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Chapter 6

The House That Julia (and Friends) Built: Networking Chicago's Juvenile Court

Carol Nackenoff and Kathleen S. Sullivan

At the turn of the twentieth century, reformers in Chicago, deeply concerned about social conditions and moral influences on children, created a juvenile court system. This innovation led to the extension of the juvenile court idea and other institutional efforts in child saving across the nation and gave rise to social programs at the city, state, and federal level. The origin and early development of the juvenile court system provides an important case study in Progressive Era statebuilding and the public-private collaborations that initiated and sustained it. Nonstate actors and organizations played a vital and dynamic role in pressing the idea of the Juvenile Court on policymakers.¹ The networks they built included allies on the court, in elective office, in academia, and in newly professionalizing fields. As in the children's rhyme, "The House That Jack Built," Julia Lathrop (and friends) built an institution by building a network that generated, sustained, and expanded the juvenile court system.

Our investigation leads us to be skeptical about some of the Weberian and linear assumptions in the literature on statebuilding in the Progressive Era. In the case of the Juvenile Court, statebuilding did not simply move from the state to the national level, nor were courts left out of the pattern of growth in bureaucratic organization and state capacity. Much of the American statebuilding literature focuses on the role of legislators, executives, and bureaucrats in the transition from a "state of courts and parties" to a new

administrative state, and the bulk of that literature addresses development at the federal level. Dan Carpenter's work emphasizes the role of bureaucratic entrepreneurs, who, in the process of building bureaucratic legitimacy, engage in small, experimental programs that precede the building of coalitions and forging of public support. Carpenter's administrative leaders create these "pockets of limited discretion" and "By nurturing local constituencies and by using their multiple network affiliations to build broad support coalitions among professionals, agrarians, women's groups, moral crusaders, and congressional and partisan elites, they won for their young programs both political currency and administrative legitimacy."² Those networks had to develop somehow. In Chicago, we find that reformers actively generated and fostered those networks, which then provided financial resources, trained personnel, and experienced recordkeeping. The development of networks themselves was a precondition for formal institutional development. And the network of reformers pressured legislative and administrative elites into channels of reform that do not appear to have been on their agendas previously.

The end of the nineteenth century ushered in a new era for the "intermingling of state and private means of extending public authority."³ In this era, Brian Balogh finds the federal government parceling out state authority to a number of voluntary associations and professional societies to do state work. We discover here that these nonstate actors are not merely doing work already envisioned by the state or bureaucratic actors. Rather, they are often moving the state into new work, forging the warrants for, and helping to create, public authority. Drawing on firsthand experiences and experiments, Lathrop and her largely female reformer allies in Chicago pressed the idea of the Juvenile Court on the state of Illinois, and subsequently, pressed child-saving ideas upon the nation.

Julia Lathrop, with many of her friends and associates, built an institution to deal with a newly defined public problem. Organized women activists loom large in the history of the juvenile court movement in the United States, and nowhere is this more evident than in Chicago, home of the first Juvenile Court.⁴ Hull House, founded in 1889, and the Chicago Woman's Club (CWC), founded in 1876, provided many of the activists who would lead the battle for the Juvenile Court Bill in the Illinois legislature in 1899. Advancing their vision for coping with newly defined—or redefined—social problems, these reformers made use of opportunities and resources, both material and social, to make a "private" contribution to statebuilding. These reformers were not self-interested beneficiaries of the policies they advanced in the conventional

sense; however, some parlayed the expertise they developed into new positions in the growing administrative state. The origins and early operation of the Juvenile Court places female reformers at the center of this statebuilding story.

There have been a number of fine studies of the Juvenile Court and of municipal court reform in Chicago. From works produced by participants and by some of their students to later works on Progressive Era female reformers and newly professionalizing social sciences, to the recent past, we have gained insights into particular dimensions of these activities. Among the most recent, David Tanenhaus has wonderfully demonstrated how the Juvenile Court was a work in progress, not a single act of creation, and how action also bred reaction. Michael Willrich has made a major contribution to understanding how the transformation of American law, so that law and courts became more responsive to felt social needs, played out in the transformation of the municipal court in Chicago. Elizabeth Clapp has offered a rich historical exploration of the role of the Chicago Woman's Club and the Hull House community in establishing the Juvenile Court of Cook County (sometimes simply referred to as the Chicago Juvenile Court). Victoria Getis has examined the ways the court combined legal and social welfare functions, combining uneasily a number of tensions and contradictions.⁵ We build on their contributions, bringing the court and its allies and helpers into narratives of statebuilding.

When we place the Chicago Juvenile Court and the spread of the juvenile court idea in a statebuilding narrative, it highlights, in instance after instance, the difficulty of sharply delineating public-private boundaries in turn-of-the-century reform efforts. While the state seemed to "borrow" capacity from private organizations during early phases in the construction of the Juvenile Court, building the court proved to be hardly a matter of passing all innovation and responsibility from nonstate initiators to bureaucrats. In the instance of the Juvenile Court, while some activities spearheaded by philanthropic organizations were absorbed into the public sector, the operation of the institution continued to depend in part on the involvement of the philanthropic and voluntary organizations that had helped bring them into existence.

The state retained complex relationships with these organizations, including these organizations in various ways in processes of governance at different stages of institutional development. This may be in part because organizations are powerful stakeholders and in part because, as Elisabeth Clemens suggests, "Within a political culture suspicious of governmental

power, action through collaboration might well be less costly than the construction of explicitly public state capacity.”⁶

Because of perceived advantages on both sides, activists did not simply hand off their hard-won projects to the state. Our evidence places us partially at odds with historian Paula Baker, who argued that women’s charitable work was passed along to the state in this period.⁷ Legislatures sometimes used the prototypical institutions developed by voluntary effort as templates for new institutions sanctioned at law—institutions that would function with some public infusion of resources but that also depended on continued voluntary and private activities. And activists often turned their attention from winning a legislative victory to volunteering their expertise, developed from having worked on the problem—along with their time and financial investment—to supporting and helping shape the practices of a fledgling institution such as the Juvenile Court. Public-private imbrication is evident in the case of the Juvenile Court, which is best understood as a hybrid institution that relied on both public and private initiatives as it developed. We doubt this was unusual; as Elisabeth Clemens notes, one can find many “complex and hybridized arrangements” between organizations and public agencies.⁸ Other examples can be found in this volume. Hull House cofounder Jane Addams, who was herself a participant in the new court initiatives, was well aware of the boundary crossing and blurring, writing of a “wavering line between the public and private activities, so that you can scarcely tell what is philanthropy and what is public service.”⁹ Reformers secured a place for themselves in new state functions. These reformers, many of them women, drew on a network of academics, lawyers, businessmen, and progressive fellow travelers to push for their vision of needed institutional generation to cope with newly defined—or redefined—social problems. They found allies in the field who had invested in earlier charitable institutions to deal with the problems of abused and neglected children and who were now overwhelmed with the burdens they had been expected to take on. Once this coalition had succeeded in getting a Juvenile Court law passed, central reformers and their networks continued to be indispensable in implementing the law and building the institution.

Government relied on private actors to carry out the directives in the new juvenile court legislation, and reformers had the greatest enthusiasm for doing so.¹⁰ The reformers, who had studied the issue, visited experiments elsewhere, and invested in passage of the Juvenile Court Bill, saw themselves as stakeholders in the new institution, and the roles they envisioned for themselves allowed them to further develop their own capacities alongside it. In

this period, it continued to develop and morph as a vision and an institution in response to the developing thought and activities of reformers. What the reformers contributed shifted over time; when they were able to withdraw monetary support and personnel, they turned their attention to expanding the role and mission of the institution, to ancillary organizations, and to exerting greater control over adults who helped endanger or corrupt minors.

