

4-2013

“You Have Made A Mess of Your Life Up to Date”: Talking to Girls in Juvenile Court in Post-World War I Los Angeles

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**“You Have Made A Mess of Your Life Up to Date”:
Talking to Girls in Juvenile Court in Post-World War I Los Angeles**

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Abstract

This thesis analyzes juvenile court hearing transcripts from original case files of the Los Angeles Juvenile Court in 1920, paying special attention to cases involving a famous juvenile court “referee” (i.e., judge,) Miriam Van Waters. The 1920s was a particularly interesting time for adolescent girls, as industrialization led to increased personal freedom and the development of an active nightlife for youth. Adults were still very invested in maintaining traditional standards of morality for their daughters, however, and moral breaches were generally what girls were brought into juvenile court for: sex, curfew violation, disobeying guardians, etc. Van Waters would delve into the girls’ family life, psyche and aspirations in order to decide on a suitable place for the girl to be sent or whether to supervise the girl in her own home, on probation. My research focuses particularly on the transcripts of conversations between Van Waters, the girls, and her parents in order to understand how juvenile courts decided what to do with “delinquent” girls in the post-World War I period.

Acknowledgements

My thesis would not have been possible without Dr. Steven Schlossman, who introduced me to the subject matter, lent his cases to me, and helped me every step of the way in my research and writing.

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Chapter 1: Introduction

Although its focus has consistently been on reform and rehabilitation, the records kept of the proceedings in Los Angeles Juvenile Court after World War I are especially rich for historical analysis because they often contain transcripts from the hearings of youth in front of a judge or referee. The Juvenile Court has been a changing institution since its creation in America at the turn of the 20th century. These transcripts are unique historical documents because they vividly capture a moment of social history unseen anywhere else; they are accurate depictions of actual conversations between judge/referee, delinquent, and anyone else who was brought into court to discuss a child’s case, whether a parent, probation officer, or love interest. The transcripts are especially insightful when dealing with the cases of delinquent girls. Girls are a group of historical actors whose voices have rarely been captured authentically in any historical documents; perhaps especially the voices of the largely working-class girls (between the ages of nine and twenty-one) who comprised the clientele of juvenile courts.

These particular transcripts also highlight the career of Miriam Van Waters, a referee of the Juvenile Court from 1920-1929. Van Waters helped to shift the focus of the court even more to rehabilitation and was an ally of the girl who were brought into her courtroom. Van Waters sought to better the community as a whole, so she was eager to see the girls “make good” as well as to gain assurance from their parents and guardians that they would keep their daughters in line. Ultimately, Van Waters wanted to make sure that juvenile girls were where they needed to be: whether at home, in school or at work.

Despite the word-for-word recording of court cases, the transcripts should not be taken at face value. Many parts of the picture, i.e., facial expressions, tone, and body language are missing from the documentation. Sometimes, the girls or her parents did not speak English and the court assigned them an interpreter. Surely something was regularly lost in the three-way communication between referee, the questioned, and the translator. The transcripts do not follow a specific formula, but all are consistent in tone, regardless of the content of the case.

The referee, above all, set the tone in her courtroom and for her case. She had to carefully maintain her position of authority while balancing the needs and competing interests of everyone who came into her court room, as well as following the minute details of the case, all the while presenting herself as an ally of the girls. Everyone in the courtroom had a specific role to play dictated by the hierarchy and process of the juvenile court system. The fate of the girl was in the hands of the referee, though with recommendations from the probation officer. The intended purpose of the hearings was to aid the referee in her decision-making regarding the girl's disposition; that is, whether to remove the girl from her home, or not. Ultimately, the referee's obligation was to make a decision that she believed would restore social order and stability to the girl's life, while simultaneously protecting the safety and well-being of the community.

Chapter 2: Historical and Social Background of the Post-World War I Juvenile Court

Before the Enlightenment, according to some historians, children were considered to be miniature adults with the same psychological makeup. However, as the field of psychology was established and developed, children came to be viewed as fundamentally different from adults. With this shift in understanding, the idea of punishing children as adults, and sending them to adult prisons, was rejected. Prison came to be viewed as an overwhelmingly negative influence on the children who were placed there.

Separate correctional facilities for children originated in England, and in the early 1800s the United States adopted those institutions as well. Privately owned houses of refuge -- places for criminal and vagrant children -- opened in urban areas, the first in New York City in 1825. The houses of refuge differed from their British antecedents in that they not only took children who had committed petty crimes, but also vagrants and orphans.

A badge system separated the children, based on offense. The residents spent a large part of their day carrying out supervised labor, producing items such as brushes and uniforms. The children also received basic literacy training. However, the houses of refuge soon became overcrowded and under-staffed, and developed a reputation of treating inmates with brutality.

As a solution to the poorly managed and maintained houses of refuge, industrial schools began to open in the late-19th century. The best managed industrial schools, unlike the houses of refuge, were focused on reform rather than simply removing and keeping troubled children away from society. In an industrial school, children would ideally learn skills that would help them to acquire and keep jobs outside of the school. In this way, the industrial schools were a precursor

to the juvenile courts, which would also try to reform and reintegrate children rather than merely punish them.¹

The first juvenile court in America was created in 1899 in Chicago. Many juvenile courts retained some elements of adult criminal court procedure, but they shifted the focus of adjudication to reformation and rehabilitation. The juvenile court was founded on the principle of *parens patriae*, or, the state as parent. *Parens patriae* gave ultimate authority over children to the state and all of the juvenile court's legal legitimacy came from interpretation of *parens patriae*. This principle gave the state the right to intervene and protect children whose parents, in its judgment, did not provide adequate care or supervision for their children. The state had dominion over children regardless of whether the child had committed a traditional crime or not. *Parens patriae*, then, was the impetus for the juvenile court to become a sort of moral police for children, especially girls.²

The juvenile court was primarily concerned with the offender and not the offense; the goal was rehabilitation and reform. As a result, the court was structured so that it could be more flexible and informal than adult court. The juvenile would be arrested, assigned a probation officer, and investigated before making an appearance in court. At the initial formation of these courts, probation officers were primarily women and were frequently volunteers--although this quickly passed as the courts developed.

¹ New York State Education Department. "New York House of Refuge -A Brief History." New York State Archives. http://www.archives.nysed.gov/a/research/res_topics_ed_reform_history.shtml (accessed December 19, 2012).

² Steven Schlossman, Transforming Juvenile Justice: Reform Ideals and Institutional Realities, 1825-1920. Northern Illinois University Press, 2005, Chapters 1 and 2.

The court proceedings were generally carried out as a conversation between judge, child, probation officer and parent. The probation officer would often make a recommendation as to what should be done with the child, and the judge (or “referee,” if the judge was a woman) would make a ruling based on what he or she believed would benefit the child and the community. The child could be sent to a juvenile detention center, a reform school, released to her parents’ or guardians’ care on probation, or a few other options that were considered best for the development of the particular child.

The dawn of the juvenile courts also marked the dawn of the Progressive Era. A factor in the development in the Progressive Era was industrialization. Mass producing goods led to the rise of the middle class, and the mechanization of factories meant that there was more non-working time in a day for the middle class. The Progressive Era saw more leisure time in general, but markedly so for juveniles. An urban, youthful nightlife developed, allowing minors to socialize with each other in new ways, for example, viewing movies at the local nickelodeon.³ Youth were spending more time away from adult supervision, whether at home, work or school.⁴

The make-up of communities was also changing as a result of an influx of immigrants. Communities were broken into smaller sub-communities, which meant that gossip and internal checks on the behavior of children in the larger community were reduced; instead, the checks became limited to the sub-communities which were often designated by class or country of

³ Mary E. Odem, Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920. Chapel Hill: University of North Carolina Press, 1995, 48.

⁴ Schlossman, *Transforming Juvenile Justice*.

origin.⁵ The development of morality in children in these new ethnic enclaves was considered in jeopardy, so alternate child-rearing institutions were viewed as essential.

Especially considered to be at risk during the Progressive Era was the conduct of girls. A long tradition of patriarchal Protestant morality created a near-obsession with daughters' chastity and behavior. However, the Progressive Era saw more young women engaging in sex out of wedlock than ever before in America. Parents— and therefore the courts— became worried about their daughters.⁶ Girls were primarily brought into court for “lewd” or “immoral conduct,” something for which boys were rarely arrested. Girls were expected to be polite, modest and obey their parents. They were also expected to occupy themselves either with work or school. Girls were supposed to marry and save themselves sexually until then. Thanks to *parens patriae*, perceived failure to adhere to any of these standards was enough for a girl to be brought into court, even if she was only suspected of having sex or was found to have stayed out past ten o' clock for just one night.

Once in court, girls were treated differently from boys because the expectations for girls were different. Boys were more likely to have been brought into court for petty theft or burglary. Girls would be brought in for issues of conduct and morality. The court system was often used to chastise girls and reform them into paragons of morality. A girl's sexual past would be questioned, while a boy's would not. As part of their intake into the court system, girls underwent full pelvic exams by male doctors in order to determine if they had ever been sexually active or had contracted any STDs.⁷

⁵ Odem, *Delinquent Daughters*, 46.

⁶ Odem, *Delinquent Daughters*, 44.

⁷ Odem, *Delinquent Daughters*, 78, 181.

Chapter 3: Dr. Miriam Van Waters

Miriam Van Waters was a referee of the Los Angeles Juvenile Court from 1920-1929. She was a product of the Progressive Era, and many new ideas associated with that era were evident in her beliefs and judicial practices. She helped to form the central policies of the juvenile courts' treatment of girls, following in Orfa Jean Shontz's footsteps. The road which led to Miriam's success in the Los Angeles Juvenile Court (followed by continued success in Massachusetts) was a unique one. Throughout her life, she struggled and rebelled against social norms without straying too far from the beaten path.

Miriam Van Waters was born in 1887 in Portland, Oregon. Her family was middle class, of Dutch heritage, and fairly progressive in its political, social, and religious beliefs for the late nineteenth century. She was, from a young age, devoted to her family. Miriam idolized her mother, Maud Van Waters, and when she was apart from her wrote painfully longing letters to her mother:

My dearest, darling, sweet Mama: Are you sure you are not in some fairy place where every day is a hundred years? I am sure it is so. It must have been four hundred years at least since I saw you last. How I miss you, Mama. My dear Mama I hope you will keep warm and well.⁸

While Miriam yearned for her mother's warmth and attention that she never quite received, it was her father who most influenced her ideas and work. George Van Waters was a

⁸ Burton J. Rowles, *The Lady at Box 99; the Story of Miriam Van Waters*. Greenwich, Conn.: Seabury Press, 1962. 49.

somewhat odd combination of a liberal Episcopalian clergyman, who seems to have been Miriam's model for gentle radicalism. A well-educated member of the cloth with a liberal arts education, Mr. Van Waters held strong beliefs in humanism and preached the Social Gospel. He spent much of his career attempting a "reconciliation of science and religion."⁹ Mr. Van Waters believed in equality and advocated for birth control, an unusual position for a male member of the clergy to hold at the turn of the century. Mr. Van Waters surely colored his daughter's views and ethics; he held staunchly to his beliefs, was willing to go to jail for them, but was also a warm, constructive figure in his community. In her diaries, Miriam wrote about the constant influx of people at her father's church, as a "settlement house and family hearth" with a constant flow of people.¹⁰ Mr. Van Waters would offer guidance, sympathy and food and get people back on their feet. Mr. Van Waters, however, was not a bleeding heart. His goal in helping those who came to him was rehabilitation, not hand-outs.

