‘THE COURT DEVOURED HIM’: THE HISTORY OF THE NORTH CAROLINA JUVENILE COURT STATUTE OF 1919

by

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ABSTRACT

SAVANNAH CLARE BROWN. 'The Court Devoured Him': The History of the North Carolina Juvenile Court Statute of 1919. (Under the direction of DR. AARON SHAPIRO)

For over a century, North Carolina has continued to treat sixteen year olds as adults in the criminal justice system. The Juvenile Court Statute of 1919 mandated sixteen as the upper age of criminality, cementing that age for all juvenile offenders for the next 100 years. This study explores the development of the juvenile justice system in North Carolina from the turn of the twentieth century to understand why legislators in 1919 chose the age sixteen as perceived adulthood. I argue that a multitude of reasons, primarily child labor in the state, fortified legislator's decision to maintain the age of adulthood at sixteen, despite recommendations from newly emerged national organizations such as the Children's Bureau and National Child Labor Committee. In order to understand how North Carolina became the last state to raise the age, one must first understand how the age was implemented into state law. I describe the significant organizations, individuals, institutions, and legislation that began the separate juvenile justice system in North Carolina.

DEDICATION

This thesis is dedicated to the individuals and families of North Carolina affected by incarceration. May we continue to advocate for the thousands of young men and women who lose their voice in the North Carolina criminal justice system.

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PREFACE

Currently, the United States incarcerates more individuals per capita than any other nation of similar economic resources. The World Prison Brief, a database hosted by the Institute of Criminal Policy Research at Birkbeck, University of London, ranks the United States as the nation with the total highest prison population, followed by China, Brazil, Russia, and India. In a 2016 report by the Bureau of Justice Statistics (an agency of the US Department of Justice) an estimated "6,613,500 persons were under the supervision of U.S. adult correctional systems on December 31st, 2016."[1] This report highlighted a recent decline in prison population for the third consecutive year, exposing a shift in the American penal system. After decades of a politically and socially accepted national mentality of a "tough on crime" approach to criminals and an increased emphasis on the war on drugs, changes have occurred in how Americans view the current carceral system. Since the early 2000s, as activists, policy makers, academics, and others have worked to educate the public on the U.S. criminal justice system and end the cycle of mass incarceration, the system has experienced a shift in prison reform. In December 2018, President Donald Trump signed the First Step Act into law, establishing major changes to American prison reform. The First Step Act works to ease mandatory minimum sentencing under federal law, increases "good time credits," and allows incarcerated individuals more chances to obtain "earned time credits" through their participation in rehabilitation programs offered. Individuals incarcerated for high-level offenses and undocumented immigrants do not qualify for earning credits. The First Step

[1] Bureau of Justice Statistics, "Correctional Populations in the United States, 2016," NCJ 251211 Bulletin, published April 2018, last accessed March 1, 2019, https://www.bjs.gov/content/pub/pdf/cpus16.pdf.

Act also makes the Fair Sentencing Act retroactive. Signed into federal law in 2010 by President Barack Obama, the Fair Sentencing Act helped reduce the sentencing disparity between the amount of crack cocaine and powder cocaine from 100:1 to 18:1. Through bipartisan support, the First Step Act aims to reduce the amount of individuals in custody. Both the Fair Sentencing Act and the First Step Act highlight the changing attitude towards the American criminal justice system and expands the conversation of ending the cycle of mass incarceration in America.[2]

Since 1997, the number of juvenile offenders committed to juvenile detention facilities has decreased from 75,406 (peaking in 1999 with 77,835) to 31,487 individuals committed in 2016.[3] As youth detained in juvenile detention centers has decreased, the most recent statistics on American incarceration (2018) continue to show the troubling problems of youth involved in the criminal justice system. The Prison Policy Initiative (PPI) report, "Mass Incarceration: The Whole Pie 2018," created through the collaborative efforts of researchers, attorneys, and analysts, shows that American youth continue to be jailed for offenses such as technical violations, which include breaking the

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[2] As recently as 2017, the American Civil Liberties Union Campaign for Smart Justice conducted a poll (through the Benson Strategy Group) among 1,003 Americans nationwide that showed that 91% of Americans said that the criminal justice system has problems and needs fixing. Of the 1,003 people polled, 41% identified as conservative, 31% as liberal, 23% as moderate. More information can be found here https://www.aclu.org/news/91-percent-americans-support-criminal-justice-reform-aclu-polling-finds. The Brennan Center for Justice published Criminal Justice Solutions: Model State Legislation by Priya Raghavan in 2018, in which it proposes two different Acts - the Alternative to Prison Act and the Proportional Sentencing Act - in which Raghavan states, "The Proportional Sentencing Act and the Alternative to Prison Act together, if enacted by all states and the federal government, would reduce the nationwide prison population by 40 percent." More information can be found at https://www.brennancenter.org/sites/default/files/publications/1.02.19%20Model%20Leg_FINAL.pdf.

[3] Easy Access to the Census of Juveniles in Residential Placement (EZACJRP), "Easy Access to the Census of Juveniles in Residential Placement," Childtrends.org, last accessed February 15, 2019 https://www.childtrends.org/indicators/juvenile-detention. See also The Sentencing Project, "Fact Sheet: Trends in US Corrections, Sentencingproject.org, last accessed March 1, 2019, https://sentencingproject.org/wp-content/uploads/2016/01/Trends-in-US-Corrections.pdf.

status of probation and status offenses. The National Center for Juvenile Justice defines status offense as "behaviors that are not law violations for adults, such as running away, truancy, and incorrigibility."[4] The 2018 PPI report indicates that close to one in ten juvenile offenders are held in adult facilities, while the rest are detained in juvenile facilities.[5] The detainment of youth offenders has a long and complicated history and continues to shape the idea of how American policy makers move forward with legislative changes in terms of incarceration. Understanding the larger implications of national carceral trends for youth offenders provides insight into how North Carolina juvenile carceral history has strayed from national recommendations regarding criminal justice.

On December 1, 2019, the North Carolina Juvenile Justice Reinvestment Act becomes effective, raising the age of criminality for nonviolent offenses in North Carolina to eighteen years of age. Passed by the North Carolina General Assembly in 2017, the Juvenile Justice Reinvestment Act - part of Senate Bill 257 - increases the upper age of juvenile court jurisdiction to eighteen years old, while class A through G felonies and traffic offenses "continue to be handled in adult court for all sixteen and seventeen year olds."[6] The North Carolina criminal justice system treats all sixteen and

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[4] Sarah Hockenberry and Charles Puzzanchera, "Juvenile Court Statistics 2013," National Center for Juvenile Justice, last accessed March 2, 2019, https://www.ojjdp.gov/ojstatbb/njcda/pdf/jcs2013.pdf.
[5] Pete Wagner and Wendy Sawyer, "Prison Policy Initiative: The Whole Pie 2018," last accessed December 18, 2018, https://www.prisonpolicy.org/reports/pie2018.html.
[6] Juvenile Justice Reinvestment Act, Increase the Age for Juvenile Court Jurisdiction, Except for Certain Felonies, Section 16.D.4.(a) § 7B-1501. Passed by the North Carolina General Assembly in 2017. The state of North Carolina uses a class designation system to categorize crimes committed based on the level of seriousness. North Carolina uses class designation (A, B, C) as well level designation (1, 2, 3) as system to categorize criminal activities and subsequent punishments. This system (structured sentencing) moves in descending order, meaning Class A1 felonies are considered the most punishable offenses. Structured sentencing, typically state specific, was designed to create an order for the legal system to categorize crime and to provide adequate and appropriate punishment for the level of crime committed. For a full list of felony offense classification criteria see *Structured*

seventeen year olds as adults (when charged with a criminal offense) rather than handling their cases in the separate juvenile justice system. While the current system continues to treat sixteen year olds as adults, the new law raises the upper age of criminality in North Carolina to eighteen. North Carolina continues to use six years old as the determining age individuals can be prosecuted and labeled *delinquent* for "offenses such as disorderly conduct in schools… [and] North Carolina has the lowest age of juvenile court jurisdiction among *all* states that specify a minimum age."[7] Until June 2017, the state law *Limitations on Juvenile Court Jurisdiction* subsection A read: "Any juvenile, including a juvenile who is under the jurisdiction of the court, who commits a criminal offense on or after the juveniles sixteenth birthday is subject to prosecution as an adult."[8] The revision made by the General Assembly now states "Any juvenile, including a juvenile who is under the jurisdiction of the court, who commits a criminal offense on or after the juvenile has reached 18 years of age is subject to prosecution as an adult."[9]

The passage of the Juvenile Justice Reinvestment Act repeals a century old law, the North Carolina Juvenile Court Statute of 1919. Passed in 1919 by the North Carolina General Assembly, the Juvenile Court Statute designated systematic implementation of a statewide juvenile court system across North Carolina, as well as defined a *delinquent* to be an individual under the age of sixteen, thus mandating all sixteen and seventeen year

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Sentencing in North Carolina published by the Joint Appropriations Subcommittee on Justice and Public Safety, February 11, 2015.

[7] Jason Langberg, "Putting Justice in North Carolina's Juvenile Justice System," *Youth Justice Project, Southern Coalition for Social Justice*, October 2017, last accessed September 22, 2018, http://youthjusticenc.org/wp-content/uploads/2017/10/FINAL-Putting-Justice-in-Juvenile-System-10.5.17.pdf. Lanberg states that in North Carolina, the minimum age of juvenile court jurisdiction is six years old, marking North Carolina as the state with the lowest age of juvenile court jurisdiction among states that specify a minimum age.

[8] North Carolina General Assembly, Juvenile Justice Reinvestment Act, Limitations on Juvenile Court Jurisdiction, 16.D.4.(c) § 7B-1604, 2017, 310.

[9] Ibid.

olds eligible to be considered adults in the criminal justice system. The 1919 General Assembly, *An Act to Create Juvenile Courts in North Carolina,* Section 1, *Jurisdiction Over Children* states "The Superior Courts shall have exclusive original jurisdiction of any cause of a child less than sixteen years of age residing in or being at this time within their respective district."[10] In 1919, North Carolina aligned with other regional states for establishing minimum and upper age limits of juvenile incarceration, although the state ignored the changing standardized recommendations for juvenile justice, such as age limit and court standards. By 1946, forty-six states had changed their juvenile law codes to set the age of adult criminality at eighteen, while North Carolina remained in the minority.

North Carolina's 1994 revised sentencing structure shows that aspects of North Carolina legislation were adjusted and updated throughout the twentieth century, while others – like the juvenile code – continued to remain obsolete, exposing the priorities of certain North Carolina policy makers. By 2007, only North Carolina, New York, and Connecticut still tried sixteen year-old as adults. In 2017, lawmakers in New York voted to raise the upper age of criminality to eighteen, which went into effect October 1, 2018, making North Carolina the final remaining state to consider sixteen the upper age of court jurisdiction. By 2019, North Carolina will be the last state to raise the age to eighteen years old. A century after the initial legislation passed, North Carolina juvenile laws reflect the progressive ideology that began the juvenile justice system in North

[10] North Carolina General Assembly, "An Act to Create Juvenile Courts in North Carolina, Jurisdiction Over Children," in *Public Laws and Resolutions* (Raleigh: Commercial Printing Company, State Printers and Binders, 1919), 243.

Carolina. The following study examines the origins and journey that North Carolina took to become the last state to raise the age of adult criminality to eighteen years old.

