of abandoned infants in New York City were nothing new to newspaper readers, the marked increase in reports of abandonments started after the Civil War. Julie Miller connects the increase of Irish immigrant women arrivals in New York City with infant abandonment as it continued to multiply.¹¹¹

Faced with concerns about the spiritual outcome of abandoned infants prompted the Sisters of Charity of New York to respond.¹¹² Once installed on West Twelfth Street, Sister Irene and two other nuns expressed surprised by the three infants left on their doorsteps the first day the foundling asylum opened October 11, 1869.¹¹³ In the next thirty days, the sisters received twenty-eight infants at the asylum. Presenting the first annual report, Mother Regina reported the activities of asylum, now named New York Foundling Asylum, to explain how a small cradle sat just inside the vestibule's front door near a bell rung when an infant arrived. Left faster than cribs could be located, clothing secured and wet nurses obtained, these infants prompted the asylum

¹¹¹ Julie Miller, *Abandoned*, 17; and Diner, 35, 36; What distinguished Irish immigration in the nineteenth century centered on the unusually high percent of women leaving their homes, making the Irish the only major group of immigrants in American history to contain so many females. What began at the start of the 1800s with 35 percent female, moved to 52.9 percent by mid-century, climbing to 53.8 percent in 1900. Where the percentage of German women, who arrived during the same time frame as the Irish was 41 percent of the total, Irish women stood at 52.9.

¹¹² Julie Miller, *Abandoned*, 10, 11; Fitzgerald, Maureen. "The Perils of 'Passion and Poverty': Women Religious and the Care of Single Women in New York City, 1845-1890." *U.S. Catholic Historian*, 10, no.1, (January, 1991), 2, 14, 45-58.

¹¹³ Julie Miller, *Abandoned*, 85-128; Chapter Four traces the beginning of the New York Foundling Asylum.

doctor to admit, “Now our troubles began.”¹¹⁴ Written in 1871, the report explained the numbers overwhelmed the Sisters. Having relocated by then to a larger building, the foundling asylum accommodated 1,377 infants from October 1870 to October 1871, bringing the total number to 2,560 since its opening in 1869.

Although these infants initially survived, the tragic picture of infant mortality carried in the report of the asylum’s attending physician revealed that of the infants taken into the foundling asylum in its first full reporting year, fifty six percent died. Of those initial infants, sixty one-percent arrived in “poor, diseased, or dying condition,” and thirty-four percent of them failed to thrive. Of the seven hundred seventy two deaths, three hundred forty seven or forty-five percent occurred within the asylum, while the remainder took place at the homes of the wet nurses. Further explaining these deaths, the doctor said those children coming into the institution already ill remained there, not given to outside wet nurses. A great many of the sickly ones eventually died.¹¹⁵

“We should consider the condition in which the infants are received,” the physician’s report said. “Some are exposed carelessly or unavoidably to cold in their transit to the hospital, entering seemingly perfectly healthy; but in a few hours the extremities become wrinkled and shriveled, the skin upon the hands and feet harsh and dry, feeling like thin parchment, and too large for the tissue within; jaundice ensues, and

¹¹⁴ “Report of the Foundling Asylum of the Sisters of Charity, in the City of New York, From its Opening October 11, 1869, to October 1, 1871.” Volume 1, Foundling Collection NYHS.

¹¹⁵ “Report of the Foundling Asylum,” 13, Volume 1.

deepens day by day, while the body diminishes in weight, and the little ones quietly sleep into death.”¹¹⁶

Among the earliest primary source documents still held in the New York Foundling Asylum archives, notes attached to the abandoned infants revealed the anxiety many of the young mothers felt about leaving their baby in a Protestant foundling home. Knowing their infants would receive care in a Catholic institution offered some small measure of comfort to the overwhelming grief of giving away a child. For instance, a Catholic priest called on the Sisters in early 1872, not long after administering last rights to a dying mother, an unmarried Irish immigrant woman. Pleading with him to guarantee her infant be raised a Catholic, the young woman asked him to notify the Sisters. Once the priest sold all the family possessions, the Reverend Michal Lilly presented the Sisters with \$112.08, explaining, “If he lives, this sum will pay his way for a little while, if he dies, I know no better disposition to make of this little inheritance than to give it to your institution.”¹¹⁷

By the 1870s, state support added financial security to Catholic child welfare programs, including the New York Foundling Asylum, supplementing further private donations with taxpayer funding. Although seeking the same goals of helping the same children, Catholic and Protestant leaders responded far differently to the same set of circumstances, starting with Protestant objections to public funding of private welfare,

¹¹⁶ “Report of the Foundling Asylum,” 56-73, Volume 13.

¹¹⁷ In the first of five binders containing notes and letters regarding infants of the New York Foundling Asylum, the original notes along with a typed version, were organized in chronological order. The letter dated Feb. 29, 1872, was signed by the Reverend Michal Lilly, OSB. Volume 68, Foundling Collection NYHS.

especially those involving the Catholic Church. What made those objections so compelling centered on how the response and reaction to such overwhelming need resulted in political solutions that had little to do with compassion for needy children. The political actions of Catholic lay leaders and Protestant child savers revealed the divergent attitudes each expressed about the tax-funded support of the orphanages and charities they represented. However, conflict remained as the intentional removal of Irish immigrant children continued to unknown location in the West.¹¹⁸ As the Irish took stock of the political landscape in post Civil War New York City, and became more ensconced in city politics, municipal funding increased to build and operate orphan homes.¹¹⁹ As a result, consistent local funding strengthened the New York System.¹²⁰

After the Civil War, state governments looked more favorably on funding child welfare programs, but the initial response was limited to soldiers' orphans in states with large Union veteran populations, who exerted political pressure to care for the orphans

¹¹⁸ Francis E. Lane, *American Charities And The Child of the Immigrant* (Washington, D. C.: Catholic University Press, 1932) 45-97.

¹¹⁹ Dolan, *The Immigrant Church*, 110; Brown and McKeown, 17-19; Brown and McKeown, 22, 23; Linda Gordon's *The Great Arizona Orphan Abduction*, (Cambridge: Harvard University Press, 2001); Ms. Gordon tells of racial conflict generated when white children from the New York Foundling Asylum were sent to Arizona for placement with Latino Catholic families and the conflict that occurred when white residents protested and kidnapped the children. These events occurred in 1907 and covered the years afterwards to include court battles and judges' rulings.

¹²⁰ "Report of Dependent and Delinquent Children" *Proceedings of the National Conference on Charities and Corrections, Fourth Annual Session, September 4-5, 1877* (Boston: A.J. Wright, 1877) 60-80; Delivered by W.J. Letchworth, his lecture about the New York System included the city's history of caring for destitute children from the early nineteenth century and how they received care in orphan homes and from private and religious organizations. <http://quod.lib.umich.edu/cgi/t/text/pageviewer-idx?c=ncosw;cc=ncosw;rgn=full%20text;idno=ACH8650.1874.001;didno=ACH8650.1874.001;view=image;seq=00000352>, accessed 07/04/2007.

of those who saved the Republic. In some instances, state-supported soldiers' orphan homes began to assume full responsibility for children, departing from the usual pattern of holding local government accountable.

In addition, a handful of states passed laws that prohibited the placement of children in poorhouses. When New York approved such legislation in 1875, lawmakers also granted state funding to religious and charitable institutions that cared for children. Whether local or state, an investigation in 1879 revealed that Protestant institutions gained a larger share of government support than Catholic ones.¹²¹

Chapter Three investigates the informal child welfare system developed in Kansas from the opening of the Territory in 1854 until the 1880s. Discussion of the county poorhouses exposes deplorable living conditions for children, who relied on disabled and disheartened adults for care. In 1862, the positive role the Catholic Church played in raising funds to create the first orphanage in Kansas compares to the bigotry encountered in 1885 during debate on tax support of Catholic institutions. Two years before the first orphanage opened in Kansas, orphan train riders arrived in Junction City in 1864. In the next four decades, the outcomes that awaited the destitute children of New York seldom typify the rose-colored results claimed by the New York Children's Aid Society.

Regardless of what awaited orphan train riders, the state possessed its own share of orphaned and dependent children. Although two private orphan homes opened at Leavenworth in the 1860s, children unable to find a place at Saint Vincent Orphan

¹²¹“Private Charities, Public Money,” 255-283.

Home or the Leavenworth Protestant Orphan Asylum ended up in county poorhouses. Despite calls from the state regulatory board to remove children from poorhouses and establish a state-supported orphanage, state lawmakers refused to act. Kansas was not alone in its refusal. Before the Civil War, no state established a state-supported facility for destitute children. What happened to change the policies of state legislatures? In Kansas, the political influence of Civil War veterans compelled the Legislature to consider the orphaned and dependent children of Union soldiers because their fathers fought to save the Republic. As the first state to support soldiers' orphans, Pennsylvania deserves further scrutiny as it responded to the aftermath of the Battle of Gettysburg and the influence of the railroads in providing care for veterans' children.

Chapter Three continues with an examination of the 1885 Legislative Session to include the political influence of Civil War veterans as they pressed for the creation of the state-supported soldiers' orphans' home to address the needs of veterans' destitute children. Controversy over the continuation of state funding to the two orphanages in Leavenworth revealed a deep-seated bigotry toward tax support of the Catholic Church.

Research into the programs other states adopted for the care of all orphans looks closely into the Michigan Model, the most successful state-operated program, as well as Ohio and Illinois, to determine why Kansas adopted portions of each one in its own program.¹²²

¹²² "Michigan: The Child, The State," 264.

Chapter Three: Orphans in Kansas

“The best thing I ever did for Kansas was to bring the Sisters of Charity to Leavenworth.”

Bishop John B. Miede, First Bishop of Kansas
 Founder of Saint Vincent Orphan Home¹²³

Thrown on the Cold Charity of the World: First Orphans to Soldiers Orphans

Written in 1887, when Saint Vincent Orphan Home moved to its second location, the initial entry on the second registry claimed to be the reason for creating the first orphanage in Kansas. Cited as a common occurrence on the Missouri River in the newly settled Kansas Territory, a tragic riverboat accident at Leavenworth in 1859 took the lives of a young couple, but spared their three young children. Hearing of the accident, citizens rushed to the Levee Landing to assist the injured and dying. Soon discussion turned to the fate of the couple’s children. Someone sent for Bishop John B. Miede, who arrived at the Levee and volunteered to take charge of the youngsters now bundled in warm blankets. He gathered the trio together and placed them in the back of his wagon.

Stunned, cold, and wet, the children watched as Bishop Miede quickly steered the horses away from the crowded, chaotic riverbank, carefully guiding the team onto Main Street. Headed north then west toward the Fifth Street Hill, he arrived at the convent of the Sisters of Charity. Newly arrived in Leavenworth at the end of 1858, the

¹²³ Julia Gilmore, *Come North: Life Of Mother Xavier Ross, Foundress Of Sisters Of Charity Of Leavenworth*. (New York: McMullen Books, 1951) 12; Bishop Miede made this comment in 1874 at the end of his time as the first bishop in Kansas..

Sisters welcomed the frightened youngsters, making room for what the registry described as “orphans and thus thrown on the cold charity of the world.”¹²⁴

Among the first recorded incidents of a territorial community responding to the plight of children left suddenly orphaned, the riverboat accident stood as a starting point for the care of orphaned and dependent children in Kansas. That this care should come from a religious entity and not state or local officials reflected the informal child welfare system in place during the mid-nineteenth century.

This chapter focuses on Kansas child welfare from 1859 to 1885 by exploring the drawbacks of county poorhouses, the shortcomings of apprenticeships, the uncertainty of placing out, the welcome of the state’s first orphanages, and the arrival of orphan train riders. The chapter concludes by exploring the political pressure generated

¹²⁴Discovered unexpectedly in 2010 and found in a locked safe at Catholic Charities, Kansas City, Kansas, the two original registries for Saint Vincent Orphan Asylum dated from 1860. In 2011, Catholic Charities initiated a new policy decision directing all inquiries about adoptions from Catholic orphanages in Kansas to the Topeka office of Catholic Charities. Among the historical documents transferred to Topeka were the original registries of St. Vincent Orphan Home. Barbara Katz, adoptions social worker in the Topeka Catholic Charities, told the author that restrictions to access the registries existed because they included the names of women who gave up their babies for adoption and Catholic Charities guaranteed their anonymity. Access by the author for this research occurred November 1, 2011, on the promise that the mothers’ names would remain secret. The older and frailer of the two documents, “Register of the Orphans Received in the St. Vincent Orphan Asylum, Leavenworth, Kansas, January 1, 1867,” began listing children in 1860 in a ledger book not specifically printed as an orphan home registry, with pages numbered sporadically. In the text, *The Registry*, will reference the original document and “St. Vincent Registry” in the footnotes. The titles on each page and the columns identifying specific data on each child were hand written. Information was incomplete and inconsistent on children received in the orphanage until 1885. When the orphanage moved to its second and larger location in 1885, the second registry contained printed titles and columns on children from 1885 until the late 1940s when the children moved to another facility in Topeka. Serving as the archivist for the Sisters of Charity of Leavenworth and former community director, Sister Mary Seraphim Sheehan spoke with the author during several months in 1998, when she told the story of the first orphans in Kansas. Drawing from letters, recollections of the older Sisters, her own experiences, archival materials and primary source documents, she began an interest in Saint Vincent Orphan Home in the mid-1930s. She told of teaching the orphans and her interest in orphaned and dependent children lasted throughout her career. She remembered seeing the original registry books in 1958 when Sister Julia Gilmore published a history of the Sisters of Charity of Leavenworth. Barbara Katz said personnel at the Kansas City and Topeka offices of Catholic Charities were surprised to discover the registries still existed.

in the mid-1880s that compelled lawmakers to create state-supported soldiers' orphans' home in Atchison, and a state-supported soldiers' home in Dodge City. Serving as a milestone in nineteenth-century Kansas child welfare, the 1885 Legislative session marked the first time state government in Kansas took full responsibility for orphaned and dependent children. Conditions, however, came with the state's commitment. The children of Union Army veterans received priority placement, a requirement that lasted twenty years and left countless other children to linger in poorhouses. Conflict over continuing state supplemental funding of Saint Vincent Orphan Home revealed the lingering shadows of bigotry endured by the Catholic Church.

In Territorial Kansas and the first decades of statehood, orphaned and dependent children often lingered in the shadows of indifference with few options for care. Until special interest politics forced the Kansas Legislature in 1885 to create a state-supported soldiers' orphans home, those "thrown on the cold charity of the world" depended on poor houses, apprenticeships, placing out, religious orphanages, and the kindness of strangers.¹²⁵ What justification explained this disparity? How did one group of children gain favor over another? Caring for the orphans of soldiers who fought to

¹²⁵Sister Mary Catherine Taylor may have written the opening statement to the second registry book to explain the accident that caused the orphans to need immediate care, and why a more permanent facility was needed for the new town. Although not specifically signed or identified, the opening statement outlined the responsibility and reporting duties for updating the registry. The statement specifically identified, Sister Mary Catherine, as the Superior in charge of the orphanage and the Sisters of Charity at the time the second orphanage opened. Sister Mary Seraphim Sheehan was unsure who described the orphans as "thrown on the cold charity of the world" in the second registry book, although the story of the orphanage's founding was repeated in contemporary and later histories of the Sisters of Charity of Leavenworth as well as numerous articles and publications to include the Rev. Peter A. Baart, *Orphans and Orphan Asylums*, (Buffalo: Catholic Publishing Co., 1885), 1971). Rev. Baart, a parish priest in Michigan and an authority on Canon Law, completed a survey in 1885 of the Catholic orphanages in the United States and published the results in *Orphans and Orphan Asylums*, where the account of Saint Vincent Orphan Home included the reference to "cold charity of the world."

save the Republic became the steadfast resolve of several Northern states in the years following the Civil War. Unaccustomed to taking full responsibility for orphaned and dependent children, state governments conveyed to cities and counties the care of poor citizens, a pattern rooted in England's Elizabethan Poor Laws. The nation at war shifted that pattern. State governors, Congressional representatives and President Abraham Lincoln promised Army recruits to care for their families if soldiers failed to return home. In the aftermath of Civil War, Union Army veterans pressed political leaders to keep those promises. Advocating on the state level, they insisted that soldiers' orphans gain separate consideration from others in need, vowing that destitute Union Army veterans and their dependents never suffer the indignity of poorhouse placement. An education, a home environment and good treatment stood chief among the demands made of states caring for the orphaned and dependent children of veterans.¹²⁶

Several eastern states began opening soldiers' orphan homes at the close of the Civil War while others followed in the decade afterwards.¹²⁷ However, state

¹²⁶Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins Of Social Policy in The United States* (Cambridge: Belknap, 1992) 112-116, 150; and Robert Burns Beath, *History Of The Grand Army Of The Republic*, (New York: Bryan, Taylor, & Co., 1889) 33-54. Concerned about the record number of former soldiers still suffering from wartime injuries and disease, the Grand Army of the Republic organized in 1866 to pressure Congress for an expansion of the National Military Home to multiple facilities in northern states. By the 1870s, they expanded their issues to include more comprehensive pensions for disabled veterans and by the 1890s for all veterans who served in the Civil War. State GAR chapters initially formed after the Civil War to advocate for soldiers' orphan homes as well as state soldiers' homes. However, the GAR exerted limited influence in its early years and failed to sustain its influence in the 1890s because of its leaderships' partisan political involvement.

¹²⁷ David O. Gold, *Soldiers' Orphan Schools Of Pennsylvania*. PhD. diss. University of Maryland, 1971. In the aftermath of the Battle of Gettysburg, Pennsylvania became the first state to open a soldier's orphan's home, which was referred to as a school. Soldiers who fought at Gettysburg were credited with pressuring the governor to act. In the years immediately following the war, soldiers' orphan homes opened in Maine, Ohio, Illinois, Indiana and Iowa, where veteran groups including some newly formed state GAR chapters played key roles. Copy of dissertation on file with author.

involvement in veteran issues failed to materialize in Kansas until the 1880s. During the Civil War, Kansas state government struggled in its infancy to secure its borders and protect its citizens.¹²⁸ Advancing slowly in the years following the war, Kansas opened its land and watched as small settlements grew into new communities and rural landscapes turned into productive acres. Among the new settlers, Union Army veterans sought better lives and improved economic conditions.

By the early 1880s, their numbers reached over 50,000.¹²⁹ Although the majority of veterans never sought assistance or asked for relief, some of their former comrades began to experience the effects of aging, wartime injuries and disease, while others masked their wartime trauma with alcohol and drugs. Their plight gained attention and sympathy, prompting efforts to organize on behalf of destitute and disabled veterans. Despite a slow beginning in the late 1860s, the Kansas Chapter of the Grand Army of the Republic claimed the mantle of representing disadvantaged veterans, reorganizing in 1880 to number 20,000 members by 1884.¹³⁰ Crediting their support with the election of a governor in 1884, GAR members began to press for veteran issues in a Special

¹²⁸ "Civil War" section of the Kansas State Historical Society website explained that Kansas with only 30,000 men of military age responded to the federal government call for the newly formed state to contribute over 16,000 volunteers but over 20,000 "Jayhawkers" answered the call resulting in 8,500 casualties (killed, injured, disease) by the end of the war. <http://www.kshs.org/research/topics/war/civilwarkansas.htm> accessed 10/29/2006. During the turmoil of the Civil War, Kansas state government collected little taxes and barely established its offices and personnel. As the state opened for settlement and in the decades after the Civil War, conflict with Native American tribes drew further from the state resources. In the 1870s, Kansas suffered a series of severe droughts, which affected the agriculture economy and state finances. Not until the 1880s did the state begin to fully prosper.

¹²⁹ Kyle S. Sinisi, "Veterans as Political Activists," veteran population in Kansas cited as 50,000 in the 1880s.

¹³⁰ Beath, 571-577; the chapter on Kansas.

Session of the Legislature in 1885. A soldiers' orphan home was first among their priorities as well as the removal of all veterans and their dependents from county poorhouses. Understanding the landmark legislation adopted that year and the political intrigue dictating the outcome, this chapter argues that political pressure and not overwhelming need compelled Kansas lawmakers to prioritize its care of orphaned and dependent children, leaving those without veteran fathers to linger forgotten in county poorhouses or suffer the uncertainty of being placed out with strangers.¹³¹

'Darkest page in Kansas History,' County Poorhouses, Placing Out

While a ten-year-old boy with feet amputated above the ankles struggled painfully to move across the floor of the poorhouse parlor, state officials learned in 1886 that the youngster's parents abandoned him. His story began when the frightened child hid from his mother to avoid severe punishment. Eventually discovered unconscious and nearly frozen to death in the dead of winter, the boy suffered severely

¹³¹ *Special Message Of John A. Martin, Governor, to The Legislature Of Kansas, 1886* (Topeka: Kansas Publishing House, 1886) 25, 26, Manuscript Collection of the University Libraries of the University of Kansas at Lawrence, referred to as Manuscript Collection KU Libraries; *Session Laws Of 1885* (Topeka: Kansas Publishing House, 1885) Chapter 184, 296-298; *Session Laws Of 1889* (Topeka: Kansas Publishing House, 1889) Chapter 47, 48-50; and *Manual Of Law and Rules For The Government Of The Soldiers' Orphans Home At Atchison, Kansas* (Topeka: Kansas Publishing House, 1891), Manuscript Collection KU Libraries, described in the 1885 statutes establishing the Soldiers Orphans Home, its revision in 1889 and the orphanage's first operating manual, criteria for placement remained the same. Destitute and orphaned children of soldiers who served in the Army and Navy of the Union during the late rebellion and were now disabled or deceased were given priority placement; Kyle S. Sinisi, "Veterans as Political Activists," 90-99, termed a force in the state legislature, the Kansas GAR gained its legislative agenda in the 1880s, but became ensnarled in the political conflict between Populists and Republicans in the 1890s and suffered legislative shortfalls; Frank W. Blackmar, *Kansas: A Cyclopedia Of State History, Embracing Events, Institutions* (Chicago: Standard Publishing, 1912) 772-774, credits the Kansas GAR as largely responsible for the establishment of the soldiers' orphans' home; Charles M. Correll, "Some Aspects of the History of the G.A.R. in Kansas," *The Kansas Historical Quarterly*, 19 (1951) 73, gives Kansas GAR all the credit for supporting a state-supported benevolent institution for soldiers' orphans; and Beath, 577.

frost bitten feet that required amputation. When his recovery and consequent medical care became too difficult to manage, the parents left the boy at the Wyandotte County Poorhouse. According to the superintendent, the parents “troubled themselves very little about the boy.”¹³² Without state-supported medical assistance, and no political pressure to compel state responsibility for disabled and abandoned children, the boy languished alone in the poorhouses without family attention, educational opportunity, or physical rehabilitation.

Among the consistent options awaiting children in the informal child welfare system created in first decades of Kansas Statehood, county poorhouses gained little attention and even less political pressure to assist their residents. Deplorable conditions surrounded the disturbed adults and destitute children forced to live together. In the 1874 report of the Board of Commissioners on Public Institutions, an investigation into the state’s poorhouses produced sickening details of insane adults living in discomfort and confusion alongside helpless children who often depended on them for care. Despite the marked lack of details and the absence of complete reporting on public and private assistance listed in the first official account to the Kansas Legislature, the existing relief efforts given locally to destitute citizens horrified Board members, prompting one of them to declare the situation the “darkest page in the history of

¹³² “Pauperism” *Third Annual Report Of The Bureau Of Labor and Industrial Statistics, 1888*, (Topeka, Kansas Publishing House, 1888) 38, Kansas Collection of the Kansas State Library, Topeka, referred to as KSL.

Kansas.”¹³³ Conditions remained regrettable inside the county poorhouses according to the 1888 State Board of Labor and not much improved from the 1874 board report.

From the opening of the Kansas Territory and into the early decades of statehood, orphaned and dependent children initially generated little notice among proslavery and Free State leaders, and even less attention from Republicans and Democrats in the Kansas Legislature. Despite deep dividing differences among Territorial Legislatures, provisions to govern destitute adults and orphaned children carried similarities in proslavery and Free State statutes. In both instances, the only mention specifically of poor children was placement through apprenticeships.¹³⁴ When statehood finally occurred in 1861, the first poor laws passed the next year directed county officials to place out the orphaned and dependent children under their care. Farmers and merchants expected the child’s labor in exchange for room and board, an option much cheaper for the county than placement in the poorhouse.¹³⁵

Such arrangements followed an historical pattern, starting in Elizabethan England, then carried to Colonial America, and ultimately applied in the eastern and

¹³³“Preliminary Remarks” *Second Annual Report Of The Board Of Commissioners, 1874* (Topeka, Kansas Publishing House, 1875), 23, KSL.

¹³⁴ *Statutes of The Territory of Kansas, 1855*, Chapter 6, Sections. 6, 7 and 8 (Topeka, Kansas Publishing House, 1865) Territorial statutes in the KSL.

¹³⁵ *Kansas General Laws, 1862*, Chapter 163, Section 28 (Topeka, Kansas Publishing House, 1862); The county official designated to oversee the poor was held responsible for the proper treatment of children and was to take legal action if they were victims of maltreatment. However, that was only for children involved in formal apprenticeships. Those in the more informal placing out program were not mentioned in state law.

Midwestern states.¹³⁶ Common among the poor law provisions from the 1601 Act of Elizabeth to the 1862 Kansas Poor Laws was the taxation of an entire community for the support of the destitute few, and the governance of poor relief at the local level “without any general superintendence” from state government.¹³⁷ Common also was the disposition of destitute children. For instance, the first stipulation in the 1601 Act of Elizabeth was to “set to work the children of all such whose parents shall not be thought able to keep and maintain them.”¹³⁸ The Kansas State Constitution directed local authorities to first place children with families willing to care for them, although they often ended up with business owners and farmers interested only in their labor.¹³⁹ Whether in England or Kansas, outcomes remained the same. Able to rid themselves of unwanted children, local officials avoided the costlier option of providing institutional care. In Kansas, state government avoided all together the responsibility of any orphaned and dependent children.

That certainly was the case during Territorial times, when proslavery lawmakers decided the only option for destitute children was to indenture them when their home environments were “undesirable and no possibilities exist for being taught a means of

¹³⁶ Grace A. Browning, *The Development Of Poor Relief Legislation in Kansas* (Chicago: University of Chicago Press, 1935) 61-63.

¹³⁷ Francis Emmet Lane, *American Charities And The Child Of The Immigrant: A Study Of Typical Child Caring Institutions In New York And Massachusetts Between The Years 1845 And 1880*, (Washington D.C.: Catholic University Press, 1932), 35.

¹³⁸ Lane, 35.

¹³⁹ *Kansas Constitution*, Section 1, Chapter 79 (Topeka, Kansas Publishing House, 1861).

livelihood.”¹⁴⁰ Free State leaders offered similar provisions in 1855 but added guarantees of an education to accompany all agreements with masters who promised, “Faithfully to perform the duties associated with their positions.”¹⁴¹ Territorial statutes and early statehood poor laws reflected not only the centuries old dictates of the English Poor Laws but the historical experiences of Indiana and Missouri, older states that influenced the Territory’s status and later the state constitution.¹⁴² Nonetheless, destitute children continued unprotected despite the differences between Elizabethan England and Kansas in the mid-nineteenth century.

Blame rested on the lack of oversight, the absence of regulations, and the misnomer of the apprenticeship system. When historian Michael Grossberg uses the phrase “involuntary apprentices” to describe the outcomes of children who became objects of public charity in nineteenth-century America, he leaves the impression that a beneficial relationship existed. By using the term “apprentice” Grossberg implies a condition existed where children learned a trade or skill.¹⁴³ In Kansas, a clear line of demarcation separated apprenticeships from placing out. Grossberg’s terminology confuses the historical perceptions surrounding destitute children. Placing out, and not

¹⁴⁰ *Statutes Of The Territory Of Kansas, 1855*, Chapter 6, Section 6 (Topeka, Kansas Publishing House, 1865); this reference was for children under apprenticeship/indenture agreements and orphans under the same agreements could do the same with the permission of guardians.

¹⁴¹ *General Laws Of The Territory Of Kansas, 1859*, Chapter 13, Section 6 (Topeka, Kansas Publishing House, 1865); to further ensure the child’s welfare, local courts allowed children to petition in cases of maltreatment and contract violations.

¹⁴² Browning, 8, 9.

¹⁴³ Michael Grossberg, *Governing The Hearth: Law And The Family In Nineteenth Century America* (Chapel Hill: University of North Carolina Press 1985).

apprenticeships, more clearly identified the reality of orphaned and dependent children. No Kansas laws required state regulation of local relief or the reporting of children placed out with strangers. On the other hand, state apprenticeship laws defined clearly the contractual agreements the court monitored. More often than not, county officials chose placing out over apprenticeships, seeking the path of least resistance and fewer entanglements.¹⁴⁴

In 1863, state lawmakers directed county governments to assist the families of Kansas Civil War soldiers serving away from home, but no records indicated any assistance given. Because local governments struggled during the war to organize, collect taxes and protect their citizens from border ruffians, no evidence exists of families receiving benefits.¹⁴⁵ Widespread assistance did not take place until poorhouses opened in larger counties after the Civil War, and county commissioners appointed officials to oversee poor relief. When the Kansas Legislature created a state board of trustees to supervise state charitable institutions, its first report in 1873 called for state oversight of local poorhouses and poor relief.¹⁴⁶ The Board's second annual

¹⁴⁴ Browning, 58, 59; Apprenticeships arranged by the county official in charge of poor relief were monitored by the court with regular reports provided by the county. Because placing out arrangements were under the jurisdiction of county government and no state laws dictated the arrangements, monitoring or outcomes, county officials preferred this type placement because all aspects of the placements were handled by poor relief officials without any court involvement.

¹⁴⁵ Swanson, 25.

¹⁴⁶ "Recommendations," *First Annual Report Of The Board Of Commissioners On Public Institutions, Topeka, Kansas, 1873*, (Topeka: Kansas Publishing House, 1875), KSL, 133. The Board of Commissioners on Public Institutions, the first oversight of state public institutions in Kansas, was created in 1873 by the Kansas Legislature. Among its recommendations to the Legislature were to create a new commission or increase the responsibilities of the existing board to include supervision of county jails and poorhouses and to create a Board of Charities. Because the Board created in 1873 not only included the state charitable institutions but the state-supported universities, the duties of Board members

report told of the two religious orphanages in Leavenworth struggling without state funds to care for destitute and orphaned children.¹⁴⁷ The placing out differences between the two orphanages and the county system became obvious in reports made to the state. The Leavenworth Protestant Orphan Asylum encouraged adoption and required interested families to provide references.¹⁴⁸ The Saint Vincent Orphan Home discouraged placing out, preferring instead to educate and train children for a trade while living in a congregate setting.¹⁴⁹ Placement of poorhouse children occurred with little investigation into those interested in taking children and even less attention given to outcomes. Differences existed between apprenticeships, compelling local authorities to choose placing out because no formal arrangements existed, and no guarantees of education or fair treatment stood in the way of farm and merchant families taking in children. State board members pointed out the shortfalls in the county placing out system, asked for greater oversight of local poor relief and called for the removal of all children from county poorhouses. Lawmakers ignored all requests.¹⁵⁰

were considerable, causing several to resign in the first year of their appointment. Oversight of the schools for the Blind and Deaf, the Insane Asylums, and Penitentiary split away in 1877 from the state universities with the creation of the Board of Trustees of State Charitable Institutions, which continued until 1904 when the Board of Control of State Charitable Institutions was created to expand state oversight of all charitable institutions receiving state funding.

¹⁴⁷ "Private Charities," *Second Annual Report Of The Board Of Commissioners on Public Institutions, Topeka, Kansas, 1874*, (Topeka: Kansas Publishing House, 1875), 373-383. In 1871 (\$7,000) and 1874 (\$2,500), the state gave a total of \$9,500 to the Leavenworth Protestant Orphan Asylum. In 1874, the state gave \$2,500 to Saint Vincent Orphan Home.

¹⁴⁸ *Second Annual Report of The Board Of Commissioners*, 376.

¹⁴⁹ *Second Annual Report of The Board Of Commissioners*, 383.

¹⁵⁰ *First Annual Report*, 183.

Finding shelter and care for orphaned and dependent children served as the first challenge for nineteenth-century Kansas child welfare. In the first year after the Civil War, the Protestant orphanage opened in the same year that St. Vincent Orphan Home began welcoming children. Lay leaders and ministers in the denominational community organized a group of volunteers to place destitute children in apprentice programs or find them adoptive homes. While awaiting placement, children found shelter in a small storefront in Leavenworth's levee district by the Missouri River. Space limited to only a handful the number of children taken in custody in 1866. Auxiliary groups soon formed in the major Protestant Churches, working to organize volunteers, gather clothing for the children, and consider applications from adults. By the mid-1870s, auxiliaries expanded to Protestant churches in other Kansas communities.

By 1871, the Kansas Legislature voted lump sum funding to the Leavenworth orphanage for construction of a permanent facility capable of caring for dozens of children. Three years later, lawmakers granted another lump sum appropriation to the Leavenworth Protestant Orphanage, as well as St. Vincent. The Legislature also allowed yearly funding to each orphanage to cover the cost of caring for children placed in the orphanages because of a district court order.

Despite similar state funding, distinct options for care separated religious institutions as well as government agencies in Kansas. Unlike the Protestant orphan home, that scrutinized families beforehand or the Catholic orphanage that discouraged placing out all together, few favorable outcomes existed when county poorhouse officials placed children with strangers or offered them for indenture. Whether orphaned

in Kansas or dependent in eastern cities, destitute children counted on the kindness of strangers and the humanity of local governments. Because county-administered poor relief replaced family and friends in the care of orphaned and dependent children, this earliest form of public welfare required a moral and theoretical leap that included the extension of kindness from strangers, a leap that historian Michael Ignatieff describes as reluctantly and imperfectly taken.¹⁵¹

What happened to children unsuitable for indenture or placing out? Once local government became responsible for destitute adults, why did counties and not state government become responsible for providing decent shelter to orphaned and dependent children? Again, similarities existed between proslavery and Free State constitutions in assigning local government the responsibility of children, whether destitute or orphaned. Proslavery legislation reflected almost verbatim the provisions found in neighboring Missouri's Constitution, where English Poor Law served as the model for making local authorities responsible for the care of the poor.¹⁵² Territorial leaders gathering at Pawnee in 1855 agreed with the premise that cities and counties should care for their own poor citizens. Defined as the "aged, infirm, lame, blind, or sick," those seeking assistance had to be incapable of supporting themselves.¹⁵³ The only

¹⁵¹Michael Ignatieff, *The Needs Of Strangers*, (New York: Macmillan Publishing, 2001) 9.

¹⁵²Schell, quoting from the *Revised Statutes Of Missouri, 1835*, and "An Act To Provide for the Support of the Poor," *Statutes Of The Territory Of Kansas, 1855*, Chapter 126 (Topeka: Kansas Publishing House, 1865).

¹⁵³Browning, 8-11, quoting the *Statutes Of The Territory Of Kansas, 1855*, Chapter 126, Section 2

assistance they could expect awaited them at county poorhouses.¹⁵⁴ Assigning similar responsibilities to local authorities, the Free State framers of the 1859 Wyandotte Constitution borrowed almost verbatim from the Indiana Constitution to denote “the respective counties of the state shall provide, as may be prescribed by law, for those inhabitants who, by reason of age, infirmity, or other misfortune, may have claims upon the sympathy and aid of society.”¹⁵⁵

Despite the Wyandotte Constitution’s definitions for those eligible for assistance, turmoil surrounding Kansas entry into the Union and scarce tax revenues in the early years of statehood made receipt of any assistance nearly impossible.¹⁵⁶ Early-day Kansans suffering from the droughts of 1859 and 1860 depended on relief efforts organized in the eastern states.¹⁵⁷ Besides, in the early years of statehood those who may claim the sympathy and aid of society varied from county to county as did the assistance provided them. Despite statehood in 1861, enactment of poor relief legislation waited until the second Legislative Session when the 1862 Kansas Poor

¹⁵⁴ Facilities to care for the poor on the local level were referred to as poorhouses and poor farms. Generally, poorhouses referred to facilities located within the city limits and poor farms in rural areas outside of population centers. In Kansas statutes, poorhouse was the term given to local facilities carrying for the poor, whether in towns or in rural areas.

