

THREE

Birth of a Juvenile Court

The Progressive Era (1890–1920) is often heralded for scientific innovations and liberal reforms that help define the modern nation. In American juvenile justice, the cultural and institutional crown jewel of this reform impulse was the modern juvenile court. Along with its orbiting network of service agencies and reformatory institutions, the court introduced a more technical and autonomous apparatus of social control, a dramatic and enlightened advance of juvenile justice in the view of many supporters.¹ This chapter examines how Progressive Era black youths and communities experienced the emergence of the juvenile court, an encounter dramatized by mass black migration to urban centers where modern juvenile courts emerged. Just as black Americans were migrating to the urban North in search of opportunity, the earliest juvenile courts were beginning to spread to cities with booming black populations, such as Chicago, Boston, and New York. These court communities could have played an important role in advancing black civic and political integration, offering unprecedented access to citizen-building initiatives to the first generations of immortal youths born into formal freedom. Yet this progressive opportunity was largely lost, even in the urban North, where black youths and communities encountered nuances of “Up South” racial exclusion, a subtler but familiar ordeal of diminished access to white-dominated juvenile justice resources. In the Progressive Era South, Reconstruction gave way to the rise of white supremacist redemption, subjecting black youths and communities to more explicitly neglectful, exploitative, and violent forms of Jim Crow juvenile justice. North and South, growing juvenile court communities embraced the racial project of white citizen and state building, prioritizing white youth opportunity and community interests in their pursuit of rehabilitative ideals. Institutionalization of separate and unequal juvenile justice throughout

the United States, not a new multiracial democracy, was the Progressive Era legacy of juvenile justice reform in the African American experience.

A Kind and Just Parent: Juvenile Court Reform's Promise

Advocates of juvenile court reform maintained that adult courts and penal institutions wasted the constructive potential of juvenile social control. They called for a separate, specialized court, procedurally oriented and professionally staffed, to handle social and legal issues unique to children and families. The juvenile court model married the authority of the parental state to professionalism in human services, the goal being to sculpt well-adjusted young adults from the raw material of wayward, dependent, and criminal children. The court was envisioned as a cornerstone of a more diagnostic, individualized, and formalized solution to juvenile crime and dependency, an institutional network in which officials, "through modern science, would discover the root causes of delinquency, and through active intervention, prevent it."²

In this model, the court dispatched youths to public and private entities, operators of institutions, and agencies for services or prescribed interventions. The court and its supporting agencies—the state and local networks of control agents and institutions (juvenile court communities)—were to be a more personalized, informal, and rehabilitative system of juvenile social control. Troubled and troubling youths and adolescents were to be connected to programs and individually tailored services that would promote their civic futures. A judge in a Cook County, Illinois, juvenile court declared that the "idea of a separate court to administer justice . . . [had] gone beyond the experimental stage and attracted the attention of the entire world." It functioned "like a kind and just parent ought to treat his children." Evidence of the promise and importance of the modern juvenile court was its steady diffusion. By 1917, at least one juvenile court existed in all but three states, with most located in rapidly growing American cities.³

At the turn of the twentieth century, black communities had much to gain from a formal, autonomous juvenile court community. Barely a generation into freedom from the civil death and disability of slavery, the black majority sought to formally consolidate their civil rights and status as citizens. A growing presence in cities, black civic actors looked to the juvenile court as a resource for black families and the community.⁴ The promise of a clinical and restorative juvenile court community was intimately related to historical injustices suffered by black children and families. Chattel slavery had explicitly underdeveloped the family unit. For Progressive

Era reformers, the family was the incubator of civic participation, essential for normalization, participation, and group progress in liberal democracy. Massive numbers of these newcomers to American citizenship flowed from the rural South to the growing cities in the Northeast and Midwest. There, an imagined “promised land” and the first juvenile court communities awaited them.⁵ The heightened cultural and institutional commitment to an enlightened parental state and the growing concentration of free blacks in urban centers should have improved opportunities for black youths and the influence of black adults in the administration of juvenile justice.

Progressive Era black stakeholders and their allies had little reason to expect that the parental state was a fitting or judicious instrument for building black citizens in a multiracial democracy. Nineteenth-century courts had long exaggerated the criminal culpability of black youths, in contrast to their white counterparts, and imposed sanctions that ignored black youth and community developmental needs and interests. Even in northern houses of refuge and reformatories, the civic ideals underlying the treatment of black youths sought to maintain the status quo and were dictated by white authorities.

More daunting was the deterioration of American race relations during the Progressive Era. Black community access to citizen-building ideals and institutions still hinged on the Negro question—the question of black America’s present and future standing in American liberal democracy.⁶ Given the Progressive Era response, black Americans had little reason to believe that the juvenile court would intervene as a “kind and just parent.”

Progressive Era Racial Politics and Juvenile Court Reform

The final decades of the nineteenth century brought dramatic progress and reversals in black Americans’ struggle for human and civil rights, setting the stage for their interest in, and experience of, the juvenile court movement. Legal and legislative developments between 1865 and 1875 marked momentous advances in racial reconciliation and democratic inclusion—declaring slavery unconstitutional, extending rights of equal protection to black Americans, and providing blacks the right to vote. Civil rights acts in 1866 and 1875 further recognized black citizenship and offered protections against discrimination. Federal Reconstruction facilitated unprecedented black representation in state and local government and formally increased opportunities for black Americans in education, employment, and other vital areas.⁷

Formation of black civic associations and other supportive institutions in the late 1800s enhanced the organizational means for defining and advancing black interests, facilitated greater social networking and self-help initiatives, and provided a voice in the public sphere. Black Americans had, thus, come closer to equal opportunity and influence in American civil society, and the Republic was closer than ever to becoming a multiracial democracy. Had these trends continued, the juvenile court could have been an important component of Reconstruction as well as of the political, economic, and social advance of the post-Emancipation generation. Instead, black Americans in the Progressive Era experienced a broad, often violent retreat in Jim Crow juvenile courts.