CHAPTER ONE – INTRODUCTION

Scholarly research on American juvenile incarceration has been widely addressed in areas such as juvenile prison conditions, psychological effects of juvenile incarceration, the school-to-prison pipeline, current American race relations, the effects of juvenile incarceration on disadvantaged neighborhoods, and the impact of juvenile convictions feeding into the larger system of mass incarceration. The subject of incarceration remains researched and discussed by activists and academics across disciplines, including criminal justice, anthropology, public administration, literature, creative writing, and history.[11] As aspects of juvenile justice have shifted over time - the origin of the juvenile court, the expansion of reformatories across the United States, the introduction of school resource officers, the development of the school-to-prison pipeline, the concept of juvenile "superpredators," and the long-term impacts of juvenile incarceration on communities of color – the historiography of juvenile incarceration has also shifted to cover each aspect.

In the current generation of mass incarceration, there remains little academic examination of distinctive statewide policies such as North Carolina's atypical policy of entering individuals under eighteen into the adult prison system. While contested by

[11] For more information on incarceration studies, see Michael G. Flaherty, *An Assessment of the National Incidence of Juvenile Suicide in Adult Jails, Lockups, and Juvenile Detention Centers* (Office of Juvenile and Delinquency Prevention: University of Illinois at Urbana Champaign, Community Research Forum, 1980); Adam Reich, *Hidden Truth: Young Men Navigating Lives In and Out of Prison* (Berkeley: University of California Press, 2010); Catherine Kim, Daniel Losen, and Damon Hewitt, *The School-to-Prison Pipeline: Structuring Legal Reform* (New York: New York University, 2010); Todd Clear, *Imprisoning Communities: Why Mass Incarceration Makes Disadvantaged Neighborhoods Worse* (Oxford: Oxford University Press, 2007); John May and Khalid Pitts, *Building Violence: How America's Rush to Incarcerate Creates More Violence* (Thousand Oaks: Sage Publications, 2000); Jonathan Simon *Mass Incarceration on Trial: A Remarkable Court Decision and the Future of Prisons in America* (New York: The New Press, 2014)*;* James Forman Jr. *Locking Up Our Own: Crime and Punishment in Black America* (New York: Farrer, Straus and Giroux, 2017).

activists, researchers, and even public officials, North Carolina's Juvenile Court Statute has remained active for the past hundred years. Scholars writing on North Carolina state history often overlook the history of juvenile incarceration in the state; instead, they tend to mention it as singular chapter or section within a larger monograph regarding Progressivism, motherhood, urban life, labor, education and the development of the welfare state in the American South.[12] Components of the history surrounding the North Carolina Juvenile Court Statute exist in monographs, but examining the reasoning for mandating sixteen as the age of criminality rather than eighteen introduces an important and understudied story to the discussion of juvenile incarceration and the North Carolina incarceration system.[13] While studies of incarceration in North Carolina do not focus exclusively on North Carolina's juvenile court, literature on juvenile justice provides historical context on the origins of North Carolina's juvenile justice system and why state legislators chose the age sixteen in 1919. My work contributes to the growing historiographical discussion of mass incarceration through the lens of juvenile incarceration and state history, an underrepresented topic in the literature of North

[12] Works include Wiley Britton Sanders, *Juvenile Courts in North Carolina* (Chapel Hill: The University of North Carolina Press, 1927); Richard S Tuthill, "Children's Courts in the United States, Illinois: The History of Children's Courts in Chicago," in *Children's Courts in US: The Origin, Development, and Result* (Washington D.C.: Government Printing Office, 1904); Leslie Brown, *Upbuilding Black Durham: Gender, Class, and Black Community Development in the Jim Crow South* (Chapel Hill: University of North Carolina Press, 2008); Michael McGerr, *A Fierce Discontent: The Rise and Fall of The Progressive Movement in America, 1870-1920* (New York: Free Press, 2003); Susan K. Cahn, *Sexual Reckonings: Southern Girls in a Troubling Age* (Cambridge: Harvard University Press, 2007); Elizabeth J. Clapp, *Mothers of All Children: Women Reformers and the Rise of Juvenile Courts in Progressive Era America* (University Park: The Pennsylvania State University Press, 1998).

[13] In this thesis, I refer to *juvenile justice* synonymously with *juvenile court*, incorporating affiliations of the justice system such as police, defense and prosecution attorneys, probation, and juvenile correctional facilities. For a broader explanation of the differences of juvenile court and juvenile justice, see the Institute of Medicine and National Research Council, "Chapter Five: The Juvenile Justice System," in *Juvenile Crime, Juvenile Justice* (Washington, DC: The National Academies Press, 2001), 154.

Carolina's history. The lack of a determined historiography on this subject led me to examine chapters, articles, monographs, laws, and reports on a range of subjects in order to contextualize the importance of juvenile justice history. In order to understand how the legislation passed in 1919 had an impact in 2019, this introduction follows the national trends of juvenile justice across the century, through a wide variety of scholarly discussions.

Early scholarly work on juvenile justice focused primarily on the creation of the juvenile courts through the efforts made by Progressive reformers. Created for audiences that worked in social service and welfare careers, this literature focused on the organization and development of the emerging juvenile court system across the United States. These arguments promoted juvenile justice as a development that flourished from the Progressive movement, a subsequent triumph for urban youth. A comprehensive history of juvenile court progress in America, Herbert H. Lou's 1927 publication *Juvenile Courts in the United States* highlights the early philosophy and history of the juvenile courts. His work provides "a detailed account of the development, organization, and procedure now found in the outstanding courts of the country."[14] While intended perhaps for the growing field of welfare and social workers, Lou's work remains one of the first comprehensive interpretations of the history of juvenile courts. Throughout the 1920s to the 1940s, states continued to create separate juvenile court systems, training and reformatory schools, and develop juvenile court laws. One of the most influential pieces of critical literature appeared in 1938, with the publication of American social worker

[14] Harry Hill, "Juvenile Courts in the United States," review of *Juvenile Courts in the United States,* by Herbert Lou, *Social Service Review* 2, no. 1(March 1928): 151. Herbert Lou, *Juvenile Courts in the United States* (Chapel Hill: University of North Carolina Press, 1927).

Grace Abbott's *The Child and the State*. The first publication in the *Social Services Series, The Child and the State* consisted of Volume I, "Child Labor and Apprenticeship," and "Volume II, Dependent and Delinquent Children."[15] Abbott's revolutionary work became one of the first comprehensive reviews on child welfare in America, created through original court documents and legislation. Abbott's work covers topics ranging from child labor, the legal status of children in a family, adoption and available welfare services including the development of the Children's Bureau, as well as specific state welfare boards and departments. Created through "a collection of documentary material with introductory notes to the various sections," *The Child and the State* highlighted the development of the welfare state for children in America. While intended as a reference manual for social and welfare workers, Abbott's work included a section that covered the history of juvenile delinquency in America from 1819 to 1938. Constructed using original sources and case studies, historians have noted Abbott's work as "actually the best historical introduction" to America's early juvenile court system.[16]

In 1948, Professor of Social Work at the University of North Carolina, Dr. Wiley Britton Sanders, published *Juvenile Courts in North Carolina*. Constructed through a collaborative effort between the State Board of Public Welfare, social work staff at the University of North Carolina at Chapel Hill, and Sanders, the work provides "information regarding the organization and procedure of all 107 juvenile courts within the state…."[17] Recognizing the lack of statistical information on juvenile courts in North Carolina,

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[15] Grace Abbott, *The Child and the State Vol. I and Vol. II* (Chicago: University of Chicago Press, 1938).
[16] Steven L. Schlossman, "Traditionalism and Revisionism in Juvenile Correctional History," *Reviews in American History* 2, no. 1 (March 1974): 60. Grace Abbott, *The Child and the State Vol. I and Vol. II* (Chicago: University of Chicago Press, 1938).
[17] Wiley Britton Sanders, *Juvenile Courts in North Carolina* (Chapel Hill: The University of North Carolina Press, 1948): vii.

Sanders aimed to study children's cases managed in North Carolina's juvenile courts and provide recommendations for how North Carolina should handle juvenile offender cases. Sanders' work does not cover the entire history of juvenile courts in North Carolina, rather it analyzes court cases from 1934-1944, compares the organization of juvenile courts across North Carolina, and then provides a summary of his findings. One of the first in-depth analysis of juvenile court proceedings and cases in North Carolina, Sanders' work provides valuable information about the "types of children who come under the court's jurisdiction."[18]

This early era of academic writing also witnessed the sustained development and growth of statewide juvenile court systems. State officials across America began implementing juvenile court systems, in part due to the increased academic attention from Lou, Abbott and others. As public interest in the welfare of the child grew, so did the academic literature on the subject. Until the 1950s, the debate surrounding childhood delinquency and dependency remained centered on the morality of the family and the child. Children's welfare and the development of the delinquent child centered on the idea that an "unmoral" or "unfit" family caused children to behave in an unethical way. As social and welfare workers began to incorporate more factors regarding research on juvenile delinquency (moving outside the home), the literature on childhood development, dependency, and delinquency reflected the newly incorporated ideas of social, environmental, educational, and monetary factors when researching youth behavior.

[18] Sanders, *Juvenile Courts in North Carolina*, 1.

As the debate surrounding childhood delinquency shifted, the introduction of school resource officers (SRO) in the 1950s shifted the scholarship on juvenile court systems by introducing a new element of policing in a historically neutral environment. The introduction of SROs into schools ushered in a generation focused on policing children, rather than perceived rehabilitation. The original SRO program began in the mid-1950s in Flint, Michigan, as an attempt to provide a better community understanding of police work and increase communication between police officers and adolescents. SROs attempted to develop and nurture a relationship between students and police by acting as teachers, counselors, and law enforcement.[19] In North Carolina, the first SRO program began in Forsyth County at the start of the 1974-1975 school year. The national SRO program gained prominence in the 1990s, after publicized school shootings occurred in Pearl, Mississippi; West Paducah, Kentucky; Jonesboro, Arkansas; Edinboro, Pennsylvania; Springfield, Oregon; and Littleton, Colorado.[20] In response to the national events, North Carolina increased the SRO program based on the "recommendations from the Governor's Task Force on School Safety in 1993 and the North Carolina General Assembly's allocation of funds for SRO positions in every high school in 1995-1996."[21]

This increased policing in academic institutions resulted in unjust monitoring and policing of communities of color, introducing the concept of the "School to Prison Pipeline." Since its inception, the school-to-prison pipeline has become a streamlined process for juvenile arrests and remains a phenomenon that occurs in school districts

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[19] Student Resource Officer Program, "What is a SRO?" last accessed January 22, 2018, http://www.fayar.net/sro/sroprogram.html.
[20] Jesselyn McCurdy, "Chapter Five: Targets for Arrest," *Counterpoints* 453 (2014): 87.
[21] The Department of Juvenile Justice and Delinquency Prevention - Center for the Prevention of School Violence, "Annual School Resource Officer Census 2004-2005," last accessed March 11, http://www.ncpublicschools.org/docs/cfss/law-enforcement/sro-census-04-05.pdf.

across the United States, primarily in underfunded schools and disadvantaged districts. The pipeline is best understood as "a set of policies and practices in schools that make it more likely for students to face criminal involvement with the juvenile courts than to attain a quality education."[22] Christopher Mallett's *The School-To-Prison Pipeline* highlights how increased security measures in schools mean that low-level misdemeanors – acting out in class, disruption, fighting – result in an arrest by a school resource officer, which then places the individual into the juvenile court system, and can result in a suspension, time in a detention center, or a criminal conviction. James Kilgore's discussion of the school-to-prison pipeline in *Understanding Mass Incarceration*, introduces new elements regarding juvenile incarceration. Kilgore highlights how the policing crackdown on juveniles in the 1980s and 1990s increased juvenile arrests, thus bolstering the school-to-prison-pipeline.[23]