¹⁵⁵ Browning, 13, quoting from the *Indiana Constitution*, Article IX, Section 3, *Indiana Revised Statutes*, 1852, 63, and the *Kansas Constitution, 1860*, Article 7, Section 4.

¹⁵⁶ Before Kansas became a state, four state constitutional conventions took place before Congress finally voted to admit Kansas to the Union in 1861. The *Wyandotte Constitution* was adopted at Wyandotte County in July 1859 as the fourth effort to gain voter approval. That document became the *Kansas Constitution* when Congress voted on January 29, 1861, to admit Kansas to the Union as the thirty-fourth state.

¹⁵⁷ Craig Miner, *Kansas: The History Of The Sunflower State, 1854-2000*, (Lawrence: University Press of Kansas, 2002), 26; and William E. Connelley, *A Standard History Of Kansas and Kansans*, (Chicago: Lewis Publishing Co., 1918), 979-981.

Relief Act became law.¹⁵⁸ Responsibility fell to state government to establish institutions that cared for disabled adults as well as other “such benevolent institutions as the public good may require.”¹⁵⁹ Care of orphaned and dependent children as well as destitute adults filtered down to the local level, where the new law allowed county commissioners to fund poor relief by placing a small assessment on all property taxes. Local authorities established poorhouses and/or provided outdoor relief in the form of housing, heating fuel, food and in some instances limited cash assistance to those living in their own homes.¹⁶⁰

Turmoil in Civil War Kansas also delayed construction of county poorhouses until 1866, when Leavenworth County established the first followed during the next three years by construction in Shawnee, Wyandotte, Atchison and Douglas counties.¹⁶¹ Although poorhouses provided shelter to destitute adults and children, local officials also offered outdoor relief most often to widows with children and destitute older adults capable of caring for themselves. Reflecting its western state status, Kansas departed

¹⁵⁸ Browning, 13-15; Although Kansas was admitted to the Union in 1861, the state’s poor laws were not written until a year later in 1862. Embattled for six years with territorial conflict over the extension of slavery, the Kansas Territory then suffered a severe drought and famine in 1859 and 1860. Barely a state three months, Kansas was thrown into the Civil War in April 1861 and responded with immediate calls for volunteers that resulted in the formation of several infantry companies. The combination of these circumstances led to a shortened legislative session in 1861, leaving the 1862 Legislature to write many of the state’s governing statutes, including the “An Act for the Relief of the Poor.”

¹⁵⁹ *Kansas Constitution*, 1860, Article 7, Section 1 (Topeka: Kansas Publishing House, 1861).

¹⁶⁰ “An Act for the Relief of the Poor” *General Laws Of The State Of Kansas* 1862, Chapter 163, 745-753 (Topeka: Kansas Publishing House, 1862).

¹⁶¹ Browning, 43; Leavenworth and then Douglas counties established the first poorhouses in 1866, followed in 1867 by Doniphan County, in 1868 by Jefferson County, and Nemaha County in 1869. From 1879 to 1889, thirty-three additional poorhouses were built and by 1899, eighty of one-hundred five counties established poorhouses.

from poor laws in other states by eliminating family responsibility from the eligibility criteria. The traditional factor marking poor relief in eastern and Midwestern states, family responsibility explored the ability of close relatives instead of local taxpayers to provide assistance, a provision that never appeared in Kansas law. Identifying their state as a frontier open to settlement, lawmakers realized new residents left families and familiar surroundings to establish independent lives in Kansas. Whomever they left behind must not be responsible for the misfortunes befalling their prairie cousins.¹⁶² However, settlement provisions continued in Kansas law with a six-month residency requirement.

Poor relief officials also considered a person's ability to work.¹⁶³ Despite mental and physical shortcomings, disabled adults worked county-owned property, tended the gardens that fed poorhouse residents and performed housekeeping chores. In most instances, those unable to perform these chores looked after children too small for placing out. Sadly, adults in poorhouses often suffered ailments that made them highly unsuitable to care for youngsters. That reality compelled local officials to immediately place out children old enough to work.

Considered harsh treatment by twenty-first century standards, the work that children performed in the homes of strangers met a growing need in nineteenth-century Kansas. Labor shortages grew as settlers expanded into the newly settled regions of the state. Desperately needed to harvest corn and wheat during the growing seasons and to

¹⁶² Browning, 20, 21.

¹⁶³ "An Act for the Relief of the Poor" 746, 747.

process meat when cattle arrived from Texas, laborers became a precious commodity. County commissioners understood labor conditions in their own county and elsewhere. Facing the needs of a growing state, state labor officials scrutinized the causes of pauperism in Kansas to ascertain whether destitute adults in county poorhouses could join the work force. They soon discovered older adults suffering from infirmities, ailments, and physical and mental disorders. They also found children, who they identified as suitable for placing out in farm families. As a consistent source of free labor, poorhouse children met the growing needs of newly settled communities.¹⁶⁴

Court decisions directed poor relief and determined the worthiness of recipients. What remained unsettled in the early decades of poor relief in Kansas rested solely on a great gapping flaw in the 1862 Kansas Poor Relief Act. Although state statute required poor relief, no laws compelled county commissioners to appropriate the revenues to fund it. When lawmakers refused to enact legislation to correct this flaw, a series of court rulings addressed the issue, first by agreeing with Shawnee County that commissioners were under no obligation to fund poor relief that they had not approved ahead of time. However, the court later reversed itself.¹⁶⁵ In Clay County, no poorhouse

¹⁶⁴ “Pauperism” 38.

¹⁶⁵ *Smith v. Shawnee County*, 21 Kansas 669 (1879) A tragic small-pox epidemic in Shawnee County precipitated such legal action. Engaging a physician to attend poverty-stricken small-pox victims in their homes, the Shawnee County overseer of the poor become alarmed by how swiftly the disease affected large numbers of poor children. When commissioners received the doctor’s bill, they refused payment claiming the overseer did not have the authority to obligate taxpayers’ funds for the services. Struck by the practical consequences of the commissioners’ decision, the justices said “an enlightened liberality, as well as a cautious prudence” would have justified payment by the commissioners. In 1879 the Kansas Supreme Court ruled that Shawnee County Commissioners were under no obligation to reimburse a local doctor who provided care to destitute children during an epidemic in poverty-stricken neighborhoods of north Topeka. The county official in charge of poor relief failed to gain the County Commission’s

existed and county commissioners refused requests for poor relief, prompting the Kansas Supreme Court to rule that the overseer of the poor had the authority to arrange for poor relief and commissioners must appropriate the necessary revenue.¹⁶⁶

Court battles over assisting destitute citizens often reflected the agitation and sentiment regarding those considered the deserving poor. The undeserving poor, who appeared capable but refused to work, became the focus of those determined to eradicate shirkers from the relief rolls. The deserving poor, those least able to speak and act for themselves, “faded to obscurity as surely as if they had slipped into the London fog.”¹⁶⁷ Perceptions of how society viewed the deserving poor refocused to define all destitute adults as undeserving. For instance, the indigent elderly drew criticism for not using their resources more wisely when young and the “unmarried mother should have made better moral choices.”¹⁶⁸ Scorned rather than pitied, those applying for relief affirmed a tacit admission of defeat and moral degradation. Regardless of what Kansas officials found in 1886, the public perception in the nineteenth-century of poorhouses was to make them as unattractive as possible to give the poor an incentive to work and save. Whether in eastern states, Victorian England or 1880s Kansas, few recognized that many destitute adults deserved assistance, suffered from physical or mental shortcoming preventing them from holding a job and possessing no money to save in

approval before engaging the doctor, prompting the court to rule that relief expenses must be guaranteed before overseers (of the poor) could obligate the funds.

¹⁶⁶ *Commissioners Of Clay County v Renner*, 27 Kansas 225 (1882).

¹⁶⁷ Sandra Spencer, “Victorian Poorhouse,” an essay from the website “Our Mutual Friend, the Scholarly Pages,” <http://humwww.ucsc.edu/dickens/OMF/spencer.html> accessed 02/15/2009.

¹⁶⁸ Spencer, “Victorian Poorhouse.”

the first place. Adding insult to further their injuries, destitute Kansans faced questions about their moral failings usually as a woman with children. Poor officials likely inflicted punishment for perceived sins by sending the family to the poorhouse instead of offering outdoor relief in their own home.

By the mid 1880s, Kansas lawmakers wanted definitions on who to consider poor and how their poverty affected county revenues on the local level and the labor market on the state level. Answers about pauperism in Kansas filled the 1886 Third Annual Report of the Kansas Bureau of Labor. Documenting in person conditions in poorhouses and outdoor relief in Atchison, Wyandotte, Leavenworth, Sedgwick and Shawnee counties, state officials described each county poorhouse, offered a brief sketch of poorhouse residents and outlined the types and recipients of outdoor relief. Similarities emerged about the illness and disability of adult residents and the poverty-induced shortcomings inflicted on the children. In addition to the five counties visited, the report included scant details from nearly all other Kansas counties, prompting those collecting the information to admit their conclusions fell way short of the actual number of poor relief recipients throughout the state.¹⁶⁹

Despite its shortcomings, the official report offered a rare window into each county poorhouse to reveal forgotten adults and friendless children. No other state document from nineteenth-century Kansas juxtaposed the ravages of poverty against the

¹⁶⁹ “Pauperism” 39-68; Because the type and form of poor relief were decided by local government, no uniform system existed for the distribution of poor relief and each county possessed its own plan or lack of a plan. Ninety-five counties organized by 1886 were sent questionnaires to each county clerk. Eighty four responded with varying amounts of information that included yearly appropriations on poor relief but the majority gave very few details.

shortcomings of local and state governments. Although collected for labor market analysis, the outcome revealed pauperism in Kansas exasperated the government's disregard of its most vulnerable citizens, orphaned and dependent children, and its refusal to fund the institutions and programs needed to care for them. For instance Shawnee County, which held extensive records, included a poorhouse that held eighteen children including four and two-year-old siblings, whom the superintendent had recently placed in a "comfortable" home after the mother became unsuitable. Given the name Ray Roads, an infant found unharmed and abandoned at a crossroad five miles north of Topeka, received a name to indicate his earliest-known history. Ten children lived at the Wyandotte County Poorhouse, and Atchison County's facility housed three children, all orphans. As the most recently constructed poorhouse, Sedgwick County's facility opened seven months before state officials made their visit. Only one child lived among the six residents. As the oldest poorhouse in the state, Leavenworth County contained no children in its care. However, the state's only orphanages were located in Leavenworth at the time, which indicated an availability of resources to care for orphaned and dependent children living in that community.¹⁷⁰

Private charities in all five counties supervised the distribution of public and private funds to guarantee only those deemed worthy received outdoor relief. Age, moral conduct and financial limitations determined eligibility extended most often to older adults living alone and families with children. In Wyandotte County, half of the older recipients on relief were Exodusters, found living in shanties by the Kansas

¹⁷⁰ "Pauperism" 50.

River.¹⁷¹ Leavenworth and Shawnee counties provided assistance to a handful of Civil War veterans and several former railroad employees, all of whom suffered from debilitating job-related injuries.¹⁷² One older woman arrived at Leavenworth to be near her husband living at the National Soldiers Home, but destitution sent her to the poorhouse when her husband refused to provide a portion of his Civil War pension for her support.¹⁷³ Regardless of county, nearly all the children suffered from parental shortcomings and nearly all the adults needed medical attention, available only at the poorhouse, where doctors visited regularly.

Women with children could turn only to local resources for poor relief.

Women's charitable groups handled requests for assistance, investigating the circumstances forcing families into poverty.¹⁷⁴ Because of the piety and purity they represented within their own communities, these nineteenth-century volunteers assumed

¹⁷¹ "Pauperism" 39..

¹⁷² "Soldiers, Soldiers' Orphans and Children," *General Statutes Of Kansas, 1889, 1889. 1954-1957* (Topeka: Kansas Publishing House, 1889).

¹⁷³ "The National Home for Disabled Volunteer Soldiers" *Prologue Magazine*, 36, no.1 (Spring 2004), <http://www.archives.gov/publications/prologue/2004/spring/soldiers-home.html> accessed 07/02/2007. Referring to *Trevor K. Plante*, the article explained that from 1866 to 1890 pension laws were eased so that by 1890 nearly every Union soldier was eligible for a pension, and approximately one-third of the residents of the National Home received federal pensions. The reason for this figure was because home managers routinely admitted indigent veterans, especially older men, who were unable to prove their disabilities were service related. After 1890, veterans were eligible for service pensions as opposed to pensions keyed to service-related disabilities. Although legislation initially incorporating the National Home gave the board of managers the authority to confiscate pensions of residents without dependants, the board did not exercise this option. In the early 1880s, Congress amended the act and eliminated the provision concerning the confiscation of pensions. It was up to individual veterans, whether living in a soldiers' home or not, to send a portion of their pension money to his wife or children. In 1899 Congress required soldiers' home residents receiving pensions to apportion one-half of their payments to surviving wives or dependent children.

¹⁷⁴ Those groups and organizations supervising outdoor relief were Providence Association of Kansas City, Kansas, the Kansas City Aid Association, the Ladies Relief Society of Leavenworth, the Good Samaritans of Atchison County, and the Topeka Police Matrons.

a moral authority that allowed them to determine and uphold community standards of conduct.¹⁷⁵ When violations, whether real or perceived, became evident, they imposed punishment by denying outdoor relief. To avoid starvation, women considered immoral moved with their children into the poorhouse. However, as the case at Shawnee County indicated, county officials gave the children to new families considered more suitable when the parents suffered moral shortcomings.

Punishment became the moral compass that social historian Michael B. Katz uses to explain the singling out of the undeserving poor in nineteenth-century America. Behavior determined eligibility for relief. When faced with options, those empowered to choose, according to Katz, used poorhouse placement as the greater punishment for unworthy recipients of public assistance. Immoral behavior and not an imbalanced economy, dominated the discussion surrounding poverty-stricken families. Outdoor relief served as a reward for sustaining suitable behavior. Inflicting the sins of the parents upon the children, these policies publically influenced family life.¹⁷⁶

Whether recipients of assistance were in the poorhouse or their own homes, the receipt of public relief “sapped the will to work” from able-bodied parents, and joined claims that generous poor relief “lessened the supply of cheap labor.”¹⁷⁷ Fear of creating a permanent pauper class prompted critics at the time to blame demoralized parents who failed to train and supervise their children. No one pointed to the evils perpetrated by an

¹⁷⁵ Peggy Pascoe, *Relations Of Rescue*, (New York : Oxford University Press: 1993), 32-34.

¹⁷⁶ Michael B. Katz, *The Price Of Citizenship: Redefining The American Welfare State*, (New York : Macmillan Press, 2002), 59, 60.

¹⁷⁷ Katz, *The Price Of Citizenship* 59.

industrialized society that exploited working families, leaving them destitute in the face of meager wages, deplorable housing conditions, exploitation by shopkeepers and no provisions for childcare.

Before accessing blame in Kansas, determination of whom to consider poor fell eventually to Kansas Supreme Court Justice David Brewer.¹⁷⁸ Absent any direction in the state constitution or statutes from which to draw legislative intent, his definition served as the standard for several years, often quoted in the decisions of superior court justices in other states. Ruling in 1875, the court responded to a case from Osawatomie County.

It is, strictly speaking, the pauper, and not the poor man, who has claims on public charity. It is not one who is in want merely, but one who, being in want is unable to prevent or remove such want. There is the idea of helplessness as well as of destitution. Cold and harsh as the statement may seem, it is nevertheless true that the obligation of the state to help is limited to those who are unable to help themselves.¹⁷⁹

State v. Township of Ozawkie became a significant milestone in early-day Kansas child welfare because it bolstered the first officials in state government to call for state aid to support needy children and the removal of children from county poorhouses. Among those most clearly “unable to help themselves,” dependent and orphaned children fit the standard for state assistance. However, the creation in 1873 of the Board of Trustees for Charitable Institutions came about not because of the lack of

¹⁷⁸ Kansas Supreme Court Justice David J. Brewer of Leavenworth was appointed in 1889 to the United States Supreme Court as an associate justice, serving until his death in 1910.

¹⁷⁹ *State v. Township Of Ozawkie*, 14 Kansas 324 (1875).

humanity shown to those kept in state institutions or county poorhouses. Instead state lawmakers became alarmed at the escalating costs involved in operating state institutions and the lack of fiscal accountability. Creating a centralized board to investigate the status of all the state's charitable institutions, the Legislature asked for annual recommendations on how to improve operations.¹⁸⁰ Sixteen years after its creation, the state board gained recognition from the National Conference on Charities and Corrections.¹⁸¹

H. Hastings Hart, a pioneer in the professionalization of social work in New York, praised the Kansas State Board of Trustees for State Charitable Institutions for creating and implementing successful business practices in the fiscal management of state institutions. The outcome, he said, "promoted economy and accountability in every department."¹⁸² However, neither his praise nor the outcomes of the board's management went far enough. The board's second report in 1874 recommended the removal of all children from poorhouses and asked that state officials possess the

¹⁸⁰ In 1873, the state institutions included the State Penitentiary at Lansing, State Insane Asylums at Osawatomie and Topeka, State Deaf and Dumb Asylum at Olathe, State Blind Asylum at Kansas City, State Agricultural College at Manhattan, State Normal School at Emporia, and State University at Lawrence.

¹⁸¹ Kansas took part in the formation of the National Conference on Charities and Corrections. When organized in 1874, Kansas was among the first states forming the new organization. Despite erratic attendance at the annual conferences in the early years, Kansas took a leading role in the 1890s, hosting the annual conference at Topeka in 1900.

¹⁸² "State Charities" *Proceedings Of The National Conference on Charities and Corrections, Sixteenth Annual Session, September 11-18, 1889*. (Boston: Geo. Ellis Publisher, 1889) 91; <http://quod.lib.umich.edu/cgi/t/text/pageviewer-idx?c=ncosw;cc=ncosw;rgn=full%20text;idno=ACH8650.1889.001;didno=ACH8650.1889.001;view=image;seq=00000008>, accessed 07/04/08.

authority to inspect and regulate local relief efforts. Not only did both fail to gain support, neither would take place for nearly fifty years.¹⁸³

Catholics in Kansas: Bishop Brings Church's Tradition of Care

At the mid-nineteenth century mark, the Catholic Church established its authority in what was then Indian Territory. Three years before passage of the Kansas Nebraska Act, John Baptist Miede became the first Vicariate Apostolic of the Indian Territory in 1851. The Diocese stretched six hundred miles from the west bank of the Missouri River to the summit of the Rockies Mountains and three times that distance from the Canadian border to the Red River in Texas. Because a mission to Native Americans already existed at St. Mary's, Bishop Miede chose its central location to establish his Episcopal residence.¹⁸⁴

Catholic Church officials in St. Louis targeted their initial efforts among the Ottawa, Osage, Kickapoo, Pottawatomie, Miami, Peoria, Kaskaskia, Wea and Piankashaw tribes, sending priests as early as 1823 into the state's current boundaries. The first mission in the Leavenworth area occurred in 1835 when Father Van Quickenborne visited a Kickapoo village, north of Fort Leavenworth, which opened in 1827. Establishing a mission and school, he experienced a small measure of success with his teaching efforts because the federal government subsidized the attendance of

¹⁸³ Although Kansas ordered the removal of veterans' children from poorhouses in 1889, other children remained until federal funding received in the 1930s New Deal programs supplemented the state's welfare budget to cover the cost of accepting full responsibility for all orphaned and dependent children.

¹⁸⁴ Richard L. Clark, *Lives Of The Deceased Bishops Of The Catholic Church In The United States* (New York: Reuss, 1888) section on John B. Miede.

each Indian child. Tribal suspicion and inconsistent turnout forced the mission and school to close in 1840. The priest said it was one thing to visit the Indian missions but quite another to convert them to Christianity.¹⁸⁵

Because church leaders in St. Louis anticipated the potential for settlement once the Kansas territory opened to white settlement, they wanted a strong presence established beforehand. Bishop Miege possessed the leadership qualities necessary to lead five churches, ten Native American tribes, eight priests, a Catholic population of almost 5,000 of whom 3,000 were Native Americans, and an enormous geographical area in which to build a Diocese. Although considered a popular scholar who taught moral theology and French at St. Louis University, he also studied the western frontier and its native tribes. Gaining the appointment to bishop only two years after arriving in America from his home in Savoy, France, Bishop Miege left St. Louis in late summer 1851, traveling six days on a milk wagon before arriving at St. Mary's Mission. Once there, he became an indefatigable missionary, visiting remote regions of the Diocese where he found the faithful in Indian villages, military forts, trading posts and newly formed settlements. After passage of the Kansas-Nebraska Act in 1854, Bishop Miege watched settlements grow nearer the Missouri border, which prompted him to select Leavenworth as the best site to move the Diocese. In August 1855, seven Catholic families awaited his arrival.

¹⁸⁵ Rev. J.H. Defouri, *Original Diaries and Letters Of Jesuit Missionaries: Catholic Directory, 1851-1910; The Catholic Cyclopedia*, Volume IX (New York: Appleton Co., 1910) letters from Father Van Quickenborne.

Pro-slavery supporters from Weston, Mo., founded Leavenworth in 1854 as the first city settled in the newly opened Territory. Missourians played a major role in deciding the political future of the communities along the Missouri River, extending the pro-slavery dictates into Kansas, and encouraging voter fraud. During the Territory's first elections, large groups of Missourians arrived to vote on Election Day. Proslavery candidates prevailed in the Territorial Legislature, where lawmakers wrote the first state constitution at Pawnee, near Fort Riley on the Kaw River.¹⁸⁶

Free-State leaders, although not well known, also lived in Leavenworth and took part in the Topeka Movement formed in 1855 to bring Kansas into the Union as a Free State. Confrontation, conflict and bloodshed between opposing political forces made headlines throughout the country, adding credence to the new territory's description as "Bleeding Kansas."¹⁸⁷

Bishop Miede kept a close eye on territorial conflicts, becoming closely associated with the leaders on both sides. St. Joseph of the Valley Parish, a rural Irish community in northern Leavenworth County, drew him close to Catholics supporting the Pro-slavery cause. St. Joseph Parish in Leavenworth counted among its founders the Free-State leaders in the German community. Despite the political turmoil, Leavenworth's Catholic community took roots and grew as Bishop Miede maneuvered

¹⁸⁶ *Kansas, State, United States: The Columbia Encyclopedia, Sixth Edition* (New York, Columbia University Encyclopedia, 2000) Territorial struggle 1854-1861.

¹⁸⁷ H. Moore Miles, *Early History Of Leavenworth City and County, Leavenworth*, (Leavenworth: Dodsworth Book Co., 1906), the author was a Missourian who was among the city's founders and served as secretary of the Leavenworth Town Company. Moore was a leader in the Topeka Movement and served as the first Free State Secretary of State elected at the first session of the Free State Territorial Legislature.

between conflicting forces. When Territorial Governor Thomas Geary called out federal troops in late summer 1856 to keep Pro-Slavery agitators from further harming Free State followers, Bishop Miege counted about six hundred Catholics in his ministry. Two years later 2,000 Catholics lived in Leavenworth and the Bishop's correspondence indicated a growing need for a stabilizing influence. Two Catholic parishes served the community, but Bishop Miege needed teachers to staff parish schools he planned to open.¹⁸⁸

During a St. Louis church conference in 1858, friendship with another Kansas pioneer priest, Father Peter deSmet, guided Bishop Miege to that stabilizing influence. Sister Xavier Ross listened carefully as both priests spoke of the challenges settlers faced when coming to Kansas. Familiar with newspaper reports of the region's political turmoil, she knew the Kansas Territory held many adversities.¹⁸⁹

Not faint of heart, Sister Xavier realized the need to secure a new home and stable sponsorship for her Sisters of Charity community. Touched by his call for teachers in parish schools, she listened to him speak of orphan and destitute children seeking homes, and others needing medical care. Sister Xavier wanted to see the newly formed Catholic community and explore whether any dangers awaited the nuns. She decided to place her faith in God, the new, although troubled, Kansas Territory and its Bishop. Within weeks of their first meeting, Bishop Miege arranged a visit to

¹⁸⁸ Therese Horvat, *Centennial Of Archdiocese Of Kansas City in Kansas 1877 – 1977* (Kansas City, Kan., Eastern Kansas Register, 1977), section on early church history in Kansas.

¹⁸⁹ Sister Mary Buckner, *History Of the Sisters Of Charity Of Leavenworth* (Kansas City, Mo.: Hudson-Kimberly Publishing Co., 1898), The first two chapters told of the Sisters' early years in Kentucky, Tennessee and Kansas.

Leavenworth and introduced Sister Xavier by correspondence to Mary Ewing, wife of Thomas Ewing Jr., a prominent Leavenworth lawyer and later Civil War general. Connecting the two women sealed a lasting bond of friendship and patronage. Mrs. Ewing played a major role in paving the way for the Sisters of Charity, and once in Leavenworth, became their chief patron. During Sister Xavier's initial visit, Bishop Miege extended his Diocesan sponsorship to the nuns telling their leader to hurriedly prepare and "come north as soon as possible."¹⁹⁰

Sisters of Charity Offer a Stabilizing Influence

Bundled against the cold winds whipping off the nearly frozen Missouri River, Rosa Kelly stepped from the Steamboat Ryland onto the levee at Leavenworth. Holding her small hand in theirs, eight Sisters of Charity embarked with the orphaned girl, hardly understanding the challenges they faced. Asked to minister to the growing Catholic community of Territorial Kansas in 1858, the small community of nuns realized that leaving Nashville, Tennessee, without Rosa and three others orphan girls was not an option. Whether left orphaned by a riverboat tragedy, parental neglect or accompanying nuns into a pioneer territory, orphaned and dependent children found

¹⁹⁰ Gilmore, 7

their way to Leavenworth and the convent of the Sisters of Charity, where they found nuns familiar with caring for orphans.¹⁹¹

Sister Xavier, gaining praise for a gentle and steadfast manner along with a good humor and respect for others, moved into a leadership role within the Sisters of Charity community.¹⁹² Within days of their Leavenworth arrival on November 1, 1858, Sister Xavier and the nuns expressed immediate goals to care for the ill, provide shelter for orphans, and establish a boarding school in the home of Mrs. Ewing. By February 1859, the religious community officially formed and decided to call itself the Sisters of Charity of Leavenworth. Indicating their intention to stay in Leavenworth, the Order chose the name of a military man, a historical first for Catholic nuns.

By summer 1859, relatives retrieved the three children orphaned by the riverboat accident. Three-year-old Fannie Tolton became the first recorded orphan accepted by the Sisters in the fall of 1859. With her blond hair and blue eyes, she lived with the nuns at the Convent, but her stay must have been brief because she gained the affections of Father Smarius, S.J., who found her a comfortable home in Philadelphia with a childless couple.¹⁹³ Although Saint Vincent Orphan Home did not open until 1867, the original registry listed children in the care of the Sisters of Charity as early as 1860. The first entries show the children coming to the nuns' attention by a referral from a priest.

¹⁹¹ Gilmore; at the start of her biography on Mother Xavier, Sister Julia talks of Mother Xavier's devotion to children and orphans, starting with her conversion to Catholicism and continuing throughout her religious service because it influences several major decision made over the course of her life.

¹⁹² Sister Julia Gilmore, *We Came North: Centennial Story Of The Sisters Of Charity Of Leavenworth*, (Meinrad, Indiana: Abbey Press, 1958).

¹⁹³ Gilmore, *We Came North*, 10.

Despite the political turmoil before the Civil War, Leavenworth's community continued to grow reaching 10,000 by 1858.¹⁹⁴ Well-to-do Catholic families eagerly placed their daughters in the boarding school, and orphaned children found shelter in the convent while awaiting suitable homes for placement. The Sisters settled into a routine of ministering to the Catholic community, visiting the sick in their homes, and assisting orphaned and destitute children, whom Mother Xavier Ross considered her "dearest charges."¹⁹⁵

Catholic orphanages fit well into the development of a pattern that historian Timothy Hacsí argues began in eighteenth-century Louisiana and continued for the next hundred years. Before the organization of public charity in the United States, care of orphaned and dependent children took place in private and religious orphanages.¹⁹⁶ As the location of the first orphanage in North America, the Ursuline Convent in New Orleans opened in 1727, after a particularly vicious Indian attack left a number of children orphaned. A strong religious conviction, often associated with women, stood chief among the characteristics identifying the involvement of individuals in orphan care. Religious women responded to children found in desperate need by creating an orphan home, a pattern that "would be repeated time and again over the following

¹⁹⁴ D.W. Wilder, *Annals Of Kansas*, (Topeka: Kansas Publishing House, 1875), 247; Wilder said the state's population was 163, 643 by the 1860 census.

¹⁹⁵ Sister Mary Seraphim Sheehan recalled that Mother Xavier Ross often mentioned the importance of caring for orphans, seeing to their needs and providing them a mother's love found in several of Mother Xavier Ross's letters; Correspondence of Mother Xavier Ross folder located in the document room of the archives of the Sisters of Charity of Leavenworth's Motherhouse in Leavenworth, referred to SCL Archives.

¹⁹⁶ Hacsí, 17-20.

century.”¹⁹⁷ A Lutheran orphan home in Ebenezer, Georgia, lasted only a short time in the 1730s, but an early visitor became the founder of a second Georgia orphan home in Bethesda. However, George Whitefield’s insistence of removing children from the homes of their poverty-stricken parents resulted in losing control of the facility.¹⁹⁸

Charleston hosted the first and only publically managed orphanage before the Civil War, opening at the end of the Revolutionary War, when the South Carolina city assumed operation of a facility and responsibility for destitute orphans. The city initially paid the children’s board and education when placed out with families, but moved one hundred fifteen orphans into the Charleston Orphan House when it opened in 1790. Farther north, six orphan asylums (all private) opened in large eastern cities by the turn of the nineteenth century.¹⁹⁹ Despite strong Protestant influences among the orphanages established before the 1830s, religious communities opened Catholic orphan asylums to fulfill their mission obligations of educating poor children and caring for the sick, continuing the pattern begun a century earlier.²⁰⁰

Although similarities in the development of orphan homes continued in the decades leading to the Civil War, the pattern or paradigm began to shift when

¹⁹⁷ Hacsí, 17.

¹⁹⁸ Hacsí, 18; a disdain for destitute parents remained an underlying theme in the care of orphaned children, who could be separated from their families and taught a better way of living. This attitude was expressed to its extreme in the mid to late-nineteenth century among Protestant child savers, who wanted to move destitute children to rural homes in the Midwestern and Western states, leaving behind their culture and religion.

¹⁹⁹ Hacsí, 33; a computer-based model was developed to present Hacsí’s research in a macroscopic view of the entire range of orphanages. He said there are 33 orphan asylums in America before 1830 and grow to nearly 200 by 1860; 600 by 1890; 972 in 1910; and 1,321 in 1933.

²⁰⁰ Hacsí, 19; and E. Wayne Carp, *Adoption in America: Historical Perspectives*, (Ann Arbor: University of Michigan Press, 2002), 29-37.

immigration, disease and poverty overwhelmed private and religious charities, forcing government to eventually step in and meet funding shortfalls. When scientific historian Thomas Kuhn defines a paradigm as a collection of universally held convictions, he emphasizes the importance of fact-finding and research based on truths.²⁰¹ For a paradigm shift to occur, major changes must take place in the planning of, thought process and perceptions associated with long-held convictions. From no tax-supported funding to the assumption of complete government responsibility, the care and support of orphaned and dependent children in nineteenth and early twentieth-centuries orphanages experienced a paradigm shift. When orphan homes first opened in America, funds for construction and personnel depended on charitable donations from individuals, philanthropic organizations and religious tithing. The first occasions for local and state government contributions began with lump sum payments for the construction of orphan homes and later yearly appropriations to cover the cost of children placed by a court order.

In Kansas, funds for construction and improvements started in the late 1860s and early 1870s with appropriations to both Protestant and Catholic orphanages. Although county government bore the sole responsibility for the care of destitute children, no local funding found its way into private or religious orphanages.²⁰²

²⁰¹ Thomas S. Kuhn, *The Structure Of Scientific Revolutions*, (Chicago: University of Chicago Press, 1996) The scientific paradigm was defined as a certain common pattern in scientific research, or a certain set of accepted world views that were held as true for a period of time. The paradigm was thus a set of common beliefs and could be easily translated from scientific to social history models.

²⁰² "Private Charities," *Second Annual Report Of The Board Of Commissioners For Public Institutions*, 1874 (Topeka: State Printing Works, 1875) 373-384; "Orphans' Home," *General Statutes of Kansas 1867* (Topeka, Crane & Co., 1867) 1951-1957; "Appropriations," *Session Laws, 1897* (Topeka: Kansas State

However, Kansas was a western state and newly developed in the decades after the Civil War. The results of a country left scarred from such conflict forced state governments in the east and Midwest to pay greater attention to soldiers and families enduring the consequences of long absences and limited financial resources. Among the obvious victims, orphaned and dependent children garnered the greatest sympathy. Left destitute by fathers killed in action or disabled by wounds and disease, children needing care increased. Although not considered a function of state government before the Civil War, state-supported orphanages, like the one Kansas lawmakers would establish in 1885, became a common occurrence after the war.

If veterans' children gained the sympathy of state legislatures, how far did that sympathy extend? Not beyond special interest politics. When some states resisted initial efforts to make the state responsible for all orphaned and dependent children, political leaders cited the potential for unending financial obligation. Such concerns played no role when northern states acted to honor the Union soldiers who fought to save the Republic. Their children would receive care in newly opened Soldiers' Orphan Homes. In some instances, states offered to assist private and religious orphanages caring for soldiers' orphans by funding the construction or improvement of facilities, a housing

Printing, 1897) 18; and "Benevolent and Charitable Work" *First Annual And Biennial Report Of The Board Of Control Of State Charitable Institutions, 1902-1904*. (Topeka, State Printing, 1904) 415-455. In Kansas, the Legislature appropriated one-time lump sum payments in 1867 to cover the cost of construction but insisted that private donations match the state payment. In addition, the state began reimbursement payments in 1881 for children placed by court order in charitable institutions, including the Leavenworth Protestant Orphan Asylum and Saint Vincent Orphan Home. In 1871 and 1874, the state appropriated a total of \$9,500 to the Leavenworth Protestant Orphan Asylum to construct a new facility and the state appropriated \$2,500 in 1874 to Saint Vincent Orphan Home to improve its existing facility. In both instances, the state stipulated that the funding be awarded on condition that no discrimination takes place according to race.

alternative that veteran organizations insisted take the place of children left friendless in county poorhouses.²⁰³ Some states responded more fully and more quickly than others. Kansas took its time, waiting twenty years after the war to create a state-supported soldiers' orphans' home, and doing so only in response to political pressure rather than children's needs.

Saint Vincent Orphan Home: First Orphanage in Kansas

During the Civil War, no political pressure came from private fundraising in Leavenworth that led to the creation of the first Catholic orphanage west of the Mississippi River, and the start of Kansas informal child welfare. Despite serving as a major center of population and economic growth, Leavenworth still suffered the scares of the border wars with Missouri. With the security of a military installation nearby, settlers traveling west traversed the community, immigrants seeking land on the prairie purchased provisions from local shopkeepers and in the wake of tragedy, orphaned and dependent children sought shelter from Catholic and Protestant churches.

As the population increased at the start of the Civil War, so did the needs of destitute children. Bishop Miede witnessed the influx and expressed concern at seeing more destitute and homeless children asking for help. Since their arrival in 1858, the Sisters of Charity sought homes for orphans while sheltering needy children in their small convent house and later at St. John Hospital, which they opened in 1864.²⁰⁴ The

²⁰³ Hasci, 242-246

²⁰⁴ Buckner, 111-114.

need continued to outstrip the resources. This compelled Bishop Miede to set in motion plans to build an orphanage, depending on the generous nature of Catholic and Protestant women.²⁰⁵ Arranging a series of "summer fetes" as fund-raising events in the summer of 1862, he organized women from the Cathedral, both St. Joseph's parishes and several Protestant churches.²⁰⁶ By the second summer of the Civil War, Leavenworth's population reached nearly 35,000, making it the largest city in Kansas and the center of state commerce, a position it held until the 1890s.²⁰⁷ Fort Leavenworth stood on the western front of the Civil War's Trans-Mississippi battles bringing Union soldiers through the area with regularity. By summer's end, strangers, travelers, soldiers and residents contributed \$7,000 toward construction of Saint Vincent Orphan Home.