Miriam wrote in her diary, "I am the most fortunate of mortals for my Home was the great constructive force of my life." Miriam learned many skills and values in her childhood which would shape her later career.¹¹ Her parents encouraged her to explore and learn on her own. They advocated regular reading and writing and her father had an extensive library, most of which Miriam read as a girl. Her father believed it was important for his children to develop their own tastes in literature.¹²

⁹ Rowles, *Lady at Box 99*, 42.

¹⁰ Rowles, *Lady at Box 99*, 44.

¹¹ Estelle B. Freedman, Maternal Justice: Miriam Van Waters and the Female Reform Tradition. Chicago: University of Chicago Press, 1996, 4.

¹² Rowles, *Lady at Box 99*, 47.

As a girl, Miriam also spent a great deal of her time outside, generally finding a balance between physical activity and mental engagement. Her mother grew ill and then homesick, so Mr. and Mrs. Van Waters spent extended periods away from their home in Portland to stay with Mrs. Van Waters's parents. This left Miriam alone to take care of her younger siblings. She fed them, checked their homework, helped their housekeeper clean, and generally managed the Van Waters household in her parents' absence. The time she spent alone with her siblings taught valuable lessons about management and caring for others.

In 1904, Miriam went to live in an off-campus, all-girls dorm at the University of Oregon. There, she not only excelled in her classes, was selected as a teaching assistant, but also became very involved with student organizations, of which she ran several.¹³ She was the editor of the school paper and wrote an editorial piece about how women had a "lack of inertia."¹⁴ Additionally, she became involved with student productions, including a production of Sheridan's *The Rivals*. Writes biographer Burton Rowles, "Miriam was a natural actress."¹⁵ Miriam also studied other works of literature, and especially found Henrik Ibsen's works to be important. This fit in with Miriam's progression as an academic thinker, as Ibsen's plays were revolutionary in focusing on intricate, middle-class family drama on a small scale.¹⁶

Miriam continued to make an impression in school and graduated with honors with a degree in philosophy, followed soon after by a Master of Arts degree. She was such an extraordinary student that her philosophy professor at the University of Oregon helped Miriam to

¹³ Freedman, *Maternal Justice*, 28.

¹⁴ Freedman, *Maternal Justice*, 29.

¹⁵ Rowles, *Lady at Box 99*, 71.

¹⁶ Freedman *Maternal Justice*, 29.

be accepted into a Ph.D. program at his alma mater, Clarke University. Miriam applied for and received a fellowship for Social Psychology to work with G. Stanley Hall, a renowned psychologist and president of the university.¹⁷

Miriam had not spent much time in the eastern part of the country; she had visited her mother's family in Pennsylvania, but that was all. Her move from West to East opened her eyes to a wider spectrum of diversity; of races, ethnicities and political views, including socialism.¹⁸ Apart from school, one of the most influential aspects of moving East was learning about Jane Addams and reading her books. Jane Addams was the founder of the Hull House in Chicago, the pioneer settlement house which would influence all of Miriam's work on juvenile reform. Jane Addams was also a reformer in social ethics and women's rights, and she was a supporter of the Progressive Party. About her, Miriam wrote, "Even in a dingy, saddened world one energetic, loving, clever woman can work miracles."¹⁹

During her first year, Dr. Hall called Miriam in and asked her to do research on juvenile girls. Dr. Hall needed the research done as part of his wider study on adolescence. Miriam immediately set to work and went through almost three hundred cases in a matter of days.²⁰ She was excited about the project, but Dr. Hall became increasingly less so. Miriam came from a background of philosophy, and so was accustomed to thinking and theorizing at great length. The attitude at Clark was to spend much time in the laboratory as possible and to solidify everything into facts as quickly as possible. Miriam wrote: "I am becoming convinced that Clark is *not* the

¹⁷ Rowles, *Lady at Box* 99, 81.

¹⁸ Freedman, *Maternal Justice*, 39, 43.

¹⁹ Freedman, *Maternal Justice*, 43.

²⁰ Rowles, *Lady at Box* 99, 88.

best place to get my Ph.D. ... my mind is made up that Dr. Hall is not now the man he was while Dr. Sheldon ²¹ was here, and that he is too arbitrary, though fascinatingly kind to me, and clever, to do one's best work under."²²

Dr. Hall and Miriam continued to have their differences, and they came to a head in Dr. Hall's seminar class. Miriam reported on her findings of the girl's delinquency cases, focusing on the social influences rather than hereditary causes of crimes.²³ Dr. Hall was angry that Miriam had no scientific foundation in the study of delinquency and had only individualized data; nothing was summarized or compiled into general conclusions. Miriam was stubborn and said, "Only by studying the individual delinquent can the problem be solved."²⁴ There, in front of Dr. Hall, professors and graduate students, Miriam made a declarative statement which would shape the rest of her life's work.

This conflict between Miriam and Dr. Hall led Miriam to abandon work on her thesis in Social Psychology and to switch instead to Anthropology. Professor Alexander Chamberlain agreed to take her on as a student, and Miriam instantly liked him more than Dr. Hall. This was made clear in Miriam's description of the two professors' wives. Miriam did not care for Mrs. Hall; she wrote about her as a "hit or miss housewife" who did not seem to have much substance.²⁵ The Chamberlains, however, operated as a couple with ordered chaos and a more

²¹ Dr. Sheldon was Miriam's main professor at the University of Oregon. He liked her so much that he helped her get the fellowship at his alma mater.

²² Rowles, *Lady at Box* 99, 93.

²³ Freedman, *Maternal Justice*, 51.

²⁴ Rowles, *Lady at Box* 99, 95.

²⁵ Rowles, *Lady at Box* 99, 97.

equal marriage which Miriam apparently respected. While Dr. Hall had been an antagonist to her studies, Chamberlain was an ally and a friend.²⁶

It was through Chamberlain that Miriam was able to get a close look at a juvenile court in 1912. Chamberlain's brother-in-law, Roy Cushman, was an officer of Boston's Juvenile Court and took Miriam there to experience it first hand.²⁷ She was intrigued to meet the experienced, female probation officers of the juvenile court. Her visit helped solidify notions she had already been developing,

These capable women helped strengthen my own beforehand conviction that there is no "juvenile vice," that there are no "wicked" boys and girls—only bad homes, rich and poor—and bad health and bad civic life and no adequate work for eager hands to do. That is the start and the soil. Plant a young life there and the result is millions of dollars per year for reformatories and jails—or gallows.²⁸

At Roy Cushman's recommendation, Miriam was interviewed for a job at the Boston Juvenile Court. She was offered the job, but ultimately had to turn it down in order to continue her studies.

Her doctoral thesis, "The Adolescent Girl among Primitive People," was a clear culmination of her interests in adolescent crime. In it, she boldly criticized theories of both Hall and Freud and wrote about the importance of adolescence in sexual development. Her thesis detailed puberty rituals across "primitive" cultures, male control, and the importance of female sexuality—but not promiscuity. Miriam stressed the importance of sexual education, especially

²⁶ Rowles, *Lady at Box* 99, 96.

²⁷ Freedman, *Maternal Justice*, 51.

²⁸ Rowles, *Lady at Box* 99, 99.

for girls.²⁹ The last chapter of her thesis was titled “Some Suggestions as to Modern Application,” and was a detailing of some three hundred cases she had collected the previous summer from the Portland Municipal Court. In her analysis of those cases she concluded that delinquency was based on social conditions and not on physical defects.³⁰ Miriam was not aiming to break new ground. “I dare not hope to be an authority,” she wrote about her thesis. But her thesis did attract a moderate amount of attention within her university and among academics.³¹

After the acceptance of her thesis and then graduation in 1913, Miriam went to work as a special agent for the Boston Children’s Aid Society. Her job was to take girls who were “otherwise normal” and get them diagnosed at the Boston Psychopathic Hospital. From there, she would recommend a course of treatment for the girl.³² Miriam’s work was receiving press attention, which is how Judge Gatens of the Multnomah County Juvenile Court in Oregon heard of Miriam. In 1914, he offered Miriam a job as the new superintendent of the Frazer Detention Home in Portland. Miriam had been feeling ill for some time, and immediately accepted the job in order to return home.³³

Miriam arrived at the Frazer Home and was appalled. She found the living conditions wretched and was shocked at how many of the children were seriously ill, many with sexually transmitted diseases.³⁴ Miriam had a lot of work to do, but was determined to turn Frazer into the

²⁹ Freedman, *Maternal Justice*, 52.

³⁰ Freedman, *Maternal Justice*, 53- 54.

³¹ Freedman, *Maternal Justice*, 54.

³² Rowles, *Lady at Box 99*, 102.

³³ Rowles, *Lady at Box 99*, 105.

³⁴ Rowles, *Lady at Box 99*, 108.

kind of institution she thought it should be. Miriam banned corporal punishment from the Home, of which there had been much. She improved the children's diets and worked to reduce the spread of disease by quarantining those who were ill.³⁵ Miriam also organized a packed schedule for every child, full of work, play and school. She sent out pleas for books for the library-less home and persuaded a psychologist to examine the children.³⁶ Miriam also showed an extraordinary amount of trust in the delinquent youth. She would take them on trains for day trips, take them camping, or take them to her father's church to spend a few nights and learn about religion.³⁷

In December of 1914, Miriam had to leave her job at Frazer due to illness. She had spent too long trying to ignore and conceal it from her family and friends. Now tuberculosis got the better of her and Miriam had to spend time resting and recovering.³⁸ In 1915, tuberculosis was not necessarily a death sentence, but it was a horrible disease and forever branded the victim as someone contagious and sickly. At first, Miriam's parents were confident that she would recover within several months of rest. In fact, it took Miriam three years to fully recover from her illness. In October of 1915, Miriam stayed in the Pottinger Sanatorium in Los Angeles, severely weakened by the illness.³⁹ Frustrated that she was unable to work, she began to write, thinking she could do so professionally. She wrote children's stories and poetry as well as several nonfiction articles which she tried to get published in *New Republic* magazine.⁴⁰ When one of

³⁵ Freedman, *Maternal Justice*, 63.

³⁶ Rowles, *Lady at Box 99*, 109.

³⁷ Freedman, *Maternal Justice*, 63.

³⁸ Freedman, *Maternal Justice*, 64.

³⁹ Rowles, *Lady at Box 99*, 113.

⁴⁰ Freedman, *Maternal Justice*, 70.

her poems was published in *Little Review* in a collection of bad poems, Miriam, embarrassed, reevaluated her career choices and decided to go back to social work.⁴¹

In May of 1917, Miriam Van Waters took the civil service exam in Los Angeles. She passed and was soon appointed the new superintendent of Juvenile Hall.⁴² Van Waters set about reforming the Hall in as she had done at Frazer: she sought to improve diets, keep the youth busy, structure their days with work, school and play, and eliminate overly harsh punishments. She paid special attention to improving the morale among the youth by eliminating solitary confinement, starting a club to create self-government among the older boys, emphasizing outdoor activity, and creating morning assemblies so that the youth could learn about current events.⁴³ When she first began work at the Los Angeles Juvenile Hall she had to deal with boys running away, girls starting a riot as well as outbreaks of lice. She dealt with the problems gracefully and her problem solving seems to have endeared herself to the board; at the end of the year, the probation committee recommended her salary be raised.^{44 45}

However, Van Waters's new job was not without controversy. She replaced fourteen out of sixteen employees and completely transformed how the Juvenile Hall had been running. As a result, she was poisoned by a Juvenile Hall officer whom Van Waters had demoted.⁴⁶ Van Waters seemed unaware that it had been a poisoning and not an accident of her job, and did not let it discourage her.