A consequence of the collapse of Reconstruction was that the progressive potential of the juvenile court for black Americans was undermined. Its legal and policy protections were either short-lived or not enforced. Moreover, a new storm of white racial violence and redemption was gathering, a terror building particularly in the South but with national implications for race relations.⁸ In the South, limited but hard-won black gains in civil and political standing nearly vanished by the start of the Progressive Era. From Reconstruction's inception, white opposition had sought to reverse attempts to redefine southern race relations. Since 1866, a wing of the white Democratic Party leadership had led the effort, employing populist rhetoric and a policy platform of redemption. Their campaign featured "white supremacy, low taxes, and the control of black labor." The party promised to reclaim white community control of southern state and local governments, and it delivered over the ensuing decades. As the twentieth century approached and the redeemers rose to power across the South, "everywhere one turned black rights were trampled," leading scholars of U.S. racial history to characterize the period from 1877 to 1901 as the nadir—the lowest point in black social status since Emancipation, barely a notch above enslavement.⁹

Redeemers in former slave states reinstated and expanded Black Codes that Reconstruction governments, which for the first time included significant black representation, had eliminated or curtailed. By 1890, black civil and political rights and representation had diminished, and a reign of racial terror had erupted in the South and beyond. During the Progressive Era, white mob violence, including lynching, peaked. Often it occurred with the consent or collaboration of white law enforcement and legal authorities. Of the more than three thousand black Americans lynched from 1882 to 1947, over one-third were murdered between 1890 and 1900, the decade when the first juvenile courts were established. Between 1890 and 1917, "some

two to three black southerners were hanged, burned at the stake, or quietly murdered every week."¹⁰

Beyond the South, the federal government's withdrawal of its defense of black freedoms aided a national resurgence of white supremacist violence and politics. Legislative, judicial, and executive branches of the federal government, over which southern economic and political elites held great influence, collectively retreated from enforcing and maintaining black constitutional protections by failing to intervene against lynching, oppose segregation, or protect black voting rights. In 1883, immediately before the Progressive Era, Congress repealed the Civil Rights Act of 1875 on the grounds that it violated state sovereignty.

Freed from federal oversight and interference, Progressive Era white leaders quickly disenfranchised black voters to maintain state power and their ability to deny black claims to equal protection and representation. In 1890, the Mississippi Constitutional Convention passed a measure that disqualified black voters. In 1898, the Louisiana legislature enacted its infamous "grandfather clause," which denied voting rights to those whose grandfathers had not voted, meaning nearly every black person in the state.¹¹ The U.S. Supreme Court legalized the general "separate but equal" doctrine of racial segregation (*Plessy v. Ferguson*, 1896) and the barely veiled methods of black political disfranchisement (*Williams v. Mississippi*, 1898) at the start of the Progressive Era.¹²

Exclusive control over legal and political institutions allowed Progressive Era white constituencies to dictate the shape of democratic institutions, including the earliest public schools and juvenile courts. Access to public education, which civic leaders long recognized as a vital resource for self-realization and informed democratic participation, was a primary target in the racial project of white redemption. Emancipation and federally enforced Reconstruction gave southern black and white youths access to a common school education. Redeemers and their constituents sought to limit these opportunities to white youths alone. An educated black person, they believed, was a likely insurgent, a radical who threatened the desired order of white democracy. Black educational ambition was, thus, criminalized in many slave states and regulated by other means in the post-Emancipation period, including racial terror and institutionalized denials of rehabilitative ideals.

White supremacist ideology, white mobs, and white-dominated court and government authority were powerful mechanisms of resistance to Progressive Era black interests in educational opportunity and political integration,

including youth opportunity and adult influence in juvenile justice administration. Fishing for white votes, southern gubernatorial candidates openly vowed “not to spend one dollar for nigger education, because education unfits the nigger.”¹³ Elected officials indulged white constituents with various schemes to keep black children out of schools or provide inferior opportunities. Emboldened white mobs commonly attacked black teachers and schools.¹⁴ White citizens and officials opposed taxation and other support for black schools and used their domination of government institutions to see that “public school funds for black children were diverted to white children.” Progressive Era “whites all over the South seized school funds belonging to the disfranchised black citizens, gerrymandered school districts so as to exclude blacks from certain local tax benefits, and expounded a racist ideology to provide a moral justification of [this] unequal treatment.”¹⁵

Racist ideologies and politics related to education were easily adapted to penal reform. In 1906, Mississippi governor James Vardaman touted enlightened prison reform and a partial end to the exploitation of prison labor, claiming to be “more interested in the salvation of men than the hoarding of gold.” Yet his sense of potential moral and mental cultivation and commitment to using state funds for such purposes had race-linked limits:

A dollar invested in the development of the mind of the white child and the cultivation of the mind of the white man and woman, is the best investment the State ever made. On the other hand, every dollar invested on negro education . . . is an indefensible and unwarranted prodigality of cash. It is a crime against the white man who furnishes the dollar and a disadvantage to the negro upon whom it is spent. There must be a moral substratum upon which to build, or you cannot make a desirable citizen. The negro, as a race, is devoid of that element.

The disavowal of a black “moral substratum” subjected formally free black men, women, and children to all manner of human indignity and social injustice. Vardaman’s insistence that “God Almighty created the negro for a menial—essentially a servant” defended ongoing exploitation of young and old black prisoners in Mississippi and the denial of other rights and welfare resources.¹⁶

Exclusion of black youths and the black community from juvenile justice reform was exemplified in a Progressive Era Mississippi legislator’s efforts to gain support for a juvenile reform school mainly serving black children. He could not overcome the refusal of white taxpayers to invest in black youths. With black constituents silenced, whites, convinced that “it was no

use trying to reform a Negro," easily defeated the bill.¹⁷ In their 1911 pamphlet *Mississippi's Boy Delinquents*, white leaders of the Juvenile Reformatory Association discussed their policy of denying educational opportunity, political representation, and rehabilitative ideals to black constituents. "We have a Agricultural High School without Negroes; we have a State Normal School without Negroes; we have elections without them," the Association reasoned, "surely we can have a Juvenile Reformatory without them if it is deemed necessary." Mississippi lacked a public reformatory for black youths until the 1940s.¹⁸

The Progressive Era featured a three-decade-long backlash against black citizens that often turned violent. It was open season on black rights and bodies, and the hunting extended beyond the South. Over two dozen race riots erupted during the 1919 "Red Summer" in northern and southern cities. White mobs attacked black communities to oppose their growing presence, economic competition, and calls for civil rights during the mass exodus from the Jim Crow South. A young J. Edgar Hoover, head of the new Radical Division of the U.S. Department of Justice, investigated the causes of rioting during Red Summer. Black radicalism and subversion, he concluded, not the white community's aggression identified by his federal investigators, had caused the violence.¹⁹

Black Urban Migration and the Juvenile Court, 1900–1920

Because they were absent in small cities and rural districts, where most Americans still lived, the earliest juvenile courts served only a fraction of the total U.S. population. Just 43 percent of the U.S. population, the Children's Bureau estimated, had access to juvenile courts in 1917 (table 3.1). The nation's largest cities offered full access to courts "specially organized for children," and most residents had access in midsize cities. Access was far more limited in small towns and rural areas, where over half the U.S. population in 1917 lived. In small towns and rural areas, 16 percent of residents had access to juvenile courts.²⁰