A series of court cases heard before the United States Supreme Court, including *Kent v. United States* (1966) and *in re Winship* (1970) led to re-written juvenile codes in the late 1970s and early 1980s.[24] The shifting society ideals influenced by the cultural wars - war on poverty, war on crime, and on drugs - shifted the scholarship produced on

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[22] Christopher Mallett, *The School-To-Prison Pipeline: A Comprehensive Assessment* (New York: Springer Publishing Company, 2016), 1.
[23] James Kilgore, *Mass Incarceration: A People's Guide to the Key Civil Rights Struggle of Our Time* (New York: The New Press, 2015), 119-133.
[24] Police interrogated sixteen-year-old Morris A. Kent about his involvement with robbery and rape. Admitting some involvement, Kent was then waived by the juvenile court, allowing him to be tried as an adult, where the jury found him guilty and sentenced him to 30-90 years. Kent appealed the case on the grounds of dismissal saying he did not receive a full investigation by the juvenile court before the waived his case. Kent won his case in the Supreme Court on a 5-4 majority. Twelve-year-old Samuel Winship stole $112 from a woman's pocketbook, was charged as a juvenile on the basis of "preponderance of evidence," and found guilty. His case was taken to the Supreme Court on the basis that juvenile "preponderance of evidence" rather than adult "beyond a reasonable doubt," violates the Due Process Clause of the Fourteenth Amendment. The Supreme Court voted 5-4 in favor of granting juvenile offenders the same constitutional safeguards as adults.

juvenile justice. As juvenile cases began to look increasingly more like adult convictions, post-revisionist historians began to highlight race, poverty, and state history as a way to explain the ever-increasing amount of juvenile arrests, leading to a heightened prison population in the United States. Until the 1960s, the scholarship produced on juvenile justice promoted the idea of protection by the state, acting as the parent to a child in need, as a reasonable court ruling. In North Carolina, the concept of *parens patriae* ruled in juvenile courts until the mid-1960s, when cultural and social changes in American society began shifting the idea of juvenile justice, and scholarship followed. Throughout the 1960s, drugs "became symbols of youthful rebellion, social upheaval, and political dissent," leading to an increased policing of both juveniles and adults caught or associated with drugs.[25] President Lyndon Johnson declared a "War on Poverty," through the legislation presented at his 1964 State of the Union address. This War on Poverty, aimed at providing services that would not only relieve those living in poverty, but prevent it all together, centered on four key pieces of legislation, including the Social Security Amendments of 1965 (creating Medicare and Medicaid), the Food Stamp Act, the Economic Opportunity Act, and the Elementary and Secondary Education Act. While Johnson's War on Poverty intended to relieve individuals living in impoverished communities, it elevated the idea of juvenile delinquents as hardened criminals, especially within communities of color. The concept that individual behavior and choices heightened one's chance of living in poverty solidified in the Johnson administration through the 1965 publication of Assistant Secretary of Labor Daniel Patrick Moynihan's

[25] Drug Policy Alliance, "A Brief History of the Drug War," last accessed February 1, 2019, http://www.drugpolicy.org/issues/brief-history-drug-war.

The Negro Family: A Case for National Action (later known as the Moynihan Report).[2627] As urban communities became the target for increased state and federal policing, Federal Bureau of Investigation (FBI) statistics also specified the demographic for the types of crimes committed and by whom. The FBI findings showed that most crimes were commonly committed by "boys and young men," and that "this specific group (young men approaching adulthood)" became the primary representation for a policing crackdown on any type of offense.[28] Juvenile black men in America soon became the target of systemized law enforcement in urban environments. The actions taken by national and state officials in the 1960s provided the foundation for Americans to view juvenile offenders as hardened adult criminals, especially within communities of color.

As incarceration gained national attention, academic literature began to reflect this as well. Until the 1960s, academic literature on juvenile incarceration remained limited to legal documents and social work/public welfare reports. Anthony Platt's 1969 publication, *The Child Savers: The Invention of Delinquency* examined the work done by Progressive reformers in the nineteenth and twentieth century. Platt remained skeptical of reformers' intentions in creating juvenile courts, contrasting Abbott's earlier publication. A product of the contemporary analysis of juvenile court systems, Platt's work shows the changing social atmosphere regarding juvenile delinquency from the 1930s to the 1960s. His work offered a groundbreaking historical study on delinquent children and the rise of

[26] The Moynihan report was based off the idea that communities of color had experienced a "long history of racial discrimination and 'cultural deprivation,'" Moynihan concluded that a "tangle of pathology" exacerbated poverty. Johnson's administration recognized this pathology - "evidenced by high rates of illiteracy, single-parent households, and delinquency" in urban communities of color - as the root cause of poverty, subsequently marking African American communities as high areas of crime. All quotes from Elizabeth Hinton's, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration In America* (Cambridge: Harvard University Press, 2016): 19-21.
[27] Hinton, *From the War on Poverty to the War on Crime*, 20.
[28] Hinton, *From the War on Poverty to the War on Crime*, 21.

the juvenile justice system across the United States through his careful analysis of the Progressive reformers who touted themselves as the "child savers" of the twentieth century. Platt examines the early origins of the juvenile court system, which he claims began decades before the establishment of the Chicago Juvenile Court in 1899. By considering the earlier history of children and courts in Chicago, Illinois, he claims that the "juvenile court movement reflected conservative middle class values rather than liberalism reform… the real targets of the child savers were proletarian offspring whose ordinary behaviors… was judged obnoxious by bourgeois reformers…."[29] Platt's work exposed the underbelly of Progressive reformers, arguing that the juvenile court system acted as foil for social control. By implementing child welfare reforms, upper middle class Americas maintained the class inequities of the twentieth century.

Produced in the same vein as Platt's work, Jack Holl's *Juvenile Reform in the Progressive Era: William R. George and the Junior Republic Movement* "highlights the disjuncture between reformers' heady aspirations and actual achievements."[30] Holl focuses on the creation of the George Junior Republic (GJR). The brainchild of two Progressive reformers - William R. George and Thomas Matt Osborne - the George Junior Republic was a combination of a reformatory school and utopian community, in which "the guiding principle of the Republic was to be self-government by the young

[29] R.W. England Jr., "The Child Savers: The Invention of Delinquency," review of *The Child Savers: The Invention of Delinquency,* by Anthony Platt, *The Annals of the American Academy of Political Sciences* 388 (March 1970): 180. Anthony Platt, *The Child Savers: The Invention of Delinquency,* (Chicago: University of Chicago Press, 1969).
[30] Steven L. Schlossman, "Traditionalism and Revisionism in Juvenile Correctional History," *Reviews in American History* 2, no. 1 (March 1974): 60. Jack Holl, *Juvenile Reform in the Progressive Era: William R. George and the Junior Republic Movement* (Ithaca: Cornell University Press, 1971).

people that were its citizens."[31] The GJR housed 144 young offenders from the state of New York and became an experimental "anti-institutional" community.

Joseph Hawes 1971 publication, *Children In Urban Society*, became one of the first attempts at creating a comprehensive secondary examination of juvenile reform in America. Highlighting relatively unknown activist reformers, Hawes explores the "evolution of idea that 'young offenders were individuals in need of help rather than members of a stereotyped group which merited societies condemnation.'"[32] His work traces the early development of juvenile justice, beginning with houses of refuge, moving to reform schools, and then examining the juvenile court system. Hawes looks at the impact of the industrial growth of America in the nineteenth century to form his argument that "individualized and child-sensitive" juvenile justice did not appear until the early twentieth century, with the help of Progressive reformers such as Judge Ben Lindsey.[33] His work became one of the baseline secondary sources for historians delving into the field of juvenile incarceration, providing the framework for later publications regarding the development of the juvenile court system in America and the making of the mass incarceration system.

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[31] Daniel Levine, "Juvenile Reform in the Progressive Age: William R. George and the Junior Republic Movement," review of *Juvenile Reform in the Progressive Age*, by Jack Holl," *Journal of American History* 59, no. 1 (June 1972): 185. Jack Holl, *Juvenile Reform in the Progressive Era: William R. George and the Junior Republic Movement* (Ithaca: Cornell University Press, 1971).
[32] Allen F. Davis, "Children In Urban Society: Juvenile Delinquency in Nineteenth Century America," review of *Children in Urban Society*, by Joseph Hawes," *American Quarterly* 24, no. 3 (August 1972): 287-288. Joseph Hawes, *Children in Urban Society: Juvenile Delinquency in Nineteenth Century America* (Oxford: Oxford University Press, 1971).
[33] Michael Frisch, "Children In Urban Society: Juvenile Delinquency in Nineteenth Century America," review of *Children in Urban Society*, by Joseph Hawes," *The American Historical Review* 78, no. 2 (April 1973): 483-484. Joseph Hawes, *Children in Urban Society: Juvenile Delinquency in Nineteenth Century America* (Oxford: Oxford University Press, 1971).

The early 1970s saw the development of organizations such as CRASH (Community Resources Against Street Hoodlums) in the Los Angeles Police Department. CRASH targeted youth offenders, typically black, through a system of removing young men off the streets and sending them to juvenile facilities. The concept of CRASH and placing juvenile delinquents in facilities spread to police departments nationwide and established practices for "anti-delinquent police units."[34] In 1974 Congress enacted the Juvenile Justice and Delinquency Prevention Act (JJDPA), which required federal care and support for youth and their families. The Act mandated the implementation of a nationwide juvenile planning and advisory system across the United States, operated by a federal government agency, which resulted in the creation of the Office of Juvenile Justice and Delinquency Prevention.[35] Comprised of four main components, the JJDPA worked to de-institutionalize status offenders, remove juveniles from adult jails an incarceration facilities, remove juveniles confined in a facility where they will encounter contact with an adult inmate (sight and sound separation), and help states address and eliminate racial and ethnic disparities in the juvenile justice system.

Broadcast as a progressive liberal agenda, the JJDPA appeared as a step towards justice for juvenile offenders. On the surface, the JJDPA provided innovative policies such as the de-institutionalization of status offenses that only applied to minors (such as cigarette smoking or breaking curfew), encouraged rehabilitation outside penal institutions, and "supported community based detention and foster care," however, the JJDPA ultimately divided the juvenile justice system between white children and African

[34] Hinton, *From The War on Poverty to the War on Crime*, 220-221.
[35] Coalition for Juvenile Justice, "Juvenile Justice and Delinquency Prevention Act," History of the JJDPA, last accessed February 1, 2019, http://www.juvjustice.org/federal-policy/juvenile-justice-and-delinquency-prevention-act.

American and Latino children.[36] Rehabilitation became reserved for white and middle-income youths in suburban neighborhoods, while the "punitive arm [of the legislation] handled young people from urban segregated neighborhoods," thus ensuring a racial divide in the American penal system.[37]

The 1990s saw the intensification of the myth of the child as a "superpredator." This myth led to an increased need for academic interpretation on the rise of children locked in the American carceral system. Princeton criminologist John DiIulio first introduced the concept of the juvenile "superpredator" to the American public in 1995. DiIulio's theory of a superpredator follows, "A superpredator is a young juvenile criminal who is so impulsive, so remorseless, that he can kill, rape, maim, without giving it a second thought."[38] His theory led to widespread moral panic in communities across the nation, spurred by the small number of crimes committed by youthful offenders, most notably the 1999 Columbine Massacre. The public panic of "superpredators" led to an elevated policing crackdown on juveniles, creating increased juvenile arrests. Judges sentenced a majority of these juvenile offenders to prison as juvenile lifers, or without the possibility of parole.[39] As juvenile incarceration rates increased, despite the efforts of the JJDPA, scholarship shifted yet again.