⁴¹ Freedman, *Maternal Justice*, 71.

⁴² Rowles, *Lady at Box 99*, 120.

⁴³ Freedman, *Maternal Justice*, 80.

⁴⁴ Rowles, *Lady at Box 99*, 125-126.

⁴⁵ Rowles, *Lady at Box 99*, 127.

⁴⁶ Rowles, *Lady at Box 99*, 119.

In 1918, Van Waters was sued by the leader of a Los Angeles cult of sun worshippers who filed two suits against her and her staff. The Juvenile Court performed medical examinations on girls when they were first brought into court. The examination included a pelvic exam in order to see if the girl was infected with a sexually transmitted disease, as diseases such as syphilis and gonorrhea often went undiagnosed and created many medical problems for the girl. The girls identified in the suit were between the ages of seven and fourteen and had undergone a medical examination without the consent of their parents. The second was a suit which asked for one hundred thousand dollars in damages, because the exam had yielded results that incriminated the sun worshipper, falsely, he claimed. The medical examinations suggested that the young girls had been sexually abused.⁴⁷ The court delayed its decision, but ultimately ruled in Van Waters's favor.

The experience of the lawsuits colored some of Van Waters's already developing views about the negative role that parents and guardians can play in children's development. As she told The Friday Morning Club, where she frequently spoke, "No child ever came before the Juvenile Court save through the neglect, depravity, or the omissions of some adult."⁴⁸

Van Waters made frequent appearances in the Juvenile Court, and in doing so became friends with Orfa Jean Shontz, who was the first woman to be elected to the Superior Court in California. Van Waters did not think that Shontz liked her particularly at first, but Van Waters grew on Shontz and they eventually lived together along with several other women in a large house. Shontz and Van Waters developed similar ideas independently of each other, as both were influenced by the Progressive Era ideals and the work of women such as Jane Addams. While

⁴⁷ Rowles, *Lady at Box 99*, 127.

⁴⁸ Freedman, *Maternal Justice*, 82.

she worked at the Frazer House, Van Waters strived to create a homey, warm atmosphere in her office by adding curtains and personal details. Shontz aimed for a similar feel in her courtroom, trying to create a comfortable atmosphere for delinquent girls. Shontz was planning to leave the court to become city clerk and asked Miriam if she would like to replace her as court referee. Van Waters was enthused by this idea, and began to study law, at Shontz's bequest, in her limited free time.⁴⁹

Van Waters grew frustrated with her job at the Juvenile Hall, as she did not have as much freedom as she had at the Frazer House. She still saw a number of problems dealing with juvenile girls' cases, and the constraints of the Hall would not allow her to build her perfect model of a girl's rehabilitation center. In 1919, Van Waters accepted an invitation from the Los Angeles County Supervisors to run a new home for delinquent girls. This home, El Retiro, was a place "where girls go right" and would approach the female offender in new, progressive ways.⁵⁰

El Retiro was conceived as a place for delinquent girls of "borderline mentality" and with an "earnest desire to make good" to be sent to learn self-government and self-esteem.⁵¹ A girl was not sentenced to El Retiro, but instead placed there. Van Waters wrote in a pamphlet she sent to the California State Board of Health:

El Retiro's chief aim is to establish—by modern, intensive methods—self-respect, self-government and sturdiness of purpose in its young students. We do not wish to shelter them until they are twenty-one, but to build up sufficient moral muscle for their protection in the world outside. First comes personal hygiene: baths, walks, exercise and then cleanliness and more cleanliness until the girl is as dainty as her room, as fresh as

⁴⁹ Rowles, *Lady at Box 99*, 123.

⁵⁰ Rowles, *Lady at Box 99*, 132.

⁵¹ Freedman, *Maternal Justice*, 90.

the mountain air. Then self-expression is cultivated. Student body meetings, departmental conferences, council meetings develop her sense of citizenship.

A special program of work, study and play is made for her, and she is assigned to one of the more advanced girls to train. Each girl is thus a teacher and a pupil. She is learning one type of work and teaching another. The hours allotted to her for school are equivalent to a full school day.

The girls do the entire work of the school: cooking, dining room work, housekeeping, gardening, dairying, horticulture, olive culture and preserving, laundry, sewing, weaving basketry, library work, running the commissary, painting, dressmaking, millinery, etc.

Girls ready to assume responsibility are paid for their labor and are on the payroll of Los Angeles County. Such girls are called "heads of departments" and have assistants. Girl inspectors go the rounds each morning and make reports as to the order and accomplishments in the departments. Written reports are filed with the secretary of the student organization. Each girl is a citizen in an important industrial community. She keeps a record of her own progress.

The young student, having accumulated a bank account (two to fifty-eight dollars was the first year's range), is trained intensively for a few months in some skill or occupation of her choice for her future: library work, flower and bulb culture, or salad-making for commercial purposes.

When the time comes to send her forth, she will have the tools to make her way a definite structure between the institution and the community. She will not be left to jump the chasm as best she may.

After a girl has been in residence for one month, her name is presented to the student body and she is voted on. If the girls feel she cannot make good, or that she is not the type worth their trouble, she is sent back to the detention home and the Court is informed that the El Retiro Students Association cannot take her. If the vote is favorable, she is eligible for initiation. A ceremony is held, during which girls who have been elected officers impersonate, in simple pageant form, the virtues the school strives to inculcate.

The new girl takes vows of allegiance and swears never, by word or deed, to bring dishonor to El Retiro. She is given a shield pin of the Association and is duly declared a member. Now she may vote, hold office, enjoy privileges, work on the payroll, go to the movies and speak her mind plainly.

It (El Retiro) has succeeded thus far in surprising even its warm advocates by the efficient common sense of its government. It is not always easy for omniscient adults to keep their hands off when they see youth smashing traditions of discipline, but for the courage of those who believe in democracy let it be said that after nine years of training adolescents, I had not before seen so speedy a method of transforming a lazy, arrogant, determined young person into useful, cooperative citizenship.

The spirit of cooperation is stressed. Community service, the use of the local banks and stores, attendance at the local churches and membership in local organizations is encouraged. Some of our girls are about to enter the high school of the community. Contact with the normal, healthful, rural community life of the beautiful San Fernando Valley is one of the strong aims of our program. In the most real sense we are the child of the socialized spirit of California, and we shall not live a life apart.⁵²

So much of our social endeavor is the ceaseless stemming of a tide so vast, so monstrous, that only the stoutest hearts can work with courage or with hope. A generous vision is needed. Particularly has childhood suffered by our parsimony. From wayward youths we have taken away freedom and all that makes life livable to the adolescent. We have denied those splendid affirmations of the spirit that, under happier conditions, have meant life to the race. Here, under the olive trees of El Retiro, we have commenced an experiment of restoration; we are trying to restore to the girl, under unusually favorable conditions, her health, her self-respect, and her faith her faith in the integrity of human life. This is the supreme task of the social hygiene of the future.⁵³

This, then, in Van Waters's own words was her ideal institution for the rehabilitation of girls. While Van Waters was running El Retiro, she was traveling around the country, with monetary help from Chicago philanthropist Ethel Dummer, and looking closely at other juvenile institutions. While Van Waters was establishing El Retiro, she passed the civil service exams and took Orfa Jean Shontz's place as a juvenile court referee in 1920. Running El Retiro and being a referee were too many jobs even for Van Waters, and she therefore passed the superintendent job,

⁵² In the 1920s, socialism did not have the stigma it does in post-Cold War America. In the Progressive Era, the idea of government regulating business was popular, especially among those in the Progressive Party.

⁵³ Rowles, *Lady at Box 99*, 135-138.

with trepidation, to her mentee Alma Holzschuh.⁵⁴ Around this time she also began to piece together writings which in 1925 would become her best-selling book *Youth in Conflict*.⁵⁵

As a referee, Van Waters carried on the legacy of Shontz while adding her own foundation as a philosopher, psychologist and anthropologist, as well as her experience in Boston and Los Angeles. While working at the court, Van Waters toured other United States reformatories, having been hired by the Harvard Crime Survey to do so, observing how they operated and trying to inspire change, especially the abolition of corporal punishment.⁵⁶ In 1922, her report was published to much acclaim. Van Waters was able to demonstrate the benefits of her style of reform in Los Angeles, but unfortunately lost El Retiro to politics and bureaucracy in 1929. Around that time she left Los Angeles and resumed reform work in Boston and also to more easily adopt a seven-year-old girl she had met during her work in order to start an unconventional family of her own.⁵⁷ In 1927, she published her second book, *Parents on Probation*.

Later in life, Miriam Van Waters would make a name for herself with the work she did at the Framingham Reformatory for Women, outside of Boston. She would become even more famous as she faced battles in court with poise, passion and a sense of humor. Van Waters's career was grounded in the Social Gospel faith that she had learned from her father, as well as the skills she had honed growing up. She set herself apart in college and graduate school, leading her to be chosen to run her own reformatory at age thirty-two, and becoming a referee of

⁵⁴ Freedman, *Maternal Justice*, 133.

⁵⁵ Freedman, *Maternal Justice*, 125.

⁵⁶ Freedman, *Maternal Justice*, 111.

⁵⁷ Freedman, *Maternal Justice*, 129.

juvenile court the next year. Thirty-three was young to be a “judge,” making Van Waters only twelve years older than the oldest girls she would see in her court room.

Chapter 4: Methodology and Overview of My Sample of Girls in Juvenile Court

For this paper, I am focusing on girls' juvenile court cases in Los Angeles from the early 1920s. This period is positioned at a time of major change in America; the decade falls within the Progressive Era, a time when morals loosened and the political and cultural status quo were regularly challenged. This wider social change was reflected in juvenile court, where judges tried to navigate children's desire for increased freedom while parents often tried to hold on to traditional social standards and expectations. The judges had to balance a rapidly modernizing world with the still-strong structures and cultural traditions of the past, especially as they related to women and girls. Women were expected to uphold the reputation and morality of a community, and in many ways, these expectations were much more rigid for women than for men. The juvenile court was treated as a tool for upholding these standards, under the belief that if juveniles could be reformed and rehabilitated, they would become future upstanding members of society.

The juvenile court had authority over girls up until the age of twenty-one. The court was designed to be an on-going conversation between the girl, her probation officer, her parents or guardians and the judge. Juvenile court authority over girls in this period was mostly exercised by women. The judge had ultimate authority over each case, while the probation officer acted as the judge's eyes and ears in the homes of the girls.

Once a girl was brought into the juvenile court system, she was assigned a probation officer. The probation officer kept up with what the girl was doing and how she was behaving, carefully monitoring her actions to make sure she was not engaging in immoral behavior, such as

drinking or swearing.⁵⁸ The court also made sure the girl was where she was supposed to be, whether that was in school or at work. The probation officer also relied on the parents, guardians and neighbors to watch over and report on the girl's behavior. The probation officer would then write up factual and interpretive reports and communicate with a juvenile court judge.

The judge, or "referee" (if a woman), for girls' cases was almost almighty. She would take into consideration the advice of the girl's probation officer, but ultimately the decision about where the girl was to be sent after the court hearing and for how long was determined by the referee. In 1920s Los Angeles there were several female referees, but Miriam Van Waters and Orfa Jean Shontz were the pioneers in their era.