How Child Work Became State Work

The juvenile court movement spoke to felt needs at the turn of the century, although little institutional capacity existed to meet those increasingly perceived needs. Late nineteenth-century reformers began to forge a new narrative involving children, in which a problem and its roots were identified, and solutions involving organized human intervention envisioned.¹¹ Identifying environmental contributions, rather than innate character or genetics, as the cause of criminality and depravity led reformers to be optimistic that they could devise approaches to the prevention and cure of delinquency. Reformers' desire to rescue young people from harmful environments and their belief that healthy environments could help reform bad habits led them to advocate removing children from jails and from the influence of hardened criminals. In this period adolescence was invented as a category, and child development experts argued that adolescents were more like children than adults and should be treated accordingly.¹² Rootless adolescent males and females—especially girls who might be lured by wily men—moving to the city of Chicago in search of work or excitement greatly concerned moral reformers. It did not matter whether they were arriving from farms or from foreign nations. Not even the presence of the family was a satisfactory bulwark against the temptations and improper moral influences the young could encounter in urban neighborhoods. Inadequate parental supervision, dysfunctional families suffering from alcoholism, neglect, sending children out as vendors or to labor, school truancy, improper amusements, gangs, and association with criminal elements all threatened the young. No public or private institution effectively dealt with these emerging problems.

A growing urban population and economic hardships for families provided a steady supply of children in need. With children deemed a vulnerable class, organizations increasingly stepped in on behalf of those whose families were unable to protect them or whose families harmed them through neglect

or abuse. Police who encountered children in need, lacking resources to provide for them, brought them to the attention of the Illinois Humane Society, which worked on “behalf of those forms of life that are themselves helpless,” aiding children and animals alike.¹³ The two institutions continued to work together, the Society enjoying the “cordial support” of the mayor and the chief of police, who gave them information and aid.¹⁴ The Humane Society also rescued children in labor, particularly concerned with those who worked at night, such as lamplighters or acrobats.¹⁵ It investigated children’s conditions at home, routinely finding intemperate, drunk, or vagrant parents or abandoned mothers.¹⁶ Its resources lay in coordinating with other city agencies and with other chapters of the Humane Society across the country, placing children with agencies in Chicago, or, for those who had migrated to the city, with humane societies in their hometowns to track down absent fathers and try to get the children placed at home.¹⁷ The chapter by Susan Pearson and Kimberly Smith in this volume explores some of the complex partnerships that developed between animal and child welfare societies and police in some of the states.¹⁸ The Illinois Humane Society worked case-by-case as children were brought to them. The Society was gratified to serve ill-used children and animals,¹⁹ but lacked a comprehensive plan to aid children and recognized its limitations. It lacked the resources to adequately respond to any one of its cases, much less to address the scope of the problem. In the year ending April 30, 1884, the Society aided 1,467 children, against 955 the previous year, on a total budget of \$7,518, reporting that it could do much more if it had the means.²⁰

Young people who had run afoul of the law, even for offenses such as disorderly conduct, raised additional challenges for reformers, who saw many abused, neglected, and needy children among those classed as criminals. Children faced legal proceedings and possible incarceration alongside adults if they were as old as ten. Rather than class delinquents as criminals, reformers redefined the young offenders “as misdirected and misguided and needing aid, encouragement, help and assistance.”²¹ The delinquent would become a ward of the state, under the doctrine of *parens patriae*—that is, the state owned that it was the parent of those who were not being cared for and who could not care for themselves, in the name of the commonweal. When the children in question had not come to the attention of the legal system because of violations of criminal laws, they nonetheless might be considered dependent on the state because of the failure of parents or guardians to guard them from risky behavior and habits. Parents and guardians who demonstrated

unfitness to raise moral citizens—even due to poverty and unemployment—might find the state asserting its prerogatives under *parens patriae*, substituting itself for the family.

The doctrine of *parens patriae*, while not new, was deployed in the attempt to broaden the power of the state in the case of juveniles. The doctrine dated to English chancery courts, given authority over the estates of orphaned minors, and made its appearance in the United States as early as 1838 in Pennsylvania, when the state sought to commit a troublesome child to a house of refuge.²² However, when the State Board of Charities in Illinois tried to exercise such authority, it was rebuffed. Shortly after its formation in 1869 to oversee charitable institutions in the state, it attempted to open a state reform school, but a decision by the Supreme Court of Illinois in 1870 held that no child could be sent to reform school for their well-being or for the “good of society” “without charge or conviction of crime.”²³ Going against a trend in state court decisions elsewhere, Illinois held that the state could not simply step in as *parens patriae*; the court held that children could not be deprived of their liberty for the good of society. Parental rights were not to be lightly abrogated and parental unfitness had to be clearly proved. In 1872, the superintendent’s application to add more buildings to house the 165 students was denied.²⁴ The decision did much to destroy the Reform School and the Great Chicago Fire did the rest.²⁵ The court, which then posed a formidable stumbling block, would later support a modified claim by juvenile court advocates for *parens patriae*.²⁶

Implementing Reform Through Networks

It was no simple task to muster the capacity and authority to save children. In the late 1880s and early 1890s, organizations at the margins of the state began to combine their resources, creating a reform network. The network included female reformers and male allies who began to mobilize from Hull House. Women’s clubs, where a number of Chicago’s elite could draw on their social networks and tap financial resources, joined in. Many reform leaders were members of multiple organizations involved in the cause of saving children. They talked with reformers in other states and shared ideas.

Religious organizations had long been interested in the well-being of children. Presbyterian minister Martin Van Buren Van Arsdale preached the duty to rescue neglected children and in 1883 founded the Children’s Home and Aid Society of Illinois. He took young children into his own home until

suitable placements could be found. He broadened the cause by traveling around the state, explaining his work and organizing local advisory boards in communities where any children were placed.²⁷ The organization had spread to other states by 1889; by 1891 the national organization began publishing the *Children's Home Finder*, with copies sold by local advisory board members, and by 1893 there were 1,500 local advisory boards in the United States. The organization gained support from other Protestant denominations.²⁸

Timothy Hurley drew on his professional status as a lawyer and his religious commitment to found the Visitation and Aid Society, a progressive lay Catholic organization, in 1888. The Visitation and Aid Society was highly active in prison reform, and in other child-saving and social welfare causes in Cook County, Illinois. Hurley drafted an 1891 bill that would have authorized county courts to commit neglected, abandoned, destitute, or morally untutored children to approved placement corporations, calling this the first Juvenile Court Bill.²⁹

In the run-up to planning the Chicago Exposition of 1893, more religious organizations concerning themselves with reform efforts were founded. This included the National Council of Jewish Women (NCJW), organized in the World's Fair Parliament of Religions. Hannah Greenbaum Solomon, active in the Chicago Woman's Club and the Reform Sinai Temple in Chicago, called upon Jewish women to join in philanthropic activities and middle-class women's reform efforts.³⁰ Solomon urged Jewish women to consider their proper sphere the entire world, and not simply the home. One of the early NCJW activists, Minnie Low, became director of the NCJW Bureau of Personal Service, where she would play an important role in court reform.³¹ The progressive Sinai Congregation connection would yield up leadership in Rabbi Emil G. Hirsch and Julian Mack. Rabbi Hirsch, who led Sinai Temple for a number of years, was a leader in support of a number of child-saving efforts. As secretary of the United Jewish Charities of Chicago (later renamed Associated Jewish Charities), Mack was a strong fund-raiser in Chicago's Jewish community, and among those he could often tap for progressive causes was fellow congregant Julius Rosenwald, founder of Sears and Roebuck. Beginning in 1893 with the meetings to found the Maxwell Street Settlement, Mack established a lasting connection to Jane Addams and Hull House.³²

Hull House was a very important part of this reform network. Addams and Ellen Gates Starr founded the Hull House settlement in 1889 in a working-class neighborhood populated by many recent immigrants, who turned to Hull House for assistance in times of emergency. Residents saw at

close hand many of the problems besetting the poor. Hull House was an incubator for leadership. Among the earliest residents were Julia Lathrop, who would play a central role in juvenile court reform; Florence Kelley, labor reformer, factory inspector, and a founder of the National Consumers' League; Mary McDowell, union supporter who would later head the University of Chicago Settlement and help found the Woman's Trade Union League; and Mary Kenney, who had been hired briefly by Samuel Gompers as the first woman labor union organizer.³³

Hull House hosted a number of clubs for self-improvement, culture, and discussion and became the place where many budding reform organizations held their meetings. It was a place of intellectual ferment, attracting a number of important scholars and writers as visitors, including John Dewey, who stayed for a week on his first visit.³⁴ The Working People's Social Science Club began and met at Hull House for the discussion of social and economic issues. The Hull House Woman's Club, begun by McDowell and presided over during a number of its early years by wealthy supporter Louise de Koven Bowen, drew many neighborhood women as participants. Bowen contributed to the construction of a larger meeting hall at Hull House for the weekly meetings, which had outgrown their original space. The number of well-connected and wealthy women (and men) who passed through Hull House and participated in activities sponsored by Hull House, combined with the large audiences Addams reached through her writing and speaking, meant that the settlement on Halsted Street had the capacity to tap resources in the Chicago area and broader reform circles.