²⁰⁵ Although Leavenworth was established in 1854, neither the city nor county offered poor relief (housing, food, and cash) or created a poorhouse in which to shelter destitute children and adults until after the Civil War. When children were found homeless or in need of care, local authorities turned to Bishop Miede, parish priests and Protestant ministers in hopes they would assume responsibility.

²⁰⁶ Baart, 197.

²⁰⁷ D.W. Wilder, *Annals Of Kansas*, (Topeka: Kansas Publishing House, 1875); From the voting records of 1857, Leavenworth provides the most voters, followed by Douglas County, <http://quod.lib.umich.edu/cgi/t/text/pageviewer-idx?c=moa&cc=moa&idno=afk4438.0001.001&q1=population&frm=frameset&view=pdf&seq=148> accessed 08/01/2006; in 1860, population totals place Leavenworth County as the most populous in the state, <http://quod.lib.umich.edu/cgi/t/text/pageviewer-idx?c=moa&cc=moa&idno=afk4438.0001.001&q1=population&frm=frameset&Fview=pdf&seq=148> accessed 08/01/2006; in 1865, Leavenworth County leads the state in total population, <http://quod.lib.umich.edu/cgi/t/text/pageviewer-idx?c=moa;cc=moa;q1=population;rgn=full%20text;idno=AFK4438.0001.001;didno=AFK4438.0001.001;view=image;seq=00000438> accessed 08/01/2006; 1870, Leavenworth County continues its lead, <http://quod.lib.umich.edu/cgi/t/text/pageviewer-idx?c=moa;cc=moa;q1=population;rgn=full%20text;idno=AFK4438.0001.001;didno=AFK4438.0001.001;view=image;seq=00000438> accessed 08/01/2006; In 1878, the *Kansas State Board Of Agriculture, First Biennial Report, 1878* (Topeka, State Printing, 1878) reported Leavenworth County population at 28,544 and the nearest was Shawnee County, KSHS; Jennie Small Owen, *Annals Of Kansas 1886-1925*, Volume 1, (Topeka : Kansas State Historical Society Publishing, 1954) 80, 111, KSHS; In 1889, the State Agriculture Board asked Leavenworth County to explain the decrease in population from the year before. The Leavenworth County Clerk replied "no mistake, prohibition" to explain the loss of population from 35,227 in 1888 down to 20,806 in 1889. By 1890 census records indicated Wyandotte County had become the most populous county with 54,147 inhabitants.

Bishop Miege purchased two large lots in north-central Leavenworth, across from Saint Mary Academy, and construction began on a two-story brick building of eight rooms with a full basement. While construction began, children awaited placement. The original ledger listed nearly twenty children under the Sisters' care from 1860 until the orphanage opened in 1867, when one of the Sisters noted forty-five children ready to move into the new facility that included wide porches on both floors to guarantee fresh air and shade from the sun. When the facility opened on January 1, 1867, six Sisters of Charity operated the orphanage, although the Diocese maintained control and support. In a letter Bishop Miege wrote in French just as the orphanage opened, he explained public charity assumed the total cost. He created the St. Vincent DePaul Society, an association asking members to pledge a monthly contribution, hoping to enroll a thousand contributors. He knew of twenty-three children ready to move in and expected that number to increase to sixty within months. He ended by mentioning the enthusiasm of Protestants to assist in the giving. Despite its beginning in light of religious acceptance and giving, the facility experienced the first shadows of religious bigotry in 1867 when Leavenworth's denominational ministers complained of Protestant orphans forced to receive care from Catholics.²⁰⁸

²⁰⁸In the Saint Vincent Orphan Home folder in the archives of the document room of the Sisters of Charity of Leavenworth, a story written in 1939 by Sisters Leo Gonzaga, S.C.L., reported sixty children moved into Saint Vincent Home as soon as the facility opens in 1866; and *Kansas Orphan Asylum* (Leavenworth : Ketchison & Durfer, 1878) 3, Genealogy Room of the Leavenworth Public Library, spoke of concerns about Protestant children being cared for in a Catholic orphanage and revealed in a pamphlet written about the founding of the Kansas Orphan Asylum, which was opened in 1866 as the Leavenworth Protestant Orphan Asylum.

Having established a short-term, temporary housing facility capable of placing only a handful of children through formal apprenticeship programs, Protestant leaders gained state funding in 1867 to construct the Leavenworth Protestant Orphan Asylum. In 1868, the state authorized any county with a population of more than 25,000 to construct its own orphanage with funding from local and state sources. In exchange for lump sum funding, the state stipulated that no racial discrimination against children take place in their admission and care.²⁰⁹ In 1871, the Kansas Legislature approved another lump sum appropriation to construct a permanent facility on condition that private money matched the state funding.²¹⁰ At its 1874 session, lawmakers added a third appropriation to the Protestant orphanage and one-time funds to Saint Vincent Home.²¹¹ Not until 1881 did both orphanages as well as other private institutions caring for adults gain state appropriations for operations with conditions continuing that no discrimination occur due to race.²¹²

Appointing a special committee in 1883 to visit the Leavenworth orphan homes, which were the only orphanages in the state at the time, legislators considered whether

²⁰⁹ *Kansas Statutes 1867*, (Topeka, Kansas Printing House, 1867) Chapter 93, Section 2; and *Kansas Statutes 1868*, (Topeka, Kansas Printing House, 1868) Chapter 10, 108; state funds for any orphanage would be given on the promise that no discrimination would take place according to race.

²¹⁰ Although established in 1868, the Leavenworth Protestant Orphan Asylum operated from a storefront near the Missouri River where space allowed only a handful of children to find short-term, temporary shelter. Those operating the program made arrangements for apprenticeship and placing out of destitute and orphaned children. When the new facility opened in 1871, there was enough room to care for nearly fifty children.

²¹¹ Blackmar, 59, Leavenworth Protestant Orphan Asylum eventually became the Kansas Orphan Home, remaining in Leavenworth until the turn of the century when it moved Topeka.

²¹² *Kansas Statutes 1881*. (Topeka, Kansas Printing House, 1881) Chapter 25, Section 1.

the institutions needed regular inspections.²¹³ Arriving at the Protestant orphanage, now renamed the Kansas Orphan Home, inspectors visited the facility on a hill south of the city limits.²¹⁴ Opened in 1871 as a permanent home, the two-and-a-half story brick and stone building housed about fifty children who tended vegetable gardens and enjoyed outdoor play areas.²¹⁵ Saint Vincent, on the other hand, stood on the north end of Leavenworth at the center of the city's most populous neighborhood, one block from the Cathedral, caring for about sixty children, black and white.²¹⁶

The Registry offered a brief look into the lives of the children who entered the orphanage from 1867 until 1885. A young mother's dying request in 1869 was to have her three young daughters raised by the Sisters of Charity.²¹⁷ Tragedy marked the lives of a brother and sister who entered in March 1868. Their father died first, and then their mother froze to death.²¹⁸ Sorrow struck twice in 1870, when two brothers arrived from Fort Leavenworth, where their mother had just died. Their father committed suicide

²¹³ *Kansas Statutes 1883*. (Topeka, Kansas Printing House, 1883) Chapter 23, Number 50.

²¹⁴ *Second Annual Report Of The Board Of Commissioners on Public Institutions, Topeka, Kansas, 1874*, (Topeka: Kansas Publishing House, 1875), KSL; In its second annual report of 1874, the Board recommended the orphanage's name change to give the institution a more secular name. The name change occurred several years later.

²¹⁵ "The Thirteenth Annual Meeting of the Home for the Friendless," *The Home Record*, 13, no. 2 (June 1881); an article in the small newsletter published by the orphan asylum and women's rescue home, Genealogy Room of the Leavenworth Public Library.

²¹⁶ Description taken from an 1885 pamphlet "To the Patrons and Benefactors of The St. Vincent's Orphan Asylum," written by Sister Mary Catherine Taylor. No publisher noted. Saint Vincent Orphan Home folder in the document room of SCL Archives.

²¹⁷ "St. Vincent Registry," 1

²¹⁸ "St. Vincent Registry," 1

earlier at Fort McPherson.²¹⁹ These siblings were among several children described as “entire orphans,” whose parents were dead. The Sisters often mentioned fathers, described as “laboring men,” who worked regularly and often contributed to their children’s care. Fathers also accounted for twice as many mothers leaving their children at Saint Vincent. Priests who referred the children to the orphanage included the Rev. Martin Huhn. As pastor of the Holy Epiphany Parish, he led the first Catholic Church for African Americans west of the Mississippi River. Although not specifically noted, the children he referred were probably Black.²²⁰ Parents described as white became the only mention of a child’s race in 1876. The child’s father was a laboring man, and willing to pay \$6 toward monthly support.²²¹

Only one mention appeared about a mother’s poverty, and of a mother’s placement in a “lunatic asylum.”²²² The death of a parent and the working status of the father often repeated in the Registry, but never the family’s poverty status. The Children’s Aid Society sent children in 1884 and 1885, but the Leavenworth County police deposited with three siblings in 1878.²²³ Flux took the lives of five children before 1885 to include two sisters, who died on the same day in 1874.²²⁴ A six-week old

²¹⁹ “St. Vincent Registry,” 3

²²⁰ “St. Vincent Registry,” page not numbered

²²¹ “St. Vincent Registry,” page not numbered

²²² “St. Vincent Registry,” 7, 9

²²³ “St. Vincent Registry,” 8

²²⁴ “St. Vincent Registry,” 1

infant found on the steps of St. John Hospital died one year later.²²⁵ Another infant, left on the orphan home's doorstep, was named Alexander, but he died three weeks later.²²⁶

In 1880, St. Vincent transferred without explanation a young girl to the Leavenworth County Poorhouse, the only mention of that facility in the Registry.²²⁷ Before counties began opening poorhouses in Kansas in 1866, and two years before the first orphanage opened in Leavenworth, orphan train riders arrived in 1864 at Junction City.²²⁸

Orphan Train Riders Arrive in Kansas: Wanted for Their Labor

A troublesome child during her first year in Lawrence, Alice Roberts arrived with twenty-one other Orphan Train riders on Dec. 21, 1881. As the youngest of the homeless children seeking shelter with a Douglas County family willing to care for her, the eight year old experienced difficulty in settling down, moving among several families trying to adjust to the new environment so different from New York City.²²⁹ Although sponsored by the New York Children's Aid Society, Alice was in Kansas with no one officially able to address her dilemma. A solution awaited the return of Edwin

²²⁵ "St. Vincent Registry," 10

²²⁶ "St. Vincent Registry," 3

²²⁷ "St. Vincent Registry," 7

²²⁸ In the archives of the New York Children's Aid Society, four registry books contained the names of orphan train riders grouped together by date and location. In the second book was the first mention of Kansas as a destination with the first group arriving January 21, 1864, at Junction City.

²²⁹ Hodge, *These We Know*. (Emporia: self-published, 1997), Volume Two, 16-20; and "Arrival Here" *Lawrence Daily Journal*, (Dec. 27, 1881).

Trott, the Aid Society agent responsible for Alice's initial placement.²³⁰ Representing the largest Protestant-based, child placing organization in nineteenth-century America, Trott was one of a handful of agents arranging original placements and follow up visits for thousands of homeless children scattered across Kansas. As the only procedure in place to check on the children's well being, visitations occurred irregularly, making initial placements inadequate with no consideration given to the children's temperament or their experiences of poverty and homelessness.

Legal historian Catherine Ross finds few protections for homeless children in her recent evaluation of nineteenth-century child placements.²³¹ As a law professor offering an historical assessment of the legal protections given poor children, she contends nineteenth-century child saving organizations continued eighteenth-century indenture programs. Where Colonial America responded to its dependent and orphaned children by moving them into the homes of wealthier neighbors to learn a trade or work as servants, nineteenth-century reformers put them on trains headed west. Regardless of the century, one constant remained. Whether placed with eighteenth century New

²³⁰ The group in which Alice traveled to Lawrence represented Trott's one hundred forty third trip in eighteen years of accompanying orphan train riders to Midwestern states, according to "Visitation Report," *Thirty-Second Annual Report Of Children's Aid Society*. (New York: C.W. Benedict, 1883) http://books.google.com/books?id=JygKAAAIAAJ&pg=RA1-PA69&lpg=RA1-PA69&dq=Thirty-Second+Annual+Report+Of+Children%E2%80%99s+Aid+Society&source=bl&ots=VhRKsNBhsD&sig=xC6CWPd5d00vHc9wvdZBVI_TzR8&hl=en&ei=IQaiTdf-KovYiAL_ptD8Ag&sa=X&oi=book_result&ct=result&resnum=1&ved=0CBgQ6AEwAA#v=onepage&q=Thirty-Second%20Annual%20Report%20Of%20Children%E2%80%99s%20Aid%20Society&f=false accessed 07/08/08.

²³¹ Catherine J. Ross. "Families Without Paradigms: Child Poverty and Out-of-Home Placement in Historical Perspective," *Ohio State Law Journal*, Volume 60 (Winter 1999), 1249-1293.

England artisans or nineteenth century Midwestern farmers, homeless children came highly prized because of their labor.

What could children expect in nineteenth century Kansas or elsewhere?

According to Ross, orphan train riders sought new families willing to offer kindness and affection in exchange for their labors. However, seeking and then receiving affection depended entirely on the participants. Rather than blame placement outcomes on the poorly organized efforts of nineteenth century child placement programs, Ross finds government responsible. Rather than correct the economic forces driving families into abject poverty, policy makers instead supported the benevolent institutions and private organizations judging the morality of victims. Although Ross points with clarity to those who ultimately held the power to make major changes, she contends the disparity of experience as the placing-out system's greatest strength and its greatest weakness.²³²

Disparity typified many of the experiences endured when children found homes on Midwestern farms. Historian Megan Elizabeth Birk argues that rural communities represented an ideal in American society consisting of rural people considered the embodiment of self-sufficient egalitarian tradition embedded in the Republic.²³³ That attitude may have contributed to Mr. Brace's insistence to move destitute and orphaned children to farm settings, where he was sure they would find positive influences and farmers would find cheap labor, a point that Ms. Birk decries for its lack of historical

²³² Letchworth, William, *Homes for Homeless Children: A report on Orphan Asylums and Charitable Institutions for the Care of Children 1903*, (New York: Arno Press, 1974).

²³³ Megan Elizabeth Birk, "Alone in the Country: Rural Social Welfare for Dependent Children, 1865-1920." PhD diss., Purdue University, June 2008. (ProQuest AAT 3330230), 4.

scholarship.²³⁴ Whether in Ohio, Indiana and Illinois, where her research takes place, or in Kansas, established farmers often owned their land, and those they employed worked toward land ownership. Following the Civil War, labor availability ran short and those willing to work demanded high wages. In order to prosper, farmers needed cheap labor. Because of that need, Ms. Birk explains, Midwestern farmers welcomed orphan train riders, who would never have found free homes had post Civil War farmers not needed affordable laborers. She believes the destitute children of New York became “virtually free workers at a time when machinery and hired hands were priced out of reach for many farmers.”²³⁵

Whether considered free labor or not, the homeless children who crowded doorways, alleys and makeshift shelters in New York arrived by the late 1860s every three or four months in Kansas. Each group of orphan train riders carried about fifty children along with a Children's Aid Society agent, who ahead of time contacted community leaders. First at Junction City, then at Leavenworth, Lawrence, Salina and other Kansas towns, committees formed to advertise the arrival of orphan trains, consider applications for placements and secure a location to meet the children.²³⁶

²³⁴ Birk, 223.

²³⁵ Birk, 4.

²³⁶ In the second and third registry books found in the archives of the New York Children's Aid Society, a pattern appeared in the orphan trains headed to Kansas that included the number of children in each departing train from New York and in the destinations throughout the state. From 1864 to 1880, the state's larger eastern communities received orphan train riders, however, smaller towns in the central and western counties were visited more frequently from 1880 to 1910. Typical of newspaper notifications telling of upcoming orphan train arrivals was an ad that appeared in *The Beloit Gazette* (November 11, 1909). The notice said to expect fifteen children to arrive November 19, listing those on the organizing committee and outlining application requirements.

Ahead of time application, requirements and child-placement procedures spelled out the course of action for taking a child. At communities along the railroad lines, a handful of children left the group to join their new families and the Society's agents promised them regular return visits.

Those visits seldom occurred. From newspaper accounts and the annual reports of the Children's Aid Society, orphan train riders often found rural communities welcoming the first twenty years in Kansas.²³⁷ Anxious to gain population and grow their communities, rural town leaders asked repeatedly for more children on return visits. From ages two to sixteen, destitute children found families willing to care for them. However, little follow-up existed to check on placement outcomes. Although the Children's Aid Society agents promised to return every six months, those visits occurred far less often, forcing children in unhappy placements to search for a new home on their own or end up in an orphanage or a poorhouse.

With no formal supervision exercised by state or local governments, and no state laws dictating responsibility, orphan train riders suffered from a lack of advocates. Children languishing in poorhouses fared only slightly better. When Kansas created regulatory oversight of its state institutions in 1873, the Board of Trustees of State Charitable Institutions accounted only for adults suffering from physical disabilities and mental illness, but no authority applied to children living along side adults in poorhouses. Its statutory responsibilities for state institutions included personnel

²³⁷ Hodge, *These We Know*, (Emporia: self published, 1997) In Volume 3 was a collection of newspaper articles, correspondence and contacts made by Hodge, who indicated children readily found homes after arriving in Kansas, but the outcomes of those initial placements were often unsatisfactory. Copy on file with author.

decisions, funding distribution, patient care, and facility oversight. Because poor relief came under local control, the state Board could only report conditions they found at county poorhouses.²³⁸

Hoping to stir the Kansas Legislature into action, Board Trustees compensated their lack of statutory authority by reporting to state lawmakers what they observed in state institutions and county poorhouses. When the Trustee reports joined the results of the State Board of Labor's pauperism survey, the existence of such overwhelming misery and neglect became one of "the darkest pages in the history of Kansas."²³⁹ Insisting on funding increases to address overcrowding in state institutions, Trustees claimed poorhouses to be inappropriate alternatives for children and the insane. Yet, year after year in report after report, the outcome remained the same. Lawmakers resisted assuming the cost of emptying the county poorhouses of children and insane adults. Instead, lawmakers offered yearly appropriations to private charitable institutions while resisting any further commitment.

That resistance gradually dissipated by the mid-1880s, but not because of annual reports or advocates pleas. Political pressure from Civil War veterans forced lawmakers

²³⁸ "Reports of the States," *Proceedings Of The National Conference on Charities and Corrections, Sixteenth Annual Session, September 11-18, 1889*, (Boston: Geo. Ellis Publisher, 1889) 117-185; all of the states participating in the National Conference of Charities and Corrections reported their states' oversight of charitable institutions and correctional facilities. The circumstances of the Kansas board were fairly typical in the 1870s.

²³⁹ "Poorhouse Survey" *Second Annual Report Of The Board Of Commissioners Of Public Institutions, 1874* (Topeka: Kansas Publishing, 1875), KSL, 23; Poorhouse survey noted insane adults living at the county poorhouses because the Legislature failed to increase the size of the state's mental hospitals, resulting in deplorable conditions in the county facilities and desperate overcrowding at the state hospitals. Because those considered dependent on the state were children and the insane, the report said it was a "burning shame" that they should be forced to live in these conditions from year to year.

to look again at children languishing in county poorhouses. Among those living in such deplorable conditions were the orphaned and dependent children of former Union soldiers, and their placement in poorhouses served as an insult to the veterans who saved the Republic during the Civil War.

Veterans Boost of Debt Owed by Nation

Cashing in on their elevated status and not hesitant to remind Kansas state officials of the debt a grateful nation owed them, the Grand Army of the Republic (GAR) in Kansas took action to press for veterans' issues.²⁴⁰ From its first encampment in 1880 at Topeka, the Kansas GAR grew by 1890 to the fourth largest state chapter in the country, boasting 477 posts with 20,000 members, although nearly 50,000 Union veterans lived in Kansas at the time.²⁴¹ When organized nationally, the GAR established objectives that included charity as a priority. As posts grew throughout the states, local leaders identified veterans in need, became familiar with state legislative issues and worked to remove their war colleagues from county poorhouses. While there, GAR veterans also looked for soldiers' orphans. When combined with their organizing skills,

²⁴⁰ Connelley, 832-834.

²⁴¹ Charles M. Correll, "Some Aspects of the History of the G.A.R. in Kansas," *The Kansas Historical Quarterly*, 19 (1951), 63-74; Sinisi, "Veterans as Political Activists," 89-99; A dispute between the two authors existed on the population of Civil War veterans in Kansas in 1890. The Correll article estimated the population at 100,000 but failed to cite census figures. The Sinisi piece placed the population at 50,000 and used census data and information from the U.S. Department of Interior. A third contemporary source was found in a letter written by Governor John A. Martin to S.S. Burdett, commander in chief, Grand Army of the Republic in Washington, D.C., and published in the *Topeka Daily Capital* (June 18, 1886). Drawing from the 1883 statewide enrollment of all Civil War veterans living in Kansas, Governor Martin placed the number at 100,000.

GAR members identified themselves as deserving of their nation and community's support because they saved the nation during the Civil War.²⁴²

Because the "Grand Army of the Republic is a power in this State, and can make its influence felt," its official publication called for a state-supported soldiers' orphans' home as the first request.²⁴³ The second proposal, which generated heated legislative debates filled with recriminations, centered on a \$50,000 appropriation intended for the City of Leavenworth to entice the federal government to place at Leavenworth a national military home for disabled and destitute former Union soldiers.²⁴⁴ Despite initially balking at the steep price tag required to gain the federal facility, legislators eventually approved the appropriation after the GAR applied pressure. Approved during the 1885 Legislative Session, the state soldiers' orphans' home and the appropriation to entice the national military home to Kansas were among the first legislative victories benefitting Civil War veterans and their families.²⁴⁵

Governor John A. Martin repeated the GAR priorities in a Special Message delivered to the 1886 Legislature, asking for supplemental state appropriations.²⁴⁶

²⁴² <http://garmuslib.org/GARhistory.htm>, accessed 6/1/12.

²⁴³ *Journal Of Proceedings Of The Fifth Annual Encampment, Department Of Kansas, Grand Army Of The Republic, 1886*, Grand Army of the Republic Collection, Kansas Collection, RH MS E139, Kenneth Spencer Research Library, University of Kansas, Lawrence; 13, referred to GAR Collection in KU Spencer Library.

²⁴⁴ Beath, 573.

²⁴⁵ Skopal. "America's First Social Security," 88; and the *Journal Of Proceedings Of The Third Annual Encampment, Department Of Kansas, Grand Army Of The Republic, 1884*, GAR Collection in KU Spencer Library; outlines the priorities of the Kansas GAR to include its first objective, the creation of a state-supported soldiers' orphans' home.

Declaring his support of creating the Soldiers' Orphans' Home, he announced its site would be at Atchison, declining to mention the location was his hometown. By donating one hundred sixty acres to the state and providing \$5,000 in cash for the facility's use, Atchison met the qualifications stipulated in state statute for deciding the orphans' home location, offering a "healthful, beautiful, and accessible" site on one of the highest bluffs overlooking the Missouri River.²⁴⁷ Although thankful for the federal government's efforts to meet the needs of disabled and destitute Union soldiers and sailors, Governor Martin admitted, "no provision has been made for their helpless children."²⁴⁸ Suffering from the wounds and disease of military service, Union soldiers experienced war trauma associated with those who serve in combat today. Research in recent years provides a glimpse into the mental and physical health of Civil War veterans.²⁴⁹ Because of post war trauma, "the children of these men, in hundreds of cases, are homeless and destitute. In providing a home for these orphan children,

²⁴⁶ "Constitutional Amendments," *Kansas: a Cyclopedia Of State History, Embracing Events, Institution, Industries, Counties, Cities, Towns, Prominent Persons*, (Chicago : Standard Publishing Co.,1912), 405-409, http://skyways.lib.ks.us/genweb/archives/1912/c/constitutional_amendments.html accessed 4/30/07; During the 1875 Legislative Session, an amendment was approved and in the general election of 1876 voters approved changes that included moving the yearly sessions to once in two years, commencing on the second Tuesday of January of each alternate year beginning in 1877.

²⁴⁷ *Special Message Of John A. Martin, Governor, To The Legislature Of Kansas*, (Topeka: State Publishing House, 1886), 25; Martin delivered his message at the opening of the 1886 Legislature. "The Orphans Home Site," *Topeka Capital*, (Oct. 10, 1885), the decision on the site location was made by the State Board of Charities and Corrections.

²⁴⁸ *Special Message*, 25.

²⁴⁹ A handful of studies, both historical and medical, are being published. One of the latest uses the 1883 pension records of Civil War veterans. "Physical and Mental Cost of Traumatic War Experiences Among Civil War Veterans," *Archives of General Psychiatry*, 2006, 63(2) 193-200 <http://archpsyc.jamanetwork.com/article.aspx?volume=63&issue=2&page=193>, accessed 5/22/12.

Kansas has engaged in a work that will commend itself.”²⁵⁰ No more deserving class should receive the state’s bounty, he said.²⁵¹

No other group so effectively championed its cause as the GAR in Kansas. Exercising a delicate balance when engaged in the political arena, GAR members followed strict rules when speaking on behalf of the veterans organizations. Whether advocating in Topeka or Washington, GAR lobbyists asked only for benefits and consideration that helped former Union soldiers and their dependents. Stringent guidelines prohibited GAR endorsements of candidates or issues unrelated to veterans.²⁵²

In the absence of organized veteran efforts, Kansas lawmakers offered a small measure of assistance to veterans two years after the Civil War, when the state’s newly formed universities could access supplemental funding to cover the cost of educating the orphans and minor children of former Union soldiers.²⁵³ No such benefit extended to local school districts to defray similar costs of educating the veterans’ younger children. In a letter from Governor Martin published in 1886, he admits finding little proof of

²⁵⁰ *Special Message*, 25.

²⁵¹ *Special Message*, 26.

²⁵² “Non Political,” *Camp Fire Of The Grand Army Of The Republic, Department Of Kansas*, 1, no.1,(August 1882), 7, GAR Collection in KU Spencer Library; Beath, 571-577; Although a strong voting bloc in 1880s Kansas, the GAR started much earlier and with far less support, originating from the Veterans Brotherhood at the close of the Civil War. Experiencing uneven growth in its first decade, the Kansas GAR finally found its footing by 1880, holding its first encampment at Topeka.

²⁵³ “Orphans of Soldiers,” *The Session Laws Of The State Of Kansas, 1867*, (Topeka: Kansas Publishing House, 1867) Chapter 92, 167.

veterans' children benefitting from the 1867 statute.²⁵⁴ From after the close of the Civil War until the early 1880s, the absence of a strong political voice meant veteran issues failed to gain much attention. Were those issues really a priority during that time? Unless suffering a war injury or combating disease contracted while in service to the Union, most veterans returned to families, hoping to heal the scars of battle on their own. As young men in war, they came home to new careers, new families and greater challenges, relying on the lessons learned in war to temper youthful missteps. Besides, the veteran population in Kansas started low, gradually growing in the decades after the Civil War to reach over 50,000 in 1890.²⁵⁵

Despite being youthful fathers and loving spouses, a small measure of the veteran population failed to thrive in the aftermath of war. Illness, alcohol abuse and unsettled minds destroyed the security of veterans and their families throughout Kansas. As former Union soldiers began to age, the stressors of combat and battle haunted their health and destroyed their ability to earn a living. Because destitute Civil War veterans found shelter only in county poorhouses, the GAR expanded its initial legislative priorities by asking for additional benefits from county governments. In 1885, the Legislature imposed an unfunded mandate on county commissions that included the expense of "a proper burial" for Union veterans and their wives or widows. State

²⁵⁴ Letter published in the *Topeka Daily Capital* (June 1, 1886), from Governor Martin to S.S. Burdett, commander in chief, Grand Army of the Republic in Washington, D.C. Burdett asked the governor to explain what the state of Kansas had done for its veterans and veterans' orphans.

²⁵⁵ *Kansas Statutes*. 1881. Chapter 25, Section 1.

lawmakers limited the benefit to veterans without the means to cover the cost, telling counties spend \$20 on headstones and \$50 on burial expenses.²⁵⁶

An even greater unfunded mandate became law in 1889 when state law forbids the placement of destitute veterans, their wives or widows and dependent children in county poorhouses. Instead, commissioners had to provide outdoor relief in the form of housing, coal, food and cash assistance.²⁵⁷ That same year Kansas made its own commitment to Union veterans by establishing a state-supported Soldiers' Home at Dodge City.²⁵⁸ Offering a home to Kansans who were disabled, aged, and destitute Civil War soldiers, the legislation also allowed family members to live at the facility. That provision became the first time a state soldier's home provided families with the opportunity to stay together and not force veterans' spouses into the poorhouse and children into orphanages.²⁵⁹ By 1890, Kansas was one of sixteen states to sponsor its own Soldiers' Homes and one of seven states to establish a Soldiers' Orphans' Homes.²⁶⁰ Whether in the northern and Midwestern states or in Kansas, GAR veterans succeeded with remarkable results.

²⁵⁶ *Laws Of Kansas, 1885*, (Topeka: Kansas Publishing House, 1885) Chapter 184, Section 1.

²⁵⁷ *Laws Of Kansas, 1889*, (Topeka: Kansas Publishing House, 1889) Chapter 234.

²⁵⁸ "An Act Creating the Kansas State Soldiers' Home," *General Statutes Of Kansas, Vol. II, 1889*, (Topeka: Kansas Publishing House, 1889) Chapter 235, 352.

²⁵⁹ Swanson, 262, 263; that provision continues until the start of World War I; and *Kansas Session Laws 1917*, (Topeka: Kansas Publishing House, 1917) Chapter 304, Section 1.

²⁶⁰ "Soldiers Orphans Homes," *Cyclopedia Of American Government*, (New York : D. Appleton and Co., 1914), 351; At the turn of the century, Kansas was the seventh state to open a state-supported soldiers orphans home to join Maine, Pennsylvania, Ohio, Indiana, Illinois, and Iowa; "State Homes," *Proceedings Of The Twenty-Second Annual National Conference on Charities and Corrections, 1895*, (Boston: Geo. Ellis Publisher, 1895), 316, <http://quod.lib.umich.edu/cgi/t/text/pageviewer->

The 1885 Session of Kansas Legislature

Although legislative victories may rightly be the result of effective special interest politics, three distinct factors laid the foundation for veteran successes in 1880s Kansas. Prosperity, politics and gratitude set the stage for favorable consideration of legislation that favored former Union soldiers and their families. Having struggled in the 1870s through grasshopper invasions and dwindling tax revenues, the state's economy began to turn around by the start of the 1880s. Agricultural production flourished in weather free from droughts and grasshoppers. Manufacturing and beef production provided a steady increase in tax revenues. New settlers also contributed to the state's prosperity, adding to a general feeling of generosity and goodwill.²⁶¹

In a smoke-filled room brimming with ambition and deceit, the Republican nomination for governor in 1878 rested on two powerful members of the state's majority party. Arriving at the election-year convention with a majority of delegates pledged to him, John A. Martin expected to lead the Republicans to victory in November. As a popular Civil War commander and successful newspaper publisher in Atchison, he was not interested in making the incumbent governor a U.S. Senator nor supportive of a state constitutional ban on alcohol, positions that would cost him the nomination. Having decided not to seek reelection, Governor George Anthony of

[idx?c=ncosw;cc=ncosw;rgn=full%20text;idno=ACH8650.1895.001;didno=ACH8650.1895.001;view=image;seq=00000010](#) accessed 07/15/08; Kansas was among twenty two states to have state soldiers' homes by 1895, and in 1889 when the Kansas Soldiers Home was established, it became the first to admit family members.

²⁶¹ Miner, 94-142, Chapter 4, "Toward a Brighter Future" addressed the state's economy in the late nineteenth century.

Leavenworth joined John P. St. John of Topeka to combine their pledged delegates and give the gubernatorial nomination to Mr. St. John, the Prohibition candidate.²⁶²

In turn, St. John would offer his support among state lawmakers to further Anthony's bid for the U.S. Senate.²⁶³ Although successful in November, St. John gave tepid support to Anthony, who failed to gain the Senate seat. Pressing in the next two years for the Prohibition Amendment, Governor St. John also championed public support of Exodusters arriving in Kansas from the South.²⁶⁴ Despite its Free State status and the welcome of freedom during the Civil War, Kansas reflected a far less welcoming and a racist attitude toward African Americans that permeated late nineteenth-century America. Because many in the majority culture feared the outcome of destitute Southern blacks flooding the state, St. John's support of them did not set well with some Republicans, who were also resentful of how the Prohibition Amendment dominated the party's resources and energy. After St. John and the Prohibition Amendment gained voter approval in 1880, the zealotry of anti-liquor

²⁶² In covering the 1878 state Republican Convention, *The Holton Recorder* (September 5, 1878) reports behind-the-scenes political maneuvering that gave St. John the nomination for governor and speculated on whether Mr. Martin's position on alcohol and election of U.S. Senators caused his problems with the GOP.

²⁶³ Passage of the Seventeenth Amendment to the U.S. Constitution in 1913 allowed for the election of United States Senators by popular vote. Before then, U.S. Senators were elected by members of their state's legislatures.

²⁶⁴ Nell Painter, *Black Migration to Kansas After Reconstruction*, (New York: Knopf, 1977), 108-117, 184-201; Following the removal in 1876 of federal troops from the South, former slaves endured abuse, discrimination and hardship at the hands of whites. These conditions led African-Americans to move west where many settled in Kansas, a state perceived favorably but seldom lived up to its Free-State mantra. Once in Kansas, Exodusters (as they were called), usually settled in the state's larger towns with established African-American communities, but a small farming town was established in Nicodemus, Reno County. Although living in poverty and working menial jobs, Exodusters considered their lives outside the Jim Crow South to be far more preferable.

groups like the Women's Christian Temperance Union, began to wear thin. Loopholes in the enabling legislation that implemented the amendment exposed fissures among GOP legislators. With the majority party struggling with inner-conflict, the 1882 election resulted in a Democrat, George Glick, becoming governor for the first time in the state's history.²⁶⁵

Among the strongest voices calling for change, Civil War veterans began to organize outside the official efforts of the GAR. Passing political news from post to post, Republican veterans wanted their former commander, John A. Martin, to head the Republican ticket in 1884.²⁶⁶ Coming to terms with Prohibition supporters, Martin pledged to uphold the law and not call for the amendment's resubmission. After winning easily in November, Martin paid tribute to his former comrades in arms, admitting their unfailing support carried him to victory. His gratitude became evident in several ways.

Having served in key leadership positions from its founding in 1868, Mr. Martin became one of the first GAR state commanders. Through the next 15 years, he attended GAR gatherings, regiment reunions and commemorative events in honor of those who saved the Republic. When President Rutherford B. Hayes appointed him to the National

²⁶⁵ James C. Malin, *A Concern About Humanity: Notes on Reform, 1872-1912, at The National and Kansas Levels Of Thought*, (Ann Arbor : University of Michigan, 1964), 23-26.

²⁶⁶ *Reunion Proceedings Of The Eighth Kansas Veteran Volunteer Infantry* (Atchison: Haskell and Son Printers, 1883) GAR Collection in KU Spencer Library, 4,5; Martin outlined the Civil War battles in which the Eighth Kansas participated. Martin served as commander of the Eighth Kansas Volunteer Infantry, which joined the Army of the Cumberland to serve in battles at Perryville and Lancaster, Kentucky, campaigns against Tullahoma, battle of Chickamauga, siege of Chattanooga, the storming of Missionary Ridge, the campaign in eastern Tennessee in the winter of 1863-1864, the campaign from Chattanooga to Atlanta, and the subsequent pursuit of General Hood northward.

Military Home Board of Directors in 1879, Kansas became a possible site for the Western Branch Home of the National Military Home slated for construction west of the Mississippi River.²⁶⁷ Although demonstrative in behavior and deferential in attitude, Martin earned a faithful following among Civil War veterans. Throughout his career, he often referenced in public statements the debt a grateful nation owed former Union soldiers. When tackling the thornier issues facing his Administration, Governor Martin bore in mind the affects any executive decisions would have on veterans, whom he considered the most deserving recipients of government aid.