Orfa Jean Shontz was a powerful figure in women's activism and was the first woman elected to the bar in Los Angeles. She kept her courtroom friendly and inviting, as far away from cold institutionalism as she could. Additionally, Shontz revolutionized the juvenile court for girls in that she tried to create a maternal influence. In her court room; everyone from judge to bailiff was a woman.⁵⁹ Miriam Van Waters worked first with Shontz, and then gradually took over her job as referee. Miriam oversaw thousands of cases in her time at the Los Angeles Juvenile Court. In my 1920s cases, even if Van Waters did not appear as referee of the court, she usually appeared in some other capacity. In the early part of 1920, Van Waters was often brought in as a psychologist in order to testify on the condition of the girl in question.⁶⁰

⁵⁸ These were the mechanisms in place; whether they were properly and consistently used or not is up for debate.

⁵⁹ Odem, *Delinquent Daughters*, 113.

⁶⁰ For example: LAJC, 1920, Case # 15783, 15800, 15887.

For my thesis, I have taken a sample of 38 girls' juvenile court cases in 1920. These 38 cases are part of a larger sample of 71,⁶¹ and have been selected because they contain transcripts.⁶² Each case, in theory, documents the girl's entire time with the court, including all of her sentencing, medical examinations, schooling, etc. Each case file always include reports from the probation officers which detail why the girl was brought to the juvenile court in the first place, and how her case changes over time; the file often contains quotes from the girl and the people who surround her. The files usually include reports of psychological and medical examinations of the girl. They also include the official paperwork for court hearings, intake, etc. If the girl remains under the authority of the court (wardship), then her file may include updates on how she is doing in school, if she gets married, and so on. The files include the hearing transcripts that provide the analytic focal point of this paper. The files themselves are usually typed, but some are handwritten and can be blurred from time as a result of the digitization (from microfilm) process.

The transcripts are unique documents which offer glimpses into the early juvenile court process like no other evidentiary source. The transcripts are moments frozen in time, exact replicas of how people spoke in juvenile court. The transcripts record conversations between the referee, girl, and the people in the girl's life— conversations used to gather information and decide if the girl should stay at home or be sent elsewhere. They are windows into the decision-making process of the court; in reading them, it is possible to see what the referee was most

⁶¹ In these 71 are 18 cases from 1930 which I consulted in order to get a better understanding of the court as a whole. I do not use any of these transcripts; they are not incorporated in any direct way into my analysis.

⁶² My cases were borrowed from a systematic sample of case files coded by Dr. Steven Schlossman, who has used the files for his own and his graduate students' research on both male and female delinquency.

interested in asking, how she asked about it, and how the person responded. Van Waters was the primary referee in 1920, as Shontz was leaving and she was transitioning in. Therefore, I will focus on Van Waters and how she ran her court in the 1920s. Thus, my focus is not only about the decision-making process of the court, but Miriam Van Waters herself. I aim to analyze Van Waters's basic methodology in court, treating her as the dominant authority of the juvenile court for girls.

Van Waters used a fundamentally similar method of dealing with all of the girls in court, as seen in the transcripts of the hearings. The hearings were designed to allow the referee an opportunity to ask the girl, her probation officer, the family, and any other necessary figures in the girl's case, specific questions which would clarify the girl's case and situation. Not every file includes transcripts, but when they are included they provide unusual insight into the dynamics of the case. Certain cases have multiple transcripts, which usually meant that Miriam was unsure of where to send a girl. Where the transcript appears in the case files is typically after the girl has been arrested, a probation officer's report has been written, and she's had a medical exam. The presence of a transcript typically indicates uncertainty on the part of the referee, or that the referee feels there is wisdom that she needs to impart individually to the girl in question. Judging from the hearings she refereed, it seems that Miriam was not interested in merely scolding the girls, but was intent equally on listening to them, saying, for example, "This is your time to tell."⁶³

The cases themselves vary greatly because of the individualized nature of the court. There are common themes among the girls; they are largely from working-class families, and are

⁶³ LAJC, 1920, Case # 17170.

about 69% white, 29% Mexican, and 1% or less of other races, such as African American. The girls are mostly between ages fourteen and sixteen, although there are outliers with girls as young as nine and as old as nineteen when they are initially brought into court. Many girls were brought into court for behaving in a lewd or sexual manner outside of marriage. In my sample, 68% of the girls were sexually active, 5/38 were pregnant and 11/38 had contracted a sexually transmitted disease, typically gonorrhea.

The girls I have studied vary in their family situations. About half come from non-traditional homes; that is, about half do not have two parents and live either with a single parent, a foster parent, or another relative. The girls were brought into court for a wide variety of reasons, from suspected bootlegging to sexual activity to disobeying guardians.

There were several possible outcomes for the girl in question. Typically, the girl was made a ward of the court, which meant that she would (ideally) be closely watched and placed on probation. A girl could be a ward of the court at home or in another facility. The general goal of the court, and of Van Waters in particular, was to keep the girl in the home, preferably with her parents.

Often, the girls who were brought into juvenile court were from single-parent homes or lived with a relative. Based on the court records, according to the law, the biological parents had ultimate say over their daughter. This meant that even if the girl was living with a relative or other guardian, the court was obligated to locate and interrogate the biological parents. If this was done and the natural parents were considered to be suitable guardians, then the girl would typically be placed with them, even if that meant moving the girl from her accustomed residence. The referee would investigate the girl's living situation in order to see if it was a suitable place

for her to be raised. If the girl's current living situation was deemed unfit for her moral upbringing, then she would be removed at the discretion of the referee. This usually meant that she would be sent to a public or private reform school or stay longer in Juvenile Hall.

A reform school in Los Angeles where girls were often sent was El Retiro. El Retiro, as we saw earlier, opened in 1919, and Van Waters served as the superintendent. El Retiro was a place for girls to focus on their education, learn constructive work and promote moral behavior, good hygiene and personal presentation. The requirements for admittance into El Retiro were as follows:

First, an earnest desire to make good; this must have been proven by an unbroken good conduct record at the detention home, and an expressed willingness to undergo a period of training; second, freedom from infectious disease; third, the candidate must be of normal, or borderline mentality... fourth; the girl's home situation must be one that prevents her from carrying out successfully her program of re-education there; the unfit home, the weak home, the broken home, are examples of this condition; finally no girl is permitted to go to El Retiro who could be earning her living outside, unharmed.... Girls from fourteen to nineteen years of age are received.⁶⁴

Only the most amoral and disobedient girls were sent to convents or reform schools, and girls often requested going to El Retiro instead of a traditional reform school during their hearings. Ventura was the state reform school, and the most severe option for delinquent girls. Van Waters only sent girls to Ventura when she felt she absolutely had to, as she preferred her own methods of reform, as embodied in El Retiro.

As stated earlier, the majority of the cases that comprise my sample were refereed by Miriam Van Waters, or Van Waters with another referee. In my sample, obviously, Van Waters is

⁶⁴ Miriam Van Waters, "El Retiro, The New School for Girls," California State Journal of Medicine 19, no. 1 (1921): 37-38.

the key actor. Her method of refereeing defines these transcripts. The insight that the transcripts offer into the decision making of the court are really insights into how Van Waters ran her courtroom.

Chapter 5: Interpreting the Transcripts

Every hearing began in the same way. The girl in question and her probation officer would be present, sometimes the parents would be too, and the referee would ask the girl her age and birthday. The next question asked was usually direct and to-the-point, such as, “What was the trouble?”⁶⁵ or, if the girl had already been given a sentence and was back for an evaluation, “Have you been making a good report in Juvenile Hall?”⁶⁶ From there, each case became individualized. Since every girl came into the court with a different kind of problem, Van Waters had to quickly adapt and steer her courtroom accordingly. Van Waters was careful to keep control of her courtroom, treating adults and children in the same manner, interested in what they had to say, and asking open-ended, slightly leading questions to coax them into telling a story.

Miriam Van Waters was a pioneer of the Juvenile Court. She followed on the trail blazed by Orfa Jean Shontz, who was Van Waters’s mentor and predecessor as referee. It was Shontz who urged Van Waters to study law and to take her place as a Juvenile Court referee. Van Waters learned much about running her courtroom from Shontz. Like Shontz, Van Waters made sure that her courtroom was warm in feeling, with a simple table for everyone to sit around in a friendly, curtained room. The idea was to create a home-like atmosphere so that the girls felt more comfortable during their hearings. The Juvenile Court was not an institution to punish, but to reform. “No one is trying to punish you,” said Van Waters to a girl brought into her court room

⁶⁵ LAJC, 1920, Case # 17143.

⁶⁶ LAJC, 1920, Case # 17449.

for running away and engaging in lewd behavior, “We simply want you to be the right kind of girl.”⁶⁷

Shontz and Van Waters’s transcripts read extremely similarly. Shontz placed a huge emphasis on the girls telling the truth, “[Girl],⁶⁸ you have told so many lies all through this. When you get ready to tell the truth, let me know.”⁶⁹ Van Waters adopted Shontz’s emphasis on telling the truth, as is reflected in the transcripts. Shontz, however, was more likely to use euphemism than Van Waters, calling pregnancy “your condition” or edging around any specific sexual terms. She also viewed sexually transmitted diseases as much more dire than did Van Waters. About a sick girl, she said, “she is a menace to anyone coming in contact with her.”⁷⁰ The varying views on sexuality between Van Waters and Shontz could have been a result of generational differences between the two women.

Occasionally in my sample, Judge Sidney Reeve presided over the court, but more frequently he dealt with boys cases. He was generally harsher in tone than Shontz or Van Waters:

[Reeve]: Then describe what took place.

[Girl]: Nothing.

[Reeve]: Something took place. You were arrested. Go ahead and tell about that.⁷¹

Overall, the girls seemed less willing to talk around an adult male.

⁶⁷ LAJC, 1920, Case # 16509.

⁶⁸ As a stipulation of using these cases, I had to sign a confidentiality agreement. To that end, the names of those involved with the cases have been omitted.

⁶⁹ LAJC, 1920, Case # 15887.

⁷⁰ LAJC, 1920, Case # 15783.

⁷¹ LAJC, 1920, Case # 16315.

During the hearings, the referee made sure the focus was on the girls. Van Waters, especially, treated her courtroom as a forum for self-revelation in which the girls were encouraged, openly and honestly, to tell their stories. Although the girls could be lightly chided —“Do you see how silly a girl can be?”⁷² — Van Waters rarely harshly admonished the girls in court. Following in Shontz’s footsteps, Van Waters placed a strong emphasis on the girls in her court telling the truth. “I want you to know that the only way you can help yourself is by telling the whole truth.”⁷³ To a girl accusing her father of profound abuse, “You tell the truth and you will have nothing to fear.”⁷⁴

Van Waters was very interested in hearing and understanding the girls’ perspectives, which could be easily lost and dismissed in their everyday life due to the girls’ low social standing and age. For instance, instead of immediately assuming that the parents -- the authority figures -- were correct, Van Waters pried into the girl’s side of the story:

[Van Waters]: Why did you run away so much?

[Girl]: I did not think they wanted me to stay home.

[Van Waters]: Why not?

[Girl]: They did not act like they wanted me to.

[Van Waters]: How did they act?

[Girl]: Last time when I went home, mother said I told the neighbors around the house that I was not going to stay home because I wanted to find a better home and I never said that. Every time I went home, she would tell me something she did not like about me, my step-mother did.