State comparative histories began gaining popularity as part of the juvenile justice scholarship in the late 1990s. These histories present a concise non-narrative history on specific state juvenile justice systems. They describe the origin, rise, and sustainment of

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[36] Hinton, *From the War on Poverty to the War on Crime*, 221-222.
[37] Ibid., 222.
[38] Priyanka Boghani, "They were Sentenced as 'Superpredators.' Who were they really?" *Frontline*, PBS, last accessed January 28, 2019, https://www.pbs.org/wgbh/frontline/article/they-were-sentenced-as-superpredators-who-were-they-really/.
[39] Ibid. See also Kilgore, *Mass Incarceration*, 119-133.

the juvenile court and system. These publications do not provide social, political, or cultural context, rather their value lies in the chronology, providing scholars the information needed to trace the history of specific state juvenile systems. Betty Gene Alley and John Thomas Wilson's *North Carolina Juvenile Justice System: A History 1868-1993*, examines the rise of the juvenile justice system in North Carolina, from its inception to 1993, when they concluded their work. Their work traces the history of the North Carolina juvenile justice system, breaking down each decade into a roughly ten-page chapter. The purpose of *North Carolina Juvenile Justice* is to provide "an objective history of juvenile justice in the state of North Carolina…"[40] Alley and Wilson's 1994 publication presents one of the first overviews of the history of the justice system in North Carolina. While it does not provide an in-depth analysis of the individuals involved or policies created, it provides the major milestones of the juvenile justice system in North Carolina, offering a guide for more critical analysis of certain individuals, policies, or reforms.

Similar to Alley's work, University of North Carolina law professor Tamar R. Birckhead's article, "North Carolina, Juvenile Court Jurisdiction, and the Resistance to Reform," covers repeated attempts by advocates and lawmakers from 1915 to 2008 to raise the age of jurisdiction in North Carolina. Her concise chronology shows that raising the age attempts have followed a pattern over the decades, stating "Despite the backing of scholars, child welfare experts, and prominent lawyers, proposals to extend jurisdiction from age sixteen to ages seventeen or eighteen have consistently been defeated."[41]

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[40] Betty Gene Alley and John Thomas Wilson, *North Carolina: Juvenile Justice System: A History 1868-1993* (Raleigh: North Carolina Administrative Office of the Courts, 1994): vii.
[41] Tamar R. Birckhead, "North Carolina Juvenile Court Jurisdiction, and the Resistance to Reform," *North Carolina Law Review* 86, no. 6 (2008): 1444. Birckhead explains that the precise reasons for

Historian William Bush's, *Who Gets a Childhood?: Race and Juvenile Justice in Twentieth-Century Texas* presents an overview of the "development of the juvenile justice system in the state."[42] Like other historical work on statewide juvenile justice, Bush begins by investigating the opening of Texas' first training school in 1889 and ends his research in the 1990s. He uses periods of major reform - 1910s, 1940s, 1960s, 1980s - to show how Texas moved through cycles of "panic of juvenile crime and backsliding into regimentation and brutality."[43] Bush highlights the shift in Texans' public opinion about rehabilitation and punishment and explains how by the 1990s, public opinion had returned to viewing punishment as the suitable option for offending juveniles. Rather than being rehabilitated, juveniles should be punished to fit the crime committed. Bush uses "personal papers to demonstrate how individual inmates dealt with incarceration," as first-hand examples of the types of conditions that juveniles inmates endured in Texas training schools and later, juvenile facilities.[44] His work on a specific state's juvenile

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raising the age to eighteen and joining the majority of other states is difficult to identify, but not impossible. She suggest three different reasons why the pattern for raising the age campaigns have been continuously defeated. These reasons include: "that the self-perpetuating claim by opponents of raising the age that an already-underfunded system should not be expanded; the enduring power of the specter of youth violence; and the continued reluctance of the bench and bar to view juvenile court as a critical forum requiring specialization and commitment from its participants, rather than a mere training ground for inexperienced judges and lawyers." Birckhead argues that in order to understand *why* these reasons have led legislators to repeat the pattern of refusal, scholars need a more thorough understanding of the historical context of the initial legislation.

[42] Deborah L. Blackwell, "Who Gets a Childhood: Race and Juvenile Justice in Twentieth-Century Texas," review of *Who Gets a Childhood: Race and Juvenile Justice in Twentieth-Century Texas,* by William S. Bush, *Journal of Southern History* 79, no. 2 (May 2013): 523. William S. Bush, *Who Gets a Childhood: Race and Juvenile Justice in Twentieth-Century Texas* (Athens: University of Georgia Press, 2010).

[43] David I. Macleod, "Who Gets a Childhood: Race and Juvenile Justice in Twentieth-Century Texas," review of *Who Gets a Childhood: Race and Juvenile Justice in Twentieth-Century Texas,* by William S. Bush, *American Historical Review* 117, no. 1 (February 2012): 240. William S. Bush, *Who Gets a Childhood: Race and Juvenile Justice in Twentieth-Century Texas* (Athens: University of Georgia Press, 2010).

[44] Blackwell, "Who Gets a Childhood: Race and Juvenile Justice in Twentieth-Century Texas," 523.

incarceration history is one of the first full monographs to cover a comprehensive history of juvenile justice.

States of Delinquency: Race and Science in the Making of California's Juvenile Justice System by historian Miroslava Chavez-Garcia introduces a history of California juvenile court systems from 1899 to the 1930s. Similar to other historians, Chavez-Garcia situates her work within the Progressive era and like Platt, shows how California reformers who attempted to act in the interest of the state's children, "transformed community and family based rehabilitation into a system of institutional incarceration."[45] Chavez-Garcia covers the rise and operation of training and reform schools in California and the devastating psychological effect they had on juvenile inmates, due to the reliance and belief in science as a way to "cure" juveniles. By focusing primarily on Whittier (California's first state sponsored reform school), Chavez-Garcia analyzes the use of scientific initiatives – mind control became a tool rather than physical punishment – and how it led to two suicides of male inmates in 1940 and 1941. Her inclusion of state eugenics programs at reformatory schools opens the historical debate on what transpired at early juvenile schools and how adults "rehabilitated" juvenile offenders. Chavez-Garcia's work examines how the justice system unequally sentenced children of color to reform schools and how this led to the "disproportionate incarceration of Latino and African American boys and girls in the twenty-first century."[46]

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[45] Kathleen W. Jones, "States of Delinquency: Race and Science in the Making of California's Juvenile Justice System," review of *States of Delinquency: Race and Science in the Making of California's Juvenile Justice System,* by Miroslava Chavez-Garcia, *The American Historical Review* 118, no. 2 (April 2013), 524-525. Miroslava Chavez-Garcia, *States of Delinquency: Race and Science in the Making of California's Juvenile Justice System* (Berkeley: University of California Press, 2012).
[46] Ruth M. Alexander, "States of Delinquency: Race and Science in the Making of California's Juvenile Justice System," review of *States of Delinquency: Race and Science in the Making of California's Juvenile Justice System*, by Miroslava Chavez-Garcia, *Western Historical Quarterly* 44,

Dividing the most recent academic scholarship on incarceration into two sections (adult and juvenile) provides insight into aspects of incarceration including race, employment opportunity, education level, and quality of life, within their respective age frameworks. While the following historiography of mass incarceration is not exclusive to North Carolina's policy, it helps establish why certain communities became targets for conviction, of life inside detention centers or prison, and what happens to individuals post-release. The next section provides a comprehensive understanding of the development and treatment of adult offenders, a reality for many juvenile offenders placed in the adult prison system.

The mid-2000s saw the rise of academic publications on the history of incarceration, including the rise of drug use in America, political debates, the disenfranchisement of communities of color, and increased policing. The analysis of political rhetoric used by different presidential administrations provides one of the primary factors for understanding how mass incarceration in the adult prison system has come to fruition in the last century. Marie Gottschalk's *The Prison and the Gallows* analyzes how the rhetoric of law and order has been "integral to history, politics, and identity of the United States."[47] Gottschalk emphasizes rhetoric as a successful campaign tool for administrations because of the changing political and social movements that took place at the same time.

Todd Clear's *Imprisoning Communities*, published in 2007, examines how the policy shifts throughout the late twentieth century have targeted certain communities.

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no. 3 (Autumn 2013): 332-333. Miroslava Chavez-Garcia, *States of Delinquency: Race and Science in the Making of California's Juvenile Justice System* (Berkeley: University of California Press, 2012).

[47] Marie Gottschalk, *The Prisons and the Gallows: The Politics of Mass Incarceration in America* (New York: Cambridge University Press, 2006), 43.

Varying factors of race, gender, and age have concentrated incarceration in poor communities across America. He identifies the community effects of incarceration by examining three systems: family, economic, and political. Clear concludes, "high-crime neighborhoods are also high incarceration neighborhoods. In these latter places, children are more likely to experience family disruption, lack of parental supervision, property devoid of effective guardians, and all other manner of deteriorated informal social controls that otherwise deflect the young from criminal behavior."[48] Clear's analysis of the community shows how children growing up in neighborhoods and family units disrupted by incarceration, often create generations of families/neighborhoods involved in criminal activity.

Perhaps one of the most widely recognized publications by both academic and general audiences is Michelle Alexander's, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. Alexander's book, while not the first to introduce the concept of mass incarceration as a form of social control, was published during a period of social turmoil. Alexander argues that the penal system is a system of oppression that continues to disenfranchise African American men and women. The same year of the publication of *The New Jim Crow*, George Zimmerman shot and killed seventeen-year-old Trayvon Martin in Sanford, Florida. The shooting of Trayvon Martin – an unarmed black male – gained national attention and reinforced the conversation on the targeting of black communities by increased policing. In the new period of social turmoil, Martin's murder, coupled with Alexander's monograph, acted as the culmination of decades of systemized

[48] Todd Clear, *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse* (Oxford: Oxford University Press, 2007), 91.

policing on communities of color and revealed to many Americans the complications of the current criminal justice system.[49]

Challenging Alexander's work, authors such as Gottschalk claim that rather than a new Jim Crow, the criminal justice system has systematically denied rights to everyone who enters the prison (including Latinos and poor whites). While Gottschalk does not denounce the idea of race being a major factor in understanding who individuals incarcerated, she extends the timeline of Alexander's work and includes all formerly incarcerated individuals. In her work, *Caught: The Prison State and Lockdown of American Politics*, Gottschalk explains how a prison sentence ultimately changes what it means to be an American citizen.[50] Gottschalk's idea of individuality influenced by a prison conviction also applies to juvenile offenders and the implications that an adult conviction can radically alter a teenager's life. By arguing that the system penalizes Latinos and poor whites as harshly as it does African Americans, Gottschalk explains that while race is a major factor in understanding incarceration, it is not the determining factor.