Some residents of Hull House, including Julia Lathrop and Jane Addams, were concomitantly members of the Chicago Woman's Club, which spearheaded the reform of policies regarding children in criminal detention. Prior to 1899, children arrested in Chicago appeared before police court justices in the Cook County criminal court, awaited trial in the county jail and police station lockups, and did time with adult criminals. Settlement house workers and Women's Club members found it unconscionable for young boys to be locked up with hardened criminals—they needed to be surrounded by good, not harmful, moral influences.³⁵ Even when criminal courts were lenient on children, the alternative to imprisonment was discharge. Children were sent back to the environments that, reformers determined, were responsible for their delinquency. Children were not receiving the treatment they needed. Juvenile delinquency, reformers insisted, resulted from poverty, home life, associates, the school system, and other social influences.³⁶

As early as 1883, the CWC had established a school for boys awaiting trial or serving sentences and had secured women matrons for police stations and the county jail. Starting in 1892, the CWC Reform Department funded the salary of a teacher, who taught for two morning hours in the corridor of the jail. Pupils ranged in age from ten to sixteen. The Cook County Board of Commissioners approved of the work accomplished and eventually paid the teacher's salary.³⁷ The CWC agitated for the building of the John Worthy School, which trained boys in prison, operating as part of the Bridewell in the House of Corrections, with control of the school by the Board of Education.³⁸ The CWC turned over this work to the Board of Education once the school was up and running.

The CWC used its committee structure and membership to network with other organizations, and it actively pressed forward on children's issues. In 1896–1897, the CWC sent twenty delegates to the School Children Aid Society and donated \$500 and clothed 4,994 schoolchildren.³⁹ Thirty members of the Woman's Club were on the board of the Protective Agency for Women and Children. The Agency provided funds for women and children who, "through poverty or friendlessness," were in need of legal aid.⁴⁰ In January 1896, the CWC Reform Department announced new monthly meetings for the study of laws regarding women and children, on which they declared Illinois to be behind other states. The following week, CWC reported on a proposal from Mrs. Ellen Henrotin, who was also then serving as president of the rapidly expanding General Federation of Women's Clubs, for a meeting of a congress of city clubs to consider the condition of childhood; issues of concern included truancy and delinquency. This meeting was held at the end of January at the CWC meeting rooms, drawing representatives from women's organizations in and around Chicago. From this grew a proposal for a larger conference from a federation of women's clubs in May, with Lucy Flower as delegate; Flower became a major figure in the establishment of the Juvenile Court. Also circulated was an appeal signed by Flower, Henrotin, and others to "The Women and Women's Clubs of Illinois" to draw attention to the plight of poor children, a number of whom are "growing up to constitute an ignorant and criminal class, dangerous to the welfare of the country." The CWC paid for the rental of the hall for the May conference.⁴¹

In spring 1898, the CWC Reform and Philanthropy Departments organized a probation committee chaired by Julia Lathrop.⁴² Lathrop was particularly well suited to lead this effort. Following the Columbian Exposition, Lathrop had been a "county visitor" to hospitals and other county institutions, serving

in a volunteer position of what would later become United Charities. Importantly, she held a state position as member of the State Board of Charities in 1893, appointed by Governor John Peter Altgeld.⁴³ In 1895, Lathrop had written a little book entitled *Suggestions for Institution Visitors*, published by the Public Charities Committee of the Illinois Federation of Women's Clubs. She was distressed that dependent children were rather haphazardly handled by Illinois judges and often not provided with schooling until they were committed to the state home for delinquents.⁴⁴ Lathrop was unique among CWC activists in having a state-appointed position; it gave her access to some public officials, although many wealthy or upper-middle-class women in CWC likewise had access. And while Lathrop's position gave her independent opportunities to advance the cause of reform, much of her work was through CWC and its network partners.

The CWC probation committee placed women in quasi-public if unofficial roles as probation officers. Florence Haythorn, the CWC prison school teacher, worked as probation officer, in police stations, in court with the boys, and visited homes.⁴⁵ At the same time, Hull House resident Alzina Stevens held a semiofficial position in the nearest police station. "The sergeant agreed to give her provisional charge of every boy and girl under arrest for a trivial offense."⁴⁶ Stevens visited the Maxwell Street Station, Mrs. Mary Sly of the Northwestern Settlement served as a probation officer at West Chicago Avenue Station, and Mr. Carl Kelsey worked (apparently with salary) at the East Chicago Avenue Station. The Children's Home and Aid Society, with Hastings Hart as superintendent, worked with the CWC Philanthropy and Reform Departments to pay the salary of a probation officer.⁴⁷

Certain a separate court was needed for the young, CWC activists began implementing a set of practices in Chicago that served as a kind of template for what they would soon seek to establish at law. In late 1894, the CWC sought (and ultimately received) approval from the office of the State's Attorney to expedite boys' trials. The judge who agreed to expedite these trials, separate them from adult trials, and hold court for this purpose one morning per week, was Circuit Court Judge R. S. Tuthill. The CWC and Hull House introduced the probation officer into this court. Haythorn "brought her records to the court, she having investigated every phase of each case, members of the committee accompanying her." Judge Tuthill claimed the records of these boys were especially important in building a case for the legal establishment of the Juvenile Court of Cook County.⁴⁸

These relationships would then be deployed in collaborative efforts to

pass a Juvenile Court Bill. Lathrop made use of her position in the State Board of Charities. She and Flower co-organized the Third Annual Illinois Conference of Charities with the theme “The Children of the State.” They brought together interested reformers, including Mary Bartelme, Northwestern Law School graduate and member of the Illinois bar, to speak at the conference.⁴⁹ The enthusiasm from the conference carried over to a newly formed Chicago Bar Association committee, chaired by Judge Harvey Hurd and including Ephraim Banning (another of Lathrop’s colleagues from the Board of Charities) and Hurley, author of the earlier bill.⁵⁰ Lathrop and Flower would work with this committee to draft and promote the Juvenile Court Bill.

Lathrop and Flower recognized that, while a Juvenile Court would serve a number of social purposes, the Illinois Legislature would have to authorize it. They decided that the bill should be introduced to the legislature by lawyers rather than have it appear as a women’s measure, so the Bar Association connection was just the one they needed.⁵¹ Judge Hurd, chair of the Chicago Bar Association committee that proposed the Juvenile Court Bill, took pains to make the committee representative, making a place for the organizations that had been hard at work at child-saving, such as the Chicago Woman’s Club, the Illinois State Conference of Charities and Correction, the Catholic Visitation and Aid Society, and the Children’s Home and Aid Society.⁵² The network of social service organizations, religious organizations, and lawyers and judges converged to support passage of the bill.

“An Act To Regulate the Treatment and Control of Dependent, Neglected and Delinquent Children” became known as the “Bar Association Bill” and, later, the Juvenile Court Law. In counties having population of 500,000 or more, the judges of the Circuit Court of Cook County were to designate one or more of their number to hear juvenile cases.⁵³ The new law had three significant features: separate hearing of children’s cases, detention of children apart from adult offenders, and a probation system.⁵⁴

Public-Private Institution Building

Simply passing legislation neither implemented policy nor built institutions. Far from signaling the end of reformers’ work and influence, passage of the Juvenile Court Law would mean their continued, deep involvement in the implementation and maintenance of the new court, and in helping deploy its powers. Reformers worked with and through both existing public institutions

and private organizations. While Lathrop had initially launched this effort through her work on the State Board of Charities, the board did not join the juvenile court network, and Lathrop did not continue to focus her efforts there. Lathrop was frustrated by the corruption of the board. She tried to make the best of it, conducting the survey of charitable institutions and organizing the crucial conference, but the board was not so attractive to her, especially now that the Juvenile Court provided new opportunities for her work in child saving. She tendered her resignation in 1901, citing habitual, unchecked spoils.⁵⁵ She was persuaded to return under a new administration before resigning for good in 1909.⁵⁶ She turned her energies toward making connections with other juvenile court reformers. Not all of the originally interested private organizations remained in the coalition, either. The Illinois Humane Society enthusiastically welcomed the Juvenile Court, indicating it “inaugurated a new era in the child-life of Chicago,” but it was ready to relinquish its own role of rescuing children and their mothers. Between 1895 and 1898, the IHS had investigated over 4,000 complaints each year. After the founding of the Juvenile Court, those numbers declined. By 1907 it received 2,764 complaints of cruelty to animals and only 539 complaints of cruelty to children.⁵⁷