[Van Waters]: Well do you think you have made things better by running way?

⁷² LAJC, 1920, Case # 16903.

⁷³ LAJC, 1920, Case # 16509.

⁷⁴ LAJC, 1920, Case # 16754.

[Girl]: No, I don't think so.⁷⁵

The above is one of many examples of Van Waters delving into the girl's side of her case instead of merely relying on the probation report and medical exams. Van Waters would use the probation reports and medical exams to fact-check the girls, but she did appear to be genuinely interested in what the girls had to say and in giving them the opportunity to say it. Van Waters also stood up for the girls in court if she thought it necessary. To a girl's rapist, Van Waters said, "Mr. [Last Name], this girl's word is just as good as yours and I now place you under arrest."⁷⁶

The probation officers, just by nature of their job, were more well-acquainted with each girl than Van Waters could be. The probation officers spent more one-on-one time with the girls and also interacted in a more natural setting with the girl's friends and family. The probation officers were usually present in Van Waters's court room, and she directly asked them what they thought about the matter at hand. Frequently, Van Waters would take the advice of the probation officer about where the girl should end up. When Van Waters did go against the recommendation of the probation officer, it was typically when more information was revealed in court or the girl asked to be placed somewhere specific. Overall, the probation officer and Van Waters had the same goal for the girls, to ensure that they were back in school or at work and, if possible, also at home.

Van Waters's initial impulse was to blame the girl for her crime, although, at the same time, she was quick to be persuaded of the girl's innocence. Van Waters would always try and determine what other factors contributed to her behavior. Once she determined the girl's level of

⁷⁵ LAJC, 1920, Case # 17188, This seventeen-year-old girl had been brought in for running away five times and subsequently falling in with the wrong crowd.

⁷⁶ LAJC, 1920, Case # 16743.

guilt, she would try to make herself seem like an ally in order to garner favor and trust. “Were you disoriented?”⁷⁷ Van Waters asked a girl, trying to figure out why she had run away from home. The girl, apparently feeling that she had an ally, offered an honest explanation of feeling constricted at home as a result of constantly fighting with her parents. Once Van Waters established that the girl was not solely responsible for her crime, or at least that the explanation for the girl’s crime had to be understood in a broader context, she would look elsewhere to place the blame. But first, Van Waters wanted the girl to admit to what she had done wrong. “[Girl’s name],” Van Waters told one girl after she had admitted that she had done wrong, “The only thing this court exists for is to try to help you. We don’t want to punish you. You have made a mess of your life up to date.”

Van Waters was not a completely impartial judge. Several biases which were perhaps a product of when she grew up are evident in her transcripts. For instance, a girl was arrested for staying out all night. Later, she revealed that it was because her father had threatened to “saw her head off.” When her father was also brought into court and she faced him, she was unable to make the same accusations. The girl was brought back into court three separate times for Van Waters to try and make sense of the girl’s varying stories she had told to her probation officer and in court on different occasions. However, in the end, Van Waters decided that the girl was lying about the abuse and no legal action was taken against the father.⁷⁸ Perhaps this is an example of Van Waters reading “attitude,” in any event she reached this judgment very quickly.

Biographer Estelle Freedman writes about how Miriam Van Waters drew upon the model of the middle-class “companionate family,” and argues that Van Waters expressed

⁷⁷ LAJC, 1920, Case # 17143.

⁷⁸ LAJC, 1920, Case # 16754.

disappointment when not all families “resembled her middle class ideal.”⁷⁹ It seems that an attitude like this would be present in Van Waters’s conduct in court. Van Waters was indeed interested in a child-centered family in which the children have high self-esteem, but this does not necessarily mean that she had a middle class bias. Van Waters was willing to remove the girl from her family if she felt it is in her best interest. She also seemed to understand that higher education was not possible for every girl who came into her court room—she did not try to send every girl to school and, furthermore, did not treat every girl the same way. She was sensitive to individual needs of the girls in her courtroom, providing individualized treatment by taking the girl’s work needs and background into consideration. Van Waters never prescribed anything which was impossible for a girl, given her circumstances.

However, Van Waters was not the only person in the Los Angeles Juvenile Court. Probation officers and officials from the Juvenile Bureau regularly showed their bias in court, especially their racism towards Mexicans and Mexican-Americans: “Every time she got in trouble it was with Mexican girls.”⁸⁰ Or one school official spoke about how since one Mexican girl was truant from school, the “other Mexican girls” all became disobedient as well, speaking as though ethnicity created a mob mentality.⁸¹ From a court official, “Although ignorant and poor, they are respected by Mexicans and Whites alike.”⁸²

When a girl was brought into the court for delinquency, Van Waters always assumed that it was not her fault alone. Van Waters was a strong believer that social factors caused

⁷⁹ Freedman, *Maternal Justice*, 97.

⁸⁰ LAJC, 1920, Case # 16455.

⁸¹ LAJC, 1920, Case # 16444.

⁸² LAJC, 1920, Case # 16103.

delinquency, rather than the previously popular theory of biological disorder. Crime was a symptom of a wider problem. If a child was the product of her surroundings, then her whole community was to blame for her delinquency. Van Waters tried to treat the cause, and not just the symptoms. This meant that she didn't look at each girl as a completely isolated case. She would bring in the girl's friends, family and anyone else involved in the development of the girl's morality.⁸³

The idea behind the court was to reform delinquent girls so that they could grow up to be girls of good character and moral standing. This meant that not only the girl had to reform but so did those around her. The parents had to be ready to enforce rules and proper conduct and the girl had to keep good company. Often, during a hearing the girl's friends would be brought in as witnesses. In questioning the people on the periphery of the case, Van Waters was looking to teach those people as well. She would often tell the girls' friends that they too were being immoral and that their actions could lead to their arrest.

In one case, a girl had run away from home in order to become a chorus girl. In the process, she began hanging out with different men. She was introduced to the theater by another girl, who was called into court as a witness. Van Waters asked this girl what her intentions were and if she was ashamed for her lewd behavior.⁸⁴ The accomplice also ended up in juvenile court. In many cases, Van Waters would call all of the delinquent girls involved or would ask the girl the names of everyone she had stayed out with, or everyone she had gone to a dance with. Van

⁸³ This occasionally included school officials as well. In one case, the girl's PTA was very involved in the outcome of her case. They didn't like her guardians and blamed them for the girl's Aspirin addiction. (LAJC, 1920, Case # 17169).

⁸⁴ LAJC, 1920, Case # 16509.

Waters was also interested in how the girl in question met her new friends, presumably to prevent other girls from making such friends or to keep her away from the “wrong crowd” in the future.

Additionally, Van Waters would inform the parents of their responsibility as guardians and would tell accomplices such as inn-keepers, siblings, and friendly members of the community what their duties were. Often, Van Waters would urge the adults involved to read the laws regarding juvenile court, so that they would better know in the future how to behave and enrich their communities. For instance, of one guardian in the case described above she asked, “Do you think it is a good example for this child?” The girl in question ran away to live with her sister, and Van Waters was quick to inform the sister that harboring a delinquent youth was a crime. She urged the sister to read the law.^{85 86}

In the court, after the juvenile’s level of accountability was established, Van Waters typically widened the blame to the girl’s guardians or her friends. In one case, a girl was brought into court for running away from home multiple times. Van Waters also went into detail about the intercourse the girl had engaged in while staying at a hotel when she was away from home. Once Van Waters learned that the girl was forced into sex because her friend had invited sailors into the room, and the girl had no way of leaving the room, she was quick to blame the innkeeper for what had happened under her roof:

⁸⁵ LAJC, 1920, Case # 16509

⁸⁶ To a woman a girl worked for, Van Waters said, “Mrs. [Name], I want to tell you this girl has been imprisoned three months without any due process of law and no one had any right or control over her and her mother did not give her consent. She was not under the Court, no petition had ever been filed and the so called authorities had no more cause to pick up [Girl] than they would any one else’s child. I think you should be very careful of these girls if you take them in your home and see you are not charged by the parents with false imprisonment.” LAJC, 1920, Case # 16754

“[Van Waters]: I don’t know how you can maintain you are a respectable citizen when a fourteen year old girl thinks that it is a joke that you believed them, when they said this girl was married and this one was her sister-in-law, and I want to know if you are conducting that business. It is just the kind of business that makes business for the Juvenile Court. Giving young girls shelter instead of protection, allowing a man to have intercourse with her and this fourteen ear old girl looking on. I want you to take this Juvenile Court law.

[Inn-keeper]: I did not know those men knew those girls at all. They came at three o’clock in the morning and took a room.

[Van Waters]: As a woman of the world you have a pretty good idea. You can’t treat girls this way.

[Inn-keeper]: I did not know the girls knew them. They came at ten o’clock.

[Van Waters]: You certainly rendered yourself liable to arrest. Either you are not straight or you have not the intelligence to run a proper house.

[Inn-keeper]: That is going awful strong.”⁸⁷

This is a particularly powerful exchange between Van Waters and a woman she views as guilty for a girl’s poor conduct and possible rape. Van Waters would not hesitate to speak to others in her courtroom this way, since it was her courtroom where she wielded all of the power. To Van Waters, the way-begotten girls were an issue, but just as big of a problem were negligent adults in their lives.

Very frequently, Van Waters blamed a girl’s poor conduct on new friends. Those this girl had surrounded herself with influenced her behavior, and a goal of the Court was to remove the girl from such negative influences. “Was liquor there?”⁸⁸ Van Waters asked a girl who had been brought into court for “sauciness” and was staying at a friends’ house with a mother who worked long hours and failed to provide much supervision for her daughter.

⁸⁷ LAJC, 1920, Case # 17143.

⁸⁸ LAJC, 1920, Case # 16903.

[Van Waters]: Did they teach you to smoke?
[Girl]: [Friend's name] did.
[Van Waters]: How many cigarettes did you smoke?
[Girl]: I have no idea.
[Van Waters]: Did you smoke every day you were with [same friend's name]?
[Girl]: No ma'am
[Van Waters]: How often?
[Girl]: I don't know.
[Van Waters]: Did you smoke several boxes?
[Girl]: Not even one box.
[Van Waters]: Did you ever smoke before?
[Girl]: No ma'am.
[Van Waters]: Tell me of this language that was used? I know you may feel a little ashamed but I want to hear it.
[Girl]: It was language I never heard in my own home.
[Van Waters]: Tell me what it is. Will you write it?
[Girl]: No.
[Van Waters]: Then tell me. You don't want other young kids to hear this language do you?
[Girl]: No.⁸⁹

The girl's mother was also brought into the discussion about the girl's new friends. The conversation with the mother happened in front of the girl, as conversations with parents frequently did. Van Waters asked the mother, "Is this the only company you ever disapproved of?" to which the mother responded, "Yes ma'am." This was a sign to Van Waters that the girl was not totally lost to delinquent behavior, because her "bad" friends were relatively new. This girl was ultimately declared a ward of the Court, sentenced to spend more time in Juvenile Hall, and continued on probation. If the main negative influence in a girl's life could be removed, then that was what Van Waters would opt to do.

⁸⁹ LAJC, 1920, Case # 16903.