Yet despite the prosperity, politics and gratitude that accounted for veteran legislative victories including approval of a state-supported soldier' orphans home, Governor Martin found himself in the middle of the appropriations showdown in 1885 over taxpayer funding of religious orphanages. The controversy centered on the state's annual appropriation to private and charitable institutions given to cover the cost of caring for children whose placement resulted from a court order.²⁶⁸ The proposal before lawmakers included annual payments of \$4,800 each to Saint Vincent Home and the Leavenworth Protestant Asylum, as well as funds for two other Leavenworth charitable institutions serving adults. Containing all four requests when the appropriation bill came before the Kansas Senate, cuts to three of the four Leavenworth items occurred before

²⁶⁷ Blackmar, "Martin, John Alexander," 233–235
http://skyways.lib.ks.us/genweb/archives/1912/m/martin_john_alexander.html accessed 07/30/2006.

²⁶⁸ William Cutler, *History Of The State Of Kansas*. (Chicago : Andreas, 1883)
<http://www.kancoll.org/books/cutler/leavenworth/leavenworth-co-p1.html> accessed 01/28/2008; The chapter on Leavenworth County explains the circumstances establishing the founding in 1866 of the Leavenworth Protestant Orphan Asylum including lump sum payments that supported the construction and maintenance of a permanent facility built in 1871.

gaining approval, leaving Saint Vincent, the only Catholic orphanage in Kansas, without any appropriation.²⁶⁹ At the time, no comments to explain such actions appeared in the local media covering statehouse action. The state's only Catholic newspaper filled the void, reacting with astonishment and calling for a full disclosure of the senators' reasoning.²⁷⁰

Fundamental differences existed between the philosophies of Catholic and Protestant child welfare. First, when dependent children entered the Protestant Orphan Asylum and later the Soldiers' Orphans' Home, those institutions became the child's guardian, giving the institution an ability to bond out children for indenture or place them up for adoption, all without parental consent. On the other hand, when children entered Saint Vincent Orphan Home, loss of parental authority was not a requirement for entry. Used more often as temporary shelter for families suffering financial difficulties, the Catholic orphanage worked first to restore the family.

Second, unlike Saint Vincent Home, state law restricted to three months the time orphaned and dependent children could stay at the Protestant Orphan Asylum while awaiting placement with a family or service in an indenture arrangement. When the Legislature first appropriated funds in 1867 to build the Protestant orphanage, children placed there under the Apprentice Law restricted admission, forcing officials to turn away the flood of applicants wanting to adopt the children. Lifted by the Legislature

²⁶⁹ "The Capitol," *Topeka Daily Capitol*. (March 5, 8, and 10, 1885). Although printed on different days, articles under the same title described the debate and votes on the 1885 appropriation bill, appearing in the daily coverage of the Legislative Session.

²⁷⁰ "Those Appropriations" *The Weekly Catholic*, 4, no. 5 (April 16, 1885) 2; Printed Materials Collection University of Notre Dame Ca-10, PNDP.

within two years, the law then allowed orphans to stay for longer periods. That arrangement contrasted with Saint Vincent, where no time restrictions applied because the Catholic orphanage operated under its own rules as a private institution.

Once the 1885 controversy occurred, the Catholic newspaper pointed to other instances of dissimilarity between the two orphanages. Insisting Saint Vincent cared for three times more children than the Protestant facility, the weekly publication said children stayed for longer periods, providing for more of their needs and causing additional expenses. The imbalance rubbed salt into Catholic wounds.

Did the Senate action relate to some cost-cutting measure made in the face of falling revenues and rising expenses? State records indicate otherwise. Governor Martin's biennial message to the 1885 Legislature indicated "marvelous growth and prosperity" with tax revenues easily covering the state's obligations. Granted, some railroad companies still smarted from restrictions carried in the 1884 legislation that offered farmers some protection from aggressive corporate acts that resulted in escalating transportation fees. Although railroads chafed at any restrictions, the law did not hold back their investments or compromise their profits. Having survived the grasshopper invasions of the 1870s, farmers reported to the State Board of Agriculture that for several straight seasons the wheat production and other field crops enjoyed excessive yields.²⁷¹ In addition to the bright economic reports, the governor said one glitch prompted him to claim that cattle interests, who remained of "large and vital importance to the general prosperity of the state," might suffer should Texas fever take

²⁷¹ "Special Report of Information to Home Seekers" *Kansas State Board Of Agriculture*, KSHS, (Topeka, Kansas Publishing, 1886).

hold.²⁷² Efforts succeeded to impose strict prohibition of any Texas cattle coming into the state when contamination had likely occurred.

With no connection between the Senate conflict over state funding of religious orphanages and fiscal concerns, did the railroad strike in the spring of 1885 play a role? Executive involvement in the settlement of the three-state Missouri Pacific Railway strike occurred in early March 1885 after an impasse developed between labor and management. Investigating claims from both sides of property destruction, company mistreatment and other misdeeds, Governor Martin instructed the Kansas Adjutant General and the Kansas Board of Railroad Commissioners to scrutinize the circumstances at Atchison and Parsons, where railroad employees had walked off the job after the company announced drastic reductions in work hours and wages.²⁷³ Amidst calls for arbitration and compromise, Governor Martin told railroad executives headquartered in Missouri that public sentiment in Kansas favored the railroad workers. Rejecting calls from railroad officials to deploy the state militia, the Kansas governor offered instead to personally negotiate a settlement, which occurred by March 15. In the aftermath of the strike, the Kansas Legislature expanded the Railroad Commission's duties to include voluntary arbitration, a law that gained unanimous support in the Kansas House and Senate.

²⁷² *Governor John A. Martin's Biennial Address To The Kansas Legislature, Delivered To The Kansas Legislature In January 1885*, (Topeka: Kansas Publishing House, 1885) 24-26, <http://www.kslib.info/messages/1885.html> accessed 7/30/2007.

²⁷³ Edith Walker, "Labor Problems During the First Year of Governor Martin's Administration," *Kansas Historical Quarterly*, 5, no. 1 (February, 1936) 33-53. The Kansas railroad workers joined their fellow railroad employees in Missouri and Texas.

Sure to cause conflict at every turn, legislation in 1885 dealing with the enforcement of 1880 Prohibition Amendment caught physicians and druggists in the fallout. Chafing under “vexatious restrictions, bonds, oaths, and forms” which annoyed and embarrassed “members of an honored and honorable profession,” doctors and druggists lobbied to repeal restrictions while leaving intact the amendment’s purpose.²⁷⁴ Beginning a controversy lasting for decades to come, lawmakers struggled to please all sides in the ongoing conflict over alcohol consumption in Kansas.

Another possibility affecting the spirit of compromise in the Senate was the \$50,000 appropriation for Leavenworth legislators to attract placement of the National Military Home in their community. With the Department of the Army, seeking two locations west of the Mississippi River to locate National Military Homes, Kansas hoped to be the second choice because the national board home selected Milwaukee beforehand. Although a House Concurrent Resolution called on the state’s congressional delegation to press federal authorities in support of the Kansas location, lawmakers continued to squabble over the \$50,000 appropriation. Still, neither the state’s finances, enforcement of the Prohibition Amendment, labor legislation or the appropriation debate accounted for the clash over religion.

One possible explanation surfaced in the April 16, 1885, edition of *The Weekly Catholic*. An editorial reprinted from the *McPherson Freeman* quoted Senator J.R. Burton of Dickenson County to explain his claim of confusion about the appropriation bill. He intended to vote for only one of the institutions, the Leavenworth Protestant

²⁷⁴ Walker, “Labor Problems,” 36-37.

Orphan Asylum, because of the benevolent nature of its work. Not mentioning Saint Vincent by name, he declared no state money be given to any private institutions connected with any religion. The Catholic press howled in protest.

Why single out Saint Vincent for its religious ties, the *Weekly Catholic* editor asked, when the Leavenworth Protestant Orphan Asylum enjoyed the sponsorship and support of Protestant churches. Why target the Protestant orphanage for reduction? From reading contemporary newspapers at the time, no further response appeared in the media.²⁷⁵

When the Senate appropriation bill returned from House consideration, the conference committee report restored all funding requests. Again, the Senate voted to remove only Saint Vincent's funding, but added insult to injury by including funds for another Protestant charitable institution in Topeka, a hospital that had made no formal request for state aid. The House received this new offer, approved it, but added once again the Saint Vincent appropriation. Now, the Senate seemed to back off its strident posturing by adding \$500 for Saint Vincent, an amount far less than the annual \$4,800 received for several years. Throughout the give and take on the appropriation conference committee, Protestant institutions suffered no reductions.²⁷⁶

²⁷⁵ John O'Flanagan, *The Weekly Catholic*. April 16, 188, 2, Reprinting the *McPherson Freeman* editorial, the Catholic newspaper's editor John O'Flanagan pointed out the inconsistencies in Senator Burton and other senators' voting patterns. Neither the *Topeka Daily Capitol*, *Kansas City Times*, *Lawrence Daily Journal* nor *Leavenworth Daily Times* published editorials on the appropriation bill slashing Saint Vincent Orphan Home funding.

²⁷⁶“The Capitol,” *Topeka Daily Capitol*. (March 10, 1885); The appropriations bill, Senate Bill 16, was signed into law Feb. 1, 1886, appeared in *Laws Passed at The Special Session Of The Legislature 1886*, (Topeka, Kansas Publishing, 1886); Funding was partially restored to Saint Vincent in 1886 and 1887

What Saint Vincent suffered was more than a funding shortfall. Singled out for its Catholic affiliation and criticized for proselytizing Protestant children, the orphanage stood exposed to further allegations. As long as state funding remained, the institution would be the target of further prejudice and bias. Whether a Catholic orphanage struggled to survive in Kansas or immigrant orphans escaped poverty in New York, the prejudice Protestant majorities inflicted on Catholic minorities carried lasting implications. As the pale of Catholic bigotry fell across the 1885 Kansas Legislature at Topeka, bias came as no surprise to Leavenworth's Catholic community, especially those working in Catholic child welfare.

Bias permeated the Protestant child saving organizations, which provided a powerful voice in publications such as the National Conference on Charities and Corrections and its Kansas affiliate. An early critic of Catholic orphanages in New York, Howard Folks and William Letchworth advocated for disbanding the New York System. Articles critical of eastern states with too many Catholic orphanages in receipt of municipal funding circulated nationwide and in the Kansas social work community.²⁷⁷ Concerns about the public funding of religious institutions and the reluctance of Catholic institutions to dissolve parental consent, New York public welfare officials and Protestant child savers led the opposition to public funding of

when the Legislature approved \$2,400 for each yearly appropriation, an amount short of the \$4,800 given the orphanage in 1884.

²⁷⁷ Folks, *The Care of Destitute Neglected and Delinquent Children*; and Letchworth, William, *Homes for Homeless Children: A report on Orphan Asylums and Charitable Institutions for the Care of Children 1903*, (New York: Arno Press, 1974).

Catholic orphanages.²⁷⁸ Offering an alternative to private institutions, some states created state-supported orphans' home. The systems in other Midwestern states gained lawmakers' attention, but Michigan stood out as the most successful state-supported program, prompting Kansas lawmakers to consider its provisions when constructing legislation for the soldiers' orphans' home. Beginning in the late 1870s, the Michigan Model began to filter into child welfare circles throughout the Midwest because of its success in reducing the number of dependent children seeking homes in orphan asylums and poorhouses. Kansas adopted similar provisions to the Michigan Model but came up short because the Legislature balked at the potential financial responsibility.

Affecting decisions made by lawmakers in 1885, annual reports from the State Board of Charities not only told of conditions in county poorhouses, and the two religious orphanages in Leavenworth, board officials made recommendations to handle destitute children. Charles Faulkner, who would become the second superintendent of the Soldiers Home, served as the board executive director. He shared the programs used by other states, among them Michigan. He praised its centralized system and the consolidation of all state funding toward the state's support of its orphaned and dependent children. Faulkner often mentioned the annual publications of the National Conference on Charities and Corrections, pointing out articles that mentioned Kansas and state programs helping destitute children.

²⁷⁸ Brown and McKeown, 13-50; "Private Charities and Public Money," 255-283; and "Statements Made From the Treasury to Charitable Orphan Asylums," *Documents Of The Convention Of The State Of New York, 1867-1868*, (Albany, Weeds, Parksons and Company 1868) 56-71.

Whether lawmakers read those articles or not, they most likely read newspapers, and Kansas publications carried stories of children in need, the plight of deserted mothers and families abandoned by their fathers. Legislators also read novels. Popular stories permeated the culture, gaining sympathy for orphans like *Oliver Twist*.

What lawmakers finally decided still offered homes to hundreds of children during its first 20 years. Provisions in the 1885 law called for placement in the Soldiers' Orphans' Home after destitute and orphaned children became objects of public charity, and a county probate court made a recommendation. However, children had been objects of public charity since statehood and no efforts existed then or in the next twenty years for the state to take responsibility. Official reports from 1874 onward told of children languishing in unsuitable conditions at county poorhouses. Despite obvious need, Kansas lawmakers resisted state responsibility for orphaned and dependent children until advocates from a powerful voting bloc pressed for change. Responding to political pressure from the Grand Army of the Republic, the Kansas Legislature acted in 1885 to create a state-funded soldier' orphans' home. The most deserving recipients, children of Union Army soldiers, gained assistance, but the needs of all destitute children fell by the wayside, questioning whether Kansas truly aided all those who had claims on the sympathy of the society.

Chapter Four examines how that sympathy played out during the first twenty years of the Kansas Soldiers' Orphans Home at Atchison. Then discussion moves to Progressive Era reforms, exploring how they affected the state's orphan home as well as other child welfare programs.

Chapter Four: Soldiers' Orphans

“It is a platitude to say that, of all creatures, children are the most helpless and dependent, requiring the constant care and support of parents for many years, and that the cause of dependency, resulting in their becoming public charges, is the failure in some particular of the parents.”

E.C. Willis, Superintendent
Kansas Soldiers Orphans Home, 1908²⁷⁹

Early Years of Soldiers Orphans Home

On July 1, 1887, twelve-year-old John crossed the threshold of Atchison's Santa Fe Depot on his way to becoming the first child admitted to the Kansas Soldiers' Orphans' Home. Sent to fetch him in horse and buggy, the Home's teamster hoisted the youngster from the cobblestone sidewalk to sit alongside him on the bumper seat. Before pulling away, the middle-aged man secured the boy's small satchel and baseball cap. As the pair headed north on brick-lined streets, the Junction City boy barely noticed the Victorian mansions lining the city's upscale neighborhood. His eyes were fixed on the horse, paying particular attention to the teamster's commands and wincing each time the whip made contact with the horse's backside. After ten minutes, the driver pulled alongside a long dirt road, pointed toward a large three-story brick building, handed him the satchel, and straightened his cap. As John started down the five hundred yard driveway, he noticed men still working on the new building, but found no trees, no areas marked off for play and no signs of welcome.

²⁷⁹Superintendent Report,” *Second Biennial Report of the Board of Control of the State Charitable Institutions of Kansas*, (Topeka: State Printing Office, 1908) 315; accessed 04/28/11 http://books.google.com/books?id=C5scAQAAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false.

Since his mother's death six years ago, the father showed few signs of compassion as he struggled to care for the boy. His service with the Second Kansas Cavalry resulted in a wound that left him with crippling paralysis, which limited his ability to care for the boy. A Geary County judge decided to place the youngster in the newly opened Soldiers' Orphans Home at Atchison, and the boy carried the court order in his pocket.²⁸⁰

First among the hundreds of children to call the orphanage their home for next twenty years, John experienced tragedies and heartache similar to others who began arriving with a few days. Who were these children and what circumstances led them to Atchison? This chapter answers those questions by first examining the "History of the Soldiers Orphans Home Ledger," a primary source document that sheds light on the lives of each child admitted to the orphanage from 1887 to 1912.²⁸¹ The chapter reveals the struggle orphanage superintendents endured as they faced conflicts over funding shortfalls that hampered facility repairs, and caused discomfort and inconvenience for the children. Annual reports to the legislature recommended reforms in adoption, indenture and the children's return to parents or relatives while addressing Progressive

²⁸⁰ John Pierson, "Superintendent Report," *First Biennial Report of the Soldiers' Orphans' Home June 30, 1888*, (Topeka, Kansas Publishing House, 1888) 3,4; The Orphan Home Site, Topeka Capital, (Oct. 10, 1885); "Soldiers' Orphans' Home," *History of Atchison County*, (Lawrence: Standard Publishing, 1916) 321-325 <http://ia600306.us.archive.org/7/items/historyofatchiso01inga/historyofatchiso01inga.pdf> accessed 05/11/11.

²⁸¹ "Records of Kansas Soldiers' Orphans' Home, Register of Children Received July, 1887 to Sept. 1912" Manuscript Division, State Records, Kansas State Historical Society (KSHS); the Ledger was a limited access document viewed on condition that no children's names were revealed, only the circumstances of family life and scant identifying details. Ledger pages included the list of children identified by the number given them upon entering the facility. Entries of the child's family, fathers' military service, illnesses, indenture, discipline problems, were entered under a variety of designated columns, ending with a final section that allowed for the personal observations by orphanage personal. Found on the yellowed and frayed pages were the most heart-wrenching material in this research paper.

Era initiatives taking place in Kansas as child welfare evolved in the early twentieth century.

Because soldiers' orphans found sympathy from state lawmakers throughout the northern states, orphan homes and social services funding gradually gained support. This chapter offers a comparison between Kansas and Pennsylvania concentrating on three occurrences that tied the Sunflower State to the Keystone State. For instance, Pennsylvania led the nation in the number of volunteers and recruits to serve in the Union Army, became the first state to fully support soldiers' orphans' during the Civil War, and endured the only major battle fought on northern soil.²⁸² Kansas held the distinction of having the highest percentage of its male population volunteer for service in the Civil War. Although last among the northern state to open a state-supported soldiers' orphans' home, Kansas suffered Quantrill's Raid, a deadly civilian attack during the war, while Pennsylvania suffered the deadly attack at Gettysburg.²⁸³ Most important in both states, the driving force behind state involvement with soldiers' orphans centered on special interest politics, not children's needs. Although both states assumed full responsibility for all soldiers' orphans, Pennsylvania and Kansas traveled far different paths to arrive there.

What accounted for the delay in Kansas? The population of Civil War veterans in Kansas increased in the decades following the war, delaying their political influence until the 1880s. In 1863, Pennsylvanian authorities reacted to the immediacy of Civil

²⁸² Gold, 6-9.

²⁸³ *Reunion Proceedings of The Eighth Kansas Veteran Volunteer Infantry*, (Atchison: Haskell and Son Printers, October 1883) 7; Kansas Collection, University of Kansas Libraries, Lawrence.

War battles taking place near its southern borders. The fallout from the Battle at Gettysburg in July 1864 resulted in thousands of families suffering the loss of a breadwinner, and hundreds of children becoming suddenly half orphans. With the ravages of war at its doorstep, Pennsylvania responded.

The situation was far different in Kansas where the chronic circumstances of destitute and disabled Civil War soldiers typified an aging population still suffering the effects of wounds, disease and trauma. Whether in Pennsylvania or Kansas, charitable endeavors seldom occurred without political advantage rewarding special interests. Despite Pennsylvania Governor John Curtin's humanitarian persona and key role in the aftermath of Gettysburg, his decision to involve state government with soldiers' orphans had more to do with railroad executives than hungry children and more to do with securing Union recruits than housing homeless children. Revealing the political underpinnings of an ambitious wartime governor, Governor Curtin took advantage of the conflict, using orphans to secure another term in office while trying to lock in a Cabinet seat in President Abraham Lincoln's administration. Politics, not compassion, established the Pennsylvania Soldiers Orphan Schools.²⁸⁴

Some twenty years later, the politics of reform for veterans prompted the Kansas governor to consider the needs of soldiers' orphans. As a former Civil War colonel, John A. Martin sought the support of former Union soldiers in building the political capital needed in the early 1880s to obtain the Kansas governor's office. More than two decades after General Robert E. Lee surrendered his Confederate forces at the

²⁸⁴ Gold, 12-19.

Appomattox Court House, veterans in Kansas began exercising their political advantage through the Grand Army of the Republic, a formal organization advocating on behalf of those who fought to save the Union. Triggering a marriage of convenience, the Atchison newspaper editor sought GAR backing to win the 1884 election.²⁸⁵ Faced with the difficult task of imposing prohibition laws, handling railroad strikes and initiating labor reforms, Governor Martin knew proposals benefiting veterans and their orphans' ensured loyalty to his administration. By backing the creation of a state-supported soldiers' orphan home as well as other GAR proposals, he would secure veteran voters, making way for more meaningful improvements in his second term.²⁸⁶ Helping soldiers' orphans in Kansas had more to do with easing the political road ahead for Governor Martin than housing orphans.

This chapter exposes benevolent endeavors masking political intrigue. Because their fathers saved the Republic, these orphaned and dependent children gained public sympathy and tax revenues. How did they become pawns in the political maneuvers surrounding Pennsylvania in the Civil War and post Civil War Kansas? As political leaders took actions in both states, a shift occurred in funding child welfare services. During the Civil War, Pennsylvania initiated its system by asking private boarding schools to accept soldiers' orphans with guarantees of full state reimbursements. In the early 1890s, a state-operated facility opened. By 1887, Kansas opened only a state-

²⁸⁵ *Reunion Proceedings*, 3-8.

²⁸⁶ *Journal of Proceedings of the Third Annual Encampment, Department of Kansas, Grand Army of the Republic*, 1884, Grand Army of the Republic Collection, Kansas Collection, RH MS E139, Kenneth Spencer Research Library, University of Kansas, Lawrence; outlined the priorities of the Kansas GAR to include its first objective, the creation of a state-supported soldiers' orphans' home.

supported facility while declining to provide any reimbursements to board soldiers' orphans.

Original Ledger Reveals Ravages of Poverty

As the recipients of veteran politics in 1880s Kansas, soldiers' orphans were the primary focus of the 1885 law that created the Soldiers' Orphans' Home. However, questions remained about decisions lawmakers made to limit placement to only the children of disabled and deceased veterans. In legislation passed in 1889, why did lawmakers forbid soldiers' orphans from poorhouse placement but allow all other children to remain in such unfavorable conditions? How desperate did the circumstances of orphans have to become before gaining a place at the state orphans' home? Among the rarest and most revealing primary source documents to answer these questions, the "History Register of the Soldiers Orphans Home" recorded an array of details, starting with the children's names, written in chronological order as they entered the institution.²⁸⁷ According to state statute, placement occurred only when a child became the object of public charity and the district court made a recommendation. As an important record of social history, the Ledger revealed contemporary data necessary to understanding nineteenth-century child welfare. By looking closely into the lives of dependent and orphaned children, the Ledger offered a glimpse of the first children to

²⁸⁷ Although titled the "History Register of the Soldiers' Home, Atchison, Kansas" the document was identified as "Records of Kansas Soldiers' Orphans' Home, Register of Children Received July, 1887 to Sept. 1912." For this study, the Ledger was used in the text and "History Register" in the footnotes to identify this primary source document. On rows down the left side of the large legal-size ledger, the names first appear.

gain the state's full responsibility exposing the hardships and parental deprivation they endured before entering the Atchison facility.

The Ledger's columns recorded physical descriptions of each child, inquiring about color of skin, eyes and hair. Although each child's birthplace was required, his or her birth date was not, just the child's age upon admission. Parents' names and birthplaces completed the first of two pages holding children's details. Information continued on the second page with columns requesting a description of the child's home life outside the institution. Orphan home officials recorded indenture arrangements, giving the name and hometown of the person accepting the child. Recorded throughout the Ledger, each child's experience with indenture contracts included comments on why the arrangements failed. In some instances, the child's return to the family gained attention, but only a handful of children found adoptive homes. By far, indenture arrangements marked the majority of children with nearly two thirds in multiple homes.

Most revealing of all identifying information, the final column described the status of the child's parents, including the situation leading to placement at the orphans' home.²⁸⁸ Nearly all the children were victims of their parents' poverty and moral shortcomings. Line after line and child after child, circumstances repeated themselves. The first page alone recorded how quickly children arrived from July to October 1887. Although the first forty listed on the first page were children of Civil War veterans, only three of the fathers served with Kansas regiments. Five of the first forty were born in

²⁸⁸ If other more complete records of the children survived, they were not located at the Kansas State Historical Society. In the early years, the Ledger appeared to be the only record holding a full account of each child's stay at the orphanage. After 1912, each child's entry and experiences in the institution were chronicled in individual records, none of which were held at the historical society.

Kansas with the remainder in Midwestern states. Family circumstances of “father totally blind and soldier,” “father drunken,” “father in the soldiers’ home,” “father insane (soldier), mother poor,” “father disabled, mother poor and sick,” and “mother deserted children, father unknown” told of the personal dishevel endured by destitute nineteenth-century Kansas families. Only five were full orphans with entries that just said, “parents dead.”²⁸⁹

Data recorded in the placement column reported seven children eventually became self-supporting. Of those returned to their families, nine found a home with their mothers, eight with their fathers and one each with an aunt and sister. One child ran away and one died. From the children’s personal stories, similar patterns of poverty occurred.²⁹⁰

Buildings, Utilities Fail From Funding Shortfalls

What occurred to the physical facility revealed another pattern told in biennial reports made to state lawmakers. For instance, the orphanage’s superintendent complained of the “inconvenient and unsatisfactory” burden resulting from building repairs. He criticized lawmakers for inadequate appropriations that hampered efforts to repair the institution’s buildings and hire more staff.²⁹¹ A more serious complaint centered on children coming from dysfunctional environments and abject poverty who

²⁸⁹“History Register,” 1, 2; the first forty children were recorded on the first two pages of the ledger.

²⁹⁰ “History Register,” 1, 2.

²⁹¹ “Superintendent Report,” *First Biennial Report Of The Soldiers’ Orphans’ Home At Atchison 1887, 1888* (Topeka, Kansas Publishing House, 1889) 3, 4; Manuscript Division (KSHS).

now lived together in a congregate setting. Because arrivals occurred so quickly at first, many of the children failed to undergo individual assessments, adding to the difficulty in making successful indenture placements. Although limited in their description, notes written about the children offered only scant details about how best to handle them.

More troubling details chronicled the building tragedies. When only a handful of children occupied the facility, the building suffered many calamities, including a hailstorm in the fall of 1887 that broke all the windows on the building's north side, flooding the rooms. Three months later the sewerage system failed when nearly forty children lived in the orphanage, causing the state architect to direct all sewer pipes reinstalled at state expense. As more children arrived in November and December 1887, project workers tried to avoid them. When one child smelled smoke coming from the main flue, workers thankfully discovered charred timbers before a major fire broke out. Consequent repairs left the building littered with debris for two weeks, "forcing great inconvenience of the school and inmates of the place."²⁹²

Those inconveniences paled in the face of the boiler failure Jan. 15, 1888, that left the furnace room flooded. With nearly a hundred children to keep warm as temperatures hovered near zero, health and safety concerns sent personnel scrambling to keep the children comfortable. Depending on several large heating stoves, four small fireplaces and four coal grates to heat the large building, the superintendent realized the loss of steam to the heating pipes would cause them to freeze and some might burst.

²⁹² "Superintendent's Report" *First Biennial Report*, 7-12; the events of the institution's first two years included problems with the building, how the state responded, and what was needed in the future.

Adding to their burdens, employees hauled water from the stock-pond for two months to wash, clean and cook for nearly one hundred twenty children.²⁹³

Considering the nearness of the Missouri River to the orphans' home, some irony existed with the facility's water problems. From the start, problems plagued the main building's water supply, leading to emergency expenditures for prospecting and digging a well within several hundred feet of the facility. With the installation of three large cisterns, the supply was tested. After two wells caved in, a twenty seven-foot deep-water vein finally offered a consistent water supply.²⁹⁴

By 1889, all admissions continued to be orphans and half-orphans of Civil War veterans. Poverty still plagued families, forcing a parent left alone to relinquish a child. Children over ten were usually indentured through contracts with farm families or small town merchants as far away as Ellsworth or as near as the St. Patrick community in southern Atchison County. Requests for placements in the orphans' home came into the superintendent's office from county courts statewide. Few gained approval as space continued to be limited.²⁹⁵

As superintendent of the Soldiers' Orphans' Home starting in its second year, newly appointed, Charles Faulkner, felt the pressure of cramped quarters and unmet need. For the next several years, he advocated for the orphans' home in his biennial

²⁹³ *Second Biennial Report of The Soldiers' Orphans' Home At Atchison, 1889, 1890* (Topeka, Kansas Publishing House, 1891) 11-15; Manuscript Division KSHS.

²⁹⁴ *Fifth Biennial Report Of The Soldiers' Orphans' Home At Atchison 1895, 1896*, (Topeka, Kansas Publishing House, 1896) 8,9 Manuscript Division KSHS.

²⁹⁵ *Fourth Biennial Report Of The Soldiers' Orphans' Home At Atchison 1893, 1894*, (Topeka, Kansas Publishing House, 1894) 7, Manuscript Division KSHS.

reports to the Legislature and as a contributing writer to the annual publications of the National Conference on Charities and Corrections. He wrote Governor Martin at the end of 1888, pleading for adequate funding and asking to adopt more fully the Michigan Model. Assuring the governor that the facility would eventually care for three hundred children, Mr. Faulkner explained the demands on the institution would be greatest in the first eight to ten years “until the people get familiar with the indenture plan of finding homes for the children after whom the outflow will make room for newcomers.” As he wrote on December 29, 1888, one hundred nine children were in the Home with twenty applications awaiting placement, prompting Mr. Faulkner to claim “provision for 100 more should be made at once.” Three cottages constructed quickly offered thirty children a home in each one. Ending his letter, he assured the governor of continued political support from GAR veterans in Leavenworth.²⁹⁶

During the 1890s, new notations appeared in the ledger, reflecting changing circumstances in the children’s lives. With nearly one hundred seventy five children crowding into cramped quarters, the 1890 report claimed a capacity for only one hundred twenty five children. In 1893, room for only two more children existed, but in 1894, thirteen admissions took place. For the first time, a parents’ divorce became the reason for admission. Although elopement appeared as a reason for some of the older girls to leave, adoptions took place, but seldom. A parent’s desperate financial situation often forced a child’s placement in the orphanage. Despite having living fathers, the

²⁹⁶ Letter from Charles E. Faulkner, superintendent of Soldiers’ Orphans’ Home, written and marked “personal” Dec. 29, 1888, to Governor John A. Martin in the State Capitol; Subseries 5, Vol.12, Box 33, Folder 2 (KSHS).

children of Union Army veterans seldom benefitted for their father's adequate care or attention. Whether living at the National Military Home at Leavenworth or elsewhere, these former soldiers more likely than not had abandoned their families. Fathers who maintained custody reached their limits when the mothers became disabled or died. A mother's insanity usually accompanied financial tragedy, resulting in the child's placement at the orphans' home, a pattern often repeated in the 1890s.²⁹⁷

Ignored in the early years, descriptions of the children's physical characteristics filled Ledger entries in the late 1890s. By July 1897, the registry included each child's hair color, eye color and complexion. From the creation of the state's charitable institutions in the mid-1860s to the 1881, the law prohibited race discrimination by the private and religious charities in receipt of state funds.²⁹⁸ Four African-American siblings from Strong City gained admission on October 5, 1887, within five months of the orphanage opening. Their father, who served in the First Kansas Colored Infantry, suffered the loss of both hands, and relinquished custody five years after the mother's death in 1882. The Ledger indicated that none of the children experienced indenture and all returned to their father in July 1897.²⁹⁹

²⁹⁷ "History Register," 8-31, of the children admitted from 1890 to 1900, sixteen were described as having an insane mother.

²⁹⁸ "Private Charities," *Second Annual Report Of The Board Of Commissioners For Public Institutions*, 1874 (Topeka: State Printing Works, 1875) 373-384, Manuscript Division (KSHS); and "Benevolent and Charitable Work" *First Annual And Biennial Report Of The Board Of Control Of State Charitable Institutions, 1902-1904*. (Topeka, State Printing, 1904) 415-455, Manuscript Division (KSHS); In the 1874 statute that allowed state funds for private and religious charities, the law stipulated that funds would be given only on condition that no discrimination take place due to color or race. In a review given in 1904 of the state's charitable institutions, race discrimination had been prohibited from admissions since the first facility for the blind opened in 1867.

Reunions often reunited children with their mothers, fathers or other relatives. Parents apparently abandoned two girls, nine and seven, before the pair entered the orphanage July 25, 1898. Without explanation, the girls returned to them six months later.³⁰⁰ The mother's poverty became a familiar reason for placement often accompanied with notations of a father's abandonment. Some descriptions were far less flattering. Because their parents were "idle, immoral, vicious and cruel," three siblings found a home in January 1905.³⁰¹ One mother was in the county jail and another in imprisoned for a serious crime.³⁰²

Alcoholism tore families apart, resulting in fathers and mothers termed drunkards with notations of "father a drunkard, also gambler, and mother dead" to explain what went wrong for one family with two young boys.³⁰³ In another instance, the "parents divorced, mother reputation bad" made the family's problem less understood.³⁰⁴ It also went both ways when "father divorced, mother drunken and immoral" or "father in soldiers' home, mother has fits."³⁰⁵ Claims of a more serious

²⁹⁹ "History Register," 4, 5.

³⁰⁰ "History Register," 29, 30.

³⁰¹ "History Register," 54.

³⁰² "History Register" 41, 47.

³⁰³ "History Register," 29.

³⁰⁴ "History Register," 31.

³⁰⁵ "History Register," 27.

nature appeared in 1899, when several notations revealed “parents separated, child neglect, ill used,” or “mother unfit to care for child.”³⁰⁶

Issues of health also crept into descriptions. Colorado Orphans Home transferred two siblings in July 1900 because of “heart troubles, high altitude bothered them.”³⁰⁷ Within four months, the younger one died. A severe hernia sent one young boy home while another moved to Parsons State Hospital for treatment of St. Olif’s disease.³⁰⁸

Children moved to other state facilities by the turn of the century. The Girls Industrial School in Beloit received orphans transferred from the Atchison facility. Some notations included “returned to Winfield due to imbecility,” or “transferred to reform school, runs away.”³⁰⁹ In a few instances, the orphans’ home received children from other state institutions. A youngster in 1904 was “received from the Kansas Blind School because he’s an orphan.”³¹⁰

Soldiers’ orphans became fewer in number by 1900 with an occasional mention of “father never returned from Spanish War” or “served with 20th Kansas Volunteers in Spanish War.”³¹¹ With a mother in the county jail, five brothers and sisters arrived in 1903, all children of a father who served in “Co. D, 28th Indiana Volunteers,

³⁰⁶ “History Register,” 29, 31.

³⁰⁷ “History Register,” 33.

³⁰⁸ “History Register,” 31.

³⁰⁹ “History Register,” 27, 33.

³¹⁰ “History Register,” 37.

³¹¹ “History Register,” 38, 39.

colored.”³¹² Another black child arrived in 1904 from the Reform School with a father serving in “Co. E, 79th US Colored Volunteer Infantry.”³¹³ In that same year, the number of veterans’ children soon increased to nearly all those admitted.

Clearly identified were troubled children including a “mother unable to control child,” and “father dead, mother has no control over child,” to “grandparents unable to control him.”³¹⁴ Even those adopting an orphan faced problems such as “untruthful, careless, will not obey adopted parents” to explain why one child was returned to the orphanage.³¹⁵ Blame also fell on conditions of poverty when “parents both dead, children found destitute” occurred in 1905, followed the next year by “not properly cared for by father, mother dead” and “mother dead, father unable to provide permanent home.”³¹⁶ Such notations appeared often.

Considered today as a child in need of care, similar circumstances existed in 1906, when a twelve-year-old boy and twin seven-year-old girls lived with parents described as “idle, immoral, vicious and cruel.”³¹⁷ Race issues also found their way into the Ledger notations when authorities removed a young girl from Kansas City home

³¹² “History Register,” 47.

³¹³ “History Register,” 49.

³¹⁴ “History Register,” 41, 45, 47.

³¹⁵ “History Register,” 37.

³¹⁶ “History Register,” 31, 33.