During the Progressive Era, most blacks lived in the rural South; those who did not were more likely than whites to live where juvenile court reform had been introduced. As table 3.2 illustrates, blacks residing outside the South in 1910 were concentrated in urban areas, more so than whites. In 1910, one-quarter of the black population lived in urban areas; three-quarters of blacks in the North and West were city dwellers, compared to half of whites.²¹ Black urban concentration increased with each wave of emigration from the rural South to the city. Black proximity to, and interests

Table 3.1 Percentage of U.S. population served by juvenile courts in 1917 by area

Area (population size)	Proportion of U.S. total population	Proportion served by juvenile court
U.S. total population	100	43
Large cities (100,000+)	25	100
Midsized cities (25,000–100,000)	9	70
Small cities (5,000–25,000)	11	29
Rural and towns (less than 5,000)	55	16

Source: Katharine Lenroot and Emma Lundberg, *Juvenile Courts at Work: A Study of the Organization and Methods of Ten Courts* (Washington, DC: U.S. Department of Labor, Children's Bureau, 1925).

in, juvenile court communities heightened the paradox and conflict inherent in denials of black youth opportunity and adult influence in Jim Crow juvenile justice.

The flagship Chicago Juvenile Court illustrates common aspects of this ordeal of exclusion. In an early study, black youths were significantly represented in the court's caseload. Few black Americans lived in Chicago before the waves of migration around World Wars I and II; in 1903, only 2 percent of Chicago's population was black. That year, the first for which race data are available, about 2 percent of male cases and 6 percent of female cases before the three-year-old Chicago court involved black children. By 1927, black Americans constituted nearly 7 percent of the city's population and black youths 22 percent of the juvenile court caseload. Despite unequal access to rehabilitative court services, the juvenile court movement significantly affected Chicago's rapidly growing black population.²²

Racial segregation in juvenile court resource allocations influenced outcomes for black dependency and delinquency cases in Chicago and other cities. In a 1927 report, the Chicago juvenile court's chief probation officer called the "difficulty of providing adequate care for the dependent and neglected colored children one of the greatest problems with which the court has to deal. The situation is complicated by a lack of resources in the community comparable with those available for white children in the same circumstances." He explained that "practically no institutions are to be found in the community to which [black] children may be admitted."²³

Two decades after the Chicago court's creation, a persistent lack of services derailed the rehabilitative ideal for black youths. Without other placement options, officials in Chicago and other cities committed black youths to detention facilities and jail at greater rates and for longer periods than was common for white youths. Contrary to the principle of juvenile justice reform, more black youths were committed to adult prisons. For court-

Table 3.2 Percentage of population residing in urban areas by race and region (1910)

Region	Race	
	Black	White
United States (total)	27.4	48.7
South (total)	21.1	23.2
South Atlantic	22.1	27.0
East South Central	19.2	18.5
West South Central	22.0	22.6
North (Total)	77.4	58.3
New England	91.8	83.2
Middle Atlantic	81.2	70.8
Midwest	76.6	52.3
Plains	67.7	36.6
West (total)	78.6	49.2
Mountain	72.0	36.7
Pacific	83.4	57.0

Source: Bureau of the Census, *Prisoners and Juvenile Delinquents in the United States, 1910* (Washington, DC: Department of Commerce, 1918).

involved black youths, little had changed since the early houses of refuge. A 1913 Hull House study of Chicago's jail populations found that blacks represented less than 3 percent of the city's population but that black boys and men made up 12 percent of the jail population and black girls and women made up nearly one-third of all females in jail. A 1925 Urban League study of detention in New York found that white youths were rarely detained for more than twenty-four hours while black youths commonly spent weeks and months in detention.²⁴

When juvenile institutional commitments did come to Chicago's juvenile court, black dependent and delinquent youths of various types and needs were uniformly sent to a state-run institution intended for serious offenders. Juvenile court resources were especially limited for black girls. Barred from private institutions, and accepted only in small numbers at the state-run institution, they remained in detention longest. Thus, dependent black girls had virtually no access to rehabilitative services through Chicago's early juvenile court.²⁵

Black Americans settling in other early-twentieth-century cities had similar experiences. White supremacist redemption affected racialized criminal social control, and the Progressive Era witnessed unprecedented mob violence, lynching, and dramatic increases in black criminalization, incarceration,

and executions throughout the United States. For black youths, this pattern intensified over the first decades of the twentieth century.²⁶ Early juvenile court caseloads and commitments suggest that black youths received greater and even disproportionate attention. They entered Progressive Era juvenile courts in large numbers but were denied equal access to the child- and social-welfare networks of juvenile court communities.

Relating Race, Citizenship, and Region to Sanctioning Disparity

The Progressive Era brought increasing rates of black criminalization and confinement as well as continued evidence of sanctioning disparity, including severe punishment of black youths. Shifts in racial group distributions of confined juveniles and adults during the first decade of the twentieth century reveal that black youths and communities were often excluded from mainstream juvenile justice reform. The unique but variable significance of race for equal protection is clear in the different treatment black American and European immigrant delinquents received, in regional variations in juvenile commitments, and in patterns of youth execution following juvenile court reform.

Between 1904 and 1910, the two years for which Progressive Era data on race and incarceration are available, the number of black adults and children in the U.S. incarcerated population increased dramatically (see table 3.3).²⁷ The increase is especially pronounced for black women and girls. In the 1904 census, black male and female children represented 13 and 15 percent, respectively, of juveniles incarcerated in public institutions nationwide, whether committed to juvenile or adult institutions. By 1910, the proportional representation of black male juveniles in U.S. carceral institutions had doubled to 27.5 percent while that of black girls nearly tripled to 39 percent. Among black incarcerated adults, increases were slightly less, with black women contributing disproportionately to the unprecedented Progressive Era “celling of black bodies.”²⁸

Prior historical research stresses that poor and foreign-born white youths were a primary target of early child-saving initiatives.²⁹ Most accounts overlook how this focus disguised the way in which racial privilege was based on a shared white or potentially white racial status, despite distinctions. Non-whites were racially defined as “subpersons” and regarded as less deserving of access and influence in education, labor, and politics.³⁰ For liberal rehabilitative ideals, the difference was critical. Under the rubric of *rehabilitation*, white authorities sought to “whiten” European immigrant delinquents (and others) through forced acculturation, discipline, and punishment.

Table 3.3 Group percentages of U.S. incarcerated population by age, race, and gender, 1904 and 1910

Age group and year	White		Black	
	Male	Females	Males	Females
Juveniles:				
1904	87.0	84.5	12.7	15.4
1910	72.2	60.8	27.5	39.1
Adults:				
1904	84.1	78.2	15.3	21.3
1910	79.8	56.8	19.3	42.8

Sources: Bureau of the Census, *Prisoners and Juvenile Delinquents in the United States, 1904* (Washington, DC: Department of Commerce, 1907); Bureau of the Census, *Prisoners and Juvenile Delinquents in the United States, 1910* (Washington, DC: Department of Commerce, 1918).