The new court provided a number of new public and private opportunities for reformers. The first Juvenile Court judge, R. S. Tuthill, had already worked closely with the CWC in expediting and separating boys' cases and had spread his enthusiasm for the idea of the court.⁵⁸ The new Juvenile Court judge position was not a popular one for judges, but Tuthill took it on, bringing with him the network he had worked with in the preceding years.⁵⁹ Judge Tuthill considered the probation officer to be “the keystone which supports the arch of this law, an arch which shall be as a rainbow of hope to all who love children and who desire that *all* children shall be properly cared for and who would provide such care for those without it, and who else would almost inevitably come to lead vicious and criminal lives, so that they may be saved and develop into good citizens, honest and useful men and women.”⁶⁰

Hurley, founder of the Visitation and Aid Society and participant in drafting the earliest juvenile court bill, was appointed the first chief probation officer. The law provided for probation officers, but did not fund their salaries.⁶¹ Hurley needed a slate of assistants to carry out the specialized casework. Reformers had already demonstrated their capacity to provide probation officers, both in the form of funding and personnel. At the first session of the Juvenile Court, Flower and Stevens came forward, Flower offering to “accumulate a fund on which a staff of probation officers might be maintained” and

Stevens her services as first probation officer.⁶² By the time of her death at Hull House in 1900, “she was the senior officer of a corps of six.”⁶³ In its first year, six probation officers were paid by private sources and others worked as volunteers. Probation officers reported to the police during the first year, and the Mayor’s Office also assigned a police officer from each district to dress in civilian clothing and patrol the street in the conduct of probation work; however, by 1900, those doing probation work reported to the Juvenile Court’s chief of probation.⁶⁴

Beginning with staffing and funding, the women who had been most instrumental in spearheading the reform threw themselves into the work of the Juvenile Court they had helped create. Several Hull House residents joined the early ranks of probation officers maintained by private contributions; Adams recounts that they “brought to the house for many years a sad little procession of children struggling against all sorts of handicaps.” She recalled that at least once, a member of the Hull House Woman’s Club, took in a ward of the Juvenile Court and kept the child for at least six months. Sophonisba Breckinridge, who sometimes resided at Hull House, served for a time as a probation officer.⁶⁵

The women of the CWC were also responsible for the creation of new organizations that participated in and supported the work of the court. Through providing these services the Juvenile Court Committee (JCC) was born.⁶⁶ An association that emerged out of the CWC, it served as an auxiliary to the Juvenile Court, co-operating with the court as well as other child helping agencies.⁶⁷ Flower served as chair, and women delegates from the various clubs provided additional leadership. Some members had been leaders in the origins of the court, and wives of some of the leading male advocates of the court.⁶⁸

Every year when a new judge was to be appointed to the Juvenile Court by the Circuit Court judges, members of the JCC saw all the judges and indicated the preference of the committee for some particular judge. And judges deferred to the choice of probation officers proffered by the JCC. Bowen recalled that “During this time the probation officers were most carefully selected by the Juvenile Court Committee; they met frequently with the members of the committee at Hull-House and we talked over their duties with them.”⁶⁹ The JCC joined other organizations in funding the salaries of probation officers, the court stenographer, and clerks.

Whether paid or unpaid, probation officers served as case workers, collecting information about children to present to the judge. They would

investigate, interview, provide the court with information about the child's environment, help make decisions about the disposition of particular cases, and provide "guidance and friendly interest."⁷⁰ Their investigations provided them glimpses into the homes and lives of children in order to discern the children's environment, and in the course of collecting information they might instruct families on how to improve their circumstances, or provide services or goods, essentially serving as proto-social workers. The probation officer operated, therefore, as a "jack-of-all-trades" in what was, essentially, a kind of "department of children."⁷¹

The prevailing sensibility was that probation officers, who would likely be visiting the home, should be of the same religion and race as the child if they were to have an influence. African American women were also enlisted as probation officers, recruited from the Illinois Federation of Colored Women's Clubs. The first was Elizabeth McDonald, described in the first annual report of the CCJC as "one colored woman who devote[d] her entire time to the work, free of charge, and whose services [we]re invaluable to the court as she takes charge of all colored children." No club offered her a salary, but the CWC provided donations of food and clothing for her to distribute to needy families.⁷² Others who followed included Irene McCoy Gaines and Ida B. Wells-Barnett, and Gaines also served as a secretary to the Juvenile Court.⁷³

For similar reasons, religious organizations were included in probation work. The Visitation and Aid Society, the Children's Home and Aid Society, and the Bureau of Personal Service of the National Council of Jewish Women were among those who sent representatives to become probation officers.⁷⁴ Objections to the proposed court legislation had included concern that private, sectarian associations would be imposing their morality upon the working classes of Chicago, and that private institutions and individuals would be placed in a position to proselytize and attempt to convert children of Catholics and Jews. While reformers emphasized the use of probation rather than institutionalization whenever possible, critics presumably saw problems in the power the friends of the court might exert. The reformers wanted to retain the idea of denominational placement agencies in which the religious background of the child would, "as far as practicable," determine the child's nurture and care.⁷⁵ The final version of the bill read: "The court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith."⁷⁶ From the institutions in which children and youth were placed, to

probation officers, chosen from religious and racial backgrounds to reflect the constituencies served by the court, religion mattered.

Since the Juvenile Court had charge of the Illinois compulsory school attendance law, twenty-one truant officers from the Board of Education were commissioned as probation officers in cases of truancy. Fourteen officers and agents of organizations that assisted the court were commissioned as probation officers in cases of dependent children. Sixteen police officers from the City of Chicago were commissioned as probation officers, as well as accompanying the probation officers in their visiting work. The court appointed thirty-six other persons to take charge of individual cases.⁷⁷ By 1902, fifteen probation officers were funded by private agencies: The Visitation and Aid Society funded six, the Chicago Woman's Club, three; and one probation officer each was funded by the South Side Woman's Club, Hull House, Jewish Charities, the Illinois Industrial Association, the Women's Protective Agency, and Lucy Flower respectively.⁷⁸ They were joined by twenty police probation officers.⁷⁹ The lengthy list of institutions and organizations supplying and funding probation officers, plus consideration of the nature of their mission, illustrates the complexity of both public-private relations and the lines of responsibility in juvenile court work.

The Juvenile Court Law failed to provide for a detention home to house children while awaiting their hearing. The detention home issue was a long-standing concern for the women reformers, but they lacked the capacity to house children. So they relied on resources available in their networks. The Illinois Industrial Association had traditionally provided a home for discharged criminals, out of Christian charity for the friendless and homeless.⁸⁰ Rev. A. C. Dodds, a Presbyterian minister with the IIA arranged for donation of a house by philanthropists Mrs. and Mr. Potter Palmer.⁸¹ In 1903, the Juvenile Court Committee was ready to take over the detention home, and it moved the home into a new building at 202 Ewing Street in 1907, with Sara Hart as director.⁸²

At this time, the detention home relied on both public and private sources for its funding, but it hardly looked like a public operation. The arrangement left lines of responsibility confusing and sometimes frustrating for the JCC. The city and county assisted in funding the home, the county contributing approximately \$3,600 of the \$8,500 operating costs in 1903.⁸³ The city board of education assigned a teacher to the detention home for boys in 1906.⁸⁴ However, the Juvenile Court Committee was left to do quite a bit of the early work. Bowen recalled that it was difficult to get city or county authorities to

provide funds or equipment. When an old omnibus supplied by the county broke down and efforts to obtain a new one from the county were futile, the JCC purchased an omnibus for \$500 and a double harness for \$60, to transport children from the Home to the court. The new omnibus was too heavy for the pony they had been using, so an old, retired Fire Department horse was obtained, but it could not pair with the pony. The JCC had to purchase a pair of horses and also paid for horseshoes. The barn given by the city was four miles from the Home and had stalls so small the horses could not lie down. The JCC rented a stable and tried to get the city to provide food for the horses, even letting the horses go for three days without food, hoping to force the city to provide. Ultimately, the JCC had to provide its own horse feed.⁸⁵ Club women involved with the JCC visited the juvenile home frequently, nearly every day. They pulled down bedcovers to see if beds were clean, tasted the food, and were considered responsible in court for what was served.⁸⁶ The Hull House Woman's Club also made pillowcases for the detention home.⁸⁷ The JCC not only paid the lease on the detention home but nudged the county toward the adoption of standards, arranging with the president of the Cook County Board of Commissioners and the mayor to have the home inspected.⁸⁸