³¹⁷ “History Register,” 54.

after her “parents’ divorce, mother married a Negro.”³¹⁸ Twice that reason appeared in the years just after the turn of the century.³¹⁹

Whether white or black all children attended Sunday services, hearing Protestant International Sunday School lessons.³²⁰ Exceptions for Catholic orphans to worship in their own faith failed to gain any mention in the biennial reports of the institution’s first twenty years. The superintendent’s first biennial report in 1888 emphasized the family plan of management to explain the importance of creating a home-like atmosphere. However, reality restricted that plan with the large building constructed to care for the children. Requests to reconfigure the institution into individual cottages failed to gain legislative approval for fifteen years as did financial commitments to secure an adequate water source, satisfactory heating plant and efficient laundry.

Reforms, Improvements Come Gradually

Time played a role in securing improvements for the care of orphaned and destitute children and the professionalization of social work. At the Soldiers’ Orphans’ Home, classes took place in an education building, but limitations existed in the early years when teaching occurred inside the main facility. Two teachers taught seventy children of all ages in only one classroom. By 1891, instruction expanded to several

³¹⁸ “History Register,” 45 .

³¹⁹ “History Register,” 58, 60.

³²⁰ *Second Biennial Report*, 4.

classrooms for primary, elementary and upper grades.³²¹ Mr. Faulkner outlined the advancements that improved education with the new century. From 1887 to 1902, an evolution took place that more clearly addressed the complicated needs of destitute children. Included in the education programs were classes to prepare children to be good Americans, respect those who served the nation, and follow the instructions of their teachers, all of which prepared them for adoption, indenture or a reunion with parents.

Social control began to appear in reports at the turn of the century. Patriotic fervor added further flavor to American history lessons. Children learned the importance of American citizenship, based on a Protestant work ethics that insured good morals.³²² At the end of the nineteenth century, social workers created the Kansas Conference on Charities and Correction, and among its early priorities stood social control. However, what motivated state social workers to implement social control remained unclear. In the early decades of the twentieth century, the Kansas and National Conferences on Charities, annual reports contained articles about behavior modification that came about with the Americanization of newly arrived immigrants, and appropriate expressions of patriotism. Child welfare officials learned that children succeed when they respect elected officials, and follow the will of the majority. Children whose programs depended on public funding, and private donations learned an important lesson about gaining the public's favor.

³²¹“Superintendent Report,” *Second Biennial Report*, and “Superintendent Report,” *Eighth Biennial Report of the Soldiers’ Orphans’ Home at Atchison 1890, 1891*, (Topeka, State Printing, 1902).

³²² *Second Biennial Report*, 4,5.

When considered in total, the conference articles and Mr. Faulkner's reports carry an unmistakable undertone. Although never written in direct terms, reformers advocating social control found flaws in children's backgrounds, parents and ethnicity. To remain worthy of public support, these children needed to prove themselves worthy because their poverty branded them suspicious. Social control erased any differences, and adopted a sameness easily understood and appreciated by the public.

In the Soldiers Orphans Home reports, Mr. Faulkner assured lawmakers and the public that educational opportunities offered not only basic learning skills, but children also cared for their personal items and cleaned their living areas. Older boys learned mechanical and farming skills, while all forms of domestic science existed for older girls. As teachers monitored and encouraged these improvements, children gained skills and discipline leading to their consideration for adoption or placement in indenture programs. Depending on the evaluation of their family's current circumstances, local court officials and the institution's authorities recommended some children return home. However, unsatisfactory indenture arrangements occurred quite often and parents still failed to care for their children after they returned home. Children found themselves returned to the orphanage through no fault of their own.

In some instances, children were not "retained in the institution quite long enough to become fitted for a home in a good family."³²³ Superintendent Faulkner said others returned, "because of relapsing into habits formed before coming to the Home,

³²³ "Homes for the Children," *Eighth Biennial Report*, 4, 5.

and of which” the children should no long suffer.³²⁴ In most instances, children came back because “many of the homes were not suitable and all they are wanted for is the work they can do, and useless they are able to take the place of hired help they are not retained.”³²⁵ Good homes wanting “good children are scarce enough” and good homes willing to take children “requiring more than ordinary watchfulness and training” less often occurred. The Legislature learned in 1898 that of the four hundred sixty eight children already received into the orphanage, officials restored one hundred ninety three to their parents, fifty-four were indentured and twenty-eight had become self-sustaining.³²⁶ In the two-year period ending in 1902, statistics indicated adoption occurred for only sixteen of three hundred children serving in indenture programs proving “children are not wanted for children’s sake.”³²⁷

Could the lack of suitable adoptive homes be directly associated with the system Kansas adopted to operate its orphans’ home? Could better outcomes await orphaned and dependent children? If the Michigan Model stood as the best system in place in 1885, why fail to adopt the more effective aspects?

Considering outcomes in Kansas, Michigan offered better regulation of its orphaned and dependent children. Although both states wanted children moved quickly from state and private orphanages to welcoming homes, preferably those willing to

³²⁴ “Homes for the Children,” 4.

³²⁵ “Homes for the Children,” 4.

³²⁶ “Superintendent Report,” *Sixth Biennial Report, 1897, 1898*, (Topeka, State Printing, 1902) 7.

³²⁷ “Homes for the Children,” 4.

adopt them, Kansas lacked a system well initiated or strictly monitored. In each Michigan County, an orphan home official tracked closely the indentured and placing out programs, administering examinations to adults wanting to participant, while considering only families best suited to care for children coming from destitute and troubled backgrounds. Michigan's most successful aspect centered on representatives of the state program placed in each county to search for adoptive homes and indenture placements, ensuring satisfactory arrangements or the removal of children when problems arose.³²⁸

Kansas failed to adopt this important initiative depending instead on existing public school officials, county commissioners or overseers of the poor to perform those duties without additional instructions or financial compensation. Where Michigan trained county representatives to seek homes and follow up on placements, Kansas hoped existing county personnel would do the job well. Where Michigan chose to end its supplemental funding of private charities and religious orphanages and direct all its state funding toward the orphan home, Kansas continued to fund its private charitable organizations, increasing aid over the years. From the start of its program, Michigan worked actively to remove children from its poorhouses. Kansas directed those efforts toward only the children of Civil War veterans, leaving other children to linger for years

³²⁸ "Michigan: The Child, The State," *Proceedings of the National Conference of Charities and Corrections*, (1888), 262-271; <http://quod.lib.umich.edu/cgi/t/text/pageviewer-idx?c=ncosw;cc=ncosw;rgn=full%20text;idno=ACH8650.1888.001;didno=ACH8650.1888.001;view=image;seq=00000008>, accessed 07/14/08.

in unstable conditions.³²⁹ When compared to the Michigan Model, Kansas adopted a system with inherent shortcomings, keeping in mind the fiscal restraints dominating all funding decisions. Kansas lawmakers refused to create additional personnel

Pennsylvania Governor Seeks Union Recruits

No system provided food or shelter for soldiers' orphans in Pennsylvania, which stood as the only northern state to endure a bloody Civil War battle. In his second inaugural address, President Abraham Lincoln promised to care for the widows and orphans of Civil War veterans, although no federal or state funds supported soldiers' orphans at the time. Not long afterwards, the need for those funds soon became evident to the governor of Pennsylvania.

As Andrew G. Curtin gathered family and friends to enjoy a bountiful Thanksgiving holiday in 1863, the Pennsylvania governor was about to leave for church services when he answered a call at the front door. Hesitating just to the side of the ornate wooden entry flanking the governor mansion, two ragged children asked for food. Once ushered inside the vestibule, the pair gazed into the eyes of a clean-shaven, rather kind-faced chief executive as he looked over the poorly clothed youngsters, still shivering from the cold.

Immediately struck by their suffering, Governor Curtin questioned the children, wanting to know what circumstances led them to his door. Their father died five months

³²⁹ Kansas law failed to prohibit all children from poorhouse placements until the mid-1930s, when federal funding of social welfare programs covered the increased cost to the state for assuming responsibility of all orphaned and dependent children.

earlier at the Battle of Gettysburg and their mother had just passed away. Shuffled from relatives disinterested or unable to care for them, the pair realized no one wanted them and they had no place to go. Not knowing who lived in the large, three-story brownstone mansion or really understanding what a governor was, the hungry orphans walked up the few steps to knock on the elaborate double doors. Surely, those gathered for a Thanksgiving dinner would give them something to eat.³³⁰

Unlike Michigan or Kansas, Pennsylvania faced unique challenges in the care of its soldiers' orphans. In the aftermath of the Battle of Gettysburg, state officials scrambled to care for thousands of wounded soldiers. Forgotten or ignored, destitute soldiers' orphans and dependent children seldom gained attention. Then, two orphans arrived at Harrisburg. They chose well when they rang the governor's doorbell. Having endured the horrors of Gettysburg in July, Governor Curtin understood the Civil War's impact on his state and its people. Since his 1860 election, the native born Pennsylvanian had championed the Union. Responsible for recruiting over fifty thousand volunteers, Governor Curtin soon became known as a war governor, pressing the soldiers' cause from the state capital to the nation's capital. His rapid response to the carnage left in the wake of Gettysburg earned admiration and appreciation. Seeing to the wounded during those hot July days, he commandeered every vacant building within miles of the battlefield.

Then, dead bodies needed attending. Governor Curtin turned to Judge David Wills, one of Gettysburg's leading citizens, to arrange burials and plan a cemetery. Only

³³⁰ Gold, 10, 11.

a week before the orphans arrived at his door, Governor Curtin joined President Abraham Lincoln at that cemetery's dedication.³³¹ Thousands of Pennsylvania children lost their fathers either during battle or afterwards from wounds. Until he came face to face with the orphans at his front door, the shocked governor failed to respond, but by the evening's close, Governor Curtin arranged for the orphans' care. Two months later, he recommended funding to care for the state's children left orphaned or destitute because of their father's service to the Union. Following the mid-nineteenth century pattern of private and secular charities caring for dependent children, Governor Curtin turned to private boarding school owners, asking them to take in soldiers' orphans with a guarantee of state reimbursement.³³² As the first state to assume any measure of responsibility for soldiers' orphans, Pennsylvania opened a series of boarding schools the next year and by the early 1890s erected a state-supported soldiers' orphan's home.

Intrigue Surrounding Politics, Strategies in Reform

Whether examining ambitious governors or social movements, similarities and differences existed between Pennsylvania and Kansas, starting with the intrigue surrounding politics and the strategies found in reform. For instance, Pennsylvania authorities faced the crisis of having to care for soldiers' orphans in the aftermath of Gettysburg where thousands of families suffered the immediate loss of husbands and fathers. Early recruitment efforts sent thousands of the state's native sons to fight in the

³³¹“President Abraham Lincoln at Gettysburg,” Lincoln in the Classroom, accessed 4/5/11 <http://www.abrahamlincolnsclassroom.org/Library/newsletter.asp?ID=115&CRLI=163> .

³³² Although referred to as schools, private boarding schools served as long-term care facilities.

war's early battles, many of which ended with grievous losses. As America's second most populous state in the 1860s, Pennsylvania counted many of their own among the war's early casualties. Not only did the state's proximity to the Civil War battlefields affect its population, but also once the war arrived on its doorstep at Gettysburg, each city, town, and hamlet felt the impact most profoundly.³³³

Kansas endured a different type suffering. Known throughout the country for its Territorial strife, Kansas still reeled from border conflicts when the Civil War started. Although fought nearby, the Trans Mississippi Battles did not directly affect Kansas, which sent a large number of volunteer soldiers to defend the Union.³³⁴ Kansans gained widespread Northern sympathy in the wake of Quantrill's 1863 raid on Lawrence; however, the state's distance from major battlefields spared it the specter of tending wounded and dying soldiers. Despite sending its men to fight in most of the war's major battles, Kansas failed to gain its sizeable veteran population until the decades following the war. Once settled in their new homes, many veterans suffered the war's aftermath of injuries, disease and poverty.

Pennsylvania Governor Curtin sought to alleviate that suffering in 1864 by

³³³ J. Stuart Richards. *A History of Company C, 50th Pennsylvania Veteran Volunteer Infantry Regiment* (Charlotte, SC: History Press, 2006) Because Richards' story was drawn from a county in Pennsylvania, the author drew from the Civil War experiences of Schuylkill County's soldiers and the lives of their families and community to typify the effect the Civil War had on this populous state. From Dyer's Compendium a state-by-state comparison of casualty statistics was found on the Civil War Home page at http://www.civil-war.net/pages/troops_furnished_losses.html, accessed 06/22/2009, placing Pennsylvania's total troop deaths at 33,133 of the 337, 936 who served. Kansas total troop deaths stood at 2,630 of 20,149.

³³⁴ With only 30,000 men of military age, the federal government asked the newly formed state to contribute over 16,000 volunteers but over 20,000 "Jayhawkers" answered the call with 8,500 casualties (killed, injured, disease) reported. Despite border conflicts, Kansans first tasted battle near Springfield, Mo., at Wilson Creek. <http://www.kshs.org/research/topics/war/civilwarkansas.htm>, accessed 06/22/09.

turning first to private charitable sources with guarantees of taxpayer funds to supplement the expense. When Kansas Governor Martin responded to GAR pressure to help the same group of orphans, his solution rested solely on state government. Where Pennsylvania scattered its facilities statewide in small private boarding schools, Kansas decided on only one large, congregate setting. So what forces in post Civil War America shifted favor from supplementing private and secular charities to full state government responsibility?

Examining those forces requires an understanding of how city, state and federal funding initially infiltrated the care of orphaned and dependent children. For instance, large eastern cities most often depended on municipal funding. In the late 1850s, New York became the first city to supplement Catholic orphanages followed by Chicago and Philadelphia, which continued municipal support until Progressive Era reforms transferred responsibility to state governments.³³⁵ At the close of the Civil War, state legislatures offered supplemented funding for children placed in orphanages by court order. However, some of those same states offered no resistance to assuming full responsibility for soldiers' orphan by supplementing privately operated children's homes begun during the Civil War. Because the children targeted for assistance were soldiers' orphan and dependent children, traditional opposition failed to materialize.³³⁶

³³⁵ Brown and McKeown. *Catholic Charities and American Welfare*. (Cambridge, MA: Harvard University Press, 1997) 15, 31, 35, 60.

³³⁶ *Proceedings of the National Conference of Charities and Correction, 1898*, (Boston, Ellis and Co., 1898) 24, <http://quod.lib.umich.edu/cgi/t/text/pageviewer-idx?c=ncosw;cc=ncosw;rgn=full%20text;idno=ACH8650.1898.001;didno=ACH8650.1898.001;view=image;seq=00000010>, accessed 06/27/09; Although this paper compared post Civil War era soldiers' orphans' homes in only Kansas and Pennsylvania, five other states had similar facilities (with restricted

Where politics played a major role in insuring the care of soldiers' orphans in Kansas, Pennsylvania faced far different circumstances. Comparisons between the two states need further explanations, despite some obvious similarities. Pennsylvania became a state in 1681, Kansas joined the Union one hundred eighty years later in 1861. Both states developed railroads in graduated stages, but for far different reasons. Investors put considerable wealth into waterways, like turnpikes and the Main Line Canal, delaying railroad construction until the 1830s. By the 1850s, the state became a leader and surpassed all others in total railroad mileage by 1860s, a place held until the twentieth century. Moving the state's considerable mineral and farm goods fueled the industrial-based economy, offering transportation in all seasons and freeing industrial goods to travel in all weather.

Kansas lacked waterways, which allowed the state to skip investment in canals, and concentrate instead on laying railroad tracks. Although Kansas miners dug tons of coal and zinc, railroads made their mark moving wheat and corn to other Midwestern and east coast states. In both states, railroads guaranteed community development, but unlike Kansas, Pennsylvania railroads paid for construction of their own tracks and depots. Whether in Kansas or Pennsylvania, the federal government granted railroads huge land grants to fuel railroad development, accounting for similar patterns of growth.

admissions) including Maine – started in 1866 as Military and Naval Orphan Asylum, a state-supported home at Bath; Ohio – started in 1886 from GAR pressure to open state-supported facility at Xenia; Illinois - started in 1865 as state-operated facility at Normal; Indiana – started in 1867 as state-supported Soldiers' and Sailors' Children's Home at Knightstown with care also provided grandchildren of Civil War veterans; Iowa – started as private institution in 1864 but increased need forced state takeover in 1865 with new site at Cedar Fall, operating until 1875 when orphanage closed and building incorporated into state's Normal School.

Pennsylvania combined industrial success with large populations, fueling small towns to urban centers. Iron making and coal extraction drove demands for metal rails and cars, while coal served as fuel to power railroads, home heating in the northeast and the metal industries.³³⁷

Railroads in Kansas fueled an agricultural economy, transporting wheat and corn back east. Because coal production centered in the southeast corner of the state, demands on the state's rail system stopped at the state line. Kansas coal shipped throughout the country, but on other states' rail lines. However, railroad conflict drew lawmakers and farmers into years of conflict over freight rates, prompting creation of the Populist Movement, which imposed state freight rates, set limits on weights, and placed numbers on rail cars connecting to one train. Railroad executives successfully lobbied Republicans while Populist members split between the two major parties, ultimately diminishing reforms. Populist politics occurred in the late 1880s, well after the early years following the Civil War. By then, Pennsylvania boasted nearly a thousand miles, while Kansas counted barely a hundred miles in 1866. The Sunflower State's relationship with railroads blushed in the first years of courtship. In the Keystone State, railroads and state officials accommodated a relationship that kept them together for the sake of the family.³³⁸

Both states made promises. Pennsylvania pledged to care for the children of men who enlisted in the Union Army played. Recruits that knew their orphans would be

³³⁷ <http://explorepahistory.com/story.php?storyId=1-9-10>, accessed 5/23/12

³³⁸ <http://www.ushistory.org/pennsylvania/pennsylvania.html>, accessed 5/23/12

cared for if they failed to return home. First, recruits and volunteers gained guarantees that their orphans would receive care in state-supported soldiers' orphan home or their widows and orphans gained monthly state support. With those assurances, Northerners responded to enlistment bonuses and other incentives. President Lincoln added to those assurances in 1864 when a national home for soldiers orphans opened outside Washington followed by a second farm facility at Gettysburg.³³⁹ An 1890 expansion of the already generous Civil War pension program finally directed benefits to soldiers' wives or widows and children, regardless of income, while orphans received monthly checks through a guardian until age eighteen when payments stopped.³⁴⁰

Whether municipal, state or federal funding, those considered worthy not only gained compassion but also assurances of continued taxpayer funding. Because poverty in nineteenth century America carried the stigma of personal blames, Victorians differentiated between those deserving public compassion and all others. Lines of demarcation divided children who were favored against those scorned or ignored. Rewarding those responsible for saving the Republic, Congress approved Civil War pensions and benefits, while creating national soldiers' homes for Union veterans. As a result, the federal government secured generous pensions, along with dependent benefits long before the 1935 passage of the Social Security Act. Turn-of-the-century

³³⁹ Mention of the need to care for soldiers' orphans was made in Lincoln's second inaugural address given March 4, 1864. <http://www.bartleby.com/124/pres32.html>, access 06/22/09. Not long afterwards, a group of prominent society leaders in Washington D.C., including the wives of Ulysses S. Grant and William T. Sherman, promoted creation of a soldier's orphan's home. Congress later passed HR 799, Ninth Congress, "An Act Establishing National Soldiers' and Sailors' Orphans Home at Washington, D.C. July 13, 1866." The federal facilities accepted children from all northern states, where state facilities restricted admission to children from their own state.

³⁴⁰Skopal. "America's First Social Security," 91, 92.

Progressive Era reforms added limited benefits beyond Civil War veterans to address abject urban poverty, excessive capitalist greed and the gradual involvement of taxpayer funding for social services. Countless orphaned and dependent children stood in the shadows, remaining in poorhouses or forced into indenture arrangements with strangers because their fathers failed to serve in the Union Army. Realizing why the disbursement of nineteenth century compassion and charity occurred on a limited basis to a privileged few begins with the politicians who took advantage of the first among the most favored, soldiers' orphans.

Governor Curtin realized the value of soldiers' orphans when he needed a benevolent outlet for a questionable donation the state received in 1862 from the Pennsylvania Railroad Company. Wanting to add to the state's effort to pay enlistment bonuses, the railroad granted \$50,000, but the governor declined to use the funds as originally intended. Despite a failed suggestion in 1863 to use the money on a state's soldiers' home, Governor Curtin tried again. Hoping to gain sympathy from helping soldiers' orphans, he offered a legislative proposal in 1864 to create soldiers' orphan schools. Recalling the orphans who appeared on his doorstep the previous November, he attempted to substitute compassion for criticism against his administration. Known for its attempts to influence state politics, the Pennsylvania Railroad Company chaffed under the onerous collection of the tonnage tax levied in 1846 to protect the state's canal system. Despite the company's purchase of the canals in 1857, collection of the tax continued, adding \$400,000 annually to the state's revenue. Collaborating with the GOP-dominated legislature in 1861, the Republican governor signed the tonnage tax

repeal. At the legislative election later in the year, voters angry about the loss of revenue and appearances of undue influence resulted in the defeat of all lawmakers except one who voted against the repeal. Worried about his own reelection, Governor Curtin began damage control.³⁴¹

Actions that occurred in the spring of 1862 overshadowed the governor's efforts. News of heavy Union losses from the Peninsula Campaign reached the state capitol in Harrisburg. General George McClellan, the much-maligned Commander of the Potomac, led Union troops on an unsuccessful march south to Richmond. Because Pennsylvania volunteers filled the casualty lists from that and other failed engagements, recruitment efforts plummeted, prompting the Pennsylvania Railroad to grant the state \$50,000 to pay bonuses for the defense of the state. Realizing the grant may appear as a bribe to defend the railroad's valuable property in the southern part of the state, Governor Curtin doubted whether legislative approval would occur to use the grant for recruitment bonuses. Instead, railroad executives urged the Republican governor in early 1863 to propose to the now Democrat-led Legislature that the money go toward establishing a soldiers' home. Not interested in benefiting a Republican rival or the Pennsylvania Railroad, Democrats let the proposal die in committee.

That decision as well as others allowed the GOP to retake the Pennsylvania Legislature later that year. With his party in control, Governor Curtin suggested another use for the \$50,000 railroad grant. The recipients in the proposal he made in January 1864 would be soldiers' orphans. Under attack for railroad influence on the soldiers'

³⁴¹ Gold, 14-18.

home decision, Governor Curtin insisted the proposal to help soldiers' orphans was his alone and not railroad executives. He began by pointing to a long record of assisting Pennsylvania soldiers and their families.³⁴² However, a search of his public papers and newspaper accounts revealed no expressions of sympathy toward soldiers' orphans until months after Gettysburg.³⁴³ Without fanfare or public attention, charitable authorities in Pennsylvania placed one of every six soldiers' orphans into existing private and religious orphanages during the war's first two years, well before the Pennsylvania governor decided to recognize their needs in 1864. When two new privately operated orphanages opened between 1861 and 1863, Pennsylvania newspapers carrying the events reported no public expressions of concern for soldiers' orphans.³⁴⁴ In the absence of expressions and endeavors beforehand, was it fair to assume that two hungry soldiers' orphans at the Pennsylvania governor's doorstep compelled state government to take full responsibility for all soldiers' orphans?

Governor Curtin led humanitarian efforts in 1861 not long after thousands of Pennsylvanians heard their country's call to arms. Asking religious and private groups to provide comfort and companionship to troops gathered at the state's encampments, he often appeared at public gatherings to rally support for the Union cause. In addition, when the horrors of war came well inside the safety of his Northern state at Gettysburg, Governor Curtin stepped up his charitable undertakings, assuming a direct role in the

³⁴² Gold, 19-23.

³⁴³ Gold, 24, 25.

³⁴⁴ Gold, 8.

treatment of wounded soldiers and arranging for proper burials of the Union dead. Yet throughout ceremonies held at the November 19 dedication of the Gettysburg cemetery, none of the surviving documents contains one word of compassion toward soldiers' orphans. Some speculation existed at the time to suggest the governor may have heard of federal plans to establish homes throughout the northeastern states for disabled soldiers. Such news may well have prompted Governor Curtin to target soldiers' orphans' instead of disabled soldiers in his legislative proposal.

Despite solving Governor Curtin's conundrum of what to do with the \$50,000 railroad grant, establishing soldiers' orphan schools became another assurance for Union soldiers. With early Union defeats reducing volunteer recruitment levels, federal authorities sought ways to increase participation by turning to bonuses, bounties, and for the wealthy, the opportunity to pay a substitute. In the face of violence erupting in Pennsylvania's coal region following the 1863 draft, the governor assured soldiers in his legislative proposal that their orphans would have a state-supported home and an education. After gaining legislative approval, Governor Curtin emerged as the champion of Pennsylvania's soldier orphans with no hint of railroad influences or Republican dominance. Contemporary accounts credit his compassion and not his politics for the proposal. Considered a part of his overall endeavor to assist Pennsylvania soldiers and the Union cause, the editor of *York True Democrat* praised him on July 12, 1865, saying, "This great heart also had a place for the

soldier's orphan."³⁴⁵

Considered the Most Worthy: the Deserving Poor

Hoping to find a kind heart and human kindness running through the veins of elected county commissioners in nineteenth-century Kansas was a gamble at best. Hoping local officials would understand the consequences of allowing children to live “in a pauper atmosphere, with feeble-minded adults as playmates and nurses, and for teachers the physical and moral wrecks who have squandered their substance in riotous living” were an even greater long shot.³⁴⁶

Whether entering one of the soldiers' orphan schools in Pennsylvania or traveling down a long dirt road to the Soldiers' Orphans' Home in Kansas, many of the orphaned and dependent children in nineteenth-century America experienced cruel and indifferent surroundings before coming to live at an orphans' home. Nevertheless, their status as soldiers' orphans set them apart after the Civil War, making them the deserving poor. Although destitute children filled poorhouses and private/religious orphanages in Pennsylvania and Kansas, only those children whose father served in the Union Army gained full state support, leaving all others to languish elsewhere. The term “deserving poor” became a descriptive phrase often used in the nineteenth century to denote whether those asking for help were truly victims of circumstances out of their

³⁴⁵ Gold, 14.

³⁴⁶ Homer Folks, “The Removal of Children from Almshouses,” *Proceedings of the National Conference of Charities and Correction*, (1894), 123, <http://quod.lib.umich.edu/n/ncosw/ach8650.1894.001/142?view=image&size=100> accessed 04/05/11.

control, i.e., death of a parent, spouse or whether their situations were due to the moral shortcoming of a mother.

Veterans played a sure hand as the deserving poor when they came before Congress to seek survivor benefits following major conflicts in the early nineteenth century.³⁴⁷ An ebb and flow existed in the political compassion that gained them more friends than detractors. In the aftermath of the Civil War, an extraordinary outpouring of gratitude filled the halls of Congress. The social welfare benefits instituted in America had everything to do with “historically shaped governmental institutions and political parties,” that determined the type of assistance given, who would be eligible and at what point they would be offered. This “polity-centered” approach used by party politicians and government officials guaranteed “policies that reinforced the interests of the organizations within which their careers are embedded.”³⁴⁸

The Republican Party took advantage of this reality by creating a Civil War pension program that greatly benefited former Union soldiers and their families. At its most generous stages during the 1880s and 1890s, nearly one-half of federal revenues went toward funding this program.³⁴⁹ At a time when federal revenues enjoyed an abundant surplus from excessive tariffs, Congress could afford this liberal program. Long before the 1935 Social Security Act, the federal government created its own program of disability, old age and dependent benefits with justification for the

³⁴⁷ Skopal, *Protecting Soldiers and Mothers*.

³⁴⁸ Theda Skopal. “America’s First Social Security” 88; polity referred to the government as a political entity.

³⁴⁹ Skopal. “America’s First Social Security,” 95, 96.

expenditures centered on the status of its recipients. Federal benefits extended to veterans and their dependents based on their worthiness because they fought to save the Republic. Not limited to income and later granted to those who had merely served in the Union Army as well as their widows and orphans, the Civil War pension program typified the nineteenth century attitude toward allowing benefits to those considered worthy or deserving.

In Kansas and Pennsylvania, such reasoning allowed soldiers' orphans to find care in state-supported institutions while other orphaned and dependent children suffered in county poorhouses. Religious terms expanded the definitions for deserving poor.³⁵⁰ Blame for illegitimate births rested on the morals of unwed mothers, prompting Protestant child savers to ignore or justify high mortality rates in poorhouses and foundling homes. Catholics faulted poverty as the sole source. Although the impact of Progressive Era reforms, pasteurized milk, and better living conditions decreased the mortality rates, shame continued to mark the women giving up their infants, targeting them as undeserving of compassion and concern.

In relation to those able to work and those who refused to do so, new terms defined the deserving poor. Focusing on the eradication of "shirkers" from the relief rolls, county poor relief officials considered the deserving poor to be those least able to speak and act for themselves, nameless adults and children who "faded to obscurity as surely as if they had slipped into the London fog."³⁵¹ A shift in how the public

³⁵⁰ Julie Miller, *Abandoned*.

³⁵¹ Spencer, "Victorian Poorhouse."

perceived the deserving poor also added to their obscurity. Most troubling became the perception that perhaps all poor people were undeserving by virtue of their economic status. Maybe the indigent elderly woman should have been more provident or the “unmarried mother should have made better moral choices.”³⁵² The public was more inclined to scorned the poor rather than pity them. Applying for relief was a tacit admission of defeat and moral degradation. The poorhouse needed to be as unattractive as possible to give the poor an incentive to work and save. Of course, the problem with this theory was that many of the poor deserved help and could not work even if jobs were available or make enough money to save.

In nineteenth-century Kansas and Pennsylvania, homeless and destitute children deserved help from state-supported institutions but those benefits failed to extend to children with non-veteran fathers. Worthiness as the deserving poor became limited to veteran status. Overlooked or ignored, children remaining in poorhouses found only indenture arrangements that amounted to nothing more than servitude. Not until Progressive Era reforms expanded child saving institutions to all children did they finally receive care based on need, not on “deserving” status. Still, those changes took time and were slow in coming.

Until they occurred, a generation of orphaned and dependent children stood in the shadows of the soldiers’ orphans’ homes unable to enter because their father did not serve in the Union Army. Politicians and former soldiers credited with establishing soldiers’ orphan schools in Pennsylvania and Kansas looked right past them, ignoring

³⁵² Spencer, “Victorian Poorhouse.”

their unmet needs. In the minds of nineteenth-century leaders, helping the orphans of those deemed most deserving became political opportunities to show compassion while advancing special interest objectives. At a time when the federal government was willing to expend so much of its nation's treasury on Civil War pensions, it is little wonder that soldiers' orphaned and dependent children earned the sympathy of state governments. Astute politicians in Kansas and Pennsylvania understood this political reality and used it to their advantage.

For destitute children left standing in the shadows, abstract designations failed to fill their empty stomachs or shelter their shivering bodies.

Progressive Reforms Come to Kansas

Legislative reforms that took into consideration the best interest of the child rather than political expediency occurred at the turn of the century. In 1901, the law clearly identified dependent children not in terms of their fathers' veterans' status, but in terms of their needs. Dependency for boys under fourteen and girls less than sixteen included those found living off public charity, vagrant, homeless or seen on the streets at night. If children associated with thieves, vagabonds, or drunkards, the police acted. If located in a house of ill fame, found to be destitute, whether an orphan or with one surviving parent imprisoned, police officers took them into custody.

At the start of the twentieth century, judges faced two options in the disposition of dependent children; placement at the newly renamed Kansas Orphans' Home or with a state-approved children's aid society. The latter consisted of child placement groups

seeking permanent homes for children while giving them temporary shelter. Serving as advocates for dependent children, probation officers were empowered by the 1905 legislation to conduct thorough investigations into the children's circumstances. Armed with results and recommendations, they appeared in court to represent the best interest of the child before the judge. While the court proceedings were under way, probation officers took responsibility for the child's welfare.³⁵³

Clarifying the guardian rights given institutions or religious orphanages, the new law said chief among their duties would be to secure suitable homes by authorizing legal adoptions or contracting to provide temporarily for "education, religious and vocational training and kind treatment," all the time reserving the right to withdraw children when circumstances deemed it advisable.³⁵⁴ In addition, for the first time in Kansas law, child abuse became anyone found guilty of subjecting a child to ill treatment, carrying fines of \$100 and three months in jail.³⁵⁵

Another reform taking place in 1905, the creation of Board of Control for State Charitable Institutions of Kansas included responsibility for charitable institutions and associations, both state and private.³⁵⁶ In an effort to control the arrival of orphan train

³⁵³ *Kansas Session Laws 1901*, Chapter 106, Section 4.

³⁵⁴ *Kansas Session Laws 1901*, Chapter 106, Section 5.

³⁵⁵ *Kansas Session Laws 1901*, Chapter 106, Section 8.

³⁵⁶ "Reports of Associations and Institutions," *First Biennial Report, Board of Control of the State Charitable Institutions of Kansas* (1905) 415 – 455, Manuscript Collection, University of Kansas Libraries, Lawrence. Associations and Institutions receiving state funding included the Children's Home, Kansas City; Goodlander (formerly Epworth) Home, Fort Scott; Mercy Orphan Asylum, Fort Scott; Guardian Angel Home, Leavenworth; Kansas State Protective Home, Leavenworth; St. Vincent Home, Leavenworth; Industrial School and Hygiene Home for Friendless Persons, Hillsboro; St. Joseph's

riders from New York, legislators decided to require child-placing associations incorporated outside Kansas to first certify the orphans they possessed were of sound mental and physical health. All associations, whether incorporated in Kansas or elsewhere, must provide an annual account of all children under their care including the outcome of each child's placement.³⁵⁷

Among the chief advocates for orphaned and dependent children, child welfare reformers in Kansas demanded changes in state law that encompassed all children and provided greater levels of care. These reforms mirrored actions in other states, all of which embraced the Progressive Era's more inclusive state government commitment to meeting the needs of those least able to care for themselves. From the 1880s, demands of Civil War veterans to cries of progressive reformers in the early 1900s, those who spoke for orphaned and dependent bore a similar message. Kansas state government had an obligation to care for all its children, but not until the New Deal years of the 1930s did state lawmakers finally embrace the commitment fully by prohibiting the placement of all children in poor houses. With the influx of federal funding, Kansas lawmakers finally felt secure in assuming responsibility for all its children.

Orphanage, Wichita; Wichita Children's Home; the Topeka Orphans' Home, Topeka; and The Orphans' Home of the Evangelical Lutheran Kansas Conference, Cleburne. Not receiving state funding were the Children's Home Association, Iola; Children's Orphan Home, Kansas City; Evangelical Lutheran Children's Friend Society, Topeka; Kansas Children's Home Society, Topeka; Kansas Home-finding and Home-elevating Society, Lawrence; Helen Gould Children's Home, Wichita; Kansas Masonic Home, Wichita; and Old Folks and Orphans Home, Hutchison. Dedicated to the care of orphaned and dependent children either permanently or temporarily, these groups attempted to locate homes, investigate them and then follow up the placements.

³⁵⁷ *Kansas Session Laws 1901*, Chapter 106, Section 17.

Without the federal funds, the State Legislature refused to obligate its own revenues. That lingering reluctance clouded Kansas child welfare and branded the state for its failure to fully embrace the obligation to those “thrown upon the cold charity of the world.” Although well-defined in twenty-first century child welfare, best interest of the child defied definition in the nineteenth-century, gradually taking form in the Progressive Era at the turn of the twentieth century.

Issues of child labor more fully defined that form. Tackling the excesses of capitalism gained more attention than restricting children from the work place.³⁵⁸ Exposing the yellow fringes of newspaper reporting captured more of readers’ imaginations than the poorly clothed orphans selling the latest edition did.³⁵⁹ Before the well-being of children could serve as the center of humanitarian progressivism, important change had to occur.³⁶⁰ Government support seldom relieved the suffering of children, who still carried the brand of their parents’ moral shortcomings.

Responsibility for shifting blame away from children rested with the diverse group of

³⁵⁸ F.W. Blackman, “Child Labor” *Ninth Annual Kansas Conference on Charities and Corrections, 1908*, (Topeka: State Publishing House, 1908) 32-36. <http://babel.hathitrust.org/cgi/pt?u=1&num=32&seq=15&view=image&size=100&id=umn.31951002227618t> accessed 06/25/11; “Remedial, Economic and Ethical Value of Labor,” *Proceedings of the National Conference of Charities and Corrections, 1898*, (Herr Press: Boston, 1898) 309-319 <http://quod.lib.umich.edu/n/ncosw/ach8650.1898.001/378?q1=child+labor&view=image&size=100>, accessed 06/20/11; and Nicholas Bjerring, “Labor Question and the Catholic Church” *Catholic World*, 69, no. 412 (July 1899) 461-467 <http://quod.lib.umich.edu/m/moajrnl/bac8387.0069.412/481:3?rgn=main;view=image> accessed 07/01/11.