Note: Juvenile figures include youths committed to adult or juvenile institutions.

European immigrants themselves aspired to whiteness, rightly understanding this status as a valuable form of social capital for upward mobility.³¹ Progressive Era white Americans often resisted characterizing European immigrant adults and youths as racially white, with all that implied in terms of sociopolitical inclusion. These outsiders were ridiculed and condemned, with the Irish, for example, caricatured as “niggers turned inside out” to delegitimize their claims to equal opportunity and influence in American society.³²

Irish and Italian immigrant youths—typically the primary focus of control agents—were thought to be inferior to native whites. They were constructed as marginally superior to nonwhites, however, owing to trace civilizing influences of European ancestry buried beneath ethnic group attachments. Unlike blacks and other nonwhites, European immigrants and their embryonic-citizen children could potentially be reformed into whiteness, a requirement for eventual assimilation into the white body politic.³³ Foreign-born white boys were twice as likely as native ones to be committed to carceral institutions, but in 1910 there was virtually no difference in commitment rates for native and nonnative white girls. This suggests a more general concern with regulating the behavior and development of white girls, reflecting patriarchal interests in enforcing gender norms, and linked to racial politics of Americanizing the stock of potential mothers and wives for future white American families.³⁴

Differences in commitment rates between black and white youths and qualitative differences in the nature of institutionalization illustrate how race stratified opportunity in Progressive Era juvenile justice. This was distinct

Table 3.4 Differences in rates of juvenile commitment per 100,000 in the U.S. population, by race, gender, and nativity (1910)

Comparison	Coefficients of difference	
	Boys	Girls
White foreign-born compared to white native (overall)	2.22	1.09
White foreign vs. second-generation native	1.81	1.22
White foreign vs. third-generation native	2.94	1.29
	2.97	4.59
Black compared to white native (overall)		
Black vs. second-generation native	2.42	5.14
Black vs. third-generation native	3.93	5.44
Black compared to white foreign	1.33	4.22

Source: Bureau of the Census, *Prisoners and Juvenile Delinquents in the United States, 1910* (Washington, DC: Department of Commerce, 1918).

Note: A value of 1.00 indicates no difference in rate of incarceration, controlling for representation in the population.

from white class and ethnic differences. Black youths came to the attention of Progressive Era courts, as in Chicago, but their sanctioning had a distinct pattern. As table 3.4 shows, in 1910, black juvenile males were nearly three times more likely to be committed to institutions than their native white male counterparts were (and slightly more likely than foreign-born white males). Gender and race interactions feature prominently in the high commitment rate for black girls, who were far more likely to be incarcerated in 1910 than their native and foreign-born white female counterparts were.

Distinct black youth sanctioning appears when disaggregating second- and third-generation white natives.³⁵ Black males were confined at a rate nearly four times greater than third-generation native white males and approximately three times greater than second-generation native white males. Small differences appear in commitment rates for black and white foreign-born male delinquents, and black girls were over five times more likely than second- and third-generation white girls, and four times more likely than foreign-born white girls, to be institutionalized in 1910. These commitment rate differences are partly related to the greater urban concentration of black and European immigrant youths.

Regional distinctions are also noteworthy. In 1910, black juveniles in the South were confined at rates between three and five times greater than second- and third-generation native whites, respectively, and slightly more frequently than foreign-born whites. These differences pale in comparison with rates outside the South (see table 3.5). In the Midwest (i.e., Ohio, Indiana, Illinois, Michigan, and Wisconsin), for example, black children

Table 3.5 Differences in rates of juvenile commitment per 100,000 in the U.S. population, by race, nativity, and region (1910)

Region	Coefficients of difference		
	Black compared to third-generation white native	Black compared to second-generation white native	Black compared to white foreign-born
New England	7.1	4.4	4.2
Mid-Atlantic	9.6	6.0	4.6
Midwest	13.8	12.8	5.6
Plains	18.2	32.0	10.0
South (Atlantic)	4.4	3.5	1.9
South (East Central)	4.7	4.2	1.3
South (West Central)	3.6	5.0	3.7
Mountain	15.9	10.4	4.2
Pacific	8.0	11.2	6.4

Source: Bureau of the Census, *Prisoners and Juvenile Delinquents in the United States, 1910* (Washington, DC: Department of Commerce, 1918).

and youths were institutionalized at a rate more than ten times greater than second- and third-generation white youths and more than five times greater than foreign-born white youths. In the Mid-Atlantic (New York, New Jersey, and Pennsylvania) and New England (Maine, Massachusetts, Rhode Island, Connecticut, Vermont, and New Hampshire) regions, black youths were committed at rates between five and ten times greater than white youths. In the Mountain and Pacific regions, where black populations were especially small before World War I, black juveniles were committed at rates substantially greater than those for native and foreign-born white children.

The greatest differences in commitment rates occurred in the Plains states (Minnesota, Iowa, Montana, North Dakota, South Dakota, Nebraska, and Kansas), where, in 1910, black children and youths were confined at rates seventeen times greater than second-generation white natives, thirty-two times greater than third-generation white natives, and ten times greater than foreign-born whites. Racial group differences in urban concentrations were also largest in the Plains states, with nearly 70 percent of blacks, and less than 40 percent of whites, living in urban areas that year. In the Midwest and Mountain states, substantial commitment rate differences also correspond to black urban concentrations.

Urbanization and confinement rates for white subpopulations are not broken out in the data. Given patterns of immigrant settlement, foreign-born and second-generation white youths were likely more concentrated

in cities. Aside from criminal involvement or court bias, such social-organizational factors increased the likelihood of contact with agents and institutions of juvenile social control. This probably accounts for the comparable commitment rates of black and nonnative white delinquents, who often came to the attention of juvenile justice authorities.

Race-related differences in regional commitments must account for the small number of blacks living outside the South, which inflates their commitment *rate*. Moreover, rigidly enforced racial segregation forced down black institutionalization in the Progressive Era South, exacerbating commitment rate differences between regions. Jim Crow did operate outside the South, but race ordered relations differently by region, in ways that affected criminal justice outcomes. In the South, institutions of social control were less inclined to provide remedial services to blacks, and black subjugation discouraged black families from seeking services from law enforcement and the courts. Many Progressive Era black families moved to centers of juvenile court reform from areas least likely to have specialized courts for black youths. Urban migration thus played an important role in the limited racial integration of juvenile courts and in patterns of institutional commitment and other sanctioning experienced by black youths.