To support its evolving mission, the JCC continued seeking the assistance of the CWC and other organizations for resources in the form of personnel and finances. When the Committee determined that cocaine usage among boys contributed to its failure to secure jobs for them, the JCC partnered with the Legal Aid Society to conduct a study. When it became clear that the case-load of probation officers was too high, the JCC added half-time probation officers and established a force of volunteers and friendly visitors. The JCC sent circulars to all area women's clubs, soliciting volunteers, and Bowen wrote letters to local clergy.⁸⁹

The JCC also knew how to train workers and sustain institutions. A volunteer coordinator provided court workers with copies of the national publication *Charities*, and a leaflet, "Suggestions to Juvenile Court Workers of Cook County, Illinois," as well as registration cards and postal notices, all generated and funded by the JCC.⁹⁰ With Bowen at the helm, the JCC put on high-visibility cultural events to raise money for their court activities, helping link the court with Chicago's society leaders in the public mind.⁹¹ By 1907, the JCC had raised and expended about \$100,000 for the salaries of probation officers and maintenance of the detention home, from a budget that was drawn primarily from private contributions.⁹²

In 1907, the county took over the funding of probation officers. While this shift followed a familiar path whereby certain functions handled at the outset by private organizations are taken over as the state gains capacity, this public funding may not have necessarily meant a more smoothly functioning or adequately funded probation system. County support increased from thirty-one probation officers in 1906 to eighty-one in 1916. Although the county increased the number of positions, it did not go so far as to increase the pay, and Cook County probation officers' pay lagged behind their peers across the country.⁹³ Field expenses came out of probation officers' salaries. Helen Jeter noted in the 1920s that, under county funding, the court was dependent on "a separate and, at times, hostile department of the government for the provision of funds to establish a competent and sufficient force of probation officers," and that women's positions were "notoriously underpaid."⁹⁴

Public responsibility for the Juvenile Court increased in other ways. The county board of commissioners increased its detention home contribution from \$3,600 to \$4,200 in 1905 and allocated \$5,686 for the Juvenile Court. Funding for the Juvenile Court leaped to \$20,260 in 1906 and \$29,440 in 1907, while funding for the detention home increased to \$6,800. At the same time, the volume of children and demands on facilities escalated. Increasing county funding coincided with building the Juvenile Court building and the Detention Home, for which the county expended \$150,000.⁹⁵ A committee, which included Julia Lathrop, Timothy Hurley, Judge Orrin Carter, and three county commissioners, was formed to negotiate with representatives for costs and placement of these buildings.⁹⁶ In 1906, an entire city block was dedicated to "the interests of children," with the Juvenile Court next to a detention home, playground, and school building, just down the street from Hull House.⁹⁷ It was erected quickly—two hundred days after groundbreaking. It was the first building in the country "planned and equipped solely for the use and benefit of unfortunate children."⁹⁸ In taking responsibility for the infrastructure, the Board of Commissioners acknowledged the myriad private organizations that aided the county.⁹⁹ This building served its mission until 1913, when the number of cases outgrew its capacity. Judge Merritt W. Pinckney of the Juvenile Court lobbied the Board of Commissioners to fund a new and larger detention home, so that children were not improperly kept with repeat delinquents or in police stations or subjected to unhealthful conditions.¹⁰⁰ The Juvenile Court moved into the tenth floor of the county building, and the entire facility was given over to purposes of detention.¹⁰¹

With Juvenile Court operations now more directly publicly funded, reformers envisioned additional offices for the court, and frequently paid for the start-up efforts. Initially, the Children's Hospital Society paid for a trained nurse to be present in court and secure necessary medical care. The county assumed financial responsibility in 1909 and expanded services, adding a dentist, more nurses, and a woman physician in the girls' detention home.¹⁰² But perhaps the most innovative addition to the Juvenile Court was the Juvenile Psychopathic Institute. Charged in 1909 by Judge Pinckney to study the problem of recidivism, a committee composed of Ethel Dummer, Julia Lathrop, and local physician and neurologist William Healy established the institute. Dummer provided funding for its first five years.¹⁰³ Lathrop became its president and Healy its director.¹⁰⁴ Mack, still an elected judge in the Circuit Court of Cook County, helped facilitate this collaboration.¹⁰⁵ The JPI served as a clinic, examining children brought into the court and providing or directing them to medical services. It also performed research, taking advantage of the sheer number of cases to conduct systematic studies of children, collecting data to determine the root causes of crime and recidivism, and other criminal explanations. In 1914, the county took over the funding of the JPI, as Judge Pinckney had urged.¹⁰⁶ The county paid for one psychologist and one stenographer.¹⁰⁷ If the medical personnel in the JPI wanted to engage in research, they needed to seek private funding.¹⁰⁸ In 1917 the JPI became a state agency—part of the state Department of Public Welfare—but it continued to be administered through county-state cooperation.¹⁰⁹

The shift toward public funding did not deal the reformers out as much as it shifted the direction of their involvement and readjusted the public-private relationship. Reformers were pleased to turn over a number of these functions to government, since they could not sustain the funding or energy indefinitely. Furthermore, they believed that these reforms should be recognized as legitimate government purposes and, as a duty of the state, institutionalized. After the county took over court funding in 1907, the fund-raising and administrative burdens shouldered by the Juvenile Court Committee declined significantly. But even with the county taking over the budget, reformers had plenty of roles to play, and dealt themselves in by generating new court-related work. They retained connections with the public institutions they had helped create. The Advisory Council to the public Juvenile Psychopathic Institute, for instance, included the key Juvenile Court members—Mack, Henry Thurston, Judge Pinckney, and Judge Harry Olson. The executive committee included Addams and Lathrop.¹¹⁰

The path of development, then, was not simply the transition from women's charitable work to state absorption.¹¹¹

The work of private organizations not only fostered and supplemented state development but their court work tended to promote further development of the missions of these organizations. The JCC worked for a short while in tandem with Judge Mack's Juvenile Protective League, which had been organized by such Juvenile Court personnel as Mack, Hurley, Low, and Thurston. Directors included Hastings Hart (of the Children's Home and Aid Society) and Sara Hart (of the Detention Home).¹¹² The JCC and JPL joined together for a short time in a Juvenile Welfare League, beginning in March 1906, with Mack providing his courtroom for meetings. The League resolved to take concerted action to "remove those conditions and foster those institutions, conditions and agencies that tend to build up child-life." To accomplish this, it would provide an "atmosphere of purity and moral cleanliness," suppress vice, prosecute agencies that contribute to the delinquency of children, create "permanent wholesome attractions," establish a personal service corps, and start an educational campaign.¹¹³

The Juvenile Protective League and the Juvenile Court Committee combined their efforts for "unity of appeal to the public and for efficiency of administration."¹¹⁴ With assurance that the JPL would have delegates in the JCC, the JPL was willing to be incorporated into the JCC and phase out of existence. The merged association became known as the Juvenile Protective Association in 1909. From its origins as a committee inside a CWC department in 1899, the JPA now became a stand-alone organization, independent of the CWC. It had a steady supply of donors, was firmly situated in the network of reformers, and had access to the Juvenile Court.