Historian Elizabeth Hinton's *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* emphasizes the law and order rhetoric used in presidential administrations to create three different cultural wars: on poverty, on crime, and on drugs. She argues, "The expansion of the carceral state should be understood as the federal government's response to the demographic transformation of the nation at mid-century, the gains of the African American civil rights movement, and the persistent

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[49] Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2012).
[50] Marie Gottschalk, *Caught: The Prison State and Lockdown of American Politics* (Princeton: Princeton University Press, 2015.)

threat of urban rebellion."[51] Hinton emphasizes the creation of modern mass incarceration through the bipartisan effort of both liberal and conservative policymakers, including how the Nixon and Ford administrations emphasized federal policies on crime. Together, Gottschalk and Hinton's work explain how American politicians use of *law and order* and *tough on crime* rhetoric, combined with changing political policies, has fueled the current system of mass incarceration.

Historian Heather Ann Thompson's *Blood in the Water: The Attica Prison Uprising and Its Legacy* analyzes the events of September 9, 1971, when inmates at the Attica Correctional Facility in upstate New York overtook the prison, resulting in forty deaths (both inmates and hostages). Through her careful evaluation of the Attica prison uprising, Thompson highlights the treatment of the event by media, lawmakers, and New York state bureaucrats. Thompson's work goes beyond simply analyzing the uprising through her inclusion of societal and racial tensions in America in 1971, exposing how this time period became a "clash of generations… unfolding in the microcosm of a prison uprising that was to become a watershed moment in American correctional history."[52] By highlighting the Attica Prison uprising, Thompson explains how this event did not occur in a vacuum, rather it was a culmination of policies, laws, and policing that led to the overthrow of the prison guards. Thompson also explains how an overthrow of the prison could occur in 1971, reflecting on how the event took place and why it could not happen today. Considered "more than a portrait of a prison riot, it is also the biography of an

[51] Hinton, *War on Poverty to the War on Crime,* 11.
[52] Roger Guy, "Blood in the Water: The Attica Prison Uprising and its Legacy," review of *Blood in the Water: The Attica Prison Uprising and its Legacy*, by Heather Ann Thompson, *Western Historical Quarterly* 49, no. 3 (Autumn 2018): 345. Heather Ann Thompson, *Blood in the Water: The Attica Prison Uprising and its Legacy* (New York: Pantheon, 2016).

era," Thompson's work highlights the popularity of carceral history for academic and general audiences.[53]

Peter Edelman's 2017 monograph, *Not a Crime to Be Poor: The Criminalization of Poverty in America* exposes the unfair system of increased fines and fees placed on Americans who are part of the criminal justice system. The fines associated with low-level misdemeanors (for example, running a stop sign), if they go unpaid or not paid on time, can result in prison time, crippling the American communities that live in poverty. Understanding how the capital investment of the prison system puts America's poor at a disadvantage for escaping jail time is part of the reason for the mass incarceration experienced in America's prison system. Edelman dubs it the "cradle to coffin" pipeline, highlighting the difficulty in escaping the prison system once an individual is part of it.[54] Considered by some as the civil rights fight of this generation, incarceration and finding an end to mass incarceration in America, has become a social and legal battle, fought both on the ground and in the court systems. While mass incarceration has become a highly politicized and public debate, juveniles involved in the incarceration system remain a highly vulnerable population.

The most recent scholarship regarding juvenile justice has shifted again to include education, activism, and ideas for rehabilitative and restorative justice, underlining the larger argument of understanding American incarceration and *how* the United States has become the nation with the highest incarceration rate in the world. The latest scholarship, written by historians, criminal justice professors, public administrators, and

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[53] Guy, "Blood in the Water: The Attica Prison Uprising and its Legacy," 345.
[54] Peter Edelman, *Not a Crime to Be Poor: The Criminalization of Poverty in America* (New York: The New Press, 2017).

anthropologists focuses primarily on how certain juvenile populations have become targets for convictions, life inside detention centers, repercussions of the current juvenile court and what happens to individuals post-release in modern day America.

Criminologist Geoff K. Ward's *The Black Child Savers: Racial Democracy and Juvenile Justice* expands upon Platt's original ideas of child saving during the Progressive Era and the subsequent failure of such policies; however, Ward develops a much more robust narrative of how the original juvenile justice system developed along a racial divide. He begins his work with the court decision *Ex parte Crouse* (1838) that "affirmed the government's authority to intervene in the lives of juvenile dependents."[55] Ward highlights the difference between white and African American reformers involved in the rehabilitation movement in the twentieth century and analyzes how white juvenile facilities often barred black children from using the facilities, forcing black juveniles to use adult prisons. Ward's work is one of the first publications to analyze how emerging juvenile courts treated black children differently and how the treatment of black juvenile offenders continued a tradition of separate and unequal. Ward recognizes how the early formations of juvenile facilities and policies characterized the entire system and how historians have continued to overlook the treatment of black juveniles in the larger narratives regarding juvenile justice in America.[56]

As modern incarceration grows as a historical field, historians are beginning to analyze the entire system of carceral studies, including the youngest offenders. Each of

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[55] Bryan Wagner, "The Black Child Savers: Racial Democracy and Juvenile Justice," review of *The Black Child Savers: Racial Democracy and Juvenile Justice*, by Geoff Ward, *Journal of American History* 100, no. 1 (June 2013): 180. Geoff Ward, *The Black Child Savers: Racial Democracy and Juvenile Justice* (Chicago: University of Chicago Press, 2012).

[56] Heather Ellis, "The Black Child Savers: Racial Democracy and Juvenile Justice," review of *The Black Child Savers: Racial Democracy and Juvenile Justice*, by Geoff Ward, *Punishment and Society* 15, no. 5 (December 2013): 587-589.

these publications, including early scholarship as well as scholarship on adult incarceration, provides context for the current literature on carceral studies and highlights gaps in prison history. As with any historical field, as interest in the subject grows, so do sub-sections of history. As interest in the history of mass incarceration has gained popularity in the past decades, so has interest in females in prison, communities of color in prison, and youth in prison.

By analyzing the origin, development, and subsequent laws of North Carolina's juvenile court system, my research introduces a new and necessary component to the existing historiography of North Carolina's state history and provides insight into the growing scholarly discussion on juvenile incarceration. It explores the origins of North Carolina's juvenile justice system to provide a comprehensive understanding of the juvenile court statute of 1919, offering historical context for scholars examining North Carolina's recent "Raise the Age" campaign. Chapter Two highlights the influence of the Progressive Age in developing reformatory and training schools in North Carolina and the foundation of the first legislative policies regarding juvenile justice. Chapter Three situates North Carolina within the national context of childhood reform and juvenile justice in the early twentieth century. The chapter analyzes why North Carolina lawmakers chose to disregard national recommendations for age limits, as well as the establishment of the juvenile court system in the state. Both chapters explain the origin and development of the juvenile court system in North Carolina, from its inception to its implementation, providing context as to why the 1919 juvenile court laws lasted for a century. North Carolina's reluctance to raise the age of criminality to eighteen years old stems from a tradition of considering adulthood to begin much younger than other states,

in regards to education, labor, and the criminal justice system. The epilogue explores the way that this story connects to the present, engaging with efforts made by activists and lawmakers throughout the twentieth century and the eventual repeal of the Juvenile Court Statute of 1919.

Most scholars have focused on the North Carolina Juvenile Court Statute of 1919 as the beginning of juvenile justice in North Carolina. This thesis addresses the causes that led to the 1919 legislation to provide a thorough understanding of the historical context that allowed this specific legislation to last a century. By researching the origins of the North Carolina juvenile court system and the reforms taking place in the decades leading to the passage of the Juvenile Court Statute, I offer an extensive understanding of North Carolina's policy of continued incarceration of sixteen year olds as adult criminal offenders. This research focuses on the decades leading up to the passage of the Juvenile Court Statute, analyzing North Carolina's policy of placing conventional juveniles in the adult prison system and the effect that the adult sentence has on the individual's quality of life.

CHAPTER TWO – JAILHOUSE BOUND: THE ORIGIN OF THE NORTH CAROLINA JUVENILE COURT SYSTEM

At the turn of the twentieth century, a spirit of moral reform swept across the United States. While Progressivism differed between regions, particularly North and South, the conclusion of the Civil War and subsequent years prompted Americans to re-examine their current social systems, regardless of geographic location. The changing economic practices and shifting economy following the war propelled the idea that Americans needed to reset their moral compass, thus emphasizing the need to *save* the lower classes of urban and agrarian society. The economic depressions Americans experienced in both 1873 and again in 1893 exposed the country's social injustices and elevated the need for a refined American moral mission at the beginning of the twentieth century. The rise of Progressivism permeated the country and began addressing areas such as labor, poverty, prison, education, and others. Fueled by the new Progressive reforms, individuals and civic groups began to adopt Progressive ideology and rhetoric, giving them the confidence that they could fix American societal ills. The Progressive Era, roughly defined by historians as the period following the Civil War until World War I (1870-1920) was an era of industrial growth, in which cities experienced rapid change in ways that upper middle class society deemed morally unacceptable.[57] Prior to the idea of Progressive politics, most reforms and orders for social change initiated from local individuals, groups, and communities lobbying for a change to local social systems.

This chapter will present the actions taken by white and African American Southern reformers of the Progressive era lobbying for the creation and implementation

[57] Richard Hofstadter, *The Progressive Movement 1900-1915* (Englewood Cliffs: Prentice Hall, Inc., 1963), 3.

of new social systems, most notably the creation of a separate juvenile court system. Through the changing moral reforms of the era, reformers targeted the current penal system and in doing so campaigned for the separation of children (juveniles) from adults, fighting for an entirely separate system to treat young offenders.

Women became the earliest activists and primary force in advocating for juvenile court reform, first for young white offenders, and later for African American juveniles. Beginning in Illinois and Colorado in the late 1890s, state legislatures began implementing juvenile court laws. In North Carolina, the struggle for a juvenile court system began through the efforts of female civic groups including the King's Daughters of North Carolina, the white Women's Christian Temperance Union, and the North Carolina Federation of Women's Clubs (white and African American), including their campaigns for rehabilitation for juvenile offenders through the establishment of training school reformatories. Prompted by nationwide Progressive Era ideals, North Carolina women focused their lobbying efforts on the creation of a separate juvenile court system that emphasized rehabilitation rather than punishment.

Defined by their optimism for the future through their current activism, most early Progressives believed that they would be able to remedy the "social evils" of America, thus ensuring a better life for future generations of Americans.[58] In an attempt to reshape middle-class adult behavior, Progressive reformers focused on the fight to "ban liquor, eradicate prostitution, and limit divorce," while their campaigns to transform behavior in the lower classes focused on the improvement of the "living conditions of workers, and

[58] Hofstadter, *The Progressive Movement*, 4-5.

[an attempt] to modernize the agrarian way of life."[59] In order to restructure the lower classes of American society, reformers often aimed their reform efforts at the impoverished urban youth of American cities, as well as the children of farmers and laborers. Considered primary targets by social reformers, children of poverty emphasized the problems with lower class Americans. Poverty typically meant that the home (parents) needed civic aid to change their ways of life and that the state needed to save the child from this "unfit" home. Reformers considered children more malleable than their adult counterparts, since their young age allowed the possibility for rehabilitation and indoctrination. Saving children and instilling principles such as respect, maturity, and obedience became the primary efforts of certain Progressive reformers, as the reconstruction of American childhood through Progressive activism ensured the moral stability of the country.