Limits of Early Juvenile Court Contact: Inequality in Institutional Commitments

Black community leaders did not believe that high rates of commitment to juvenile institutions among black youths were disadvantageous. Placements in rehabilitative institutions were coveted for criminal or dependent youths deserving sanctioning, intervention, and support. However, greater black youth exposure to burgeoning juvenile court communities and high rates of juvenile institutionalization generally did not translate into equal black youth and community access to the juvenile court movement's citizen-building ambitions.

Removing criminal and wayward youths from the world of adult courts and prisons was a core objective of the juvenile court movement. Efforts to develop a more diagnostic juvenile court environment and supporting institutional resources (i.e., reformatories) followed this logic. Among the lowest priorities of white-dominated court communities was the development of specialized resources for black dependents and delinquents. Consequently, black youths were extensively committed to adult rather than juvenile institutions in most regions with significant black populations. A decade into the juvenile court movement, nearly three-quarters of committed black

Table 3.6 Percentage of committed youths confined in adult institutions (prisons, jails, and workhouses), by race and region (1910)

Region	Race	
	Black	White
United States (Total)	72.3	35.9
U.S. South (average)	81.8	42.5
South Atlantic	81.6	35.8
East South Central	87.3	41.7
West South Central	76.6	50.1
U.S. North (average)	41.8	32.5
New England	30.0	30.6
Middle Atlantic	47.9	44.3
East North Central	35.9	27.2
West North Central	53.3	27.8
U.S. West (average)	19.8	28.1
Mountain	32.6	34.1
Pacific	6.9	22.0

Source: Bureau of the Census, *Prisoners and Juvenile Delinquents in the United States, 1910* (Washington, DC: Department of Commerce, 1918).

Note: Remaining proportions within each racial group were committed to juvenile institutions.

male youths were confined in adult prisons, jails, or workhouses, compared to one-third of all committed white male youths (see table 3.6).³⁶

National patterns of black youth commitment to adult institutions largely reflect practices in the South, where most incarcerated black youths were confined during the Progressive Era. In the South, black youths subject to incarceration were almost always confined in adult institutions until the black child-saving movement began to make substantial inroads in the provision of rehabilitative services for black youths around the 1920s. Outside the South, where relatively small black populations were concentrated in urban areas, court-involved black youths were far more likely to be committed to juvenile reformatories, except in the midwestern states, where institutionalized black youths largely remained in adult jails and prisons.

Rates of black youth commitment to institutions vastly exceeded those for native and immigrant white youths in most regions, likely owing to urban concentration and differential rates of court contact. However, comparisons of the types of institutions to which black and white male youths were committed suggest that even marginal white youths enjoyed privileged access to the rehabilitative programs and institutions of juvenile court

communities, especially in the South, but also in northern states.³⁷ The anomaly of black youths in the West being relatively *more likely* than whites to be committed to juvenile rather than adult institutions is likely related to the small number of blacks residing there and the small number of black youths committed to any institution in the West in 1910. However, black youths committed to Progressive Era juvenile institutions nationwide remained subject to segregation and discriminatory treatment.

Differential Involvement in Crime?

The relative seriousness of their offenses is a possible factor in black youths' higher commitment rates and their more severe sanctioning, including commitment to adult prisons. Unfortunately, historical data are inadequate for assessing the relationship of race, offense, and sanctioning. Census data from 1910 do indicate that incarcerated black Americans, regardless of age, were committed for more serious offenses. Blacks represented about 11 percent of the U.S. population in 1910 but constituted 56 percent of "grave homicide" commitments, 49 percent of lesser homicide commitments, 41 percent of assault commitments, and 33 percent of robbery commitments that year.³⁸

Since they are not disaggregated by age, national commitment offense data are of little use for interpreting racial group differences in Progressive Era juvenile offending and confinement. Local juvenile offense data do suggest that, although serious juvenile offenders existed during the Progressive Era, relatively few youths were committed to institutions for grave homicide or other serious person or property offenses. Regional differences cannot be isolated in these data, a necessary condition for distinguishing southern justice systems. Yet local data from at least one southern state suggest generally similar patterns of offending among white and black youths. These data do not indicate offense history or other aggravating and mitigating factors, which is necessary for accounting for the relation between offending, varying rates of commitment, and the severity of sanctions.³⁹

Progressive Era official statistics based on police and court decisions pose problems because of the political nature of law and law enforcement. This affects interpretations of race-related commitment differences. Legislatures, law enforcement officials, and courts controlled by white authorities were hostile or indifferent to black claims to equal protection. They were prone to overenforcement in cases of black offenders and underprotection in cases of black victims, distorting records of crime and justice processes. In Thorsten Sellin's view, using institutional commitment statistics to interpret criminal behavior assumes that "the proportionate number of arrests, convictions,

or commitments to the total number of offenses actually committed is the same in [black and white racial] groups. This assumption is untenable, for there are specific factors which seriously distort the arrest, conviction, and commitment rates for Negroes without affecting these rates for whites in a similar manner. No measurement has as yet been devised for the evaluation of these factors."⁴⁰

The corrective must account for the many cases in which false charges were lodged against blacks for rape and murder, for example, in consensual relations and self-defense and in which white perpetrators of grave homicide by lynching and other means, manslaughter, aggravated assaults, arson, etc. eluded crime and incarceration data because police and the courts overlooked their acts. Unpunished white crime committed during crime-prone youth and young adulthood, including mob violence against blacks, was significant but is of unknown quantity.⁴¹ White children commonly witnessed lynchings and often participated without legal consequences. In 1917, adults compelled a ten-year-old to castrate a black lynching victim in Texas, and adults held up a young boy to throw the rope over the branch of a tree before a 1931 lynching in Maryland. In 1903, the *Chicago Herald* reported that a Wilmington, Delaware, lynching involved a white mob of "300 men and boys," and, in 1900, a mob composed exclusively of white boys unsuccessfully tried to lynch a twelve-year-old black youth in Richmond, Virginia; four of the white boys, all under thirteen years of age, were arrested, but their only punishment for this attack was a fine.⁴²

Arrest, prison commitment, and other official data from the period cannot account for differences in the severity of sanctioning or for differential involvement in crime. They do enable comparisons of the charges against and the sanctioning of black and white youths appearing in early juvenile courts. Detailed juvenile offense and sanctioning data from North Carolina illustrate that black and white delinquents entering Progressive Era juvenile justice systems were differentiated, not by offense differences, but by the racial politics of juvenile justice administrations. They highlight the explicit neglect, exploitation, and violence of Jim Crow juvenile justice in the South, which encompassed most black Americans.