³⁵⁹ Domenico Gagliardo, “A History of Kansas Child-Labor Legislation,” *Kansas History*, 1, no. 4, (August, 1932) KSHS, 379- 401.

³⁶⁰ “Hours and Wages of Kansas Women and Children,” *Fifteenth Annual Conference of the Kansas Conference on Charities and Corrections, 1914*, (Topeka: State Publishing House, 1914) 65-67 <http://babel.hathitrust.org/cgi/pt?u=1&num=65&seq=81&view=image&size=100&id=umn.319510022276230> accessed 06/20-11.

Progressive Era social workers and advocates supporting child welfare reforms. Middle and upper class women combined with professional bureaucrats to open settlement houses and advocate for legislative changes in local and state governments.³⁶¹ These combined efforts contributed to child welfare initiatives that brought about improvements in case management skills and child placement. Harm comes from comparisons between Progressive Era reforms and today's extensive child protective services network.³⁶²

To appreciate the importance of Progressive Era reforms at the turn of the twentieth century, an understanding and appreciation must exist of the hodgepodge of private and religious endeavors dotting the landscape in the decades after the Civil War. During these decades, conflict grew between those who favored government intervention to achieve social justice for needy children and those who insisted on social order without further expanding government support. The Progressive Era ushered in an ideology that modernized American society in the form of bureaucratic order, a gift from the middle class.³⁶³ Creating and maintaining social order became a priority for superintendents of the Soldiers Orphans' Home in Kansas.³⁶⁴ In 1906, Superintendent

³⁶¹ Julia Lathrop, "What the Settlement Word Stands For" *Proceedings of the National Conference of Charities and Corrections*, 1898, (Herr Press: Boston, 1898) 106-110
<http://quod.lib.umich.edu/n/ncosw/ach8650.1896.001/15?page=root;rgn=full+text;size=100;view=image;q1=settlement+house> accessed 06/20/11.

³⁶² Susan Tiffin, *Who's Best Interest? Child Welfare in the Progressive Era* (Westport, Conn.: Greenwood Press, 1982).

³⁶³ Robert Wiehe, *Search for Order* (Canada: Harper Collins, 1978).

³⁶⁴ "Superintendent Report" *Fifth Biennial Report of the Soldiers Orphans Home, 1912*, 145-152; efforts to continue social control of orphans was completed by teaching staff during regular classroom hours,

E.C. Hillis joined child welfare advocates and early-day professional social workers, who embraced that order, and adopted the standardization and professionalization of social services. Class status also played a role. Believing their privileged place in society served as an example of outstanding behavior and Christian ideals, middle and upper class advocates offered their time and compassion but rarely any financial support to poverty-stricken families.

Although the Populist Movement had run its course by the turn of the twentieth century, defiance remained that confronted the powerful in support of the powerless. Farmers associations statewide joined hand in hand with evangelical fervor to ask God's help in battling eastern banking establishments, which they hoped would buckle in the face of grassroots-organized efforts. These farming groups as well as other reformers failed to account for the disrupting influence of politics. Although proposed reforms addressed the imbalance in money lending, share cropping and railroad transportation rates, passage of successful legislation depended on consistency from its members. When different regions within the farmers' associations joined either of the major political parties, their initiatives suffered when members split. The malignant growth of racism doomed any reforms that benefitted African-Americans. In what was termed the last democratically motivated initiative in American history, the Kansas Populist Movement watched as its members dissolved into the mists of Republican Party politics. Still, a Legislature that endured its doors busted down in 1893 held the

potential for new suggestions and reforms. The atmosphere set during the 1890s Populist Movement made way for social welfare reforms in the Progressive Era.³⁶⁵

Whether controlling corporate powers, invigorating government control, or rearranging ideas of private property ownership, major changes would not take place without the consent of upper and middle class segments of society as well as the immigrant and working classes. Depending on the issue, coalitions formed and new groups merged for the first time, giving no particular class or institution full credit for Progressive Era reforms. Children gained the benefits.³⁶⁶

Scraping superficial platitudes from historical narratives, legal road markers filled the nativist-driven, *Meyer v. Nebraska*, and racially propelled, *Brown v. Board of Education*. The supposed admirable qualities attributed to Great Plains inhabitants dissolved into “surface-skimming waste, brash overconfidence, and reckless speculation,” when painful discrimination and baseless prejudice fell upon Famine Irish immigrants and their orphaned children.³⁶⁷ Because Kansas evolved into a conservative Republican stronghold, its leaders pointed with some distain to New Deal politics and programs, a criticism that flies in the face of reason considering the federally funded farm supports and benefit, especially the reclaiming of eroded land so beneficial to Dust

³⁶⁵ Donald E. Press, “Kansas Conflict: Populist Versus Railroader in the 1890's,” *Kansas History*, 43, no. 3 (Autumn, 1977) 319 to 333; and Bruce Cameron Carruthers, “That the Union of the Labor Forces Shall Be Permanent: Kansas Populist Newspapers and the Homestead and Pullman Strikes,” (master’s thesis, Wichita State University 1997) ProQuest (AAT 1439042).

³⁶⁶ Michael McGerr, *A Fierce Discontent: The Rise and Fall of the Progressive Movement in America, 1870-1920*, (Oxford: Oxford University Press, 2003).

³⁶⁷ Wunder 13, quoting historian, Patricia Nelson Limerick’s *The Legacy of Conquest: The Unbroken Past of the American West*, (London: Castle House, 1987).

Storm victims and the Kansas economy. Tending to lash out at those they feared most and understood least, the Kansas Legislature typified the interplay between economic necessity and racial and ethnic prejudice connecting the law and social change. Considering nineteenth-century prejudices, lawmakers deserve recognition for insisting that no racial discrimination take place in the orphanages receiving state supplemental funding.³⁶⁸

Social changes took place in the Catholic Church during the Progressive Era. Thomas Woods charts the rise of a strong segment within the Church supporting modern scientific methods to alleviate poverty. Embracing the spirit of the Progressive Era in its desire for order and function, one element within the Church suffered from preoccupation with empirical studies, but brimmed with confidence in the ability of experts in the social sciences to manage human affairs.³⁶⁹ Conflict soon erupted with those who demanded that the spiritual element of poor relief take precedence over secular considerations. Little hope existed for Catholics and Progressives to find common ground.

For instance, Progressives became disquieted at the notion of a unified national community supported by pages and pages of religious dogma. Catholics would not abide what they called race suicide, i.e., birth control, divorce, lawless marriages and sterilization. Because private agencies failed to suppress public evils, Catholics left their

³⁶⁸ *Session Laws 1886*, (State Printing Office: Topeka, 1886) "An Act," 12, No discrimination due to race.

³⁶⁹ Woods, *The Church Confronts Modernity*.

eradication up to the State. Neither state nor Church managed to come to grips with the relationship between sociology and social reform, particularly during this time.

A level of ambiguity prevailed when Catholics and Protestants failed to come to grips with the issues surrounding sociology. As it turned out, the extent to which Christians ought to involve themselves either in political agitation for social reform or in private charitable activity became a source of great and lasting controversy.

Progressive sociology translated into scientific charity during the Progressive Era. The progress of charitable works moved onto a more intellectually rigorous footing by infusing organization and leadership to the practice of philanthropy. Benevolence went first to organizations for distribution rather than directly to individuals. When professionally trained social workers applied their firsthand knowledge of targeting the poor to better allocate monies on a rational and efficient basis, the roots of modern casework came alive. Alleviating social unrest stood at the heart of scientific charity, whose principle purpose seemed to be reestablishing the bonds between rich and poor that the industrial age had dissolved. Whether that purpose ever reached its intended goal seemed doubtful.

Julia Lathrop initiated the first major campaign to improve infant health and regulate child labor. As the first director the U.S. Children's Bureau, she highlighted the dual character of the Progressive Era; to advocate social justice and enforce social change. A symbolic importance occurred when a woman like Lathrop stood up for powerless women and children, while garnering support to combat infant mortality. Although her efforts to improve infant health enjoyed a large measure of success, fewer

positive outcomes occurred in eliminating child labor. Lathrop's upper class background hampered an understanding of unreceptive working class views of childhood. She also failed to generate significant grass-roots support for child labor reforms. Despite these setbacks, the creation of the Children's Bureau remained an important symbol of federal interest in child welfare, but limited fiscal appropriations, little legislative authority and inadequate staff hampered efforts for meaningful reforms.³⁷⁰

Guarantees Accompany Tax-Supported Funding

From nothing to everything, the commitment to orphan and dependent children ranged from total indifference to the absolute promise of total care. Guarantees of federal funding would alleviate the worry state lawmakers held of overburdening limited state budgets by assuming full support of orphaned and dependent children. As a precursor to the 1935 Social Security Act, states began to offer Mothers' Pensions as a monthly stipend to destitute women with children, but not all states participated and eligibility differed widely. The creation of the Social Security Act guaranteed financial support to all families based solely on economic need.

Finally, professional social workers emerged as true champions in the lives of orphaned and dependent children, whether employed in the private sector or a government agency. Funding streams of tax dollars assured consistent support. No

³⁷⁰Noralee Frankel, and Nancy Dye, *Gender, Class, Race, and Reform in the Progressive Era*, (Lexington: University Press of Kentucky, 1994).

longer did the political influence of special interest groups dictate the future of destitute children.

In Chapter Five, true champions made all the difference to a young boy from Kansas City, Mo., who lived seven years at Guardian Angel Home, a Catholic orphanage receiving annual state funding. The Oblate Order of the Sisters of Providence operated the home at Leavenworth. In the next chapter, his story also includes a brief sketch of the private charities and religious orphanages in Kansas at the turn of the century.

Chapter Five: Black Orphans

“People of religious faith and moral conviction cared for me when I was younger, and it was the making of me. They helped me become a good man.”

Lafayette Carter

When Sunday Comes: Lafayette Carter Grows Into a Man

Lafayette Carter counted on Sundays. For a few hours every week, he experienced the love a mother brings to her only child when she visited him at the Guardian Angel Home, a Catholic orphanage for African-American boys in Leavenworth. Unlike most half orphans, Lafayette benefited from a mother who played a significant role in his life. Her weekly trips from Kansas City, Mo., to the orphanage thirty-five miles away gave the young child a purpose and identification. Someday, she promised, he would come home to a mother who eagerly awaited his return.³⁷¹

Lafayette insisted throughout his long life that the years at Guardian Angel Home molded him into a responsible citizen, hardworking employee, faithful husband and loving father. Was his experience unique? Was it possible to replicate elsewhere the tireless services of the Oblate Order of the Sisters of Providence, who operated the orphanage? What were the possibilities of a comparable outcome at a non-sectarian or state orphanage? Because outcomes centered more on individual emotional values than

³⁷¹Lafayette Carter conducted an oral history interview with the author on December 19, 2003, at his home in Kansas City, Mo. In his mid-90s and suffering from failing physical health, his mental capabilities were sound, recalling his childhood memories without hesitation. His daughter was present at the interview and shared her father’s collection of letters, photos, pamphlets, and articles that related to the years he spent at Guardian Angel. A copy of the interview was deposited in 2005 in the Archives Office of the Motherhouse, Oblate Order of the Sisters of Providence, at Baltimore.

scholarly evidence, the search for an explanation involved comparative analysis. This chapter begins with Lafayette's experience in a religious orphanage that received state supplemental funding. In addition to the discussion on the Guardian Angel Home, an examination of the remaining private charitable agencies and religious orphanages in Kansas includes those receiving state funds. Little evidence existed of close state scrutiny. Self-reported data about these institutions filled the annual and biennial reports made to the Kansas Legislature. Despite state law that gave the state board of charities the same powers it exercised over the state charitable institutions, like the Soldiers Orphans Home in Atchison, nothing indicated close inspections, financial scrutiny or personnel investigations.

When Lafayette entered Guardian Angel in 1920, his mother's consistent attention and dependable visitations assured the seven-year-old-boy of her love. Because of his mother's affection and the people of faith engaged in his care, he claimed these two elements set him apart from most of the children living in orphanages. What also set him apart was his personal story. The violence that marked his conception drew him closer to his mother. The victim of rape at the hands of a white man, his mother was barely fourteen when he was born nine months later. When learning this as a young man, Lafayette said his mother insisted she never thought of any other options but keeping him.³⁷² She dropped out of school, went to work and cared for the baby as best she could. An abiding faith in God and the Baptist Church

³⁷² Mr. Carter was candid about the possibility of his mother obtaining an illegal abortion, especially considering the rapist attack. As a young man, she told him of the attack and what options were available. As her only child, she explained how God sent gifts under many circumstances. Despite the rape, she said, the baby was innocent and for that reason deserved to live.

carried her through the ordeal, as did attendance at church activities including fellowships for youths and young adults. When Lafayette was barely two years old, his mother met her future husband at one such gathering. He was a few years older, church going, hard working and employed. He married the young woman and took Lafayette as his own. His job at the Kansas City Stockyards in the city's West Bottoms sustained the family, giving Lafayette and his mother a stable home.

Only good memories filled his early years. With parents devoted to one another, they showered the youngster with affection. When barely five, he walked to the neighborhood school and came home to lunch prepared by his mother who no longer worked outside the home. Nothing interrupted his daily routine until he was seven, when his world fell apart. While performing a routine task in the stockyard corrals, his father fell under the hooves of stampeding cattle, and died. For Lafayette, one world ended and a new more troubling life began without benefits or compensation awards for his mother.³⁷³

Without a wrongful death settlement and no life insurance, the young mother and son faced few options. Forced to work long hours, his mother left Lafayette to amuse himself when away from home. Still filled with grief over his father's death and looking for ways to capture his mother's attention, he wandered through the busy business district not far from his home. Westport Road from Broadway to Roanoke served as a main east-west thoroughfare in Kansas City's Midtown area. Several

³⁷³ Although Kansas had passed Workers Compensation legislation in 1911, Missouri was slow to follow in 1926. Once implemented, awards and settlements came more often to white workers, who were looked on more favorably by management and held the potential of involving lawyers if denied a claim.

manufacturing companies, an endless line of bars, wholesale establishments and farmers selling their seasonal produce filled both sides of Westport Road. Motorized vehicles, an inner-urban rail line, and horse drawn wagons traveled the brick lined street, bringing Lafayette to watch the daily traffic, especially his favorite, the horses.

That fascination prompted him to watch carefully the routine of several fruit and vegetable hawkers who used their flatbed wagons as platforms to display their goods. One day a horse and wagon stood unattended. Not wanting to hurt the animal, but curious about its response, he placed a small rock in his slingshot and aimed. The horse reared and lunged forward, to Lafayette's horror, followed by other agitated horses. In no time a stampede headed west down Westport Road. He remembered with clarity how people jumped out of the way, women screamed and merchants began yelling. It did not take long for the blame to fall on the guilty-faced youngster.³⁷⁴

Because this public incident bore the potential for harm to others, Lafayette's mother reevaluated her parenting. With white juvenile authorities showing little sympathy and with pressure building from family, community and church, she looked for options. Lafayette remembered her discussing the reformatory or one of the state-run orphanages, but she pulled back from public institutions. However, she found several church-operated orphanages in the Kansas City area, and someone from her

³⁷⁴ Did he confess? Mr. Carter said there was no other choice. His reputation as mischief maker had spread throughout the Westport Road businesses. After the horses were brought under control, those on the street began to look his way. To avoid confusion, he confessed immediately.

church recommended the Guardian Angel Home, the oldest Catholic orphanage for African-American children west of the Mississippi River.³⁷⁵

Challenges Endured by Oblate Sisters

Forged in turmoil and deprivation, the early years of Guardian Angel benefitted from the Oblate Order of the Sisters of Providence.³⁷⁶ The sisters' first contact with Kansas became a letter received in the spring of 1888 at the Oblates' Motherhouse in Baltimore from the Rev. Martin Huhn, pastor of Holy Epiphany Parish in Leavenworth. Desperate to find care for homeless African-American boys, he told of "some boy orphans who were not being properly looked after."³⁷⁷ Hoping for a sympathetic response, the Rev. Huhn's letter failed to indicate whether the Leavenworth Bishop granted authority. The Sisters discovered after their arrival that Rev. Huhn had hoped for approval once the Bishop saw how well the Oblates met the orphan boys' needs.

By the time, the Oblates arrived in Kansas, their religious order stood as the first permanent community of Roman Catholic religious women of African descent in the

³⁷⁵ O'Grady, John. *Catholic Charities in the United States, History and Problems*. (Ransdell Press: Baltimore 1930) 161.

³⁷⁶ Sister M. Felix Mansilla, "Golden Jubilee of Oblate Sisters of Providence Mission in Leavenworth, Kansas, 1888-1838," held in the Kansas folder in the Oblate's Archive Office, Sister M. Felix Mansilla's 1938 transcript was a six-page single-spaced type written document, prepared for the fiftieth anniversary of the Oblates in Kansas. Although bearing the same title, no author was named in the pamphlet. The Archive Office labeled the document a transcript.

³⁷⁷ Mansilla transcript, 1; two of the original Oblates who came to Kansas in 1888 often talked of seeing the letter and often discussed its contents. Sister Mansilla did not indicate whether she had personally seen the letter or was quoting one of the Sisters who had. The letter was not in the Kansas folder nor was it discovered elsewhere in the Archive Office.

United States.³⁷⁸ Clearly defining themselves in 1829 as “a Religious society of Coloured Women,” founders Elizabeth Clarisse Lange and Joubert de la Muraille shared a French cultural heritage, Caribbean refugee status, and “a fervent devotion to the Roman Catholic faith, and an abiding commitment to the education of black children.”³⁷⁹ The mulatto Caribbean immigrant and French Sulpician priest established the sisterhood in 1828, gaining approval October 2, 1831, from Pope Gregory XVI. In antebellum Baltimore, the Oblate Sisters challenged the white community on many levels including political power, social customs, and cultural attitudes. Facing an often-hostile majority society that viewed women of color as lacking sexual virtue and moral standing, the Oblates created a religious community on the strength of their deep, abiding faith and confidence as African-American women.³⁸⁰

Educating black children during the time of American slavery, the religious women charted a careful path in their dealings with not only the communities in which they lived, but also the Catholic Church hierarchy. They knew the importance of having the Bishop’s approval before ministering to African-American Catholics. Realizing a mission in Kansas must accompany an invitation from the Bishop of Leavenworth Diocese, the Sisters pressed for an affirmation. The Rev. Huhn insisted that consent would be forthcoming, but he was away from Leavenworth at the time he wrote the

³⁷⁸ Morrow, Diane Batts. *Persons of Color and Religious at the Same Time: the Oblate Sisters of Providence, 1818-1860* (University of North Carolina Press: Chapel Hill, 2002) 3-12.

³⁷⁹ Batts, 3.

³⁸⁰ Batts, 10-12.

letter and “the care of the orphans was urgent.”³⁸¹ The Sisters must come immediately to Kansas, he said.

Little doubt existed about the Oblates affirmative response. The order’s Mother General, Sister Therese Willingham, grew up an orphan in the care of these Sisters, and spiritual director, Father Frank Lesson, who devoted himself to the “cause of the poor and forsaken always being close to his heart” pressed Cardinal James Gibbons, who occupied the See at Baltimore, for permission to send four Oblates to Leavenworth.³⁸² Leaving their Motherhouse April 11, 1888, Sisters Theresa Victoria Messonier, M. Gabriel Orouette, M. Genevieve Newmen and M. Michael Huff encountered difficulties at St. Louis. Forced to sign emigrant papers promising never to return, the Oblates refused, saying that if they should return others would follow. Interceding on their behalf to pave the way for their eventual passage, a St. Louis priest, the Rev. Ignatius Pankin, assured St. Louis authorities of the Sisters’ mission in Kansas.³⁸³

Fifty years after their arrival, two of the sisters recounted the hardships in the early days of their years in Kansas. Those experiences hardened their resolve to stay because the orphan boys needed them. The Sisters never forgot the boys’ dreadful condition when they arrived, and those memories hardened their determination to stay. Fearful of what would happen to the children and others like them if they returned to

³⁸¹ Mansilla transcript, 2; this phrase was in quotes in the transcript but it was unclear who was quoted or whether it was actually drawn from the letter itself.

³⁸² Mansilla transcript, 2; the reference to Father Lesson’s goodness was also in quotes, but no attribution was noted.

³⁸³ Mansilla transcript, 2.

Baltimore, the Oblates refused to budge. Arriving April 17, 1888, at Leavenworth's Union Depot, the Oblates found the Rev. Huhn, his widowed sister, and a Mrs. Schmitt offering a personal welcome. Somewhat perturbed to find the priest unshaven and wearing rustic clothing, the Sisters thought he looked like a farmer. That disappointment was nothing compared to the shock they felt upon arriving at their new home.³⁸⁴

Described as a "dilapidated house of five rooms, story and a half with attic very low," the dwelling insulted the Sisters further when they discovered the roof leaked. Unable to set up more than one bed in an unheated attic room, two of the Sisters slept on the floor. The cleric in charge of the orphans arrived the next morning with the eight orphans. One of the younger ones said he had not eaten anything in two days, a declaration that told of the indifferent care the orphans had received. A few days' later six more orphan boys arrived.³⁸⁵

The Rev. Huhn assumed the responsibility of providing provisions for the newly named Guardian Angel Home, dedicated exclusively for the care of African-American boys. Before the Civil War, few orphan asylums for nonwhite children existed in the nineteenth century. Two Quaker women founded in 1836 the Association for the Benefit of Colored Orphans in the City of New York. Angered by the refusal of the city's institutions to accept two black orphans, the women began collecting donations to

³⁸⁴ Mansilla transcript, 3.

³⁸⁵ Mansilla transcript, 3, 4: the deplorable condition of the boys and their obvious hunger steeled the Oblates' determination to stay in Kansas. The story of their first encounter with the orphans was often repeated by the pioneer Sisters.

open an orphanage in 1842. Free blacks in New Orleans established numerous benevolent societies in the antebellum years, including a Catholic orphan asylum. After the Civil War, this trend continued in major northern cities and some in the South.³⁸⁶

A pattern of exclusion begun at the start of the nineteenth century continued after the Civil War. Routinely denied admission, black children found no orphan asylums built by whites open to them. In 1877, a concern with the “conversion and care of the colored people,” the Josephite Fathers opened St. Francis School and Colored Orphanage in Baltimore.³⁸⁷ A year later a yellow fever epidemic at Chattanooga, Tennessee, left a number of black children orphaned, but when a northern white woman, Almira Steele, tried to place the children in one of the local orphanages, refusal prompted her to establish a private orphan asylum.

In 1872, the Sisters of the Holy Family cared for dependent and neglected boys at Lafon Boys Asylum started New Orleans with a donation from a wealthy black man, Anthony Lafon. Opened in a Baltimore alley in 1877, St. Elizabeth’s Home moved to a larger facility within a year thanks to a donation from a wealthy Catholic woman. The Franciscan Sisters from Mill Hill, England, assumed responsibility for St. Elizabeth’s in 1881.³⁸⁸ By 1890, just twenty-seven orphan asylums nationwide existed exclusively for black children, while only 120 asylums for white children occasionally accepted black

³⁸⁶ Timothy A. Hacsí, *Second Home, Orphan Asylums and Poor Families in America* (Harvard University Press: Cambridge, 1997) 25-27.

³⁸⁷ Hacsí, 35.

³⁸⁸ O’Grady, 161, 162.

children but held very few. By 1923, the number of orphan asylums for African-American children approached one hundred with a few of these institutions also caring for Native American children.³⁸⁹

Because Guardian Angel Home fell into the category of a private orphanage serving a public function, the newly arrived Oblates depended completely on the Rev. Huhn for their supplies. The unpredictability of the priest's mental shortcomings often resulted in his failure to deliver consistent food to the home. Not daunted, the Sisters walked to neighboring farmhouses asking for help and soon Catholics of Leavenworth offered donations, but uniformity was infrequent. As conditions worsened, Bishop Leo Fink attempted to contain the Rev. Huhn's erratic behavior by restricting his duties, among them saying Mass for the Sisters. By attempting to curtail the mentally deficient priest, the Bishop placed the Oblates in a desperate position. By July, things came to a head.³⁹⁰

Representing the Bishop, Father John Cunningham paid a visit to the orphanage. Learning of the facility's state of disrepair, he saw no furniture on which to sit and no beds in which to sleep. Remnants of old carpets covered the boys as they slept on the floor. He suggested the Sisters return to their Motherhouse in Baltimore, but they refused to leave the orphans.³⁹¹ By this time, the financial affairs of Rev. Huhn alarmed

³⁸⁹ Hacsí, 35, 41.

³⁹⁰ Mansilla transcript, 4.

³⁹¹ Mansilla transcript, 4; the pioneer Sisters clearly defined the attitude carried by the Oblates at the time. They were not abandoning the orphans, no matter how desperate the conditions became.

Diocese officials, because the priest had taken off for Galveston, Texas, with several of the older boys. The Bishop, who finally consented six months after their arrival to meet personally with the Sisters, offered them rent-free a small story and a half home adjoining Holy Epiphany Church. Gifted to the Diocese, the three-room dwelling was one of the oldest buildings in Leavenworth. The Bishop asked the Sisters to teach at Holy Epiphany Parish School when it opened in 1888 for the fall term.

Wanting a Parish of Their Own

Encouraged by the benevolence of Bishop Miede, Holy Epiphany Parish became the first Catholic Church for African-Americans established in the West.³⁹² African-Americans attending the Cathedral in Leavenworth asked for a parish of their own. By the time Bishop Miede retired in 1874, nearly 75 blacks attended Mass regularly. When his replacement, Bishop Louis M. Fink, gave the Rev. Huhn permission in 1877 to “built a church for Negros,” about 100 African-Americans established the congregation of Holy Epiphany Church.³⁹³

The Sisters of Charity of Leavenworth began educating Catholic African American children in September 1872. Sister Bonaventure arranged to rent a small home on Kickapoo Street across from the Sisters’ convent. Dividing the classroom by

³⁹²Therese Horvat, *Archdiocese of Kansas City in Kansas, Centennial 1877-1977* (Diocese Publishing: Kansas City, Kansas, 1977) 17.

³⁹³ “Golden Jubilee of Oblate Sisters of Providence Mission in Leavenworth, Kansas, 1888-1838,” souvenir program, Kansas folder, Oblate Archive Office.

partition, the Sister taught thirty-five girls and twenty-five boys.³⁹⁴ This arrangement continued until construction finished on Holy Epiphany Church, a neat brick edifice built in the Gothic style with an interior of extensive woodwork crafted by a Catholic African American, Henry Dougherty, a master carpenter.³⁹⁵ In the parish basement, a school opened in early 1878.

Sister Bonaventure and Sister Scholastica Hall taught sixty students, according to their grade level. Not all, however, were Catholics because Protestant African-American families soon enrolled their children preferring Holy Epiphany to Lincoln School, the neighborhood segregated public school.³⁹⁶

After the Parish church opened, Father Huhn noticed a number of homeless and destitute African-American children arriving at the church seeking shelter. The growing need prompted him to consider opening an orphanage for African-American boys. An early indication of his shaky financial decisions, the Rev. Huhn borrowed \$10,000 to purchase twenty-one acres on the city's northwest side. With the help of two clerics, he moved fourteen orphan boys from Kansas, Missouri and several other states into the dilapidated five-room house on the property. Guardian Angel Home began with few provisions and young clerics in possession of even fewer homemaking skills to care for the orphans. With conditions growing steadily worse in late winter of 1887, Father

³⁹⁴ Sister Julia Gilmore, *We Came North, Centennial Story of the Sisters of Charity of Leavenworth* (Abbey Press: St. Meinrad, Indiana, 1961) 23.

³⁹⁵ Mansilla transcript, 5.

³⁹⁶ Gilmore, 37.

Huhn pleaded for help by sending the letter in April 1888 to the Oblate Motherhouse in Baltimore.

Troubles mounted soon after their arrival. The Oblate Sisters faced continued hardships and the conflict over the Rev. Huhn's mental incapacities grew worse. The courage of Sister Michael, one of the older nuns, was evident when she approached Bishop Paul C. Schulte about the "early sufferings of the Sisters."³⁹⁷ Afterwards, she expressed some regret because "much that she told savored of the uncharitable."³⁹⁸ Always fearful of losing the Diocese sponsorship, the Oblates walked a fine line to continue their work with orphans and destitute children. Their spiritual advisor and parish priest at the time advised them never to publish the true story as it involved very painful incidents best forgotten.³⁹⁹ Based on the rule of the Oblate Sisters, "which states that they are the objects of the especial solicitude of the Bishops of the respective dioceses in which they labor," they never revealed the complete story of the Rev. Huhn's mental health deficiencies. Years later, the Sisters discussed specific incidents among themselves, but no records or complaints ever surfaced.⁴⁰⁰

³⁹⁷ Mansilla transcript, 5, 6; her research of available documents and interviews with the surviving Sisters pointed to the faith and courage shown by Sister Michael when she approached the Bishop. Tackling the problem of a mentally disturbed priest in such a direct manner was unusual for white nuns much less Black ones.

³⁹⁸ Mansilla transcript, 6; a series of incidents left the Oblates without even the basic necessities and because Sister Michael was one of the oldest Sisters, well educated and respected, it was decided that she should be the Sisters' spokesman. However, her observations of the Rev. Huhn's shortcomings must have painted a less-than-flattering picture of how the priest had handled his duties to the Sisters and the orphans.

³⁹⁹ Mansilla transcript, 6; Father James Shorter understood the racial bias suffered by the black community and feared any revelations by the Oblates about a white priest would result in a backlash. Caring for the orphans and teaching school were greater priorities for the Sisters than exposing the priest.

The Oblate Sisters continued to educate the students at Holy Epiphany Parish School, taking over the responsibilities of Sisters Scholastica and Bonaventure, who moved on to open a school for black children in Topeka. An important future leader of the Oblates, Sister Baptista Roberts arrived from Baltimore just before school started in the fall of 1888. She and the other Oblates passed their diocesan teachers' examinations before assuming full responsibility for the parish school.

'Come Home, There Is Enough Africa in Leavenworth'

With seventy-five students, and a handful of orphans needing care, the Sisters supplemented their meager income with skilled sewing and laundry chores for the Cathedral clerics. Although the Parish School continued to flourish, the nuns and black parishioners suffered from the lack of a spiritual leader. After the Diocese settled the financial dealings of the Rev. Huhn, two priests passed through the Parish before the 1890 arrival of the Rev. James Shorter. For the next 40 years, he solidified the African-American parish as a permanent and deserving part of the Diocese family. A native of Wyandotte County, Father Shorter suffered poor health as a young man. While attending Imperial University in Innsbruck, Austria, he sought direction in his religious life, praying at the Shrine of Our Lady of Lourdes for a cure to his consumption, which gradually improved. While visiting the Cathedral at Prague, he witnessed an older black man praying the Rosary. Declaring the incident a sign to minister in Africa, he wrote to the Diocese at Leavenworth asking for permission to serve overseas. Bishop Leo Fink,

⁴⁰⁰ Mansilla transcript, 6.

concerned for his delicate health, wrote back, “Good. Come on home. There is enough Africa in Leavenworth.”⁴⁰¹

Once installed as parish priest at Holy Epiphany, Father Shorter began to strengthen the congregation, but soon faced conflict. Because the priest was highly educated, fluent in several languages and academically talented, several in the white Catholic community complained about the loss of all those talents on an African-American parish. With the Rev. Shorter’s future in jeopardy, the Oblates again felt pressure to return to Baltimore. The Bishop offered to write the Oblate’s Mother General to explain, but the Oblates refused to move. Although they had a Motherhouse and ministry in which they could return and be welcomed, the African American children had no one. Remembering the desperate living conditions the Sisters found when they first arrived, the Oblates vowed never to allow their orphans to suffer such hardships. Father Shorter agreed and offered to assume full financial responsibility for the Sisters if the Bishop allowed them to stay, which he did.

The new priest soon tackled a series of crisis, including a continually flooded basement, which hampered the parish school. The Sisters moved classes to their convent, turning the three rooms into classrooms by day and a dormitory at night. By 1892, ninety-two pupils attended school and twenty orphan boys needed care.⁴⁰² Among the children of Holy Epiphany Parish, forty orphan boys received care seven years later. Father Shorter gained permission in 1899 to seek donations for a new orphanage, and soon collected \$8,000, including \$400 from the Oblates. He purchased the Old

⁴⁰¹ Mansilla transcript, 6.

⁴⁰²“Golden Jubilee of Oblate Sisters of Providence Mission in Leavenworth, Kansas, 1888-1838.”

Whitaker homestead south of Leavenworth that included in a fine old mansion, outbuildings, a barn, four wells and a cistern. In September 1899, the Sisters and orphans opened the second Guardian Angel Home despite no electricity, stoves, or indoor conveniences. Fireplaces in each room filled many functions.

Good fortune appeared their second day when several Sisters of Charity of Leavenworth arrived with a milk cow, calf, a hog and baskets of provisions. A few days later, a German farmer, John Vulweiser, offered his services gratis in exchange for a home. He brought a mare and colt, more hogs, a number of chickens and most important, he possessed knowledge of farming. In no time, the farm was up and running.⁴⁰³

By the time Lafayette Carter entered the orphanage in 1920, improvements included the north wing added in 1903, a two-story east wing in 1908 and forty additional acres purchased in 1909. The seven-year-old boy attended the St. Joseph School, a newly constructed building on the orphanage grounds. Among Lafayette's early memories was of the loving and protective nature of the Oblates, and the guidance of Father Shorter. He also recalled boys performing farm work and housework chores. Three men, one who was deaf and blind, had grown up at the orphanage and remained to do the heavy farm work. What began so humbly in 1899 had grown into an active farming operation of fifteen milk cows, many pigs and chickens, and enough fruit, vegetables, milk and meat to feed the orphan boys and the girls' orphanage in town.⁴⁰⁴

⁴⁰³ Mansilla transcript, 6.

Water came from wells and cisterns and oil lamps lit the darkened rooms at night. One bathtub on the first floor served all the boys with smaller ones bathed in the tub reserved for the Sisters. A small number of washbowls were on the second floor and the boys in the third floor dormitory used washbasins. The boys carried all the water for indoor use.

When he first arrived, Lafayette stayed on the second floor with the smaller boys. As he grew older and taller, he moved to the third floor dormitory. Cornhusk mattresses in both dormitories sat atop beds covered by old blankets. Limited floor space forced the beds closer together to sit alongside the dormitory walls. Relatives were supposed to provide for the boys' clothing, but few offered. Lafayette remembered ragged clothing contained in three barrels of clothing in each dormitory, one each for shirts, pants, and underclothing. Every morning the boys selected items that fit them.

Children arriving at Guardian Angel Home did so with a reference from the parish priest, but non-Catholics simply applied for placement. In most instances, the child's relatives handled the placement. Although admitted without medical examination, the children received care from two doctors and a dentist. Considering the ragged clothing, cramped living conditions, nonexistent sports equipment and sporadic medical care, the Guardian Angel orphans endured. Did Lafayette feel mistreated? He said not. Most of the boys were better off in the orphanage, he insisted, because the environments in which they once lived were often more severe. He remembered the stories of homeless boys who literally walked from state to state, seeking lost parents or

⁴⁰⁴ Mansilla transcript, 6; the Holy Epiphany Home for Girls opened in 1905 in a newly constructed building next to Holy Epiphany Parish in Leavenworth.

running from bad homes. Others had barely existed in neglectful homes with abusive parents inflicting their lives with violence and pain. At least at Guardian Angel they were safe, warm, fed, clothed and the Oblates genuinely cared about them. In Lafayette's case, he knew the love of a devoted mother.

Lafayette Waits by the Parlor Window

Lafayette spoke of the wrenching emotional process his mother endured when she decided what was in the best interest of her only child. After many decades, he recalled that original train ride to Leavenworth, remembering the promise she made. As they traveled from Kansas City to Leavenworth, she assured him that every Sunday she would visit. Lafayette remembered those visits, knowing the effort it took to save the twenty-five cent roundtrip fare from Kansas City's Union Station to the Wadsworth Station just south of Leavenworth. That depot stood in front of the Veterans Administration Hospital, a large federal enclave caring for disabled and homeless veterans. From there she walked west more than a mile on an unpaved road to Guardian Angel Home.