The JCC, and subsequently the JPA, took on another court project. Lathrop, a long-standing foe of corruption and patronage, had been advocating that probation officers for the Juvenile Court be selected by civil service examination. In this early period of civil service reform, written exams for specialized positions were just beginning to be designed, and while improving the quality of public service was an object of federal and state civil service reformers, the chief object was still to remove positions from patronage and the spoils system.¹¹⁵ Illinois had passed civil service reform legislation in 1895, allowing cities to adopt civil service exams if they chose. Chicago adopted the plan by popular vote, but Illinois did not make the civil service system applicable to appointees in state institutions until 1905.¹¹⁶ Subsequently, the JCC and its heir, the JPA, took on the task of implementing a civil

service exam for probation officers. Addams and Bowen were both members of the five-person committee administering the first civil service exams for these officers. Each member of the committee wrote questions and several questions were selected from each list.¹¹⁷ In the exams designed by this committee, probation officers needed to be able to provide the intent and purpose of the Juvenile Court Law and to list other state laws regarding children. They needed to know how the law dealt with parents. They were asked to answer hypotheticals and demonstrate their penmanship, spelling, arithmetic, and letter writing skills. The candidate for chief probation officer was asked to write a letter setting forth details about his or her life, and to write an account of the conditions that led to the establishment of the Juvenile Court.¹¹⁸ Bowen claims that diversity was maintained and Addams remembered that everyone currently serving passed the exam, but in fact racial and religious representation was not readily maintained. McDonald, the single African American woman who was serving, failed to pass (though she continued to serve as she had),¹¹⁹ and “not one Catholic probation officer had qualified to work with the dependent and delinquent children of Cook County, a very considerable percentage of whom were immigrant and Catholic.”¹²⁰ The replacement of Hurley with Thurston as chief probation officer at this time added to the imbalance.¹²¹

Even though probation officers came to office via the civil service commission, their legal status as officers of the court was ambiguous from 1905 until 1912. In 1912 a chief probation officer, after being dismissed, filed suit, claiming a separation of powers violation in the hiring and firing of probation officers. The case determined that the court had the right to be free from interference in the selection of its own personnel. Probation officers were classed as assistants to the court, and the judge devised a civil service test of his own design. Nevertheless, he continued to rely on private resources, with the test administered by a “committee of citizens chosen by the judge,” such committee, naturally, being drawn from the JPA.¹²²

With its ongoing relationship with the Juvenile Court, the JPA remained a resource to be called upon by the court when needed. One such instance occurred in 1917 when the probation officer position was placed in jeopardy by a bill that enjoined the county treasurer from paying probation officer salaries. The attack on paying probation officers was the salvo in a larger assault that the court ultimately weathered (with the caveat that it would have to be more careful in determining that parents were unfit).¹²³ The suspension of salaries for probation officers was appealed, but the proceedings were held

up for a year. In the interim, thirty-five Chicago citizens and court personnel pledged amounts of \$100–5,000 to secure an indemnifying bond of \$200,000, providing a cushion until the affair could be sorted out.¹²⁴

Once primary responsibility for probation officers was assumed by the county, the JPA turned its attention and efforts toward homes and streets. In early 1906 Chief Probation Officer Thurston enlisted “the co-operation of 2,500 housewives, settlement and charity workers in extirpating dance halls, ice cream parlors, moving picture shows, etc., which lead boys and girls astray.”¹²⁵ Thurston’s idea was to have a group of fifty volunteers work with each of the fifty regular probation officers employed by the court, working to improve conditions surrounding the city’s children and reforming delinquents. The *Tribune* reported that 150 representative women enrolled as friendly visitors, with the number set to expand, and that it would not be long before “the authorities will know the location of every den of vice frequented by juveniles. Every cheap hotel will be watched, accurate information will be secured regarding the character of every play produced at the cheap theaters; every ice cream parlor and every dance hall, large or small, public or private, will be kept under constant surveillance.”¹²⁶

The JPA also lobbied successfully for the creation of several more specialized courts in Chicago. A Court of Domestic Relations to enforce new legislation concerning contribution to the delinquency and dependency of a minor, and for desertion and nonsupport was formed in 1911. On opening day, Adams and the superintendent of the JPA were photographed with the judge. This success was followed by a Morals Court for prostitution in 1913 and a Boys’ Court in 1914 to hear cases of boys aged seventeen to twenty-one. Bowen spoke at the opening of the Boys’ Court. Again, the JPA assisted in the support of officers to this court during its start-up years.¹²⁷

Some of the juvenile court reformers secured places for themselves in the new courts. Mary Bartelme, a graduate of Northwestern University School of Law, had become the first female public guardian in 1897.¹²⁸ She worked alongside Lathrop and Flower to secure the Juvenile Court Law.¹²⁹ In 1913 she was appointed as assistant to the Juvenile Court judge.¹³⁰ Bartelme was elected to the Circuit Court of Cook County in 1923, becoming the first woman judge in Illinois.¹³¹ Bartelme retained her relationship with Women’s Clubs and a number of other clubs and organizations, making full use of the public-private partnership to provide services in the Juvenile Court. The Women’s Clubs, working with Judge Bartelme, established a service council in order to obtain funds for suitcases and supplies, and a group of ten women met weekly

in Evanston to sew about 150 dresses a year. The suitcase practice was sufficiently well known that Judge Bartelme was dubbed “suitcase Mary” by Chicago journalists.¹³² Judge Bartelme developed a number of alternative placements for delinquent girls. She created a few halfway homes—popularly known as Mary Clubs—where girls could learn to be better behaved and develop better demeanor before being placed with families. Sara Hart was asked to form and head a committee of volunteers to manage the first Mary Club and raise the money for its operation.¹³³ A subsequent one of these homes was created for African American girls in collaboration with African American women reformers.¹³⁴

Courts specialized, and as the workload of the Juvenile Court expanded, it did too. By 1924, the Juvenile Court alone had over 115 employees. Chief Justice Victor Arnold and Judge Mary Bartelme presided, with chief and deputy chief probation officers. They oversaw eight divisions—the Investigation Division, Family Supervision, Delinquent Boys Division, Child Placing Division, Mothers’ Pension Division, Probation Officers and Special Works, Clerical Assistants, and Police Probation Officers (this latter division funded by the city).¹³⁵

An Institution Becomes a Movement

When they had launched the institution for which they had fought in Illinois, the reformers who led in juvenile court reform did not stop. They took their work in various directions—to expand the Juvenile Court as an institution, to develop their own local organizations, to disseminate information and resources across the country into a juvenile court movement, and to advocate reforms to the federal government. Institution-building moved laterally, spreading throughout the states. Although some reforms and initiatives were pressed at the national level, the states remained crucial to reformers’ child-saving efforts.

Building this reform movement included cross-metropolitan network building. The annual report of the Juvenile Court Committee for the year 1906 reveals some of this work, most notably with Denver, the other path-breaking city in establishing juvenile courts. In February 1906, the JCC hosted Denver’s Judge Ben Lindsey, the pioneer of Denver’s Juvenile Court, with a luncheon in his honor. All the staff of the Juvenile Court were present—including JCC members, probation officers, volunteer probation officers,

friendly visitors, police probation oﬃcers, and others interested in the work of the Juvenile Court—215 guests in all. The event was hosted by the Chicago Woman’s Club, which had space to accommodate the hundreds of guests. When Mack and Thurston were the guest speakers at another JCC meeting hosted by the Chicago Woman’s Club, the entire probation force was invited.¹³⁶ Judge Mack and Henry Thurston, in turn, visited Denver. The JCC also held a conference at Hull House that led to the formation of the National Juvenile Improvement Association.