Juvenile Court Reform in the Jim Crow South

Liberal penal reforms and the juvenile court movement came late to the South. The court first took root in North Carolina in 1915, but a skeletal statewide system appeared only in 1919, as the Progressive Era was coming to a close. As the Children's Bureau observed, rural areas, including much of

North Carolina, were especially slow to adopt the new courts. Even “specially organized” courts typically failed to live up to the distinction. “Many of the county juvenile court judges were unfamiliar with principles and procedure of juvenile courts,” a state investigation concluded, “and in some instances the judges were actually hostile to the juvenile court movement, thinking it was merely a method of ‘letting the youthful criminal go free.’”⁴³

To philosophical differences were added financial and political impediments to meaningful reform. Reluctance to appropriate state funds to operate separate courts and youth services further delayed and limited the development of North Carolina’s juvenile justice system. Formally in place by 1919, the new juvenile court was slow to implement progressive principles and, thus, to supplant older patterns and practices of social control, especially for disenfranchised black youths and communities.⁴⁴

North Carolina’s Juvenile Cases and Sanctions

Between 1919 and 1934, North Carolina gradually and selectively embraced the juvenile court movement. These courts reveal much about southern Jim Crow juvenile justice. Data on race and youth outcomes provide a detailed, though distorted, perspective on differences in adjudicating and disposing of black and white delinquency and dependency cases. Only 4 percent of adjudicated delinquents in this period were charged with person offenses. Black delinquents, especially girls, were somewhat more likely than their white counterparts to be determined delinquent for person offenses. Delinquency adjudications for person offenses ranged from 3.8 (1919–29) to 3.1 (1929–34) percent for white males and 5.7 and 5.2 percent for black males. In these periods, 1.1 and 0.5 percent of white girls were adjudicated delinquent for person offenses, compared to 5 and 7.3 percent of black girls. Differences between black and white youths remain clouded by racial discrepancies in official responses to crime, including racial violence.⁴⁵

Second, property and status offenses were most common in male and female delinquency adjudications. Over half of white (52.57 and 58.5 percent) and black (55.1 and 64.3 percent) males were found delinquent for property offenses in the periods 1919–29 and 1929–34, respectively. Girls were sanctioned for property offenses less frequently than boys were, with adjudications more common among black girls (29.4 and 32.3 percent in the two periods) than among white girls (10 and 15.5 percent). Most male and female delinquency adjudications for property offenses involved larceny.⁴⁶

Finally, most girls adjudicated delinquent in North Carolina courts in the period were status offenders, that is, sanctioned for noncriminal acts,

such as immorality, truancy, and running away, pertinent only to juveniles. In these periods, status offenses made up 79 and 70 percent of white girls' adjudications and 55 and 47 percent of black girls' delinquency adjudications. Smaller but significant numbers of white (28 and 24.4 percent) and black (25 and 20 percent) boys were sanctioned for status offenses.⁴⁷

Reported involvement in serious crime did not differ significantly for white and black delinquents. Between 1919 and 1934, 12 percent of white males and 9 percent of black males were charged with serious *property* offenses (burglary, arson, breaking and entering); figures for white and black girls were 1 and 2 percent, respectively. In this period, serious *person* offenses (i.e., robbery, murder, manslaughter, rape, and attempted rape) were evenly distributed, constituting about 1 percent of white and black male adjudications and less than 1 percent of white and black female adjudications. Overall, 13 percent of white boys, 11 percent of black boys, 1 percent of white girls, and 1.5 percent of black girls were adjudicated delinquent in North Carolina juvenile courts for serious person or property offenses.⁴⁸

Given the similar severity of white and black offenses, nearly proportional group distributions across categories of court sanctions might be expected. Instead, certain sanctions were reserved mainly for white youths and others for black youths. Though white male and female youths constituted about 55 percent of all delinquency adjudications between 1919 and 1929, they made up over 75 percent of all delinquents placed in juvenile reformatories. Of the approximately 44 percent of delinquents who were black, 80 percent were hired out to private interests. Black youths were also overrepresented among those punished by parents, sentenced to county jail, and sent to the county home, "where dangers of moral contamination [were] almost as great as in the county jail."⁴⁹

Salient details about the mechanisms and implications of racialized social control are buried within official statistics on race and case characteristics in the state. Like 1910 census officials, Sanders and his colleagues noted that North Carolina juvenile crime and commitment data could be read only in relation to the state's race and gender politics of juvenile justice. The "juvenile courts are white courts," the researchers explained, and "the judge of the juvenile court and the chief probation officer in every case is a white official." In "only a few instances are there subordinate Negro probation officers for handling the cases of Negro children." "The judges of the juvenile court are all men," they add, "which might color the attitude of the judges in handling [white and black] boys' cases as compared with girls."⁵⁰

These factors likely influenced all cases, but Jim Crow juvenile justice is distinctly revealed in dependency and status offense cases, in the differential

treatment of black girls, and in the oppositional responses of black communities. The juvenile court model promised novel, individualized responses to an array of problems and needs presented by children and their families, including youths who violated criminal laws, status offenders and dependents, and children and youths deemed in need of parental state support to compensate for the failure or death of natural parents or legal guardians.

In North Carolina and other states, white youths enjoyed privileged access to a range of innovative and protective child- and social-welfare services. Between 1919 and 1934, nearly 20 percent of white males and 60 percent of white females coming before North Carolina's juvenile court were dependency or neglect cases, compared to 10 and 30 percent of black male and female cases, respectively. Since black Carolinians in the period had "a higher illegitimacy rate, higher death rate, less stable form of family life, more desertion, etc. than the whites," researchers expected to find comparable, if not greater, group distributions in black delinquency and dependency cases. Just 6 percent of black girls were charged with "sexual immorality" (a status offense) or premature sexual activity, compared to 24 percent of white girls. Researchers looked more closely at the official infrequency of black sexual immorality because the figures were "so much at variance with experiences of white and black social workers in the state" assisting in the North Carolina studies.⁵¹

The low representation of black youths (especially girls) among status offenders and dependency cases was due to racial oppression and domination in the state's Jim Crow juvenile courts. The black community had resisted, but white court officials, the authors determined, were disinclined to consider the nuances of black juvenile dependency and delinquency cases or to individualize responses to their apparent problems or needs. Much has been made of the gendered oppression of the parental state, such as its efforts to police and control the sexuality of girls and women, but North Carolina's white, male-dominated juvenile court communities were indifferent to the precocious sexuality of black girls and little concerned with their equal protection. "Just as there is a dual standard of morality for boys and girls," Sanders and his colleagues explained, "there is a dual standard of morality for the whites and the Negroes. The juvenile court judges are white officials, and consequently regard a sex offense by a white girl far more seriously than a similar offense by a Negro girl. Many white people, among them court-house officials, hold the view that practically all Negro girls are sexually delinquent, and if a judge of a juvenile court began hearing cases of this sort he would be swamped with work."⁵²