When Sunday came, Lafayette watched from the large bay window in the visitors' parlor. At every visit, she brought him a present, sometimes penny candy or a stick of gum, and on rare occasions, she gave him a new pair of shoes. He thought each gift a valuable treasure, one that he guarded and enjoyed later when she was gone. Week after week, year after year, she visited her only child, often invited to join the nuns and boys for Sunday dinner.

Those visits made Lafayette different from the other boys by giving him an identity as someone's son. Because his mother came to see him, the promise of returning home someday provided him a goal to obtain, a reason to grow up responsible. Because he would be the man of the house when he became a teenager, Lafayette paid attention to farm and household chores assisted the Sisters when asked, and from them and the priests, learned what it meant to serve others. Each week, he shared school papers with his mother or showed her outdoor projects. As he grew older, the farming tasks and mechanical improvements garnered a great deal of pride. He wanted his mother to realize he was learning life skills that would allow him to better care for her once he came home.

As an older man, Lafayette insisted that the responsible young man who returned home at age fourteen arrived there a much better person because of the Oblate Sisters' care and attention. Thanks to their influence, he learned a sense of right and wrong, secured a duty to family and church, and gained a respect for others, especially women.

True to her word, his mother took him home in 1927 when he was fourteen years old. Returning to Kansas City's east side, he knew how to cook, clean, wash the family clothing, and fix just about anything broken. He graduated in 1931 from Lincoln High School. From a part-time job in high school, he later opened his own shoeshine and repair shop at Eighteenth Street and Vine in Kansas City. When the opportunity arose to join the Kansas City Southern Railroad a few years later, he sold his small business. A good head for figures and quick ability to learn helped him land a job in the

mail car. After 10 years, he took the civil service examination for the U.S. Postal Service and passed. Breaking several color barriers as he moved up in management, Lafayette retired a regional postal manager in 1981.

He married the former Archee Willoughby in the early 1950s and adopted her young daughter. Their loving and successful marriage ended with her death in the early 1990s. As an adult, he often returned to Guardian Angel for monthly visits with the Oblates and the yearly St. Peter Claver dinners. Donating his time and earnings, he often answered the Sisters' call for assistance. After World War II, the nuns combined the Guardian Angel Home with the Holy Epiphany Home for Girls and moved both into the former Saint Vincent Home, where white orphans lived since 1885. The Sisters of Charity moved the white orphans to Topeka's Saint Vincent Home. Ninety African-American children received care on a yearly basis from thirteen Oblates who remained until 1960, when the last child found a foster home, and the nuns returned to Baltimore. Holy Epiphany Parish closed in 1954 when the Kansas City Diocese decided to integrate African-American Catholics into their local parishes.⁴⁰⁵

Because his mother died of untreated appendicitis just three years after he returned from the orphanage, Lafayette held onto the memories of his mother's Sunday visits, as he grew older. Waiting for her Sunday after Sunday, he was never disappointed. Because he could depend on her, Lafayette learned to trust others. Fortunately, those he trusted for affection and trust at the Guardian Angel Home were people of religious faith and moral conviction. He said it was the making of the man.

⁴⁰⁵Horvat, 17

Private Charities and Religious Orphanages

Religious faith and moral conviction marked the private charities and religious orphanages caring for children in Kansas. Receiving state supplemental funding from \$200 to \$2000 a year, these institutions gained tax-supported funds on the assurance that no child in need failed to obtain care. Besides state funding, these institutions had the option of county funds. Some counties offered one-time only payments per child or allotments extended per child on a monthly or yearly basis. In all instances, county funding came with strings attached; the most severe included no further obligation to the child.

Despite state and county reimbursements, the majority of operating funds came from private donations and the religious institutions or groups in support of their efforts. Historically incomplete and sporadically applied, state laws governing these institutions fell way short of meaningful oversight. From 1874 to 1919, the state agency charged with supervision provided annual reports based solely on self-reported data to include the children's ethnicity, race, and religion, parental economic status and moral shortcomings, as well as the institution's site location and condition, fiscal accounting, generalized disbursement of all funding, and in some instances, the outcomes of child placements outside the institution. Because state law mandated on-site inspections take place on schedules similar to the state charitable institutions, records show only two

inspections in 1914 and 1916 without outcomes reported.⁴⁰⁶ True depictions finally occurred once the state mandated the licensure of children's home in 1919 and insisted unannounced on-site visits take place before granting state funds.

Although similarities occurred in the needs of orphaned and dependent children in Kansas, differences and animosities between Catholic and Protestant churches arose within a decade of the 1854 passage of the Kansas-Nebraska Act. During the seventeenth century formation of the original thirteen colonies, conflict between the two religious sects accompanied Europeans from the Old World into newly established communities on the east coast. By the time Kansas opened for white settlement in the mid-nineteenth century, a pattern of resentment toward Catholic hierarchy and institutional bias were well established.

Protestant Churches Care for Their Own

During the state's early decades, the Leavenworth Protestant Orphan Asylum (renamed the Kansas Orphan Home in 1874) stood alone as the only orphanage in Kansas supported by denominational churches. At the turn of the twentieth century, the number of Protestant-based private institutions and religious orphanages caring for children increased slightly. Although the Catholic Church became the first among the

⁴⁰⁶ "Visits to Private Institutions," *Fifth Biennial Report of the Board of Control of the State Charitable Institutions of Kansas, 1914* (Kansas State Printing Office: Topeka, 1914) 247; http://books.google.com/ebooks/reader?printsec=frontcover&output=reader&retailer_id=android_market_live&id=HlsuAAAAYAAJ&pg=GBS.PA247, accessed 06/05/11; and "Visits to Private Institutions," *Sixth Biennial Report of the Board of Control of the State Charitable Institutions of Kansas, 1916* (Kansas State Printing Office: Topeka, 1916) 297; <https://babel.hathitrust.org/cgi/pt?view=image;size=100;id=mdp.39015039339125;page=root;seq=313;num=297>, accessed 06/-5/11.

religious institutions to care for children in Kansas, faith-based orphan homes opened as communities grew, became more ethnically diverse and economic hardship took hold. Whether Protestant or Catholic, leaders in both churches responded to the unmet needs of children left orphaned or destitute because of their parents' shortcomings. Because the county poorhouse became the only assistance offered by the government to childhood poverty and dependency, religious organizations stood between these children and fearful, dissolute surroundings populated with destitute, disabled adults.

Building on centuries of care to destitute families and infirm elderly, while teaching in parish schools and nursing in Catholic hospitals, women in religious communities followed a traditional pattern of serving Catholic parishes and hospitals. Protestant churches operated on a far less centralized system, substituting volunteers and paid staff for nuns. Each denomination possessed its own hierarchical structure, establishing new churches and auxiliaries to operate on an independent basis. For instance, a Catholic diocese directed more closely the day-to-day operation of parishes and institutions within its catchment area, dictating the assignments of priests, nuns and lay workers. Religious policies and Biblical interpretations came from Rome.

Protestants, on the other hand, operated a more loosely bound system. As an example, the Southern Baptist Convention bases its regional leadership from faith-based seminaries or regional and state headquarters, establishing its national offices in Augusta, Georgia. Placement of new pastors occurs after visiting a potential congregation, awaiting final decisions from the Pastors Selection Committee. An individual denomination or several Protestant churches operate Protestant-affiliated

hospitals and nursing homes, but Protestant families generally chose to educate their children in public schools.

Similar patterns existed in Kansas. As Protestant churches took root in the nineteenth century, local congregations built churches, reached out to the destitute and organized lay workers to witness within their communities. Where ethnicity played key roles in establishing Catholic parishes in big cities, similar associations took place in rural Kansas. When Swede or Mennonite immigrants arrived in Kansas, they settled in their own ethnic community, farmed together in the river valleys or on the high plains, created faith-based colleges, and held festivals and reunions to celebrate Old World customs and traditions. Their Protestant faiths reflected characteristics unique to their worship. However, similarities prevailed in caring for destitute children. Swedish Lutherans opened an orphan home on a five-hundred acre farm in Pottawatomie County for children of Swedish descent. Mennonites also established a farm near McPherson for orphaned children, but expanded its operation to include indigent elderly. As an exception to religious institutions in early twentieth century Kansas, this facility welcomed black and white children. The Church of the Brethren and the Lutherans established small orphanages, but their efforts went toward adoptions within their own congregations.

The remainder of the religious orphanages identified themselves as non-sectarian, not affiliated with any particular denomination or distinctly Christian. One orphan home in Wichita made no mention of any religious affiliation.

Home finding societies became popular at the turn of the twentieth century, providing placement services to connect homeless children with adoptive homes. In yearly reports, they touted thousands of children served, far fewer placed in adoptive home and nearly all in temporary shelters. Some distinction existed between placing out children and finding adoptive homes. In all instances, home finding societies required parents to relinquish all rights to their children before accepting them into their programs. The largest, the Kansas Home Finding Society in Topeka, relied solely on Protestant ministers to locate adoptive parents and arrange care for children while awaiting placement. Some controversy surrounded the monetary reimbursement to these pastors because they kept fifty percent of what they collected as donations. One Fort Scott minister complained because he could not keep seventy-five percent.

Most of the private charities and religious orphanages collected yearly state supplemental funding to assist in their operational expenses. Several of the home finding societies contracted out with private homeowners to care for children awaiting adoption. Although state statute since 1881 directed the State Board of Control to visit all these private homes and orphanages, only two inspections in 1914 and 1916 made it into the annual reports to state lawmakers. Unannounced visits in 1919 revealed children living in appalling and squalid living conditions. Those visits and the outcomes are reported in Chapter Six.

Joining Saint Vincent Orphan Home, the Leavenworth Protestant Orphan Asylum and Guardian Angel Home are the following.

Non-Sectarian

Children's Home, Kansas City, Kansas

In 1908, the secretary of the Children's Home in Kansas City, Kansas, complained of two unfortunate cases. Six years earlier, a fifteen-year-old girl left without a mother suffered from an eye disease, which cost her eye. The second was a ten-year-old orphan almost entirely blind. Although both attended the nearby Kansas School for the Blind during the winter, the Children's Home was responsible for them during the remainder of the year. Both children should have been the state's responsibility, but no room was available at the State Soldiers' Orphans Home. The secretary asked, "What are the causes of people being brought to a point where they cannot, and often do not, want to care for their offspring?"⁴⁰⁷ She suggested unskilled parents whose lack of discipline in their homes contributed to the cause, as well as having no regard for the truth or a promise. A summer trip a few years earlier to Clay Center gave the children a break from the city slums and heat. The community welcomed the children, especially the nine given homes there, and several others placed near the north central-Kansas town.

Organized in 1900 as a non-sectarian facility, the children's home operated from an old brick building donated the year before it opened. Heated with hot-air furnaces and valued at \$10,000, the home contained fourteen rooms, a cellar and a laundry. Besides state supplemental funding, the principal means of support included "election dinners, entertainments, annual dues, cash donations" and the children's families, a

⁴⁰⁷ "The Children's Home," (State Publishing House: Topeka, 1908) 62, 63, Kansas Collection, University of Kansas Libraries.

fourth of whom paid for their care. The agency refused county funds. As the chief object or purpose of the home, temporary shelter offered children a family home while awaiting indenture or adoption. The legal surrender of children by their parents had to occur before placement in the home took place. Educated in public schools, an average of forty-five children a month received care. Reports to the state in 1906 classified the children served as white orphans, half orphans, and needy children, dependent, neglected and delinquent, all of sound minds. Crippled children, who suffered from disease, found referrals elsewhere.⁴⁰⁸

Children's Home, Wichita

The board president of the Children's Home in Wichita claimed in 1908 that her institution served as the only one of its kind in Kansas to receive children whom the state owed its guardian care because it was the moral duty of the state to aid in caring for its unfortunate children. Younger children attended public schools. Although thirty children a month received care, the capacity stood at forty. Founded in 1889 as a non-sectarian facility, the children's home received state, county, city and private funding. The two-story building contained twenty rooms on three acres valued at \$7000.⁴⁰⁹

White dependent, neglected and orphaned children from one to twelve years old gained

⁴⁰⁸ "Reports of Associations and Institutions Receiving Children," *First Biennial Report, Kansas Board of Control, 1904-1906*, (State Printing Office: Topeka, 1906) 437; and "Benevolent and Charitable Work, Second Biennial Report, Kansas Board of Control, 1906-1908 (State Printing Office: Topeka, 1908) 339, Kansas Collection, University of Kansas Libraries.

⁴⁰⁹ "Reports of Associations and Institutions Receiving Children," 443, 444; and "Reports of Independent Charities Receiving State Aid," *Thirteenth Biennial Report of the Board of Trustees of State Charities and Corrections 1901-1902* (State Printer: Topeka, 1902) 21, Kansas Collection, University of Kansas Libraries.

temporary homes, and all were mentally sound without physical disabilities. Indenture arrangements were most common and adoptions were few. About forty percent of children had parents who offered a partial payment for temporary care. No funds given in exchange for county responsibility or from parents interested from ridding themselves of parental responsibilities supported the home. Board members insisted they receive state funds because the Home cared for “a class for which no adequate provision is made in any state institution. Our children are not criminals; they are not incorrigibles, but they are that unfortunate class who by no fault of their own, but through the fault or misfortune of their parents, are helpless.”⁴¹⁰

Goodlander Home, Fort Scott

From a small home caring for four children to a large wood-frame dwelling of twenty-two rooms, the Goodlander Home assisted fifty children in a non-sectarian facility, which forbids indenture or adoption. Supported by local donations and a state stipend, the home also operated from payments given by half the children’s parents or relatives. When the condition of two young mothers, the victims of desertion, came to the attention of a small group of women in Ft. Scott, a home opened in 1899. Faced with the breakup of these families, the first volunteers rented a home and provided child care while the women secured employment. Within months, similar mothers with young children came to their attention, prompting community support to build. Formation of a

⁴¹⁰ “The Wichita Children’s Home,” *Tenth Annual Kansas Conference of Charities and Correction*, 68, 69.

board of directors preceded the donation of a former government building. In the past years, two-thirds of the children accepted in the home were under school age while the few older ones attended public school. Only white children were accepted, boy and girls, and crippled or ill youngsters also found a home. Kansas Children's Home Society placed several of the children, while careful attention went to accepting only the children of families considered worthy of assistance with intensive investigations accompanying all placements to avoid fraud. If the home had not existed, the board president insisted, those children placed by the Home Finders' Association would have become the state or county's responsibility. The loss of state funds would deprive this locally supported and supervised home the success experienced in the past ten years.⁴¹¹

Topeka Orphans' Home

As the only private non-sectarian children's home in Kansas to accept infants under two years old, the Topeka Orphans' Home assisted youngsters who otherwise would go without care. Performing this valuable service to the state justified continued support, the home's president said in 1908. Established in 1888, the children's home contained eight rooms in a two-story brick building on five city lots valued at \$7000. Benefitting from generous contributions and wealthy benefactors, the home became debt free several years after opening. From infancy to fourteen, white children received temporary care with particular attention paid to parents continuing a financial

⁴¹¹“The Goodlander Home, Fort Scott,” *Tenth Annual Kansas Conference of Charities and Correction*, 69, 70; and “Reports of Associations and Institutions Receiving Children,” *First Biennial Report, Kansas Board of Control, 1904-1906*, 437, 438.

responsibility. Nearly all infants went to adoptive homes. About one hundred white children received care on a yearly basis. In 1907, one hundred two children found shelter, of which thirty-one were under the age of two, all left orphaned or deserted. Ten babies with deserving parents unable to care for them gained temporary care. Of the remaining children over two, forty four found adoptive homes. In several cases, brothers and sisters of the babies stayed in the same family. The Home refused to take payment from parents who wanted nothing more to do with their children. Although the home accepted children statewide, county payments came from only Crawford and Shawnee. Because the orphan home provided the unique service of infant care, its request for state funding became imperative.⁴¹²

Children's Orphan Home, Kansas City, Kansas

As one of the few private non-sectarian orphans home for African American children, the Children's Orphan Home accepted those from eight months to fifteen years old. About forty children received care in the 1906 report to the state.⁴¹³ Only adoptive homes received consideration, but no indenture arrangements. Children attended public schools. No county or state funds were accepted and donations accounted for the operational funding, however, Wyandotte County annually donated

⁴¹² "Topeka Orphans Home," *Tenth Annual Kansas Conference of Charities and Correction*, 58, 59, 60; and "Reports of Associations and Institutions Receiving Children," *First Biennial Report, Kansas Board of Control, 1904-1906*, 444, 445.

⁴¹³ "Reports of Associations and Institutions Receiving Children," *First Biennial Report, Kansas Board of Control, 1904-1906*, 36.

ten tons of coal as well as \$8 monthly grocery orders. A nine-room home on a corner lot was valued at \$2000.

Religious Orphans Homes

Mercy Orphan Asylum, Fort Scott

Operated by the Sisters of Mercy, the Mercy Orphan Asylum cared annually for thirty-three white boys ages three to fourteen. Operated alongside Mercy Hospital, the home opened in 1898. The 1902 report indicated no adoption or indenture allowed. At the orphans' home, teachers provided an education because the children did not attend public schools. The asylum refused funds from parents wanting to rid themselves of their responsibilities, as well as state or county funds. Although temporary shelter was the home's objective, only five children returned to their parents. By 1921, the home closed.⁴¹⁴

St. John Orphanage, Wichita

Controlled by the Sisters of St. Joseph, St. John Orphanage organized in 1900 as a Catholic orphanage, where religion did not prohibit admission. The three-story brick institution accepted white orphans, half orphans and dependents needing temporary care. Adoption was its chief objective for the forty children who annually received care. Instruction occurred in the home and children did not attend public schools. Annual

⁴¹⁴ "Reports of Associations and Institutions Receiving Children," *First Biennial Report, Kansas Board of Control, 1904-1906*, 439; and "Classification and Reports of Private Associations and Institutions," *Kansas Board of Administration 1921, 1922* (State Printing Plant: Topeka, 1923).

county funds were accepted and parents were encouraged to contribute to their children support. State funding supplemented the orphans' home operation. Report to the state in 1904 indicated the adoption of only one child.⁴¹⁵

Evangelical Lutheran Orphans' Home, Cleburne

Although sponsored by the Evangelical Lutheran Kansas Conference, the orphans' home accepted all children regardless of religion, although most were of Swedish descent. White children from two to sixteen found a home where they could live, learn and work on a five-hundred acre farm that contained a large stone home, stone stables, outbuildings and plenty of running water. Children received care until they could care for themselves. Legal surrender of all children was required. No indenture arrangements, adoptions or county funds were accepted, nor were state funds. Teachers employed by the Lutheran Conference provided the children's education. The 1906 report to the state indicated thirty-five children annually received care, but only five returned to their families. Parents or relatives contributed to the care of one in nine children.⁴¹⁶

⁴¹⁵ "Reports of Associations and Institutions Receiving Children," *First Biennial Report, Kansas Board of Control, 1904-1906*, 442, 443.

⁴¹⁶ "Reports of Independent Charities Receiving State Aid," *Thirteenth Biennial Report of the Board of Trustees of State Charities and Corrections 1901-1902* 131, 132; "Reports of Associations and Institutions Receiving Children," *First Biennial Report, Kansas Board of Control, 1904-1906*, 444, 445; and "Classification and Reports of Private Associations and Institutions," *Kansas Board of Administration 1921, 1922*, 11.

State Policy for Orphans Care

Despite waiting lists statewide, the Soldiers Orphans Home joined several orphanages and charitable institutions accepting the orphaned and dependent children of Kansas. Distinguished for their religious affiliations in rural and urban locations, these facilities accepted state and county funds, but some refused all government funds. However, the soldiers' orphans' home in Atchison stood alone among the state's orphan homes to come under exacting scrutiny with unannounced state inspections, and reports from teachers, doctors and superintendents. Difficulties experienced by the children gained lawmakers attention in annual accounts. When it came to religious orphanages and charitable institutions in Kansas, less attention existed and fewer individuals played a role.

Despite state laws that required annual reports and inspections of all orphan homes, little evidence existed that institutions benefitted from statutes requirements. Regardless of religious affiliation, supervising agency, or state supplemental funding, some children failed to receive quality care or live in decent housing.

Chapter Five reveals children living in squalid homes, hurting from misappropriated state funds siphoned by headquarter officials in Topeka, and those under state supervision lost in a system devoid of tracking mechanisms or outcome evaluations. Faced with an epidemic affecting the elderly and children living group settings, state lawmakers became fearful of the Influenza's impact, passing licensure laws that set out stringent requirements for operators of facilities that cared for children.

Chapter Six: Inspection Report

“When you ‘train up a child in the way that he should go and when he is old he will not depart from it’ suggests the what, the why, and the how of the work in which we are engaged.”⁴¹⁷

O.S. Morrow,
Kansas Children’s Home Society

Inspections Reveal Unhealthy, Inhumane Living Conditions

When state inspectors arrived at the orphanage for African-American boys, they found deplorable living conditions, unbearable filth, and food barely edible. Sixty-seven boys endured appalling toilet facilities that forced them to use three outdoor privies because no plumbing existed for the indoor faucets or toilets. On the winter day in 1919 when the inspection occurred, a blizzard howled outdoors, but the heating plant was out of operation. Boys huddled around coal-burning grate fires in the schoolroom, living room and refectory. Dormitories were icy cold.

Inspectors told state lawmakers in a 1920 report that the boys, ages three to fifteen, slept by twos on dirty corn husk mattresses without sheets or pillows and only one filthy comforter per bed to warm them. Fifteen of the younger boys used one comb and one toothbrush, however, inspectors found none for the older ones. Crusted with frozen urine over broken wooden seats, “totally shocking” outdoor privies marked the

⁴¹⁷O.S. Morrow, “Editorial,” *The Kansas Children’s Home Finder*, 1, no. 1, (January 1898) Manuscript 791 (KSHS)

inspector report.⁴¹⁸ Moreover, on the day inspectors arrived, a can of watered down condensed milk stretched to serve twenty bowls of oatmeal mush.⁴¹⁹

For the first time, conditions in eleven of the state's thirteen private, religious and charitable children's homes and orphanages revealed unsanitary and inhumane living arrangements, none of which appeared before in official documents to the Kansas Legislature.⁴²⁰ In an endeavor to prove the majority of dependent children were from

⁴¹⁸“Excerpts From Inspection Reports,” *Classification and Reports of Private Associations and Institutions* (Kansas State Printing Plant: Topeka, 1920) Kansas State Library Collection, 55; inspectors reported their findings in “A Home for Colored Boys,” in the biennial report made by the State Board of Administration. As the first step in standardization of private and charitable institutions caring for dependent children, the State Board of Health's Division of Child Hygiene conducted the inspections and used the results to demonstrate before the Kansas Legislature the need to standardize and improve the licensure of private agencies and orphanages caring for children. Obtaining definite and essential data on the causes of child dependency, the Division of Child Hygiene worked to preserve a record of the disposition of the children cared for in these facilities. Future reference to the inspection report will be “Excerpts Reports.”

⁴¹⁹“Excerpts Reports,” 54.

⁴²⁰The reports to the Legislature began with “Private Charities” *Second Annual Report of the Board of Commissioners for Public Institutions* (State Printing Works: Topeka, 1874) Kansas State Library Collections, 373-406; this was the first account given lawmakers about the only three private charities operating in Kansas at the time, each having been given lump sum funding. Despite on-site visits made by commissioners, no criticisms were reported of the institutions and no children were found in harm's way. Lawmakers created the Board of Trustees of State Charitable Institutions in 1877 to provide oversight of the state charitable institutions as well as limited authority over private and charitable children's institutions. Information given in biennial reports from 1877 to 1904 included self-reported data on these private charitable agencies and religious orphanages receiving annual state supplemental funding, which began in 1881. In all of these reports, no mention was made of on-site inspections. In 1904, oversight of the public charitable institutions was transferred to the newly created Board of Control of the State Charitable Institutions of Kansas. Supervision also included the private charitable institutions, making them subject to the same visitation and inspection as the public institutions. Biennial reports from 1904 to 1918 listed only identifying information about the private charities and religious orphanages. Actual visits were reported but no observations by board members were included in “Visits to Private Institutions,” *Fifth Biennial Report of the Board of Control of the State Charitable Institutions of Kansas, 1914* (Kansas State Printing Office: Topeka, 1914) 247; http://books.google.com/ebooks/reader?printsec=frontcover&output=reader&retailer_id=android_market_live&id=HlsuAAAAAYAAJ&pg=GBS.PA247, accessed 06/05/11; and “Visits to Private Institutions,” *Sixth Biennial Report of the Board of Control of the State Charitable Institutions of Kansas, 1916* (Kansas State Printing Office: Topeka, 1916) 297; <https://babel.hathitrust.org/cgi/pt?view=image;size=100;id=mdp.39015039339125;page=root;seq=313;num=297>, accessed 06-/5/11. State law in 1918 transferred supervision of the private and charitable

families broken by social misfortune rather than sickness or a parent's death, the report indicated divorce, desertion and delinquency constituted a large causative factor.⁴²¹ State inspectors pointed to past reports of these institutions in contrast to findings they verified on unannounced visits.⁴²² Although eleven facilities received scrutiny, the Excerpts Reports named none. Designated only as "A Children's Home," or "A Home for Colored Boys," these findings provided vivid details of unhealthy living conditions, rancid food pantries, unsanitary bathrooms, and rooms crawling with insects and vermin. In two children's homes, youngsters lived in fear of those who cared for them, eating in silence and speaking only when asked.⁴²³ Some hints carried in the Excerpts Report could lead to the partial identification of a facility or its location, but nothing in the seventy-five page report explained or justified the secrecy.

Trying to explain and justify why Kansas lawmakers failed to learn of these conditions until 1920 also defied explanation. Since annual state funding had supported some of these institutions since 1881, what accounted for limited state oversight? Because the Excerpts Report exposed a good measure of the state's most vulnerable children trapped in unsanitary and unhealthy living conditions, why had state officials

institutions to the Board of Administration, and in 1919 the State Board of Health was authorized to license and inspect private institutions receiving children. The Division of Child's Hygiene was given this task and its report on "Inspections of Children's Homes" revealed the unhealthy and unsanitary conditions in the private children's homes and religious orphanages, spelled out in "Excerpts from the Inspection Reports."

⁴²¹ "Excerpts Reports," 50, 51.

⁴²² "Excerpts Reports," 51, 52.

⁴²³ "Excerpts Reports," 57, 58; report from "A Children's Home," where forty six children lived in an atmosphere of severe restraint; and 59, 60, "A Private Home," where eight children were afraid of one of the home's operator.

relied so heavily on the institutions to provide data and assurances of the children's care? Although informal visits started in 1874 to the children's homes and orphanages, state statutes in 1901 dictated inspections take place under the same rules governing inspections of the state charitable institutions, like the Soldiers' Orphans' Home in Atchison. However, the only mention of any pre-arranged visits actually taking place occurred in Board of Control biennial reports of 1914 and 1916. Once the 1919 law increased state control of these private agencies, the Kansas Department of Health's Division of Child Hygiene became the lead state agency to conduct unannounced inspections, review operational materials, and investigate and interview all the personnel involved in the services, programs and benefits given children.

Why designate the Division of Hygiene? The Spanish Influenza alarmed state health officials, who warned lawmakers of the increase risk to children living together in group settings. The most important change became the authority to license private, charitable and religious agencies, and to recommend or deny state supplemental funding. Did changing the state agency responsible for oversight account for the more realistic depiction of living conditions? If state personnel had conducted inspections and gathered data on these private agencies for nearly thirty years, what compelled Kansas lawmakers to strengthen state control of private and charitable institutions caring for destitute and dependent children? At the end of World War I, why did Kansas lawmakers decide this was the time to exercise more fully its regulatory powers and invest more financial resources to do so? This chapter answers those questions.

Time, Progress and the Spanish Influenza

With no evidence of ill treatment or deplorable living conditions reported to state lawmakers, and the advice of a former state orphan home superintendent ignored, what prompted the state in 1919 to increase its role in the lives of destitute and dependent children? Time, progress and the Spanish Influenza accounted ultimately for the change. Although child welfare reforms took place in 1901, 1905 and 1907, progressive era reasoning shifted lawmakers' attitudes, but fear of contagious disease finally pushed the state to take a more aggressive role.⁴²⁴ During the outbreak in 1918 of the Spanish Influenza, the State Board of Health took center stage in the fight to control the disease and care for its victims. Fort Riley first reported the Influenza in March 1918, although the fort's importance to the origins of Influenza failed to gain attention at the time.⁴²⁵

⁴²⁴ Reforms taking place in 1901, 1905 and 1907 included "To Provide for Dependent Children," *Kansas Session Laws*, Chapter 106, (State Printing Office: Topeka, 1901) 199-209. The statute named circumstances in which children were considered dependent and where and under what circumstances the court may transfer them to a children's aid society. Definitions, court procedures and fines for ill treatment of children were also specified as well as a prohibition against interfering with placed-out children. County commissioners were given the authority to absolve all responsibility for children in their custody by paying adults to care for them. Restrictions were placed on out-of-state children's aid societies bringing children into Kansas, and state supervision was granted over all private and charitable institutions that care for children in Kansas. "Counties to Educate Children Inmates of Poor Asylums," *Kansas Session Laws*, Chapter 385, (State Printing Office: Topeka, 1905) 644; and "Creating Board of Control for Charitable Institutions," Chapter 475, *Kansas Session Laws*, (State Printing Office: Topeka, 1907) 753-773; and "Certain Private Charitable Institutions," Chapter 19, *Kansas Session Laws*, (State Printing Office: Topeka, 1907) 32-36; private institutions subject to same visitation, inspection and supervision by Board of Control as the public charitable institutions, and State Board of Control must pass annually upon the fitness of each institution and issue a certificate to operate from year to year.

⁴²⁵ Barry, John M., "The Site of Origin of the 1918 Influenza Pandemic and Its Public Health Implications," *Journal of Translational Medicine*, 2, (January 2002). Barry pinpoints the origins of the influenza pandemic as Haskell County, Kansas, in the southwest corner of the state. Weeks before the first influenza was reported March 1918, at Fort Riley, Loring Miner, M.D., who was Haskell County's doctor, was faced in late January and early February with an influenza epidemic. Barry quoted the Feb. 21, 1918, issue of the *Santa Fe Monitor* which listed on page two nine adults and several children

In France and back home, military health officers watched in horror as thousands of soldiers became severely ill and died. Health officials in American soon learned of similar civilian casualties.⁴²⁶ With limited understanding of infectious disease and even less medical knowledge of how to prevent and treat Influenza, Kansas health care officials began to record illness and fatalities throughout the state. Dr. Samuel Crumbine, who served as secretary of Kansas State Board of Public Health, issued warnings about public gatherings, congregate living facilities, and drinking from common water cups.⁴²⁷ By the end of 1920, 12,000 Kansans had died.⁴²⁸

Influenza Takes Young Lives

suffering from the outbreak. Countless others became ill and Dr. Minor reported these sudden illnesses in the Public Health Report, which reported his findings April 30, weeks after Fort Riley's first casualty. Barry said Dr. Minor used the same edition of *Santa Fe Monitor* to report a young service man home on a five-day furlough from Fort Riley, and the Feb. 21, 1918, edition of the *Santa Fe Monitor* reported another local resident had just left to report for duty at Fort Riley. These young men and others not mentioned in the local newspaper were exposed to influenza and reported to Fort Riley between Feb. 26 and March 2. A young private, Albert Gitchell, reported to the camp infirmary on the morning of March 11, 1918, complaining of a cold. By nightfall over one hundred men reported similar symptoms. Although infected but showing no signs of severe illness, Fort Riley military personnel traveled to France in confined quarters in the coming weeks. Young enlisted men and officers arrived by April to fight with the Allied Expeditionary Forces. However, many were ill, and the infectious influenza soon spread to other American armed forces as well as those fighting for France and Britain.

⁴²⁶ Judith Johnson, "Kansas in the 'Grippe,' The Spanish Influenza Epidemic of 1918," *Kansas History*, 15, no. 1, (March 1, 1992) University of Kansas Libraries Collection, 47; worldwide estimates stand at twenty one million fatalities. In America, one quarter of the population or about twenty five million contracted the disease and 625,000 died.

⁴²⁷ "Kansas in the 'Grippe'," 47; out of a population of 1,700,000 in Kansas, 174,094 contracted the disease with 12,000 deaths.

⁴²⁸ "Influenza," Kansas State Historical Site website, accessed 04/27/11 <http://www.kshs.org/p/cool-things-influenza-sig/>

Because children seemed to more quickly contract the disease and suffer from higher mortality rates, youngsters living in congregate settings, like orphanages and children's homes, received greater scrutiny.⁴²⁹ When the Kansas Legislature passed its 1919 law strengthening state control of children's homes and orphanages, thousands of Kansans died and state health department officials established hundreds of makeshift hospitals statewide to care for the countless number who had fallen ill. Concerns about influenza and children may have prompted the legislature to designate the Bureau of Children's Hygiene as the lead agency to inspect private and charitable institutions.

Those concerns seemed justified once lawmakers learned in 1920 of an inspection carried out in 1919 at "A Children's Home and Day Nursery." Two dormitories contained twenty-one boys and nineteen girls in spaces measuring fifty and fifteen feet. In one dormitory, chicken pox had just broken out, and the other contained a child suffering from impetigo, a contagious infection of open sores. No rooms were available to isolate the infected children, whom inspectors found playing with the other youngsters. Piles of toothbrushes were scattered on shelves above the lavatories, but no toothpaste or drinking cups, leaving children to brush their teeth without rinsing. Soiled towels hung on hooks, and inspectors noted exceedingly dirty sheets and unwashed blankets.⁴³⁰

Another children's home housed forty-six children in a "most cheerless and depressing" atmosphere, sleeping and eating in the basement with a dingy dining room

⁴²⁹ "Kansas in the 'Grippe'," 45, 56; young children and the frail elderly were more likely to suffer from the influenza and consequently die.

⁴³⁰ "Excerpts Reports," 55, 56; "A Children's Home and Day Nursery."

crowded with tables painted black. No tablecloths or curtains improved the surroundings nor did the meal of boiled potatoes, canned vegetable and macaroni. Bread and milk were a common evening meal once a week. Inspectors noted all the children were very quiet while eating, exhibiting an atmosphere of severe restraint. None of the attendants smiled, several frowned and all had “disciplinary attitudes.”⁴³¹ Punished by kneeling on the cement floor, one six-year-old boy found no meal upon his return. The denial of milk to another young boy prompted the inspector to ask why. The family failed to contribute to his care.⁴³² Along with unsanitary sleeping arrangements, inspectors found no indoor or outdoor recreation. In a small room adjacent to the sleeping quarters, all the children gathered daily for a mandatory thirty-minute chapel exercise at 6 a.m. before breakfast. Seldom enjoying outdoor play or indoor recreation, these children crowded into small basement rooms. In the face of these conditions, inspectors made no recommendations for closure or any suggestions for improvements. State funds and licensure continued.⁴³³

Reflecting a paradigm shift in Kansas child welfare, time played a major role in the evolution of state responsibility for orphaned and dependent children living in private and religious institutions. From the 1862 Kansas Poor Laws to the 1919 licensure law, decades of state statutes moved responsibility for destitute and orphaned children from county poor relief officials to religious orphanages and charitable

⁴³¹ “Excerpts Reports,” 57, 58: “A Children’s Home.”

⁴³² “Excerpts Reports,” 58: “A Children’s Home.”

⁴³³ “Excerpts Reports,” 57, 58: “A Children’s Home.”

agencies, finally resting on the state-supported orphan's home. However, the full circle did not complete itself until 1935 when the Social Security Act pumped thousands of federal dollars into state welfare programs, insuring the funds necessary to remove all children from county poorhouses and placed in the state orphans home or into better funded charitable children's homes and religious orphanages.