Rise of Progressivism

The ideology of Progressivism originated in the northern region of the United States (primarily in urban cities) and then spread to the west, eventually dispersing to southern states. Popular Progressive ideology infiltrated American society, slowly becoming a nationwide trend. Progressive ideals and values, while broadly applied to an era in American life, did not mean that all American citizens received the same moral reform ideals. The long rooted racial divisions in the south prohibited African American citizens from experiencing new Progressive ideals and social changes. As noted historian C. Vann Woodward explains, "The paradoxical combination of white supremacy and

[59] Michael McGerr, *A Fierce Discontent: The Rise and Fall of The Progressive Movement in America, 1870-1920* (New York: Free Press, 2003), 79.

progressivism was not new to the region (south), but it never ceased to be a cause of puzzlement and confusion above the Potomac, and a little below."[60]

The rising popularity of Jim Crow laws prohibited new progressive ideals and the fledgling concept of the welfare state from aiding all American citizens. Concerned about race and space, white individuals (predominantly southerners) created a caste structure of racial oppression for newly freed black Americans. A system of laws, known as Jim Crow, denoted African Americans to second-class citizenship in the United States. More than a system of laws, Jim Crow became a way of life so deeply embedded in the social structure of the American South that outward oppression, racism, and violence became part of normal life. Jim Crow laws dictated how and where African American citizens could live, in both the private and the public spheres. During a time of systematic oppression for African Americans and communities of color through the enforcement of Jim Crow laws, southern progressive individuals and civic groups struggled with the dichotomy between the application of Progressive ideals to all citizens in need and the inherited racism of a region. While southern civic groups worked to create social reforms and undo the societal evils created by the Industrial Revolution and emphasized in the Civil War, their Progressive ideals rarely crossed racial boundaries. Progressivism and progressive changes to society were often "for whites only; African Americans were either excluded or attacked outright."[61] As social reforms gained popularity in American society, the idea that the state became the parent to its citizens strengthened and codified

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[60] C. Van Woodward, *Origins of the New South, 1877-1913* (Baton Rouge: Louisiana State University Press, 1951), 373.
[61] Jacqueline A. Rouse, "Atlanta's African-American Women's Attack on Segregation," in *Gender, Class, Race, and Reform in the Progressive Era,* eds. Noralee Frankel and Nancy S. Dye (Lexington: University of Kentucky Press, 1991), 12.

the social system for keeping African Americans and communities of color oppressed. As historian Geoff K. Ward explains, this "new institution of racialized social control, the white-dominated parental state, was organized to underdeveloped black citizens deemed delinquent and black civil society generally and, thus, to maintain the boundaries of white society."[62] As Jim Crow laws gave more power to the state, the idea that the state's control could extend to delinquent children as well gained popularity. By "parenting" citizens, states could maintain control over African Americans, communities of color, poor whites, and children. This new level of control allowed state officials to preserve the society and way of life that had shifted following the Civil War. The growing ideology of welfare – meaning the state and federal government's responsibility to take care of its citizens – began to gain popularity in the early twentieth century.[63] While the development of Progressive reforms and welfare systems has undoubtedly benefited American society by producing laws that protect laborers, the education sector, and health conditions, individuals in power also used its popularity as a foil to maintain societal control.

Progressive values and the idea that the state assumed the parental role of caring for its residents bolstered the development of the welfare state. For North Carolina,

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[62] Geoff K. Ward, *The Black Child Savers: Racial Democracy and Juvenile Justice* (Chicago: The University of Chicago Press, 2012), 47.

[63] The idea of welfare gained popularity with early twentieth century welfare programs taking place across the United States. Publications such as Robert Hunter's *Poverty* (1904) and Upton Sinclair's *The Jungle* (1906) further expanded the idea of conditions of poverty in America. Organizations such as the National Association for the Advancement of Colored People (1909), National Conference of Catholic Charities (1910), American Association for Labor Legislation (1912), and the Children Bureau (1912) provided information and aid to individuals across America. This growing concept of the welfare state centered more on the idea that state and federal governments should be enacting programs and conferences that aid all Americans, including systems such as workmen's compensation, settlement houses, public welfare departments, mother's aid, social work profession, and the veteran's bureau.

specifically, the state implemented a Board of Public Charities in 1868 to assist the state's poorest classes, which aided political reforms such as temperance, women's rights, civil rights, and labor reform. The Board of Public Charities obtained space in the State Capitol building in 1904. In 1917 it became officially recognized as the Board of Public Charities and Public Welfare with primary responsibility to supervise and investigate "the entire system of penal and charitable institutions, and it was given greater fiscal and legal resources to accomplish its mission."[64] The driving force behind the Board grew from the Progressive ideals of saving the wayward and downtrodden citizens of the state. The developing idea of the welfare state and the idea of *saving* encouraged an ideology in which the state became the parental guardian of children of poverty or of children who state officials deemed delinquent. Just as it had for African Americans and poor whites, the state assumed the role of the parent (making decisions for children), garnering more influence and the ability to sway individuals in positions of power in state government. Houses of refuge became one of the first features of parental welfare implemented by the state. These early forms of reformatories began in the northeast, in urban cities such as New York, Philadelphia, and Boston, and their missions "formally stressed practical training, discipline, and moral guidance."[65] By implementing houses of refuge, states' influence became twofold. First, houses of refuge allowed children who *did* need a safe space a place to call home. Second, it provided the physical space for states to put children they removed from a home officials deemed unfit in order to correct their behaviors and shape them into model citizens. Houses of refuge highlight the idea of the

[64] David A. Norris, "Poverty," *NCPedia*, last edited 2006, last accessed February 15, 2019, https://www.ncpedia.org/poverty-part-3-statewide-public.
[65] Ward, *The Black Child Savers*, 52.

welfare state as a foil for state governments, as states used them as ways to display the importance of state charity, while also reforming and rehabilitating children as the state deemed appropriate.

The emerging welfare state, in tandem with the popularization of houses of refuge across the country contributed to the idea for a separate juvenile court system. The increasing demand for saving the morality of the lower classes emphasized the idea that reform efforts could save children, which led to the ideology that the state would rear the child if state government workers deemed the child's parents unfit. Recognizing the discrepancies between the adult court and children's needs, individuals and civic groups began to advocate for the separation of children from the adult penal system. Women emerged as the driving force behind recognizing the differences between adult and juvenile criminals, and calling for a separate juvenile court system nationwide.

Tired of their limited role in political affairs, predominantly middle class white women became more involved in the political sphere through Progressive reforms. This increased political involvement stemmed from the belief that women's innate nurturing made them "far better equipped than men to introduce into politics the note of morality and humane concern that the state of American society needed so badly."[66] The ideology that women's natural maternal instincts drove female involvement in Progressive reforms allowed women to become mothers to all children. Women – presumed as innately feminine, gentle, placid, moral, and kind – became the suitable choice to spearhead Progressive reforms that dealt with children, including children's involvement in labor, education, and the prison system. Even women who did not have children of their own

[66] Hofstadter, *The Progressive Movement*, 9.

could become a "mother" to a child in need by participating in a reform movement. Progressive women used the idea of innate female traits to involve themselves in debates about the current and future health of America. By tying themselves to the domestic sphere and the characteristics it encompassed, women presented themselves as the sole force that could change the problems American society faced, an as attempt to become a political force in the public sphere. Female reformers used the concept of femininity and innate mothering as foil to introduce themselves into the public sphere; however, their emphasis on innate feminism ultimately reinforced gendered stereotypes of American society. This emphasis on motherhood for all children tied women closer to the domestic sphere, the exact opposite of their desire to enter the public sphere.

The National Congress of Mothers and Parent-Teacher Association, a major Progressive association, became "the pioneer organization in studying and promoting every stage of child welfare movements, because without mothers' cooperation no real betterment can be secured for children."[67] Instrumental in spreading the idea of a separate juvenile court system through their belief in child rearing practices and traditional women's roles, The National Congress of Mothers popularized and promoted its beliefs of motherhood and the security of American childhood across the country. Progressive female civic groups invested themselves in the creation and rise of juvenile courts throughout America, as well as campaigns for education for children and increased child labor laws. Female reformers efforts to save children meant they had to focus their efforts on multiple aspects of a child's life.

[67] Mrs. Frederic Shoff, "The National Congress of Mothers and Parent-Teacher Associations," *The Annals of the American Academy of Political and Social Science* 67 (September 1916): 139.

Prior to women's involvement and the changes propelled by social groups and Progressive ideals, judges typically sentenced children accused and convicted of criminal charges to adult prisons or penalized them at the same rate as adult offenders. Finding this treatment and sentencing grossly outrageous, Progressive women began to focus on the creation of a court separated from the adult prison system, one that would allow the child to develop in a correctional facility rather than a jail. Women progressives found the current carceral system inadequately equipped to handle children who broke the law and lobbied for a probation method that would "allow these children to experience the proper influences of childhood."[68] Middle class women, female social groups, and civic clubs became the active agents, pushing the legislation needed to change state laws and the treatment of children in adult courts, as well as the establishment of juvenile courts.[69]

American Juvenile Courts

The efforts of these women led to the steady rise of separate juvenile court systems, beginning with the juvenile court in Chicago, Illinois in 1899. The history of the juvenile court system emphasizes the importance of women in creating a national trend of removing children from the adult court system. The Honorable Richard S. Tuthill, presiding over Cook County, Illinois, presented a bill to the Illinois State legislature, later known as the "juvenile court law of Illinois."[70] The first of its kind, the bill's basic principles stated:

> That no child under 16 years of age shall be considered or be treated as criminal; that a child under that age shall not be arrested, indicted, convicted, imprisoned,

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[68] Elizabeth J. Clapp, *Mothers of All Children: Women Reformers and the Rise of Juvenile Courts in Progressive Era America* (University Park: The Pennsylvania State University Press, 1998), 47.
[69] Clapp, *Mothers of All Children,* 103.
[70] Richard S. Tuthill, "Children's Courts in the United States, Illinois: The History of Children's Courts in Chicago," in *Children's Courts in US: The Origin, Development, and Results* (Washington: Government Printing Office, 1904), 1.

> or punished as a criminal. The law divides children into two classes, the "dependent" and the "delinquent."[71]

Trailing behind Cook County, the city of Buffalo, New York implemented a separate juvenile court system for children on January 1, 1900. Spreading from Buffalo to the boroughs of Manhattan, New York state began to implement juvenile court systems for children under the age of sixteen. Most juvenile reform movements began at the city and county levels before statewide implementation.

Two months prior to Illinois' juvenile law in 1899, Colorado legislators approved what they deemed the "school law." This law stated that school children "under 16 who are vicious, incorrigible, or immoral in conduct or habitual truants from school, or who habitually wander about the streets and public during school hours… shall be deemed juvenile disorderly persons, subject to the provisions of the act."[72] While Colorado's "school law" superseded Illinois' juvenile court law, the state of Colorado rarely utilized or emphasized the school law in juvenile court cases. Not until Illinois state legislators and female civic groups began to petition for an entirely separate system for juvenile offenders did the state of Colorado begin to materialize (and actively use) their separate juvenile court system. The Colorado legislature approved the legislation regarding the declaration of juvenile laws and court systems in January 1903. By 1900, Pennsylvania began drafting a bill for a juvenile court system, modeled after Chicago's juvenile laws and by 1903, Pennsylvania had adopted both a juvenile court system and a probation system for juvenile offenders. New Jersey's juvenile court laws passed in April 1903, followed by Indiana and Missouri.

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[71] Ibid., 2.
[72] Ibid., 51.