If the girl had fallen in with the wrong crowd, then Van Waters assumed that the wrong crowd had learned its immoral behavior from somewhere as well. Usually, she felt that delinquent behavior was rooted in poor or disjointed home life. Van Waters would question the parents and guardians almost as thoroughly as she would interrogate their daughters. Van Waters believed strongly that morality began in the home, so the Court looked to the girl's home life to see what kind of moral foundation she had. For instance, if the girl was in trouble for foul language, the parents would be asked if that kind of language was used at home.⁹⁰

Van Waters's perception of the role of the community is illustrated in a case in which a girl had a child out of wedlock with her sister's husband. Van Waters was worried not only about the fate of the girl but also for her child, since a delinquent would surely raise another delinquent. At first, Van Waters was eager to get the girl to raise her baby at home with her parents. However, the girl protested this as she did not get along particularly well with her parents. Rumors were already flying around her neighborhood, but the girl and probation officer were confident that the neighborhood would rally around her and support her decision to live alone with her child. Van Waters allowed this to happen, seemingly because she had the assurance that an entire community would keep the girl's behavior in check and help with the moral development of her child.⁹¹

Sometimes it took a neighbor, teacher, or policeman to get a girl into the court system in the first place, and the Court would want to know why the guardians had not brought the girl in earlier. "It is true she would not be in the trouble she is today if the adults enforced the law as

⁹⁰ LAJC, 1920, Case # 17499.

⁹¹ LAJC, 1920, Case # 16777.

they should,”⁹² said Van Waters of a girl who had been brought into juvenile court four times before, and who had bounced between different guardians for this reason. The guardians Van Waters was speaking to were the girl’s aunt and uncle, who were separated. In the end, Van Waters deemed the girl’s relatives ineffectual, invoked *parens patriae*, and placed the girl in a boarding school at the girl’s own request.⁹³

This case was not unusual in that the referee often listened to the girl’s requests, cementing herself in the position of ally. Van Waters was especially likely to listen to a girl’s request if she perceived her to be in an abusive situation. One girl was brought into court for truancy, but when the case was explored in the hearing it became clear that the girl was only truant because her foster mother kept her out of school in order to take care of the house. This girl begged to be removed from the foster home and sent to El Retiro, where she felt she could make good.⁹⁴ This particular case had a complication because the girl believed her foster mother was her real mother — as the foster mother had faked the girl’s entire birth and registered her in her own name — but the court, by law, had to find the actual parents before it could make a final decision. While the state may have been the ultimate parental authority, the parents still had to be found and consulted before a decision regarding the state’s level of interference.⁹⁵ Only after the biological parents were consulted could consent be given to abide by girl’s wishes.

⁹² LAJC, 1920, Case # 17188.

⁹³ LAJC, 1920, Case # 17188.

⁹⁴ LAJC, 1920, Case # 17110.

⁹⁵ This is an extremely complicated case. The foster mother had taken the child of her ex-husband’s young mistress. The ex-husband did not like this so he kicked his wife out. She kept the child and raised the girl like she was her own. Throughout her life, the girl was convinced that her foster-mother was her real mom, since the foster mother had gone through such lengths to fake the pregnancy and birth of her foster-child. This case blew up into a huge custody battle and was one of the few in which attorneys were involved.

Another girl wanted to be sent to El Retiro because she was unhappy in her current living situation. The girl was an orphan, and lived in the private David and Margaret Home.⁹⁶ The home was unable to control the girl, and she promised to make good in El Retiro.⁹⁷ El Retiro, as we saw, was where girls in which Van Waters saw an active desire to reform were sent. Another girl was sent to El Retiro because she had been raised by her Christian Scientist⁹⁸ aunt whom she did not care for. The girl was open and honest about this in court, so Van Waters was willing to send her to El Retiro. The girl did well in El Retiro and when she “graduated” from the institution, she was assigned a foster mother whom she liked.⁹⁹ Of course, the actual rehabilitative effectiveness of El Retiro is uncertain; out of my thirty-eight cases, only one girl ended up going college, and she had been through El Retiro.¹⁰⁰ Girls were only sent to El Retiro if they made a believable promise to improve themselves.

In more extreme cases of delinquency, girls were sent to private reform schools or to Ventura, the state school. Van Waters ideally wanted to keep the girls at home or close to home, so she was hesitant to send them far from their families. In one case, a girl repeatedly ran away to engage in sexual activities and try to make it as a chorus girl. She was in treatment in the Juvenile Hospital for gonorrhea, and ran away with several other girls. They found a man to help them run away, and they were caught because another girl told on them. After this breakout, the

⁹⁶ Similar to an orphanage.

⁹⁷ LAJC, 1920, Case # 17111.

⁹⁸ Miriam Van Waters, perhaps surprisingly, was very religious. She believed that religion could greatly help delinquents reform, as seen during her time at the Fraser Home when she took groups of children to her father’s church. Due to her background, it is not surprising that she would be eager to remove a girl from a new, generally disliked religion like Christian Science.

⁹⁹ LAJC, 1920, Case # 16919.

¹⁰⁰ LAJC, 1920, Case # 17169.

girl was detained until her mother moved with her to Texas.¹⁰¹ In another case, a girl was sent to the convent of the a Good Shepard, a Catholic reform school, after violating her already shaky probation by having relations with a boy she was not married to.¹⁰² Very rarely was a girl sent to Ventura. From limited data, I sense that Shontz was slightly more likely to give this sentence than Van Waters.

While some girls came into court with a clear idea of where they wanted to go, the majority only knew they did not want to spend much time in Juvenile Hall. Juvenile Hall was sometimes a tool employed by the Court to create an incentive for improved behavior—not going back. One girl was consistently defiant and asked to be allowed to return home, promising that she would resume going to school. When the girl continued her earlier pattern of truancy, Van Waters had her stay in Juvenile Hall for several weeks. The experience “wilted” her and she never returned to Juvenile Court.^{103 104}

Van Waters’ main strategy in dealing with girls, after establishing herself as an ally, was to reason with them. Van Waters believed that the girls were all capable of making good decisions; they just had to be guided into those good decisions. Van Waters would ask questions that would encourage the girl to reflect on her current situation.

[Van Waters]: You had an idea of what you wanted, didn’t you?

[Girl]: I did not until I started in there because I never had before and it did not seem anyone should get me to do anything like that.

¹⁰¹ LAJC, 1920, Case # 16509.

¹⁰² LAJC, 1920, Case # 17163.

¹⁰³ LAJC, 1920, Case #16444.

¹⁰⁴ In LAJC, 1920, Case # 16455, the girl violated her probation and was sent to Juvenile Hall to straighten her out. Her behavior improved.

[Van Waters]: [Girl's name], what kind of a life are you planning for yourself?

[Girl]: I am planning a straight life from now on.

[Van Waters]: What has led you to make up your mind to that?

[Girl]: Because I am sorry for what I did. I broke my mother's heart.

[Van Waters]: You have not helped your own reputation either have you?

[Girl]: No ma'am.¹⁰⁵

Van Waters carefully and cleverly placed her questions in a specific order. First, she made the girl think about what seemed to be a regrettable sexual experience. Then, she immediately asked about the girl's life plans, essentially drawing out an apology and a promise. Van Waters often encouraged the girls she saw in court to think about their futures — while something may have seemed like fun in the moment, it would not help them to lead good lives. “Do you want to be a common woman?”¹⁰⁶ or “How do you feel about your conduct?”¹⁰⁷ was the kind of question Van Waters would often ask in order to get girls to reflect on their actions.¹⁰⁸ She also asked girls thought-provoking questions such as, “How do you think this is going to turn out?”¹⁰⁹ and then genuinely expected an answer, putting the girl on the spot. It was certainly a manipulative kind of questioning, by drawing in the girl's own guilt and fear of ruining her reputation, but the transcript evidence suggests that it often was effective.

In another case, a girl was arrested for engaging in intercourse. The transcript preserved in her case was her second hearing. The second hearing's function was for the girl to name the men she had slept with so that legal action could be taken against them. However, during this

¹⁰⁵ LAJC, 1920, Case # 17188.

¹⁰⁶ LAJC, 1920, Case # 17143.

¹⁰⁷ LAJC, 1920, Case # 16509.

¹⁰⁸ “Do you think you have made things better by running away?” LAJC, 1920, Case # 17188.

¹⁰⁹ LAJC, 1920, Case # 16777.

hearing, the girl accused her uncle of rape. She had not previously mentioned the rape, so Van Waters sought to make sure the girl was telling truth by asking a direct question, “Had you had intercourse with your uncle?”¹¹⁰ The girl’s answer was at first straightforward and then she provided details about why she was in a bed with her uncle as a young girl, and why no one had noticed. All of the questioning about the rape happened with the girl, her probation officer and her guardians in the room -- including her uncle.

Although the transcripts are rich in language, they cannot evoke tone, body language or facial expressions. It must be assumed that Van Waters and the other referees were good at reading these subtleties of the girls who were brought into court—enough for Van Waters to feel confident in determining that the girl was telling the truth. In her book, *Youth in Conflict*, Van Waters even commented on this: “A revealing thing in court procedure is the attitude, not so much what is said as a set of facial muscles, posture, random movements that are mute evidence of life-habits—bravado, antagonism, superiority, hate shame, yearning, despair and satisfaction.”¹¹¹

In the course of the hearing in which the girl accused her uncle of rape, the girl’s aunt tried to take control and assert that the girl in question was never raped. Van Waters immediately shut the aunt down and cautioned the girl, “I want you to understand this is a serious matter and if you are innocent you should do nothing to leave town or do anything to incriminate yourself by running away from this charge... and if you are innocent you can afford to let your reputation stand in the outcome.”¹¹² Van Waters often used language like this in order to allow the girls to

¹¹⁰ LAJC, 1920, Case # 16747.

¹¹¹ Miriam Van Waters, *Youth in Conflict*. New York: Republic Pub. Co., 1925, 33.

¹¹² LAJC, 1920, Case # 16747

come to moral conclusions with only light guidance from her. Van Waters sent this girl to El Retiro, from which she ran away, but Van Waters requested that she be returned to the institution, believing in her ability to make good. However, this girl continually ran away and her whereabouts were lost—until her brother reported much later that she was happily married and living elsewhere. The court dismissed her case; there is no mention of what happened to her uncle during his trial for rape.

Once a girl was declared a delinquent, the Court sought to maintain control over her, or at least keep an eye on her whereabouts. In the 1920s, the Court retained local authority over girls until they turned twenty-one. This meant that the girls' case files often contained periodic progress reports from their probation officers. Occasionally, the Court relinquished control before the girl turned twenty-one, but this was usually to allow her to get married. The guardians and the girl had to ask the Court's permission for the girl to marry; the court would review her case, and if the girl was of age, permission was almost always granted. In one case, the parents failed to ask the Court's permission and the Court was unhappy about it: "in the supervision of minors you must remember that the Court has jurisdiction until 21."¹¹³

Marriage was also used as a carrot. One girl was brought into court for having engaged in intercourse with a young man she wished to marry. Once married, the assumption was that the girl would no longer be under the jurisdiction of the Court; she was now under the jurisdiction of her husband. Van Waters admonished one girl who wanted to get married, "It is not a good start for marriage unless you show signs of being sorry."¹¹⁴

¹¹³ LAJC, 1920, Case # 17170.

¹¹⁴ LAJC, 1920, Case # 17163.

The manner in which the juvenile court dealt with marriage and case dismissal was indicative of a larger obsession in the Progressive Era as in the Victorian Era, with sexual purity. It was considered vitally important that a girl remain pure and virginal in order to be desirable for marriage, and the Court took it upon itself to protect that purity. In the case mentioned above, in which the girl desired marriage, the court made the girl's parents aware of the girl's sexual precociousness. This way, Van Waters could be sure that the girl's behavior would be monitored once she returned home.