Some white state officials shared the pervasive belief that the early sexual activity of black girls protected the more important priority of defending white delinquent daughters, future white families, and white civil society. When interviewing for the position of county superintendent of public welfare in a North Carolina jurisdiction, a white male applicant was asked whether there was significant delinquency where he worked before. He answered: "There was practically none among the white girls [but] of course, there were some white boys who had sex relations with Negro girls." This was "a good thing," he added, "because it protected the white girls."⁵³

The predominance of dependency and noncriminal delinquency cases among white girls stemmed from their differential access to services in southern juvenile court communities. Relatively few North Carolina juvenile reformatory institutions served black delinquent or dependent youths before the 1940s. At the time of the studies in question, two orphanages were available to black children in the state. With a capacity of 355 children, they provided the only dependency services to blacks; serving white dependent and neglected children in the state were twenty-eight institutions with a capacity of over 4,500.

This structural inequality distorted North Carolina juvenile court data. Despite being dependency cases, many black dependents were adjudicated delinquent to gain placement in an institution. The court often released black children without processing because judges were disinclined to hear cases when no institution was available for commitment.⁵⁴ Finally, black communities refused to subject black youths to the court's denial of equal protection.

Black North Carolinians countered separate and unequal juvenile justice by relying on mutual aid, rather than the court, to provide support for troubled black children and families. "[Since] the Negroes have had such a hard time getting justice in the white man's adult criminal court," Sanders and his colleagues report, "they refused to report their delinquent children to the white man's juvenile court." They continue: "Negroes, [as] a minority group, have developed a persecuted race complex and stand by one another in time of trouble to a far greater degree than the white people. When Negro children are left orphans through the death of their parents, their relatives or even their neighbors gladly take the orphans into their own home. When white children are left orphans the first impulse of the white community, including the white relatives, is to send the children to an asylum." Before the 1940s, the combined racial politics of "the white man's court" and black community resistance to Jim Crow juvenile justice resulted in "the great majority of immoral Negro girls never coming to the juvenile court."⁵⁵

These detailed North Carolina studies remain among the most penetrating examinations of the complex, fluid, and contentious racial politics of American juvenile justice. They reveal how Progressive Era reforms and official data on racial differences in delinquency and dependency were distorted by the patterns of oppression, domination, and resistance characteristic of Jim Crow juvenile justice.⁵⁶

Severe Sanctioning of Black Youths in the Progressive Era South

Jim Crow juvenile justice systems subjected black youths to severe and violent punishments, including executions, whippings, commitment to adult prisons, and continued ordeals of convict-labor exploitation. Records from multiple southern states offer a chilling portrait of this indifference to the well-being of black children and youths in the decades surrounding the juvenile court movement. Over 80 percent of black youths confined in the South were committed to adult penal institutions in 1910; the figure for their white counterparts—who bore a similar but lighter burden during the South's embrace of the juvenile court movement—was 40 percent.

From 1900 to 1950, as the South developed juvenile court communities and institutionalized segregation, the experiences of southern black and white youths in American juvenile justice became increasingly dissimilar and unequal. In 1910, the year Tennessee established its first juvenile court, 83 percent of the juvenile inmates in its adult workhouses and jails were black. Between 1890 and 1915, “the percentage of [state prisoners] under 20 years of age was consistently around one-third,” and over 80 percent were black. Despite rhetoric about modernizing Louisiana's juvenile justice around 1900 and the opening of a reformatory in 1910, “six white and nineteen black youths, all between twelve and sixteen years of age, could still be found among the adult offenders” two years later.⁵⁷

In Mississippi, where “white taxpayers refused to ‘waste’ money on the needs of ‘incorrigible’ young blacks,” the mainly black prison population raised cotton from before sunup until after sundown, in conditions rivaling antebellum plantations. Managers of the Mississippi State Penitentiary at Parchman relied on techniques borrowed from plantation slavery, such as a system of trustees and liberal recourse to “black Annie,” a leather strap, three feet long and six inches wide, used to publicly whip inmates and coerce compliance with prison orders. The lash was deemed an especially suitable technology in a prison filled with “the wayward children of former slaves,” a Parchman physician explained, providing a familiar means of punishing and intimidating these inmates, thus “keeping them at the labor

required of them." Black youths were prominent among Mississippi prisoners in the late nineteenth century and the early twentieth. According to David Oshinsky, "black children [were] a vital part of Mississippi's powerful convict labor machine," such that, by 1880, "at least one convict in four was a black adolescent or child—a percentage that did not diminish over time." Among them was eight-year-old Will Evans, sentenced in 1891 to two years in prison for "grand larceny," specifically, "stealing some change from the counter of a dry goods store."⁵⁸

Between 1918 and 1931 in North Carolina, where approximately 30 percent of all juveniles (residents sixteen years of age and younger) were black, 60 percent of youths sent to state prison in this span were black. Among them were "eight children, all Negro, under fourteen years of age, and hence belonging under the exclusive jurisdiction of the juvenile court [and] committed illegally to the State Prison." They received far lengthier sentences in North Carolina state prisons than their white counterparts did, with 31 percent of black youths, compared to 17 percent of their white counterparts, facing sentences of five years or more. "[Since] there is no difference in the seriousness of offenses of whites as compared with Negro children," Sanders and his colleagues note, "the difference in length of sentences of the two races is due apparently to race prejudice."⁵⁹

A related factor was the interest in exploiting black labor. In the first half of the twentieth century, especially in the South, a prison sentence for a juvenile was severe in relative terms, often translating into extreme violence and exploitation. Well into the twentieth century, black youths remained subject to the brutal convict-lease system and other penal labor arrangements. Most states, including Mississippi (1890), Alabama (1893), Tennessee (1896), South Carolina (1897), Louisiana (1901), and Georgia (1908), legislatively abolished convict leasing around the turn of the century, but the exploitation of prison labor endured in new forms, such as chain gangs, which often included black children and youths.⁶⁰

Progressive Era social reformers and labor unions were influential in the demise of the convict lease, as were opportunistic government officials, who realized the profit value of retaining control of prison labor.⁶¹ "If the State can make money working a private individual's land and giving that private individual half of the products toil," Governor Vardaman of Mississippi reasoned in a 1906 speech to legislators, "I cannot understand why it cannot make more money working its own land and keeping the entire product of the convict's toil." Such arguments crippled a lease system that was overrun with critics, facilitating the rise of the convict work gang as "the prominent penal reform in the early-twentieth-century South."⁶²