Most of these juvenile court systems focused on the rehabilitation of the child, emphasizing the idea that the system *saved* the child from a broken home or wayward lifestyle. Paid probation officers monitored a juvenile's behavior throughout the mandated probation sentence. As stated by Judge Ben Lindsey of Colorado, "the court is their [juveniles] defender and protector as well as corrector."[73] Influenced by welfare state ideas tied to saving and rehabilitating children from broken homes, the juvenile laws, courts, probation, and reformatories became ways for states to control children they deemed delinquent. These early juvenile court proceedings were typically informal and often the sentencing took place "with much discretion left to the juvenile court judge."[74] The idea of the separate juvenile court system gained national attention in the late nineteenth and early twentieth century and eventually arrived in North Carolina.

North Carolina

Following the national trend of women working to define state specific juvenile courts, North Carolina social groups turned their attention to the children of the state. Proposals for juvenile court reform began in North Carolina in the late 1890s, through the unionized efforts of progressive civic groups such as the white Women's Christian Temperance Union (WCTU) and the King's Daughters of North Carolina. By 1892, the North Carolina Board of Public Charities adopted juvenile prison reform as one of its primary causes.[75] Progressive women and individual activists worked throughout the early 1900s to establish first, a reformatory school for North Carolina's wayward

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[73] Ibid., 64.
[74] Institute of Medicine and National Research Council, "Chapter Five: The Juvenile Justice System," in *Juvenile Crime, Juvenile Justice* (Washington, D.C.: The National Academies Press, 2001), 154.
[75] Anastasia Sims, *The Power of Femininity in the New South: Women's Organizations and Politics in the 1880 - 1930* (Columbia: University of South Carolina Press, 1997), 119.

children, and second, a separate juvenile court system. The nationwide movement of rising female civic participation and community activism influenced North Carolina's reform efforts. These reforms focused specifically on children's public health, housing, education, and their place in the adult prison system. The King's Daughters of North Carolina, perhaps the most influential service group regarding white children in the North Carolina penal system, adopted the rhetoric and ideology of other social groups across the nation to begin campaigning for juvenile justice reform in the state of North Carolina. Juvenile justice became a popular reform movement after newspapers publicized child conviction cases. A North Carolina legislator, James P. Cook, recalled the 1890 case of a 13-year-old boy sentenced to a chain gang for three years and six months, stating:

> There was no one to speak for the boy. The court devoured him. The solicitor's prayer for sentence upon this white boy, who made no defense - no appeal for mercy, or even human justice - was the meanest, coldest utterance ever spoken in the state. In the language of another, reviewing the course of a certain judge, that solicitor's act and enthusiasm in putting away that particular white boy, where his soul could be properly damned, was as cruel as the grave.[76]

The popularization of these types of sentences propelled the King's Daughter of North Carolina into civic action. The King's Daughters and Sons (KDS) of North Carolina, born out of the Silent Sisters of Service, opened their first circle in Wilmington, North Carolina in 1886.[77] The second circle opened in Greensboro in 1887, followed by circles

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[76] S.G. Hawfield, *History of the Stonewall Jackson Manual Training and Industrial School* (Concord: Boys of the Printing Department, Stonewall Jackson Manual Training and Industrial School, 1946), 12.

[77] The Silent Sisters of Service was a Christian organization formed in New York in 1886 by Margaret Bottome. They focused primarily on service to community and membership included only women. Emma G. Williams, the founder of North Carolina's first order of the North Carolina King's Daughters and Sons, was in New York at the time the Silent Sisters of Service founded the first order of the King's Daughters and Sons. Williams opened the first branch in North Carolina at the Wilmington First Baptist Church in Wilmington, North Carolina in 1886.

in Salisbury, Henderson, and Greenville.[78] In 1902, the King's Daughters and Sons of North Carolina had twenty-six local circles throughout North Carolina, all engaged with public charity projects such as hospitals, health reform, and accessible education.[79] These twenty-six circles created the North Carolina branch of the International Order of the King's Daughters and Sons. More than a social club, the North Carolina circles focused primarily on service to their community through Christian principles and morals, as each circle typically originated as a group of women who belonged to the same church. Each of the local circles of the King's Daughters engaged in community public charities, but the principal goal of the North Carolina branch of the King's Daughters (in its entirety) was the establishment of a reformatory school for juvenile offenders.

At their fourteenth annual convention, held in Salisbury, North Carolina in 1903, Mrs. William H. S. Burgwyn delivered a speech on the need for a reformatory school in North Carolina. Addressing the annual convention, Mrs. Burgwyn – president of the North Carolina branch of the King's Daughters and Sons for twenty three years – spoke of her correspondence with other individuals in "several states, relative to Reformatories for boys, and [she] obtained literature on the subject, which was useful in furnishing statistics and also in sending, later, to members of the Legislature."[80] Mrs. Burgwyn explained that the King's Daughters had placed a card in the local papers to garner the public's attention of the need for a reformatory school in North Carolina. In October

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[78] If an individual wanted to become involved in the King's Daughters and Sons of North Carolina, they could create a circle with a membership of three individuals. Three people were needed to establish a certified KDS circle. Once three people had established the initial circle and amassed a broader membership number (no specified number is given, simply more than three) the local circle could then establish a branch of the KDS in that state or province.

[79] Clarence E. Horton Jr., "King's Daughters and Sons," *NCPedia*, last edited 2006, last accessed February 10, 2019, https://www.ncpedia.org/kings-daughters-and-sons.

[80] The King's Daughters and Sons, Fourteenth Annual Convention Minutes, April 1903 (Salisbury: North Carolina), 6.

1902, the King's Daughters requested that local newspapers print an authorized petition for a reformatory school and by November of that year, a copy of the petition had been mailed to each North Carolina Senator and Representative. On January 27, 1903, the Senate chamber in Raleigh permitted a hearing by the Reformatory Committee of the King's Daughters of North Carolina. After the hearing, the Senate ultimately vetoed the bill for a reformatory institution; however, state legislators encouraged the King's Daughters of North Carolina to start a reformatory school without the aid of the state and mentioned that their efforts may be given priority the following year.[81]

In an effort to raise the necessary funds, the King's Daughters reached out to the white Women's Christian Temperance Union (WCTU), the North Carolina Federation of Women's Clubs (NCFWC), and the United Daughters of the Confederacy (UDC). The funds raised through these white civic groups foreshadowed the racial undertones of the reformatory and ultimately, the child saving mission in North Carolina. Young white males took precedence for all monetary donations for the reformatory. The WCTU and middle-class African American civic groups would later champion young women and African American children, an afterthought for the King's Daughters. This initial fundraising campaign and support from organizations such as the UDC exposed racial tensions in North Carolina.[82] While white children would be spared from the adult court system, African American children would continue to be subjected to jails, chain gangs, and lynching. By 1903, the circles of the King's Daughters across North Carolina had raised over $1,000 to begin work on a school on a fifty-acre tract of land they had acquired in Moore County, including the building of a carpenter's shop. This fundraising

[81] Ibid., 6-7.
[82] Sims, *The Power of Femininity*, 120-121.

campaign showed the commitment of the KDS to establishing a reformatory school for white boys. The 1905 Report of the Reformatory Committee at the sixteenth annual session revealed that the women of the King's Daughters were still working to gain support of the public, as well as the state legislature, for a "North Carolina Training School for White Boys."[83]

Stonewall Jackson Manual Training and Industrial School

For the next four years, from 1903-1907, the King's Daughters of North Carolina lobbied, campaigned, and fundraised until the capital for a reformatory school could be acquired. By 1907, the King's Daughters had raised enough money to begin construction on the school, but lacked the support of the North Carolina General Assembly to build and maintain the school. Brought before a divided Assembly, the bill was met with opposition by legislators who worried about the cost to operate the school and the tax dollars required from the North Carolina public. In order to win the support of North Carolina legislators, which included a number of ex-Confederate soldiers, the King's Daughters decided to name the school after Thomas Jonathan "Stonewall" Jackson, a Confederate general in the American Civil War. Jackson's widow, Mary Anna Morrison Jackson, lived in Charlotte, North Carolina, at the time of the school's construction. Publicized as both a reformatory mission and homage to the late general, the King's Daughters and the school's supporters hoped to swing the vote of the legislators who continued to worry about the cost to construct and operate the school.[84] Their idea to use the school as a concrete memorial and tribute to Stonewall Jackson worked. Legislators

[83] The King's Daughters and Sons, Sixteenth Annual Convention Minutes, 1905 (Salisbury: North Carolina), 29.
[84] Sims, *The Power of Femininity*, 120.

decided "the name Stonewall Jackson Manual Training and Industrial School was adopted as a suitable name, and the Confederate soldiers all voted in favor of the bill," and a unanimous vote in favor passed the bill on March 2, 1907.[85]

After the General Assembly passed the bill to establish the Stonewall Jackson School, North Carolina Governor R.B. Glenn appointed James P. Cook to the school's board of trustees, which he chaired. Cook's involvement in establishing the Stonewall Jackson School was noted in a 1919 *Greensboro Daily News* article titled "Reclaiming our Boys."[86] Cook's involvement with the Stonewall Jackson School dates to the school's inception. He recalled how the treatment of a thirteen year old offender prompted the involvement of the King's Daughters in establishing a reformatory school. In 1907, the new board of trustees for the Stonewall Jackson School advertised bids for the site of the training school. They stipulated that the site had to be minimum 200 acres. As bids for the placement of the Stonewall Jackson School went public, citizens of Concord, North Carolina – home of J.P. Cook – invested in the idea of securing the location for the school in Cabarrus County as a tribute to Cook and his work for the state youth. A 1907 Concord city meeting launched a fundraising campaign to raise the $10,000 necessary to begin construction on the school. Through donated funds throughout the community, the city of Concord raised the $10,000 needed to establish the school in Cabarrus County and the city bought 300 acres of land southwest of Concord.[87]

The establishment of the Stonewall Jackson School trailed decades behind the implementation of reformatory schools in states across the country including Iowa

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[85] Hawfield, *History of the Stonewall Jackson Manual Training and Industrial School,* 16.
[86] G.G. Dickson, "Reclaiming Our Boys," *Greensboro Daily News*, September 7, 1919, page 2.
[87] Hawfield, *History of the Stonewall Jackson Manual Training School,* 23-24.

(1868), Kansas (1881), Missouri (1889), Nebraska (1881), and South Dakota (1887).[88] With the exception of Virginia (which established the Virginia Industrial School for Boys in 1890) North Carolina's establishment of a training and industrial school occurred roughly at the same time as regional states, including Tennessee, South Carolina, and Georgia. Each state established a reformatory school for white boys between 1905 and 1911. In 1905, under the management of the Georgia Prison Commission, the state of Georgia opened the Georgia State Training School for Boys. In 1906, the South Carolina General Assembly established a segregated industrial school for juvenile males in the state, followed by the opening of the Tennessee State Training School by Tennessee state officials in 1911.

The 1907 North Carolina General Assembly passed the legislation needed to establish the Stonewall School and later that year, construction commenced. The legislation stated that a school would be built and operated for delinquent children under the age of sixteen and would promote the rehabilitation of child offenders. It would provide both manual and moral training skills to children and state legislators gave school officials the power to "keep, restrain, and control them [the child] during their minority or until such time as they shall deem proper for their discharge."[89] The legislation required the governor visit the school once a year, and provided him the power to transfer any individual (under sixteen) from a chain gang or prison to the school. The act also vested discharge authority to the acting superintendent. Never officially stated in the 1907

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[88] John L. Bell, "Lawrence Augustus Oxley: The Beginnings of Social Work Among Blacks in North Carolina Counties," *Journal of the Appalachian Studies Association* 3 (1991): 106.
[89] North Carolina General Assembly, *Public Laws and Resolutions of the State of North Carolina*, passed by the General Assembly, Session 1909 (Raleigh: E.M. Uzzell & Co., State Printers and Binders, 1909) 1194.

legislation, the only children admitted to the newly approved Stonewall Jackson Manual Training and Industrial School would be white males. In 1908, the white WCTU announced, "We rejoice that that steps have been taken to produce a reform school for white boys, but still believe that provisions should be made by our State for the careful reform of juvenile offenders of both colors that they may be restored to lives of usefulness."[90] Despite this plea, a reform school for African American children would not come to fruition for another seventeen years.