In her writing, Van Waters made clear the importance of sex education. She thought that girls should be moral, but informed. In court, she asked questions concerning sex that are difficult to interpret without hearing her vocal inflection. "Have you heard of such things, [Girl]?"¹¹⁵ Van Waters asked when a girl described being prompted for oral sex. Here, Van Waters was gathering information about the girl's level of knowledge, but she could also have been trying to gauge her level of morality. In another case, Van Waters questioned a girl about her masturbation habits. The girl masturbated frequently, and Van Waters did not immediately disapprove, but she did ask later in the case if the girl had stopped touching herself.¹¹⁶

When a girl was brought into court for pre-marital sex and the man she had engaged with was considerably older, he would sometimes be tried for rape or statutory rape in adult court.¹¹⁷ One girl returned to court for her second hearing because she had become pregnant after being placed in boarding school. The man in question was a sailor, and the referee made sure that he was going to marry the girl he had impregnated:

¹¹⁵ LAJC, 1920, Case # 16509.

¹¹⁶ LAJC, 1920, Case # 16754.

¹¹⁷ LAJC, 1920, Case # 17142.

[Guardian]: If you want to marry the girl, you can have her. That will probably be the easier way out of it all the around. You had better treat her right or there will something doing.

[Man]: This is news to me.

[The Court]: No man can come in here and get by with a thing like this.¹¹⁸

In the end, this couple did end up getting married. The Court, then, was able to use rape and statutory rape arrests as a tool to protect the girls of juvenile court. The threat of such arrests provided leverage for the referee to manufacture a desirable, moral outcome for the delinquent girl.

Girls frequently came into court with sexually transmitted diseases, typically gonorrhea. The Court took it upon itself to cure the girls, sending them to the Juvenile Hospital in order to get well. The STDs were often how the girl initially comes to be questioned about her sexuality. Frequently, parents were shocked by their daughter's condition and would sputter that they had no idea how she ended up that way. Often, girls who contracted STDs and then received treatment did not undergo a lot of additional punishment from the Court. Simply suffering treatment and the shame and stigma were considered enough.

Another way that the Court tried to produce a socially desirable outcome was through counseling. In one case, a girl was arrested for engaging in intercourse with a police officer, and in the course of her trial it was found out that she was married to another man she had run away from.¹¹⁹ Van Waters subpoenaed the girl's husband to court in order to counsel their marriage.

¹¹⁸ LAJC, 1920, Case # 17188. This girl had two hearings; this transcript is from the second. The referee for the first was Van Waters and the referee for the second was Shontz.

¹¹⁹ LAJC, 1920, Case # 17118.

[Van Waters]: Do you understand what being a wife means?

[Girl]: Yes ma'am.

[Van Waters]: Well [Girl], you will have to prove to us and to [Probation Officer] that you understand your responsibility. I want you to think about it.¹²⁰

But first, Van Waters had to impose her system of checks regarding the girl's home by informing her aunt and guardian in detail of what she had been doing since running away from her husband:

[Van Waters]: Have you told your aunt the true state of affairs as regards to your conduct since you were married?

[Girl]: No ma'am, I have not.

[Van Waters]: I want you to tell her right now and get on a footing of truth as far as that is concerned.

[Girl]: Tell her what I done since I been married?

[Van Waters]: Yes and what kind of a life you have been living.

[Girl]: Auntie, did you know I went out with Mr. [Name]?

[Aunt]: Not the colored man?

[Girl]: No. I went out to dance with him and had two intercourses with him.

[Van Waters]: Are you confident of your ability to take care of Evelyn at some future time?

[Aunt]: I am sure I don't know.¹²¹

With the guardian or parent aware of her daughter's delinquent behavior, Van Waters could be assured that no matter where the girl lived after her hearing, whether with her husband or her guardian, she would have a new moral guardian in place. Van Waters' goal, however, also seems to have been to restore the married couple:

¹²⁰ LAJC, 1920, Case # 17118.

¹²¹ LAJC, 1920, Case # 17118.

[Van Waters]: What have you and your husband in common? He says he does not care to go out. His tastes are much quieter than yours. What leads you to suppose you are going to be happy with him?

[Girl]: I know I could be now. I know now what it is.

Here, Van Waters used her tactic of asking slightly leading, open-ended questions to guide the girl to a conclusion, an apology, and a promise to do better. However, this particular girl tended to give short answers, and Van Waters wanted more from her. She was forced to be very direct with the girl:

[Van Waters]: We have got to work this out with some very definite promise from you. I don't want them based from fear and desire to get out of here. Have you thought about your husband at all?

[Girl]: Yes ma'am, I been thinking of him ever since I been here.

[Van Waters]: Do you care for these other men?

[Girl]: I did care for that one but I don't know.

[Van Waters]: You will have a lot to think about.

Van Waters also made sure that the husband was suitable for the girl and took good care of her. Here, the girl was seventeen and the husband was twenty-nine:

[Van Waters]: Your average wage is thirty a week is it?

[Husband]: Yes.

[Van Waters]: How old are you?

[Husband]: Twenty-nine.

[Van Waters]: When did you marry this young lady?

[Husband]: Last February 19th.

[Van Waters]: How long had you known her before you married her?

[Husband]: Six months.

[Van Waters]: What was the trouble? Did she leave you?

[Husband]: Yes.

[Van Waters]: Did you ever have a quarrel with her?

[Husband]: No.

[Van Waters]: Did you support her and give her money?

[Husband]: Sure. I give her all my money.

[Van Waters]: Do you love her?

[Husband]: Sure. She know.

[Van Waters]: How about that, [Girl]?

[Girl]: I think he did.

[Van Waters]: Did you care for him?

[Girl]: I do not know.

[Van Waters]: Why did you marry him? Did you think if you married him you could do as you pleased?

[Girl]: No, I thought I could learn to love him.

[Van Waters]: The way you have done, we could take charge of you until you are twenty-one whether you are married or single.

In the end, Van Waters sentenced this girl to be a ward and to remain in Juvenile Hall for several weeks, although she eventually returned to her husband.¹²²

The men the girls slept with were often brought into court as witnesses. Van Waters did not treat them any differently from the girls, questioning them just as harshly and often more so. This approach fit with Van Waters's ideology. She believed that sexual misconduct was not always the fault of the girl, as men could be at fault as well: "Why have you not married this girl and been a man?"¹²³ In the case with the chorus girl, Van Waters said to one of the boys the girl had slept with, "You will get in various serious trouble doing that sort of thing to any girl no matter what

¹²² In LAJC, 1920, Case # 16445, she asks why the girl didn't "keep house" with her husband.

¹²³ LAJC, 1920, Case # 17188; the girl does eventually marry this man.

her age is.” After chiding the boy in this way, she asked about the status of his rape case, surely as a way to threaten him.¹²⁴

Although girls were more frequently brought into juvenile court for moral and behavior issues, sometimes girls were brought in for actual crimes rather than moral misconduct. Van Waters was quick to identify these girls and let everyone present in the court room know that this girl was in serious trouble. She did this so that the parents would be aware of their daughter’s behavior, presumably so they could prevent it in the future. Van Waters was always interested in how a girl’s negative behavior began, but she was especially so in more severe cases.

For example, in one case a girl had been forging checks in order to get money. In addition, she was living with a man as if she was his wife without being married. She seemed largely unrepentant. Van Waters frequently called the girl “dangerous,” using that word over and over. Her crafty intelligence was “dangerous,” her apparent ignorance that what she did was wrong was “dangerous,” and her ability to effectively forge signatures was “dangerous.” In this case, Van Waters was eager to question the girl’s mother; “Did you know [Girl] was doing this kind of thing?” To which the mother replied “No.” The mother, like the daughter, did not seem to realize the gravity of the situation at the beginning, but Van Waters persuaded her to realize how wrong her daughter’s behavior was. In the end, Van Waters released the girl to her parents¹²⁵— so that she would no longer live with her boyfriend— and let her know. “I want you to know you have done a very wrong thing and if you were older or did not happen to belong to California, you

¹²⁴ LAJC, 1920, Case # 16509.

¹²⁵ It should be noted that the girl’s father was the illegitimate son of the governor of California, which made the Court have a slightly different interest in her.

might have to go to the penitentiary, but it is because the law wants to help you to be a good girl, we are giving you this chance if you promise yourself you will not try to write anyone else's name and you will not get into trouble."¹²⁶

In another case, a girl was suspected of bootlegging. She never admitted to anything, but the Court obviously did not believe her denial of all guilt. She was not permitted to go home, as her single father did not see anything wrong with his daughter's behavior, and she stayed in Juvenile Hall for several months. During the process, she got married and her case was eventually dismissed.¹²⁷ In cases like this, where the crimes were more serious but never proven, the Court was seemingly ready to give up as soon as the girl was prepared to marry someone the Court was satisfied with. Marriage was an acceptable outcome, and a frequent reason for a case to be dismissed. However, the Court rarely investigated the marriages beyond inquiring about the age difference in the couple.

Overall, the inclination of the referee in juvenile court was to restore a stasis if possible. The stasis was based on the reigning social and cultural order and its values. This stasis was often a return to perceived "normality," which usually involved a girl living with two parents or married with a husband to support her.

The pursuit of stasis was evident in the counseling Van Waters conducted in court. The emphasis of the family counseling was on making the parents or guardians aware of the immoral activities of their daughters. Van Waters made sure the parents understood that their daughter's behavior was theirs, and not only the Court's, responsibility.

¹²⁶ LAJC, 1920, Case # 17163.

¹²⁷ LAJC, 1920, Case # 17499.

Van Waters also used scare-tactics with the parents, using harsher language than she did with the girls. Along with frightening the parents, Van Waters also appealed to their sense of logic:

[Van Waters]: I want to say to you parents that this girl is on the road to the downward path about as fast as any girl we have and it is not the father's and mother's duty to wait until a girl becomes so immoral and incorrigible she has lost all senses of womanhood before you take her in charge. This girl has boasted it and did not mean anything to her if she did disobey, that is was all a bluff and no one was going to control her. Your wife is not in strong health and you are not able to be a father and mother both to your family. You can't be there all the time. Unless this girl feels both her parents are right back of authority in placing her in school away from the neighborhood and school where she is in trouble for a time this is going to allow her to feel her parents don't care whether she does right or not. I feel very strongly about [Girl] that she is a girl worth saving. As it is now she has not been caught in lewd and licentious acts and should not wait until she is a common prostitute herebefore [*sic*] she is taken in charge and that child for her own good should be put in a school where she will have discipline, and should know that her parents are back of it. If she goes to the state school she will have the best care and it will be possible for her to work her way out in a year by good conduct. It will give her a lesson. It is not like the hall. She will not be locked up. I want this girl to feel parents are with the court and with the law and that she can work her way out by good behavior and when she comes back to you she will be a better girl.

[Father]: I have felt the same as the court there should be something done with my girl.¹²⁸

The Court, as Van Waters conceived its central purpose, was there to make sure girls ended up where they needed to be. This typically meant at school or at work. When possible, the girls were restored to their parents. If that was not possible, then another relative was the next best option. When girls did not get along with their parents, they often went to live with their older siblings, if they had them.

¹²⁸ LAJC, 1920, Case # 15959.