Standing primarily in the way of a progressive attitude toward state responsibility was the dogged determination of the Kansas Legislature to limit its financial role. To order the removal of all children from county poorhouses would add to the state's fiscal obligation to children, increases lawmakers refused to assume.⁴³⁴ The first instances of state support for children occurred when Saint Vincent Orphan Home and the Leavenworth Protestant Orphan Asylum received lump sum funding in 1867, 1871 and 1874. Kansas lawmakers attached only one stipulation: the promise of no racial discrimination.⁴³⁵ When yearly supplemental funding began in 1881 for the two orphanages, lawmakers reshaped that provision to insist no denial of care ever affect destitute or dependent children.⁴³⁶ As the number increased of institutions gaining

⁴³⁴“Poorhouses and Paupers,” *Public Institutions Second Annual Report of the Board of Commissioners*, (State Printing Works: Topeka, 1875) 13-20; questioners were returned from sixteen counties in regards to their poorhouses or poor farms. Seven children were specifically mentioned as residents in two poor farms. Chief among the recommendations to the Legislature was a law prohibiting the placement of children in county poorhouses. Although recommended throughout the years, no such legislation was passed until 1935.

⁴³⁵ *Laws of the State of Kansas* (State Printing House: Topeka, 1870) 44; Chapter XV, Section 3, “Once a recipient is found to be in need of instruction and care, no distinction will be made on account of race or color.” This provision was reiterated in the *Session Laws 1886*, (State Printing Office: Topeka, 1886) “An Act,” 12; the Legislature awarded \$2,400 to Saint Vincent Orphan Asylum providing “no distinction is made in the admission and care of applicants on account of color.”

⁴³⁶ “Private Charities,” *Public Institutions Second Annual Report of the Board of Commissioners* (State Printing Works: Topeka, 1875) 373-390.

state supplemental funding, that lone requirement remained until mandated state licensure occurred in 1919. Approval of those licenses rested on satisfactory state inspections that occurred after unannounced home visits. Although private and charitable institutions for children operated statutorily under the same rules and inspections governing state-supported charitable institutions, lawmakers gave no additional funding for inspections or investigations, relying instead on each institution's documents and data.⁴³⁷ Refusing to accept and care for indigent or destitute children continued to stand as the only obstacle to state funding.⁴³⁸

Nothing compelled them to answer questions of troubling circumstances surrounding the care of orphaned, dependent and neglected children. Armed now with the force of state law, inspectors made unannounced visits, questioned children in private and examined every room in every building. Inspectors scrutinized ledgers, reviewed receipts for food, examined children's clothing and bedding, and confronted individuals operating the homes.

Divided into two categories in the 1920 report, the first named and identified all the children's homes and orphanages, offering data and statistics, along with photos of the institutions. "Excerpts from Inspection Reports" revealed the disturbing outcomes in the second part to include inspectors closing two private homes under contract with one

⁴³⁷ "Certain Private Charitable Institutions," *Kansas Session Laws*, (State Printing Office: Topeka, 1907) Chapter 19, 32-36, private institutions subject to same visitation, inspection and supervision by Board of Control as the public charitable institutions. State Board of Control must pass annually upon the fitness of every such institution and issue a certificate to operate from year to year.

⁴³⁸ *Second Biennial Report of the Board of Control of the State Charitable Institutions of Kansas*, (Topeka: State Printing Office, 1908) 315; http://books.google.com/books?id=C5scAQAAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false. accessed 04/28/11.

of the state-supported home-finding societies. Inspectors removed all the children to safer and cleaner environments.⁴³⁹

Predictions of these undesirable outcomes warned the Legislature in 1906. Sounding an alarm about the state's reliance on charitable and religious institutions, the former superintendent of the Soldiers Orphans Home cautioned state leaders of private agencies operating only on state supplemental funding. Resources stretched to the limit could lead to poorly operated facilities that put children in harm's way. In a 1906 letter from Charles E. Faulkner to Governor Edward Hoch, the Progressive-era leader insisted the state assume the role of parent guardian and "ought to undertake the management and supervisory care of all children dealt with under its warrant."⁴⁴⁰ Instead of funding children's home-finding services and religious orphanages, Mr. Faulkner suggested the state increase funding to the state orphans home and its home-finding services. Although Mr. Faulkner served as the second superintendent of the Soldiers' Orphans' Home at Atchison and gained national attention as a leader in turn-of-the-century Progressive Era reforms, Kansas officials refused his advice again.⁴⁴¹ State lawmakers

⁴³⁹ "Excerpts Reports," 59; "A Private Boarding Home" caring for five children, was closed immediately after the inspector found the surroundings lacked sanitation and overcrowding constituted insurmountable reasons for withholding a license; and 59, 60, "A Private Home" came under severe criticism for indescribably filthy rooms, all swarming with flies.

⁴⁴⁰ "Children Home-finding Societies," *Benevolent or Charitable Work in Kansas and Classification and Reports of Private Associations and Institutions from Kansas State Board of Control* (State Printing Office: Topeka, 1906) Kansas State Library Collection, 15, 16; Children considered under the state's warrant were those placed by court order in the state's orphans home or in one of the charitable and religious facilities.

⁴⁴¹ In 1885, Mr. Faulkner suggested Kansas adopt the Michigan Model, known for its successful operation of a state-supported orphans home, and the employment of state agents in each county to identify reports of neglected and abused children and investigate and follow up on family homes willing to adopt them. Michigan had ceased all state funds to charitable and religious institutions. In 1885 when

insisted the status quo met the needs of orphaned and destitute children, continuing to appropriate funds to children's homes and orphanages, and rely on self-reporting.

Mr. Faulkner's warnings of those "who must beg for state support in order to meet its obligations to children" came to fruition in the Excerpts Report of 1919.⁴⁴² The findings of state inspectors at three private homes under contract with one of the home-finding societies resulted in two homes closed immediately and the third severely criticized. Although granted licensure, the third home remained opened caring for four infants in a home with no porch, no yard and imperfect ventilation that inspectors questioned, "If any child could thrive in these surroundings during the summer months."⁴⁴³ Although clean and orderly, the rooms were unsuitable for infant care, especially for the sixteen-month old with a clubfoot who lived in limited space.

The Excerpts Report contained strong language to describe dreadful living conditions that inspectors found not only in the two homes they closed, but in other facilities as well. Of particular concern was the additional source of funding coming from county governments. As an alternative to placing children in the poorhouse or for counties without a poorhouse, local officials devised a method of paying couples to care for children under court order or victims of parental abuse or neglect. Upon transfer of

lawmakers created the Soldiers Orphans Home Mr. Faulkner served as chairman of the Kansas State Board of Charities and Corrections. The Legislature decided to adopt certain provisions of the Michigan Model, but refused to employ county agents and continued to fund charitable and religious institutions. Mr. Faulkner became the second superintendent in 1889 and later assumed the same position in 1897 at Washburn Orphans Home in Minneapolis, Minnesota.

⁴⁴² "Children Home-Finding Societies," 16.

⁴⁴³ "Excerpts Reports," 58, 59; "Inspection of a Private Home."

custody, county officials disavowed all future involvement or responsibility.⁴⁴⁴

Although one of the home-finding societies, which received state supplemental funding, contracted to place children in the two homes closed by state inspectors, the Excerpts Report found little evidence that those funds made their way to the home's operators. Instead, the operators relied on county payments for each child.

In the first home inspection, five youngsters from three to thirteen years old slept atop "indescribably dirty" bedding devoid of sheets or pillows with three of the younger girls sleeping in one bed.⁴⁴⁵ The lone boy described as the "bed wetter," slept on a cot that inspectors found still soaked in urine the next afternoon and untouched from the previous night. At this point, inspectors closed the home, refusing to investigate further the food, discipline and other arrangements. The lack of sanitation and overcrowding stood as insurmountable reasons for withholding a license and removing the children.⁴⁴⁶

The second home closed by state inspectors cared for eleven children in "indescribable disorder, very dirty and malodorous."⁴⁴⁷ Found in a closet next to the children's room, a tub was unattached to plumbing although a drain piped wastewater into the open yard a few feet from the front door. Discovered asleep on a toilet chair,

⁴⁴⁴ "County Commissioners May Pay for Children Taken From Off Their Hands," *First Annual and Biennial Report of the Board of Control of the State Charitable Institutions of Kansas* (Kansas State Printing Office: Topeka, 1906) 281.

⁴⁴⁵ "Excerpts Reports," 59,60; "A Private Home."

⁴⁴⁶ "Excerpts Reports," 60; "A Private Home."

⁴⁴⁷ "Excerpts Reports," 59; "A Private Boarding."

inspectors identified a two-year boy covered in filth with flies swarming around him. Five of the youngest, girls from three to six years old, slept in two beds that were exceedingly dirty and covered in vermin as were the crib and two other children's beds. In the back yard, inspectors found a pigpen, stable, unsanitary privy, cesspool, and open clop drain, all littered with rubbish, offering no decent or proper place for children to play.

Most troubling was "Mr. Blank," who was blind, unemployed and stayed inside. "The children seemed to be afraid of him, and he seemed to inspectors to be a most undesirable person to associate with small children."⁴⁴⁸ Because the couple operating the home seemed quite disappointed to lose the income from caring for children, inspectors paid them an unannounced consequent visit to insure the couple failed to profit in the business of keeping children.⁴⁴⁹

The 1906 review of Benevolent or Charitable Work in Kansas included each of the thirteen homes inspected in 1919 by the Kansas State Board of Control. That report listed only data, statistics and photos of the institutions. No inspections took place and no alarming conditions revealed troubling circumstances. Continuing a tradition begun in 1881, state lawmakers allotted no funding to either inspect these facilities or ask any questions. However, how could eleven of the thirteen children's homes and orphanages identified in 1919 for their deplorable living conditions exist in 1906 without anyone noticing or reporting to the state? Because the data compiled in 1906 came from only

⁴⁴⁸ "Excerpts Reports," 60; "A Private Home."

⁴⁴⁹ "Excerpts Reports," 60; "A Private Home."

written correspondence and photos submitted to the Board of Control, what accounted for state officials not suspecting any wrongdoing when it came to children's care? From 1873 to 1919, the state exercised restricted oversight, listing no incidents of maltreatment in annual and biennial reports and a consistent reluctance to approve additional funding. These limits on state control and the ability to gather first hand information accounted for the distance between state responsibility and children's care. Since 1873 a board of trustees followed state statutes that gave it limited authority over state charitable institutions, but nearly no authority over private agencies. Oversight may have sounded good in the state statutes governing private institutions and religious orphanages, but state inspections and scrutiny remained limited to only the state orphans' home in Atchison. In reality, scant financial resources and too few state personnel limited the execution of state law to collecting only self-reported data. In the last decade of the nineteenth century and the first decades of the twentieth century, no records in the annual reports made to the Kansas Legislature suggested the unsanitary and deplorable conditions that existed in the private and charitable institutions at the end of World War I.

Mothers Pensions, Kansas Home Society Add Another Layer

For nearly seventy years, Kansas failed to mandate any improvements or offer any suggestions to enhance private charitable institutions and religious orphanage caring for orphaned and dependent children. With limited state involvement and no state provision in Kansas Poor Laws to protect "those thrown on the cold charity of the

world,” lawmakers exhibited more concern for financial restraint than the needs of destitute and orphaned children.⁴⁵⁰

However, the Progressive Era signaled a shift in attitude toward all children when reforms in the late nineteenth and early twentieth century began to surface in state legislatures. Kansas followed a common pattern of improving its child welfare statutes by guaranteeing penalties for child abuse and abandonment, and removing the priority placement given to soldiers’ orphans and dependents at the Kansas Soldiers’ Orphans’ Home.⁴⁵¹ As an alternative to charitable and government operated orphanages, states began in the second decade of the twentieth century to offer Mothers’ Pensions to destitute women with children, a monthly stipend to care for families in their own homes, avoiding relinquishment of children because of financial difficulties. However, eligibility requirements differed widely from state to state and southern states routinely denied Mothers’ Pensions to African-Americans while others balked at allowing funds to unwed mothers. Kansas offered Mothers’ Pensions by 1916.⁴⁵² When the federally funded Social Security Act took place nationwide in 1935, discrimination subsided and standardized benefits began.

⁴⁵⁰ “Those thrown on the cold charity of the world” was the description given the first orphaned children receiving care from the Sisters of Charity of Leavenworth.

⁴⁵¹ “To Provide for Dependent Children,” *Kansas State Statutes*, (Topeka, Kansas Publishing House, 1901), Chapter 106, 199-209.

⁴⁵² “Governors’ Messages,” *Bulletin of the Public Affairs Information Service*, (New York: H.W. Wilson Co., 1915); listing the states by 1915 which had passed or were soon to implement Mothers’ Pensions. In 1911, Illinois was the first state to pass a statewide Mother’s Law. [http://books.google.com/books?id=BRZEAAAAMAAJ&pg=PA170&lpg=PA170&dq=Mother's+Pensions,+Kansas&source=bl&ots=NAFaeDK-
jd&sig=f7K5bgNxEKJD75TcPYAO7pWSQmE&hl=en&ei=qZ6gTY7iOIrFiALVofSLAw&sa=X&oi=book_result&ct=result&resnum=3&ved=0CCQQ6AEwAg#v=onepage&q&f=false](http://books.google.com/books?id=BRZEAAAAMAAJ&pg=PA170&lpg=PA170&dq=Mother's+Pensions,+Kansas&source=bl&ots=NAFaeDK-
jd&sig=f7K5bgNxEKJD75TcPYAO7pWSQmE&hl=en&ei=qZ6gTY7iOIrFiALVofSLAw&sa=X&oi=book_result&ct=result&resnum=3&ved=0CCQQ6AEwAg#v=onepage&q&f=false), accessed 04/05/11.

Funding destitute mothers directly was not the only stabilizing force taking place in Kansas child welfare. Further reforms implemented in other states as well as Kansas included true champions at children's home societies and among professional social workers at state agencies. The lives of orphaned and dependent benefitted from the creation of private, charitable institutions like the Kansas Children's Home Society. Dedicated to finding temporary housing and an eventual permanent home for children removed by court order from their homes or found to be abused or abandoned, the Home Society was among a handful of other home-finding agencies created at the time. All stood before state lawmakers in the late nineteenth century asking to be the private alternative to placement in the state's orphan home, and all asked for state funds to do so.

First among the newly identified social workers in Kansas, agents for the state's orphan home arranged indenture contracts and secured adoptive homes with the implementation of case management principles in state agencies and private charities. Among the most important Progressive Era reforms taking place at the turn of the twentieth century, political influence in state institutions diminished, relying instead on educational background and experience for state jobs.⁴⁵³

However, a final look at Kansas child welfare in the Progressive Era must take into account the limited progress reflected in two state reports. The 1878 Bureau of Labor identified one hundred sixty three children living in county poorhouses as "the darkest page in Kansas history." Forty years later, the 1919 Excerpts Report revealed

⁴⁵³ E.L. Hillis, "Superintendents' Report," *Ninth Biennial Report of the Kansas Soldiers' Orphans' Home, 1899, 1900* (Topeka, State Printing, 1900), 7-9.

“unhealthy living conditions” in private children’s homes under contract with home-finding societies and in religious orphanages. To avoid these conditions, state leaders and newly emerging social workers advocated the removal of all children from poorhouses and that all orphaned and dependent children find shelter in private homes with stable parents living in good neighborhoods, a forerunner to today’s foster care system. As early as 1891, recommendations of the superintendents for the Soldiers’ Orphans’ Home called for state agents to find good homes with parents willing to adopt children living at the facility in Atchison. At the turn of the century, these placements became a priority for the state’s orphan’s home and the newly established home-finding societies.

Continuing a pattern begun in other Midwestern and eastern states, the Kansas Children’s Home Society began in November 1893 “to secure or assist in the securing of homes for homeless, dependent or destitute children, to receive, control and dispose of such children by placing them in suitable homes.”⁴⁵⁴ In 1898, Orville S. Morrow explained in the first edition of *The Children’s Home Finder* the circumstances surrounding the first children rescued.⁴⁵⁵ One of the society’s volunteers found an infant suffering “the most extreme poverty, poorly nourished and literally starving.” A county official warned her not take the child. Fearing he “would surly die in our hands,” the

⁴⁵⁴ Robert W. Richmond, “A Century of Caring: the Kansas Children’s Service League, 1893 to 1993,” 2, paper delivered to the 1993 annual meeting of the Kansas Children’s Service League (forerunner of the Kansas Children’s Home Society) held at Topeka; Manuscript Collection 791, (KSHS).

⁴⁵⁵ O.S. Morrow, “The Perishing Rescue,” *The Kansas Children’s Home Finder*, 1, no. 1 (February, 1898) Manuscript Collection 791, (KSHS) referred to as the *Home Finder*, 2, 3; the society began printing the monthly journal in tabloid format February, 1898.

volunteer found a temporary home with a woman who took the boy into her arms and observed, “poor little fellow, he hasn’t long for this life, we’ll make these few days as comfortable as possible.” Not long afterwards, a western Kansas farmer approached society officials in Topeka asking for a baby boy. Taken to see “Karl,” the farmer could not leave the infant. Bundling him safely for the three hundred mile journey to his home, the farmer and his wife endured long days followed by sleepless nights as they cared for the child through months of poor health. Nearly a year later, the parents reported the boy’s improvement into a happy and healthy child, winning a baby show for children from three counties. At the child’s first birthday, the farmer wrote to Topeka, praising the volunteers for rescuing children in need of good homes and loving parents. Such words of praise were “apples of gold in pictures of silver” to the hundreds of society agents and volunteers working daily with homeless and destitute children.⁴⁵⁶

Organized with volunteers and potential adoptive homes by September 1895 at Topeka, the society guaranteed Kansas children would receive care and “no outsiders need apply.”⁴⁵⁷ The Society decried transporting children from other states because of the additional care and supervision forced on local communities, adding further to their financial burdens. Morrow, who served as the first superintendent, reiterated his opposition to orphan train riders sent to Kansas from the New York Children’s Aid Society, claiming the Empire State unloaded pauper children throughout Kansas instead

⁴⁵⁶ “The Perishing Rescue,” 3.

⁴⁵⁷ Morrow, “The Child Saving Problem,” *Home Finder*, (February, 1898) 5.

of taking responsibility for them.⁴⁵⁸ In 1898, a *Chanute Tribune* article pointed with some irony to six orphan train riders who arrived in Garnett just a day after three soldiers' orphans left for the Soldiers' Orphans' Home at Atchison.⁴⁵⁹ Although sympathetic to the New York children, the Kansas Home Society reserved its harshest criticism for the children's aid society personnel who transported the children, but failed to properly place them and follow up on the quality of their care.

Despite the county poorhouses that routinely placed out children and the Soldiers' Orphans' Home arranging indenture contracts, the Children's Home Society considered its placement methods superior. Morrow declared in February 1898 that the motto of "a home for every child and every child a covenanted member of a Christian family" drove the society's regional agents throughout the state to place destitute and orphaned children, who gained temporary shelter in a Topeka boarding home or other private homes throughout the state. Maintaining it wrong in theory and a sin in practice to confine children in county poorhouses, orphan homes, and reform schools, Morrow defended the position as the right step in the right direction.⁴⁶⁰

He maintained the right position also included advocacy before the Kansas Legislature to support changes in state law to protect and care for homeless and abused children, in addition to yearly state supplemental funding. In the late 1890s and the first decade of the twentieth century, the society's monthly publications pressed its readers

⁴⁵⁸ "The Child Saving Problem," 5, 6; Morrow pointed to the system of child saving in New York City as the most egregious because one in every thirty five children was in children's institution.

⁴⁵⁹ "A Century of Caring," 3; Richmond quoting the *Chanute Tribune* (September. 5, 1898).

⁴⁶⁰ Morrow, "Editorial," 4, *The Home Finder* (February, 1898).

to serve as lobbyists insisting on legislation to penalize parents who abandon their children. Telling of an extreme case of child abuse perpetrated against three little girls in Leavenworth, the *Home Finder* said the cruelty occurred with the mother's consent.⁴⁶¹ This incident took place a few weeks after the 1901 passage of an important change in child welfare statutes. For the first time, conditions of child dependency, neglect and ill treatment included methods for the protection, disposition, and supervision of these children. In addition, the Legislature empowered the State Board of Charities with oversight of out-of-state children entering Kansas and instructed the sending agencies to comply with rules set out by the state board. The Home Society gained yearly supplemental funding of \$700 from 1899 to 1903.⁴⁶²

The society's annual reports told of children placed in new homes, and at what cost. In 1898, one hundred fourteen children found homes at a cost of \$62 a child. By 1902, activity increased considerably. Local boards of operation established two hundred thirty two locations statewide and nearly 5,000 volunteers assisted district agents throughout the state. Boarding continued at the Ellis Boarding Home in Topeka where nearly three hundred children had found shelter since 1898. One hundred eighty one children found homes in 1902.⁴⁶³ In March 1903, the society requested \$2,000 from the state legislature. Lawmakers' refusal forced Morrow to observe that hundreds of

⁴⁶¹ *The Home Finder*, 4, no. 7 (July 1901).

⁴⁶² "A Century of Caring," 7, 8.

⁴⁶³ *The Home Finder*, 8, no. 6, (June 1905).

thousands of dollars appropriated to those with “pull, but nothing for the most successful, humane and Christ-like organization in the state.”⁴⁶⁴

Measuring its success on the number of children placed in homes, the society bragged in 1903 that it now had nearly eight hundred children under its supervision in temporary shelters throughout the state. Three years later, *The Home Finder* reported 1,200 local boards carrying out functions that included reporting cases of destitute children, accepting homeless children under emergency conditions, receiving and advising applications from adults wanting children, removing children who were subjected to abuse or neglect in their new placements, and receiving and recording all donations.⁴⁶⁵ District agents, nearly all Protestant ministers, considered this last stipulation an important part of their work because agents kept fifty percent of all the donations they received. One Fort Scott agent complained about the percentage in December 1898, and asked to receive seventy-five percent of donations, a request denied.⁴⁶⁶

When set side by side, the publications and records of the Children’s Home Society and the biennial reports of the Kansas Soldiers Orphans Home establish patterns of similarities. Both superintendents produced annual publications. Mr. Morrow and Mr. Faulkner addressed annual meetings of the Kansas and National Conferences on Charities and Corrections. Both supported child welfare reforms in 1901. Both served in

⁴⁶⁴ “A Century of Caring,” 9, Richmond quoting Morrow.

⁴⁶⁵ *The Home Finder*, 9, no. 6, (June 1906).

⁴⁶⁶ “A Century of Caring,” 7.

their respective positions in the same period. Both garnered the support of their professional associations and admiration of their local communities. Both assumed leadership positions in Progressive Era reforms taking place in Kansas.

However, important differences existed, including the number of children managed by both institutions as well as those handling home placements. Only a handful of state agents worked on child placement for the state orphan home and their duties went beyond finding homes that would eventually adopt children, because much of the state agents' time was spent arranging indenture contracts. Legally binding on the adults who entered into an indenture arrangement, the contracts involved constant monitoring, providing the children with meaningful skills, insuring good education and treatment, and responding to children mistreated or put in danger. For those children who could return to their parents, state agents had to investigate the family's current circumstances, visit the homes, and coordinate with local district courts on the decision to return them.⁴⁶⁷

The state facility, which cared for children on a permanent basis, assumed considerably more responsibilities. The Children's Home Society moved as quickly as possible to find suitable homes, avoided indenture arrangements and discouraged a return home. All statistical information regarding placements from the state orphan home appeared in annual reports given state lawmakers. No verification existed for the

⁴⁶⁷*Second Annual and Biennial Report of the Board of Control of the State Charitable Institutions of Kansas* (Kansas State Printing Office: Topeka, 1908) 562; the responsibilities of the state agents were outlined in this report.
http://books.google.com/ebooks/reader?printsec=frontcover&output=reader&retailer_id=android_market_live&id=H8IVAQAIAAJ&pg=GBS.PA562 accessed 06/05/11.

Children's Home Society. All data on the number of children receiving care and the volunteers involved came from Society's personnel.

The most striking differences between the two became compensation for personnel. State agents received civil service salaries. Home-finding agents depended on donations, half of which they kept. State agents were the first social workers in Kansas, initiating case management principles in child welfare management. Similar to those teaching in the state orphans home and elsewhere, an associate or bachelor's degrees and state certification became a requirement for state agents.⁴⁶⁸ Limited to mostly Protestant ministers, home-finding agents had other claims on their time and loyalties, not to mention their motivation for financial compensation.

To explain and justify why time, progress and the Spanish Influenza compelled the Kansas Legislature to act in 1919, fear stood as a primary consideration. Faced with thousands of deaths in 1918, lawmakers looked to its Department of Health to stem the tide and possibly reverse the overwhelming loss of life. Of obvious concern became the charitable and religious children's homes receiving state funding. Lawmakers instructed state officials to look into areas where they could have an impact, but at not too great a cost. The 1920 report of the Division of Child Hygiene must have shocked their sensibilities. However, fear of financial responsibility tempered their response. No

⁴⁶⁸ Jeffrey R. Brackett, PhD, "The Worker: Purpose and Preparation," *Proceedings of the National Conference of Charities and Corrections, 1903*, (Herr Press: Boston, 1903) 1-14; Serving as the president of the 19 annual conference, Dr. Brackett talked of the progress made by social worker, who first started as charity workers in the field of government and private philanthropy. He talked of universities opening sociology departments, state and private agencies requiring educational standards, and the salaries given college graduates in social work. The evolution of charity workers into social workers started a professionalization process begun in 1874 when the National Conference of Charities and Correction was started by representatives of state and private charitable institutions, including Kansas.

<http://quod.lib.umich.edu/n/ncosw/ach8650.1904.001/26?view=image&size=100> accessed 06/11/11.

prohibition existed for children in county poorhouses and state funding of charitable agencies and religious orphanages continued; although the licensure law gave state officials a hammer to pound out the most poorly operated facilities. In the end, time and progress may have failed for decades to motivate the Kansas Legislature into taking a more active role in the lives of orphaned and dependent children, but the Spanish Influenza proved finally to be the tipping point that frightened them into action, as long as cost remained minimal.

Chapter Seven: Conclusion

The Kansas Legislature stood at the center of the care given to orphaned and dependent children “thrown on the cold charity of the world.” From the ill kempt, ill prepared, and ill fed Famine Irish arriving in New York in the 1840s to Kansas children exposed in 1919 to unhealthy living conditions, rancid food, and unsanitary hygiene, local and state governments in New York, Pennsylvania and Kansas extended varying degrees of charity. In the late nineteenth and early twentieth century, the private child welfare system dissipated gradually, revealing the weakness of charitable agencies and religious orphanages to provide for the poverty-stricken children of Irish immigrants, the orphan children of the Battle of Gettysburg, and the destitute children of Kansas. This study argued that the homeless and dependent children of the Famine Irish served as a flash point in nineteenth-century child welfare, igniting a crisis in care that exposed a privately-funded system incapable of meeting children’s needs. Whether in New York, Pennsylvania or Kansas, special interest politics and not the ravages of poverty ultimately forced state government to take full responsibility for the care of destitute and homeless children. The tipping point in Kansas became the Spanish Influenza epidemic of 1918 and 1919, which ignored poverty and politics and forced Kansas lawmakers to regulate all facilities caring for orphaned and dependent children. However, these regulations carried no additional funding.

Money stood between Kansas lawmakers and children in need. When faced with calls for reforms, the legislature balked. When asked to remove children from poorhouses, lawmakers refused. The potential of increasing the state’s fiscal obligation

stood in the way of rescuing children from deplorable living conditions, cruel environments and disturbed adults. Whether the state treasury brimmed with surplus cash or scrimped from year to years, the response remained constant. Money trumpeted children every time.

Poverty and politics comingled throughout this study. When the unprecedented needs of Famine Irish immigrants began troubling Catholic Church authorities, lay leaders and Irish politicians sought solutions. Donations failed to generate the funds needed to care for destitute children. The consistency of tax-supported funding became the only dependable solution to meeting such overwhelming need. Collected on periodic schedules in reliable amounts, tax funded support offered charities an alternative to depending on the goodness of others and the philanthropic whims of the wealthy. When those private sources of funding faltered or faded away, charitable institutions turned to local and state government. The most successful became those representing special interest groups leveraging political influence.

First among the most successful, the Irish leveraged political influence in New York City politics after the Protestant-dominated, New York State Assemblymen refused to support Catholic child welfare services. Because Protestant child savers wanted to send Famine Irish children by train to rural Midwestern communities, Irish politicians took advantage of newfound political power in Tammany Hall, rallying Famine Irish immigrants as potential voters to help in reversing their political fortunes. When the Irish decided to take advantage of the American political system, their leaders lost no time in learning the basic rules of political success. Voters and lots of them had

an impact on elections, especially municipal elections. The wrong inherent in the anti-Catholic, anti-Irish sentiment expressed by state assembly members turned Irish immigrants into political leaders determined to gain power in the New York City Council and the Democrat Party. Revenge played a key role.

America's political system was just the opposite of British rule in Ireland. For centuries, rural peasants and city slum dwellers suffered under the boot of oppressive English laws, which forbid land ownership and tied generations of Irish families to never-ending cycles of poverty and oppression. Ireland's political system prohibited its non-property owners and poverty-stricken inhabitants from voting and participating in any form of representative government. Not so in America, where white males could vote regardless of economic status or religious affiliation. St. Patrick Day parades became the symbol of Irish voting power in New York City, delivering a powerful message to Protestant majorities in the 1850s and 1860s. New York City would provide municipal support for Catholic orphanages and child welfare programs until the 1930s. The Irish domination of New York's political system began as a fight to stop the massive deportation of destitute Irish Catholic children from their ethnic neighborhoods and religious heritage.

Special interest politics delivered a message of necessity in Pennsylvania. Fearful of the outcomes awaiting their children should they not return from battle, Union Army volunteers insisted the state provide certain guarantees. My study revealed how the state's governor, under extreme pressure to increase the number of recruits, used the promise of state support of soldiers' orphans and dependents to leverage the

needs of a special interest group, the Union Army. Pennsylvania guaranteed the support of orphaned and dependent children, but only if their fathers fought to save the Union. All others languished in poor houses or underfunded religious orphanages.

From 1866 to 1885, Kansas child welfare endured similar shame. By tradition and constitutional mandate, responsibility for orphaned and destitute children fell to county government. Taking the path of least resistance, poor relief officials placed children in poorhouses, where officials, without the benefit of investigation beforehand or follow up afterwards, placed them out with farmers and merchants. The shortcomings of the placing out system generated a handful of state officials and child welfare advocates willing to press the Kansas Legislature to prohibit children from poorhouse placements. Despite an 1878 survey of county poorhouses, which exposed the “darkest page” in Kansas history, lawmakers ignored children living among severely disabled or mentally unsound adults. Throughout the 1870s and early 1880s, annual reports from the State Board of Charities reminded lawmakers of the suffering endured by children in poorhouses.

Change finally occurred when the plight of these children earned new champions. Political pressure from Civil War veterans forced the Legislature in the mid-1880s to reconsider its reluctance to assist destitute children. Those who had saved the Republic did not want the children of their Civil War colleagues to suffer in county poorhouse. Kansas owed its veterans and their children better treatment. My study pointed to a milestone in nineteenth-century Kansas child welfare, when the 1885 Legislative session marked the first time Kansas state government took full

responsibility for orphaned and dependent children. A state-supported Soldiers Orphans' Home opened in Atchison two years later. Conditions, however, came with the state's commitment. The children of Union Army veterans received priority placement, a requirement that lasted twenty years and left countless children to linger in poorhouses.

Whether Pennsylvania or Kansas, Civil War veterans dictated state policy. In both states, those advocating for soldiers' orphans failed to include the needs of all children. My study found no explanations to justify why veterans remained silent on denying similar state support to children without fathers who fought in the Civil War. State lawmakers in both states justified their actions by declaring their gratitude to those who saved the Republic. Because Civil War veterans fought to sustain the Union and preserve the Republic, they deserved state benefits, among them state support of their orphaned and dependent children.

The sixty-year journey of orphans in Kansas began with a riverboat accident in 1859 that left three siblings suddenly without parents. At that time, no state or local governments took responsibility or offered shelter to children. Gradually, counties built poorhouses and two orphanages opened in Leavenworth, the state orphan home welcomed children in 1887, and by the turn of the twentieth century, several children's homes and religious orphanages offered care. Although limited state supplemental funding reached these facilities, lawmakers refused to make a full commitment by failing to prohibit children from poorhouse placements. Two tragedies shifted the Legislature's commitment.

When the Spanish Influenza took the lives of 12,000 Kansans at the end of World War I, the Legislature listened carefully as the state health officer warned of high mortality rates among children living in orphanages and children's homes, and the elderly in insane asylums. Lawmakers ordered the Child Hygiene Division of the Kansas Health Department to conduct unannounced visits to these private institutions and report its findings. Lawmakers recoiled at the results. State officials closed immediately two private children's homes, while describing children covered in vermin and filth, sleeping in urine soaked, cornhusk mattresses and shivering under one thin blanket to warm them in winter. Despite unsanitary conditions and harmful living arrangements, inspectors allowed several homes to remain opened and uncensored.

Without an increase in state funding and no prohibition against children in poorhouses, the Legislature decided in 1919 to impose state control of all private children's homes and religious orphanages by demanding certain standards of care exist before granting a license to operate. Cited as an excuse, repeated for decades, lawmakers refused to obligate any further financial commitment to orphaned and destitute children.

Consider these occurrences. Kansas became the last of the northern states to establish state-supported homes for soldiers' orphans and destitute veterans. Kansas was among the last of any states to prohibit children from poorhouse placement. When the state finally decided to open a state orphan home, admission existed for only the orphaned and dependent children of Civil War veterans. All others lingered in county poorhouses or poorly funded private children's homes and religious orphanages. My

research proved Kansas fell way short of its constitutional obligation to provide for those who “may have claims upon the sympathy and aid of society.”

Why did sympathy and aid take decades to occur in incremental steps? When greater attention fell to destitute and orphaned children at the start of twentieth century, how did Kansas lawmakers justify their limited responses? Did any public outcry reach the people’s House of Representatives or the Senate chambers?

Not likely. My study found lawmakers paying more attention to financial concerns than the needs of children. When Progressive Era reforms passed the Legislature in 1901 and 1906, state law finally punished those who abused or neglected children, and opened up to all children placement in the state orphans home. However, no increases occurred in state supplemental funding to children’s homes and religious orphanages, no laws dictated standards of care.

Is there an explanation for the lack of interest and a failure to commit? My research asked whether it was really all about a financial commitment. It was. When New Deal programs in the 1930s began to funnel federal funding into state welfare programs, the Legislature passed laws to prohibit the placement of children in poorhouses. With the state’s fiscal responsibility boosted with federal funding, the Legislature could afford to be generous. After the voices of Civil War veterans faded in the background, professional social workers took a leading role in advocating for all children, shifting legislative intent. When the state began to commit to all children for their own sakes, and not because of their fathers’ service to the country, the change marked a turning point in Kansas child welfare.

From no interest to full support took over eight decades; however, the most significant changes took place when thousands of Kansans died from Spanish Influenza. After years of tepid oversight, the state insisted on sanitary conditions, sufficient nutrition, educational opportunities, moral instruction, and an atmosphere devoid of abuse and intimidation. Whether or not these institutions received state supplemental funding, licensure became mandated.

In the absence of state fiscal resources being an issue, and no political demands coming from special interests groups, the Spanish Influenza struck without regard to race, color, creed, economic status or social standing. Thousands of Kansans endured dreadful suffering 1918 and 1919, and death mounted in large towns and small communities. Fear compelled the Legislature to act.

Whether thousands of homeless children roamed New York City streets, a pair of hungry orphans appeared at the home of the Pennsylvania governor, or hundreds of children huddled in Kansas poorhouses, state legislative leaders responded with varying degrees of concern. Anger, promises and honor prompted action when poverty and despair failed. Because destitute children command the full attention of twenty-first century, child welfare authorities, the difficulty today rests in understanding how the plight of nineteenth century children could go unmet. In this study, that understanding began by accepting the past in terms of circumstances, as they existed in the nineteenth century. Viewing those standards through the prism of today's principles does the past a great injustice. Regardless of the century, the influence of special interests politics remains of paramount importance.

At the heart of each state's relationship with destitute and orphaned children stands the nature of politics, and what motivated lawmakers. Anger prompted Irish immigrant leaders in the 1850s to become more involved in New York City politics. In 1864, Pennsylvania kept its promise to Civil War recruits by fully supporting their orphaned and destitute children. Twenty years later Kansas responded to the will of Civil War veterans. Watching their war colleagues grow older, and alarmed by those facing poverty and despair, the Grand Army of the Republic insisted the state honor those who saved the Republic.

When politics and poverty mingled in all three states, the political will of voters prevailed at first, but once reform began to replace politics, the needs of children finally became a priority.

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