Chicago’s success, along with Denver’s, initiated a juvenile court movement across the nation, with Chicago reformers mobilizing to assist juvenile court reformers elsewhere. Whether writing or publishing about the Juvenile Court, speaking before the legislatures of other states considering such bills, or to groups of lawyers, women’s clubs, and national women’s associations such as the National Congress of Mothers, they watched with pride as the movement caught ﬁre. The large and well-organized Industrial Committee of the General Federation of Women’s Clubs mailed a circular to its clubs and federations in May 1903 suggesting that these clubs work for a juvenile court bill in each state.¹³⁷ Hurley, Mack, Lathrop, and Lindsey visited other state charities conferences in Minnesota, Washington, Oregon, and California. Hurley, addressing the Minnesota State Conference of Charities and Correction meeting in 1904, insisted that each state needed juvenile court legislation and each county needed a court. “It was a speech calculated to lead people to undertake the work,” the recorder of the event noted.¹³⁸ By the time he attended the National Conference of Charities and Correction in Detroit in May 1902, Lindsey was becoming an exceedingly important publicist for the juvenile court idea, writing and speaking around the country and perhaps becoming its most tireless advocate. The juvenile court subcommittee of the National Conference of Charities and Correction embarked on a national campaign for state juvenile court laws in 1904. Lindsey chaired the subcommittee.¹³⁹

Some reformers who had participated in the Chicago-based eﬀort continued to lead when they moved elsewhere. For example, Dorothea Moore, a resident of Hull House in the late 1890s who had participated in the juvenile court campaign in Illinois, relocated to San Francisco and led the California Federation of Women’s Clubs’ campaign as chair of its Civic Committee in 1902. She helped spread the word at the WCTU Congress of Reform that year, spoke at individual clubs, and spoke to suﬀragists.¹⁴⁰ Rev. A. C. Dodds, who had provided for the ﬁrst Chicago detention home building, became chief probation oﬃcer in the Los Angeles Juvenile Court.¹⁴¹

For the 1904 World's Fair in St. Louis, Lindsey organized a juvenile court exhibit that included contributions from the Juvenile Court of Cook County and the National Congress of Mothers.¹⁴² In St. Louis, Roger N. Baldwin, who would later found the American Civil Liberties Union, crusaded for the juvenile court when he was a settlement worker in the slums of the city; he would become chief probation officer for the St. Louis Juvenile Court. Baldwin, personally acquainted with Mack, considered him one of his earliest ideals.¹⁴³

Juvenile courts were quickly established in Washington, D.C., Richmond, Brooklyn, Newark, Elizabeth, Pittsburgh, Cleveland, Columbus, Toledo, Cincinnati, Louisville, Indianapolis, Kansas City, Denver, Salt Lake City, Los Angeles, San Francisco, Portland, Seattle, Vancouver, Winnipeg, Toronto, Minneapolis, St. Paul, and Des Moines.¹⁴⁴ The organization of these courts varied, and some were not separate from criminal courts, but all sought to cure rather than punish, using probation rather than incarceration where possible. Hull House resident Grace Abbott—who had studied law with Roscoe Pound at both the University of Nebraska and University of Chicago and received a Master of Philosophy degree from the University of Chicago in 1909 before beginning to teach at the Chicago School of Civics and Philanthropy—compiled a topical abstract of laws governing trial and disposition of juvenile offenders and noted that, once Illinois initiated a new epoch of lawmaking in 1899, twenty-two additional states and the District of Columbia had passed laws modeled on the Illinois Juvenile Court Law through 1909.¹⁴⁵

Just as they built organizations alongside the development of the Juvenile Court of Cook County, reformers built national associations alongside this national movement. The National Probation Officers' Association was established in 1906 to “study, establish, extend and standardize adult and juvenile probation, juvenile courts and other specialized courts using probation,” as well as to coordinate probation systems and increase public knowledge.¹⁴⁶ A Committee on the Development of Standards in Juvenile Court Work included Lathrop and Pinckney. Baldwin, chair of the committee, pointed out that they had hoped for some windfall from some philanthropist to conduct a comprehensive study. Lacking that, the committee networked with the Children's Bureau, which circulated the questionnaire to probation officers across the country.¹⁴⁷

Chicago's juvenile court reformers were well represented at the White House Conference on the Care of Dependent Children, summoned by outgoing President Theodore Roosevelt in January 1909, a conference that gave rise to the Children's Bureau. Mack, Addams, and Lindsey were co-vice chairmen.

The conference attracted notable reformers and philanthropists from across the country. The Chicago contingent included Bowen, Hastings Hart, Rabbi Hirsch, Hurley, Minnie Low, Judge Pinckney, Julius Rosenwald, and Henry Thurston. Julia Lathrop and Sara L. Hart were also on the invitation list.¹⁴⁸ (Figure 1 displays ways four key individuals in the creation of Chicago’s juvenile courts connected to the network and to the national agenda.) The conference would result in the establishment of the Children’s Bureau in 1912, with



Figure 1. Juvenile Court Movement activities of selected leaders.

Lathrop as the first chief, succeeded by her handpicked successor Grace Abbott in 1921. The Children's Bureau continued to pursue causes close to Lathrop's heart, including work with delinquent and dependent juveniles. The Children's Bureau invited the National Probation and Parole Association, along with other interested parties, to meet in 1921 to formulate juvenile court standards, which were eventually adopted by the Children's Bureau and published in 1923.¹⁴⁹

Reformers' vigorous efforts to publicize the juvenile court as the centerpiece of a solution to problems of dependency and delinquency were also vital to the national networking that helped spread the juvenile court and produce the Children's Bureau. Timothy Hurley began publishing the *Juvenile Record* in late 1899. Advertising the work of the Juvenile Court of Cook County and disseminating information about amendments to the law, this paper was soon urging reformers in every state to adopt the same legislation. The banner on the front page of each issue of the *Juvenile Record* proclaimed, "We advocate the establishment of a juvenile court in every state in the Union." Judge Lindsey contributed to the *Juvenile Record* in pushing for legislation in other states.¹⁵⁰ In *McClure's* magazine, muckraking journalist Lincoln Steffens ran a three-part series on Lindsey in 1906. Steffens helped popularize Lindsey's work, calling him the "just judge" and his court the "kids' court."¹⁵¹ Lindsey also circulated a report he wrote in part to secure legislation in Colorado to reformers, charitable workers, and educators around the country.¹⁵²

Publications reaching charity workers and newly professionalizing social workers also featured juvenile court work. The New York Charity Organization Society published an influential journal, *Charities*, which absorbed *Charities Review* in 1901 and became *Charities and the Commons* (November 1905). *Charities* devoted virtually an entire issue in January 1905 to the work of the juvenile court. Among the contributors were Judge Hurd, who wrote of the "minimum principles which should be stood for" in a juvenile court law, attempting to standardize such legislation as far as possible, as Hurley also advocated. Lindsey contributed one of a number of pieces he would contribute to *Charities* and its successors. Another contributor was Lathrop, who authored a piece on "The Development of the Probation System in a Large City."¹⁵³ Helen Page Bates, working with the sociology section of the New York State Library, contributed her digest of existing statutes relating to juvenile courts and probation systems of the juvenile court.¹⁵⁴

By 1909, this journal had become *The Survey*, a name chosen to better

reflect its transition toward a journal of best practices of social analysis and research and the increasing professionalization of social work. Editor Paul U. Kellogg proclaimed the *Survey* “an investigator and interpreter of the objective conditions of life and labor and as a chronicler of undertakings to improve them.”¹⁵⁵ The *Survey* continued to be a vehicle for publication and dissemination of work by Lindsey and other juvenile court reformers while also alerting readers to new research and writing projects such as the compilation of papers given at the commemoration of the twenty-fifth anniversary of the establishment of the Juvenile Court of Cook County, published as *The Child, the Clinic, and the Court* (1925) and introduced by Jane Addams.¹⁵⁶ Addams and Mack were members of the Board of Directors for publisher Survey Associates, Inc., and in 1914 the National Council of Survey Associates, an advisory group to the publishers, included Addams, Mack, Julian Rosenwald, and Lillian Wald from New York’s Henry Street Settlement, with Addams also serving as an associate editor and probation officer Henry W. Thurston listed as a contributing editor.¹⁵⁷

An important network of legal scholars also helped disseminate and popularize the work of the juvenile court. Mack, like Lindsey, had a heavy speaking schedule around the nation, hammering away at constitutional objections that had been raised and reminding audiences that saving the child was very different from punishing it.¹⁵⁸ Mack wrote an influential 1909 *Harvard Law Review* article, a follow-up to a similar address to the American Bar Association, that was frequently cited as the authoritative statement on the legal status of the juvenile court.¹⁵⁹ Mack, a founder of the *Harvard Law Review* and part-time professor at the University of Chicago Law School, maintained connections to Roscoe Pound, Louis Brandeis, Ernst Freund, and other prominent jurists and legal scholars. He spoke to a new movement of progressive legal scholars who sought to make law less formalistic and more responsive to demonstrable changes in the culture. Pound, one of the most influential legal scholars in America by the time he moved from Chicago to Harvard in 1910, had been introduced to the Hull House reform circle by former student Edith Abbott and had served on the Juvenile Court Committee. He maintained his interest in the work of the juvenile court, writing of the Chicago model as a good example of new thinking with regard to the administration of law.¹⁶⁰ Along with Judge Harry Olson of the Municipal Court, Pound helped found the Chicago-based American Judicature Society, an organization that “spread the gospel of court organization to cities and states across the nation.”¹⁶¹ Near the end of his career as dean of the Harvard Law