To rationalize the shift to chain gangs, it was argued that the state had too long shirked responsibility for managing convicts while pilfering the public treasure. They emerged as a novel but familiar blend of racialized populist and exploitative ideals, with explicit links to chattel slavery. Apparently with the Thirteenth Amendment in mind, one reformer argued for replacing the private lease with a state-run system: "The convict is as much the property of the state as the slave before the war was the property of the slave owner." Another advocate reasoned that the state is the convict's real master and, as such, is responsible, not just for his well-being, "but for the productivity of his labor to the end that the community at large may be served." That interest did not include the free black communities from which most prisoners would come, and hoped to return to, following their terms of penal enslavement.⁶³

Similarities between convict work gangs, lease systems, and the ordeals of slavery that they replaced are evident in the racial ideology rationalizing their exploitation and violence.⁶⁴ In Georgia, where more than 90 percent of convict laborers were black, chain gang work on public roads was commonly defended as "particularly appropriate to southern conditions because blacks were perceived as suited to the heavy unskilled labor it required and . . . the discipline of coerced outdoor labor was perceived as beneficial to [them]." This logic appealed to white southerners, small local governments, and federal officials. A federal engineer argued in 1912 that the chain gang was perfect for the South since the region was dominated by black prisoners "who benefited by outdoor manual labor, and whose moral standard is not lowered" by working in public wearing prison stripes.⁶⁵

This enduring claim that blacks were amoral maintained a dialectic of exclusion. It rationalized chattel slavery and, later, the inhumanity of the lease and the chain gang, the strategic neglect and exploitation of sexually active black girls in North Carolina, the blocking of access to education for black youths and communities, and other Progressive Era denials of citizen-building ideals and resources.

Continued confinement of black youths in adult prisons was not found solely in southern juvenile court communities. Progressive Era black youths in the North and West were more likely to be committed to juvenile institutions, but they also encountered more subtle boundaries of Jim Crow juvenile justice. Black youths in the Plains states were far more concentrated in urban areas and were committed to institutions at higher rates than were white youths in this region. They were far *less* likely than white youths in the region to be sent to reformatories. Indeed, this is the only nonsouthern region where most confined black youths were in adult institutions.

Two decades after juvenile courts were established in Philadelphia and Pittsburgh (in 1903), black youths were still being sent to state prison. Examining juvenile commitments to state prison in the 1920s, Wolcott and Schlossman report: "Blacks constituted approximately 3.3 percent of Pennsylvania's population in 1920 (and 3 percent of males 15 to 19), [but] 30 percent of the mid-teens sent to prison." Elaborating on these disparities, they write: "We might be tempted to guess that blacks were more likely than whites to perpetrate serious crimes that could land them in prison, but this was not the case. In fact, the offense profiles of both racial groups were strikingly similar. . . . Thus, judges may have been quicker to pull the trigger of state prison on young black offenders than on young white offenders. It may have required less severe or persistent crime before judges were ready to impose the harshest penalty in their arsenal—state prison—upon [black youths]." ⁶⁶ The relative absence of juvenile institutions serving black youths in Philadelphia, Pittsburgh, and other Pennsylvania cities accounts for higher rates of black youth incarceration in adult prisons. Reforms in juvenile justice remained focused on white youths and communities, as elsewhere in the United States.

Beyond the influence of patterns of urbanization and the diffusion of the juvenile court on commitment rate differences among black and white juveniles, other factors more powerfully affected racial differences in Progressive Era case outcomes. Among the institutional ordeals that youths faced were persistent power imbalances in racial groups, race-based commitments to rehabilitative ideals, and selective investments in the institutional resource base of white civil society. Through inadequate resources for black youths, white-dominated governments defined Progressive Era juvenile justice reform as a white citizen-building initiative.

Black communities would wait decades before their youths would enjoy the presumptive right to rehabilitative ideals and resources. Yet many black youths who eluded confinement in adult institutions often found similarly exploitative and violent regimes in juvenile reformatories. The Tennessee State Training and Agricultural School for Colored Boys illustrates the systemic nature of Jim Crow juvenile justice during and after the Progressive Era. The school opened in 1921 and held black and white youths (in separate branches). Following the discovery of timber and mineral resources in the area in 1935, however, it was used exclusively to forcefully extract the cheap labor of black boys. As reported in the early 1940s: "No academic or formal education existed in this institution and work consisted of farming, mining, dairying and work in the dining hall." A minister visiting the "school" in 1944 protested the discipline maintained through "brute

force, with a club to support it." To counter the considerable temptation to escape, the school maintained a "neighborhood-watch" system whereby "local farmers could collect \$10 and a sack of grain for every escapee brought back to the institution, dead or alive."⁶⁷

Jim Crow Juvenile Justice: Summary and Conclusion

For the historian John Dittmer, "the term Progressive Era has not well served to define the United States during the early twentieth century."⁶⁸ Liberal reforms, scientific innovation, professionalism, and other forces behind the invention of the juvenile court stacked up against the high point in black lynchings, poll taxes, racist pseudoscience, and generally exclusive white influence in government, including the parental state. Black America saw the birth of the juvenile court, like the popular film *Birth of a Nation* (1915), as a testament to the resilience and determination of a white democracy, rather than a cultural symbol or institutional resource for impending democratic inclusion.

Development of the juvenile court expressed the liberal democratic idealism coinciding with Emancipation and Reconstruction and could have been a unique institutional asset for racial reconciliation and the generational redistribution of racial group opportunity and influence in American civil society. Had the unfinished revolution of Reconstruction continued beyond the 1890s and through the Progressive Era, the juvenile court may have helped redefine the social position of black America and push the nation toward a new multiracial and ethnic democracy. Instead, the juvenile court represented a progressive opportunity lost, especially for black Americans.

Early juvenile court reforms did not achieve the ideal of a new diagnostic, individualized approach to juvenile social control. The citizen-building agenda of the rehabilitative ideal was neither well executed nor consistently realized. Such reforms were linked to earlier, ongoing commitments to racialized civic exclusion through the moral and political choice to limit liberal experimentation to white and potentially white youths. A remarkable experiment in racial democracy may have flourished had the juvenile court movement genuinely embraced nonwhite youths and communities, extending equal protection and representation in the administration of rehabilitative ideals.

By institutionalizing white supremacist politics and black democratic exclusion, the juvenile court movement played a unique role in the generational maintenance of separate and unequal race relations. Black contempo-

aries recognized how Jim Crow juvenile justice systems maintained white power and undermined black freedom. They struggled for generations to dismantle its mechanisms of racialized civic exclusion. The next chapter will consider the social organization of Jim Crow juvenile justice, with its characteristic racial oppression and domination, to further contextualize the black child-saving movement.