Many cases revolved around truancy. It was very important to Van Waters that girls attend school if it was not vital for the family's economic survival that they work. The implicit idea behind this was that if the girl was educated, she would be less likely to deviate morally and more likely to get a job and/or a husband. "You must send your other children to school. Give them an education so they can help themselves later."¹²⁹

Van Waters would often order the Court to provide parents with money in order to offset the girl's tuition or to pay rent so she could attend school rather than work. Some girls simply did not want to attend school, and if Van Waters thought they had reached a high enough level (this was typically somewhere in high school), then she would let them work if that was what they really wanted to do. Another option for enabling a girl to end up where she belonged was at home with her husband, as discussed earlier. It was continued offenses that typically led to harsher punishments such as being sent to a private or public reform school, the rarest outcome in my sample of cases. If a girl was where she was supposed to be, then the Court could assume that her character would improve.

¹²⁹ LAJC, 1920, Case # 16103.

Chapter 6: Conclusion

The transcripts in the case files of female delinquents following World War I are a window into how the Court functioned, particularly how Miriam Van Waters behaved during a hearing. The transcripts are each tiny moments frozen in time, providing a rare glimpse into how working-class people spoke and how they approached social and moral issues involving girls.

Mary Odem's book *Delinquent Daughters*, paints a holistic picture of this period of juvenile reform. She describes how the Progressive Era was a period of change, and how the actions of the juvenile court, led by women such as Shontz and Van Waters, were a reflection of and added to the impetus for change.

Odem is right in pointing out that this period was not entirely sympathetic to girls in general, as their sexual purity and marriage were still considered of the utmost importance—delinquent girls were still not equal to their male counterparts. However, Odem paints a more repressive picture of the court in action than I have seen reflected in the hearing transcripts. I have not read all of the cases filed in 1920, as Odem did. However, based on my sample, the referees, Van Waters especially, were very much on the girl's side. Some of the Court's values seem old fashioned to us, but they were progressive in the context of their times. Van Waters did everything in her power to make sure that girls ended up in the place that would give them the best chance of a bright future; and she generally did so with kindness, understanding and warmth.

Sometimes, Van Waters's professional demeanor crumbled and she showed a great deal of sympathy for the girls, notably in the case described earlier of a girl who had tuberculosis, a disease which Van Waters herself had suffered from for many years. She told the girl, "Don't cry.

We want to work out something to make you happy and protected. This is your chance to tell the truth. Don't be afraid.” The tone is not very different from what Van Waters would typically say, but her sentences here are longer and more directly comforting than usual. For this girl, Van Waters also asked specifically about her treatment for TB and made sure that she was getting the proper care. Van Waters personally intervened to make sure she was getting doses of eggs and milk for her recovery.¹³⁰

It was rare to see Van Waters invested in a case on such a personal level, but cases like this are a reminder that Van Waters was human, with her own perspectives and experiences. It is difficult to say whether any judge of the juvenile court can be impartial. But based on the individualized nature of the court, “impartiality” was not a goal of the juvenile justice system of the 1910s and 1920s. If anything, Miriam Van Waters’s personal experiences, beginning with her father’s social activism, only enhanced the skills she brought to realign objectives of the juvenile court. Her multi-disciplinary academic fields and diverse work experiences on the West and East coasts made her more equipped to be an effective referee of the Los Angeles Juvenile Court.

The transcripts are essentially intimate, individualized conversations surrounding a girl’s conduct. Not every girl was given a formal hearing— or at least not every hearing was recorded — so the transcripts which survive were cases of importance to the referee. In such cases, Van Waters was seeking to get a bigger picture of the girl’s story. Sometimes there was confusion about details, or the probation officer and the parents and the employers were all telling different stories. Other times, the girl’s punishment would be lightened if abuse was uncovered during the hearing. So what, then, was the purpose of these hearings? To gather more information, for sure,

¹³⁰ LAJC, 1920, Case # 16754.

but the referee often did what the probation officer originally suggested anyway. Ultimately, the purpose of the juvenile court was to ensure that the younger generation would be productive, contributive members of society. Van Waters and the Court ultimately wanted to fix the wider community, and a way to figure what was wrong in the community was to bring girls in and enable them to voice their distinct perspectives.

Appendix 1 : An Overview of Sampled Cases

Case Number	Marriage?	Sexual Activity?	STD?	Transcript?	Referee
LAJC, 1920, Case # 15783	Y	Y	Y	Y	OJS
LAJC, 1920, Case # 15800	Y	Y	Y	Y	OJS
LAJC, 1920, Case # 15887	N	Y	Y	Y	OJS
LAJC, 1920, Case # 15919	Y	Y	baby	Y	OJS
LAJC, 1920, Case # 15952	N	Y	Y	Y	OJS
LAJC, 1920, Case # 15956	N	N	N	N	
LAJC, 1920, Case # 15958	Y	Y	N	N	
LAJC, 1920, Case # 15959	Y	Y	N	Y	MVW
LAJC, 1920, Case # 16007	Y	Y	Y	Y	OJS
LAJC, 1920, Case # 16017	N	Y	N	N	
LAJC, 1920, Case # 16018	N	N	N	N	
LAJC, 1920, Case # 16019	N	N	N	N	
LAJC, 1920, Case # 16020	N	N	N	N	
LAJC, 1920, Case # 16060	Y	Y	Y	Y	OJS
LAJC, 1920, Case # 16103	N	N	N	Y	OJS
LAJC, 1920, Case # 16265	N	Y	Y	Y	MVW
LAJC, 1920, Case # 16295	N	Y	N	Y	MVW
LAJC, 1920, Case # 16314	N	N	N	Y	MVW
LAJC, 1920, Case # 16315	N	N	N	Y	Sidney Reeve
LAJC, 1920, Case # 16364	N	N	N	Y	MVW
LAJC, 1920, Case # 16444	N	N	N	Y	MVW
LAJC, 1920, Case # 16455	Is married	Y	N	Y	MVW

Case Number	Marriage?	Sexual Activity?	STD?	Transcript?	Referee
LAJC, 1920, Case # 16509	N	Y	Y	Y	MVW
LAJC, 1920, Case # 16531	Y	Y	N	N	
LAJC, 1920, Case # 16534	N	Y	Y	Y	MVW
LAJC, 1920, Case # 16743	N	Y	Y	Y	MVW
LAJC, 1920, Case # 16747	Y	Y	N	Y	MVW
LAJC, 1920, Case # 16754	N	Y	N	Y	MVW
LAJC, 1920, Case # 16777	Y	Y	baby	Y	MVW
LAJC, 1920, Case # 16903	Y	N	N	Y	MVW
LAJC, 1920, Case # 16919	Y	N	N	Y	MVW
LAJC, 1920, Case # 17109	N	N	N	N	
LAJC, 1920, Case # 17110	N	N	N	Y	Kathryn Ronan
LAJC, 1920, Case # 17111	Y	Y	N	Y	MVW
LAJC, 1920, Case # 17118	Y/N	Y	N	Y	MVW
LAJC, 1920, Case # 17137	N	N	N	N	
LAJC, 1920, Case # 17141	N	N	N	N	
LAJC, 1920, Case # 17142	N	Y	Y	N	
LAJC, 1920, Case # 17143	N	Y	Y	Y	MVW
LAJC, 1920, Case # 17163	N	Y	N	Y	MVW
LAJC, 1920, Case # 17169	N	N	N	Y	KR, Reeve, MVW
LAJC, 1920, Case # 17170	Y	Y	Y	Y	MVW
LAJC, 1920, Case # 17171	N	N	N	Y	MVW
LAJC, 1920, Case # 17186	N	N	N	N	
LAJC, 1920, Case # 17188	Y	Y	N	Y	MVW

Case Number	Marriage?	Sexual Activity?	STD?	Transcript?	Referee
LAJC, 1920, Case # 17189	N	Y	N	N	
LAJC, 1920, Case # 17201	N	Y	N	Y	KR
LAJC, 1920, Case # 17202				N	
LAJC, 1920, Case # 17373	N	Y	Y	N	
LAJC, 1920, Case # 17499	Y	N	N	Y	MVW
LAJC, 1920, Case # 17499	Y	Y	N	Y	MVW
LAJC, 1920, Case # 17559	N	N	N	Y	MVW
LAJC, 1920, Case # 51286	N	Y	N	N	
LAJC, 1930, Case # 52135	N	Y	N	N	
LAJC, 1930, Case # 52136	N	Y	Y	N	
LAJC, 1930, Case # 52139	N	N	N	N	
LAJC, 1930, Case # 52156	N	Y	N	N	
LAJC, 1930, Case # 52166	N	N	N	N	
LAJC, 1930, Case # 52168	N	N	N	N	
LAJC, 1930, Case # 52175	N	N	N	N	
LAJC, 1930, Case # 52177	Y	Y	N	N	
LAJC, 1930, Case # 52180	N	N	N	N	
LAJC, 1930, Case # 52181	Y	Y	Y	N	
LAJC, 1930, Case # 52183	Y	N	N	N	
LAJC, 1930, Case # 52184	N	N	N	N	
LAJC, 1930, Case # 52185	N	N	N	N	
LAJC, 1930, Case # 52189	N	N	N	N	
LAJC, 1930, Case # 52195	N	N	N	N	

Case Number	Marriage?	Sexual Activity?	STD?	Transcript?	Referee
LAJC, 1930, Case # 52197	N	N	N	N	
LAJC, 1930, Case # 52981	N	N	N	N	
LAJC, 1930, Case # 55426	N	Y	N	N	

Bibliography

Freedman, Estelle B.. *Maternal Justice: Miriam Van Waters and the Female Reform Tradition*. Chicago: University of Chicago Press, 1996.

New York State Education Department. "New York House of Refuge -A Brief History." New York State Archives. http://www.archives.nysed.gov/a/research/res_topics_ed_reform_history.shtml (accessed December 19, 2012).

Odem, Mary E.. *Delinquent daughters: protecting and policing adolescent female sexuality in the United States, 1885-1920*. Chapel Hill: University of North Carolina Press, 1995.

Mary Odem and Steven Schlossman, "Guardians of Virtue: The Juvenile Court and Female Delinquency in Early Twentieth-Century Los Angeles," *Crime and Delinquency*, April 1991, pp. 186-203.

Rowles, Burton J.. *The lady at Box 99; the Story of Miriam Van Waters..* Greenwich, Conn.: Seabury Press, 1962.

Steven Schlossman and Robert Cairns, "Problem Girls: Some Observations on Past and Present," in Glen Elder, John Modell, and Ross Parke, eds., *Children in Time and Place*, Cambridge University Press, 1993, pp. 110-130.

Steven Schlossman, *Transforming Juvenile Justice: Reform Ideals and Institutional Realities, 1825-1920*. Northern Illinois University Press, 2005

Steven Schlossman and Stephanie Wallach, "The Crime of Precocious Sexuality: Female Juvenile Delinquency in the Progressive Era," *Harvard Educational Review*, February 1978, pp. 65-94.

Steven Schlossman and Stephanie Wallach, "Response to Critics: Rethinking 'The Crime of Precocious Sexuality,'" in "Symposium: 'The Crime of Precocious Sexuality': Female Juvenile Delinquency in the Progressive Era," *Journal of the History of Childhood and Youth*, Winter 2009, pp. 110-124.

Van Waters, Miriam . "El Retiro, The New School for Girls." *California State Journal of Medicine* 19, no. 1 (1921): 37-38. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1516718/?page=2> (accessed December 19, 2012).

Van Waters, Miriam. *Youth in Conflict*. New York: Republic Pub. Co., 1925.

Van Waters, Miriam. *Parents on Probation..* New York: New Republic, Inc., 1927.