School, Pound claimed juvenile courts were “the greatest forward step in Anglo-American jurisprudence since Magna Charta.”¹⁶²

The nearby University of Chicago was an important institution through which many of the juvenile court reformers helped to establish, or subsequently extend, their influence. A number of the reformers taught as adjuncts at the university: Mack, and, briefly, Pound in the law school; Rabbi Emil G. Hirsch teaching ancient languages; Addams as an extension faculty member for several years between 1900 and 1912; Mary McDowell as a special instructor in sociology beginning in 1894; Lathrop taught sociology beginning in 1907; and Breckinridge, who received a Ph.D. and a law degree from the university, taught sociology beginning in 1899.¹⁶³

When the University of Chicago opened in fall 1892, it included the nation's first Department of Sociology. In 1895, the head of the department, Albion Small, founded the *American Journal of Sociology*, which would publish a number of articles by those involved in reforms undertaken in the name of delinquent and dependent children of Illinois. That journal published Hirsch's University of Chicago convocation address of 1895 on “The American University.” Addams penned a number of articles, and Florence Kelley, Hastings Hart, Dorothea Moore, and Lathrop were also represented in the journal, as were a number of scholars who influenced these reformers. And Pound used the *American Journal of Sociology* to applaud the excellent work in Chicago to provide for flexible judicial organization and data gathering by judicial bodies.¹⁶⁴

The boundary between academic research and outside research conducted by reformers was not sharply defined during this time; this was a period of reciprocal influence. The issue of what research and activity conducted by reformers should be linked to the university was being negotiated in this era. An example was the tension over the proper location for the Chicago School of Civics and Philanthropy (originally, Institute of Social Science and Arts), associated with the settlement house movement and of which Lathrop had been a founding member and research director.¹⁶⁵ Opening as an independent school in 1908, the Chicago School of Civics and Philanthropy had Julia Lathrop as its vice president; board members included Addams, Rosenwald, and Mack.¹⁶⁶ Academics thought it should be incorporated into a university, and with an increasing sense that social workers needed to be formally trained, that their training should be at a university. When, in 1916, the school faced the possibility of closure for lack of funds, Mack and other board members helped the school acquire the money to survive, and also helped

incorporate the school into the University of Chicago,¹⁶⁷ where it became the School of Social Service Administration in 1920.¹⁶⁸

The newly created federal Children's Bureau became an important institution through which juvenile court studies and projects could be advanced. When Lathrop became its first bureau chief in 1912, she relied heavily on her networks and she made it possible for the School of Social Service Administration at the University of Chicago "to carry on some other juvenile court studies which appeared later as Children's Bureau publications."¹⁶⁹ The Children's Bureau employed studies as a means for continued advocacy for policies and programs supported by Lathrop and networked reformers.¹⁷⁰ The year Lathrop joined the Children's Bureau, she wrote the introduction to *The Delinquent Child and the Home*, written by network allies Sophonisba Breckinridge and Edith Abbott, then directors of the Department of Social Investigation for the Chicago School of Civics and Philanthropy.¹⁷¹ Lathrop would preside over the National Conference of Charities and Correction in 1919, having been preceded in the prior decade by network members Addams and Mack.¹⁷²

Conclusion: Network Legacies

As varied as the work in the juvenile court movement was in Chicago and across the country, the original reformers sustained their network and used it to successfully press some of their concerns at the level of national policy. Although many of the initial reformers had scattered far from the Juvenile Court of Cook County, they remained connected by the networks they had created. They were found working together in other policy arenas, including child labor, mothers' pensions, protection of women and children, and immigrant protection.

Many of them returned for the 25th anniversary celebration of the founding of the Juvenile Court of Cook County in Chicago, January 2–4, 1925.¹⁷³ While reformers at the celebration saw better than they had at the outset the enormity of the problems the Juvenile Court faced relative to its resources, recognized that it had a number of shortfalls, and worked in a more conservative and punitive climate of opinion, they were proud of what they had accomplished.¹⁷⁴ The celebration began with a gathering of some of the leaders of the movement. In the opening session, the mayor and the president of the Board of Commissioners of Cook County illustrated the ongoing city-county

collaboration in administration of the Juvenile Court. That the session was presided over by Addams, chair of the Citizen Advisory Committee, hints at who was really running the show. Lathrop, Bowen, Hurley, Judge Lindsey, and Grace Abbott spoke on the origins of the court and the juvenile court movement. Other sessions featured members of Chicago's juvenile court and other courts across the country, faculty members from universities and law schools, presidents of the National Probation Association and Chicago Bar Association, health care practitioners and members of social service agencies. In short, the 25th anniversary celebration both marked their achievements and illustrated how they had gotten there—by staying connected, reaching out to experts, and creating spaces for new voices and new professions.

Political scientists often think of policies in terms of punctuated equilibria; stasis and incremental drift are the rule and change requires windows of opportunity that include policy entrepreneurs and a perceived breakdown of old policies.¹⁷⁵ In a period when state capacity was weak in this area, where child saving was largely the domain of charitable institutions, and in the aftermath of an Illinois Supreme Court rebuff to existing institutions in 1870, reformers such as Lathrop and Flower, with their allies and the organizations with which they were affiliated or had connections, became policy entrepreneurs; Lathrop's position on the Illinois State Board of Charities gave her an institutional base from which to act at an important moment, but the State Board of Charities itself did not remain an important player in the development of the Juvenile Court. Getting new laws through the state legislature was important to the reformers' goals, but this was hardly enough to tell the story of the house that Julia (and friends) built.

In our case study, institutional experiments and prototypes indeed allowed for incremental innovation, building support for the ideas of reformers. The experimental program that preceded legislation in Illinois was initiated by reformers; the repetition of this pattern at additional points in the development of the court as an institution suggests this was no accident. However, bureaucratic entrepreneurs inside the state were not at the forefront of the juvenile court movement. Building the institution of the Juvenile Court of Cook County meant that civic-minded reform groups helped grow state capacity. Time and again, when they were successful in lobbying for new departures, organizations provided financial support, temporary facilities, equipment, and staffing to help launch their projects. They used their networks, which included friends inside the court system, to build prototypes of the organizations they wanted to see created at law, demonstrated their

experiment could work with the investment of their own money and labor, and used their success to convince allies and legislators to recognize and extend their reforms through additional legislation.

At some point, the private provision of resources necessary to the institution's mission yielded to public provision as the administrative state and the warrant for the exercise of its expanded powers grew. And yet, even when government took on commitments, public institutions often depended on the capacities of civic-minded reform organizations to carry out parts of the mandate. In the institution-building we have examined, the line between public and private responsibility was circumstantial and contingent. For participants, the rules of the game during times of flux were sometimes unclear, as they were for the JCC and the Detention Home. There was no simple, linear progression from private initiative to public ownership of the Juvenile Court, and reformers played ongoing and important roles in its transformation.

These female reformers and their allies were surely leaders, but they led in a context in which the direction of changes they sought was consonant with the budding social scientific and reform sensibilities of the period. They looked about them, saw what innovations were afoot elsewhere, and rode on a wave of thinking that was being produced not only by settlement workers and child savers but by researchers, scholars, and legal reformers. The "policy window" that opened for Chicago reformers opened in state after state in a rapid wave of reform, and spread to the creation of the Children's Bureau at the national level. These reformers worked in a period of statebuilding that was generating new public roles and institutions more broadly. By their activities, female reformers made themselves potential authorities on all sorts of issues relating to children and the family, and through their investment in such policy issues they became authorities to be reckoned with. Reformers in the network reinforced each other, celebrated victories together, and helped each other spread enthusiasm for reforms that they believed would cure many urban ills and help preserve many middle-class ideals. They used their networks, vehicles for disseminating their ideas, and their skills honed in previous campaigns to wage new ones.

Although caution must be exercised when generalizing from a case study, in the case of the Juvenile Court, organized interests outside the state clearly must be placed at the center of the institution-building narrative. Judging from other evidence presented in this volume, there is every reason to cast serious doubt on the idea that this pattern is exceptional.