Completed in 1909, the Stonewall Jackson School became the first reformatory for white delinquent males in North Carolina, operating under the supervision of the school's inaugural superintendent Walter R. Thompson. Governed by a Board of Trustees, comprised of both men and women, the Stonewall School opened on January 12, 1909, accepting the young white delinquents across North Carolina. The original Board of Trustees incorporated many familiar names, including: Mary Anna Jackson (Stonewall Jackson's widow), Mrs. Maggie Burgwyn, Mrs. Easdale Shaw, and James P. Cook.[91] The decision to include Mary Anna Jackson as one of the first Board of Trustees members reinforced the racial demographic of the Stonewall School. The early campus was composed of the administration building and cottages (homes), trade training and institutional service buildings (printing department, shoe shop, and carpenter shop), the King's Daughters Chapel, and the academic school. S.G. Hawfield, Superintendent of the Stonewall Jackson School throughout the 1940s and author of the *History of the Stonewall Jackson Manual Training and Industrial School*, stated the primary purpose of the school:

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[90] Sims, *The Power of Femininity*, 122.
[91] Hawfield, *History of the Stonewall Jackson Manual Training and Industrial School*, 27-28.

> A training school is a specialized boarding school established for the purpose of understanding, re-educating, and restraining the child who is in conflict with accepted standards of social living but who is not defective, psychotic, or physically disabled, although he presents problems of maladjustment so extreme that he needs to be removed from the community for his own protection, or for the protection of persons and property in the community.[92]

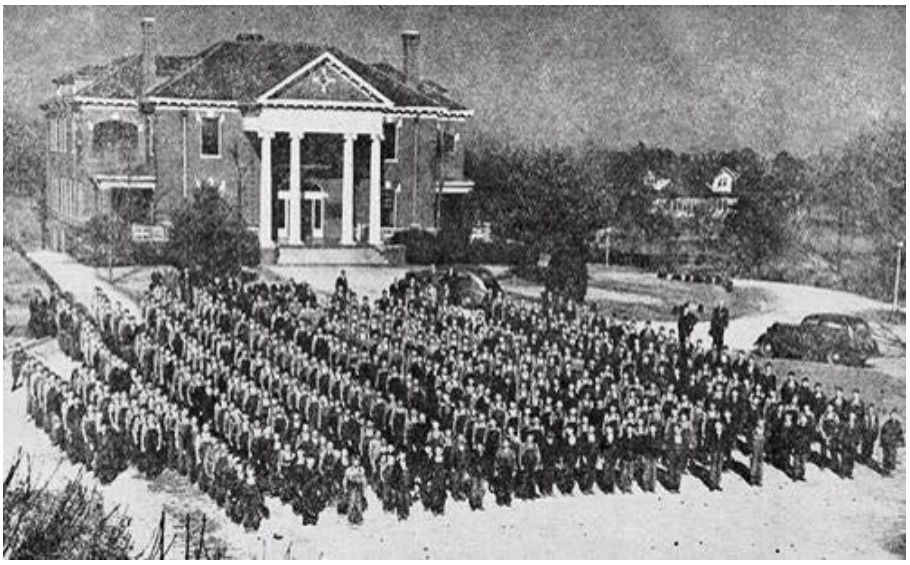

Figure 1: Stonewall Jackson Manual Training and Industrial School, Student Assembly in front of Administration Building.[93]

For African American children, the same rights and ideas expressed by juvenile justice reformers (primarily the King's Daughters of North Carolina), did not extend to them. The juvenile court, developing during the Jim Crow era, provided an avenue of harsher punishment for young African American offenders. Just as the King's Daughters of North Carolina worked to establish a reformatory school, black civic clubwomen throughout the South worked to develop reformatories and juvenile justice initiatives that included African American children. As early as 1886, African American women,

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[92] Ibid., 23.

[93] S.G. Hawfield, *History of Stonewall Jackson Manual Training and Industrial School*, located on page after Forward. Digital scan made available through the University of North Carolina at Chapel Hill. Image courtesy of the HathiTrust Digital Library scan, made available through UNC Chapel Hill.

belonging to civic clubs such as the Women's Club of Atlanta and the Colored Women's League of DC (established 1892), lobbied for better treatment for black youth and protested the use of chain gangs for children.[94] In 1896, the National Association of Colored Women (NACW) – formed through the union of the Colored Women's League and the National Federation – held their inaugural conference in Atlanta in 1897. It was here that the members of the NACW "protested racial inequality in criminal justice and especially its harmful impact on black children and youth."[95] These early dates emphasize the notion that African American women felt as strongly about the child saving movement as their white counterparts. African American women realized as early as 1896 that the color line would block progressive initiatives and in order to achieve a fraction of justice for their children, they would have to begin campaigning and fundraising for reformatories and juvenile justice for young African American children.

The creation of these black women's civic organizations, and their national presence, highlights the inequalities and injustices that African American youth endured in the era of Jim Crow. In Virginia, the Negro Reformatory Association of Virginia, worked to establish a building dedicated to African American juvenile delinquents and committed to reform in 1900. John H. Smyth led the movement for the institution. In testimony to the National Conference on Charities and Correction, Smyth claimed, "It would be better to kill the unhappy children of my race than to wreck their souls by herding them into prisons with common and hardened criminals."[96] His plea to the National Conference on Charities and Correction combined with the rising participation

[94] Ward, *The Black Child Savers,* 129.
[95] Ibid., 131.
[96] Ibid., 137.

of civic-minded individuals in Virginia led to the creation of the Virginia Manual Labor School for Negro Boys, Girls, and Youths, later renamed the Virginia Manual Labor School for Negro Boys.[97] Created ten years after the establishment of the Virginia Industrial School (for white males), the Virginia Manual Labor School for Negro Boys emphasizes a theme that occurs in reformatory schools throughout the South. Typically, schools for African American children, primarily boys, followed years after the establishment of their white counterparts. The segregated nature of the South led African American civic leaders to establish innovative ways to fundraise for reformatory and industrial schools for African American children.

In North Carolina, the North Carolina Federation of Colored Women's Clubs (NCFCWC), founded in 1909, began an equally forceful campaign for the creation of a reformatory school for African American children in North Carolina. In an attempt to win over white support, African American female civic clubs campaigned in North Carolina newspapers, advocating for the moral uplift of the race. Local North Carolina newspapers (printed in the *Greensboro Patriot* and reprinted in the *Reidsville Review*) shared the idea of moral and racial uplift through a printed call to help African American youth, stating, "Any movement that helps to elevate and uplift the Negro race will also help the white race."[98] As Ward explains, in the Jim Crow South African American civic groups that advocated for equality often experienced opposition, typically through violent actions. However, by appealing to the ideology of racial and moral uplift, black civic clubs and

[97] Ibid., 136-138.
[98] Excerpt from *The Greensboro Patriot*, "To Help Negro Youths," published in *The Reidsville Review*, November 21, 1919, page 7.

individuals created a strategy for creating and maintaining juvenile justice institutions.[99] While the ideology of moral uplift can be overstated, it served as a catalyst for these early reformers to create a framework for juvenile justice equality. As early as 1909, newspapers spanning the state began reporting of a bill introduced by Mr. Murphy of Guilford County that would provide a reformatory and training school for African American children. On February 10, 1909, the *Chatham Record* of Pittsboro stated, "many colored citizens have contributed funds for the purpose," including an $800 donation by one woman.[100]

State Training School for Negro Boys

Not until 1921, eleven years after Stonewall Jackson school opened, did the North Carolina General Assembly pass legislation approving a reformatory school for African American children. This passage came through the prompting of prominent Charlotte-based barber, Thaddeus (Thad) Tate. Tate had been campaigning for a training school for black children, just as the Stonewall School operated for young white men. In 1915, Tate began a campaign titled, "Save A Boy," in Charlotte, North Carolina as a way to secure funds establish a residential facility for juvenile delinquents in Charlotte.[101] Through his barbershop, Tate met client Cameron Morrison. Tate's work in public welfare in Charlotte associated him with Judge Heriot Clarkson. Morrison would later become

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[99] Ward, *The Black Child Savers*, 154-155. For more information on the understanding of moral uplift ideology and the contention between historians on this topic, see Ward's "Chapter Five: Uplifting Black Citizens Delinquent." Ward provides a thorough explanation of why he believes early black reformers chose to use the ideology and why it worked for this particular reform movement.

[100] "With N.C. Lawmakers Doing Great Work," *The Chatham Record*, February 10, 1909, 1; More newspaper records that highlight the bill proposed by Mr. Murphy and subsequent fundraising done by the African American community include "Empie Bill Passes," *The Wilmington Morning Star*, February 4, 1909, 1; "With N.C. Lawmakers" *The Roxboro Courier*, February 10, 1909, 7. The papers do no indicate the position or occupation that Mr. Murphy held, but imply that he was part of the North Carolina legislature at the time.

[101] Alley and Wilson, *North Carolina Juvenile Justice System*, 4.

Governor of North Carolina from 1921 to 1925 and Clarkson would later become an associate justice of the North Carolina Supreme Court. Through his campaigning efforts and personal connections to Morrison and Clarkson, Tate successfully helped open a facility to provide African American males a similar opportunity for industrial and educational training.

Both Tate's involvement in the Morrison Training School and Smyth's involvement in the Virginia Manual Labor School for Negro Boys highlight the personal involvement of black men in establishing reformatory institutions. While white men, such as J.P. Cook, were involved in the process, black men were more likely to create personal ties and connections to the training schools. Both African American men and women were involved in the process of establishing reformatory schools for both genders, while female Progressive organizations, such as the King's Daughters of North Carolina, spearheaded the movement for the establishment of reformatory schools for white boys, followed by white girls.

In 1923, two years following the passage of the bill, the state appropriated money for the creation of the school, and in 1925, the State Training School for Negro Boys opened in Hoffman, on a 400-acre farm in Richmond County.[102] As governor, Morrison

[102] The farm was purchased from Cameron Morrison, which is why the school is later renamed after him. The location of the farm was most likely determined by Morrison's willingness to sell the farm in order to build the school. Throughout the 1920s, after the establishment of the State Board of Charities and Public Welfare for Negroes in 1925, new state institutions appeared across the state, including the Morrison Training School for Negroes at Hoffman, the Colored Orphanage of North Carolina at Oxford, the State Hospital for Negro Insane in Goldsboro, the School for the Blind and Deaf in Raleigh, and the North Carolina Industrial School for Negro Girls at Efland. In regards to both reformatory schools, land was purchased where it was available or through the personal connection by the African American reformers to the land owner. More information about the establishment of African American state institutions in North Carolina can be found in the Federal Writers Project of the Federal Works Agency Works Project Administration, *North Carolina: A Guide to the Old North State* (Chapel Hill: The University of North Carolina Press, 1939).

helped facilitate the opening of a training school for African American males, in which the curriculum would include both educational and vocational learning, such as English, mathematics, and science, as well as carpentry, shoe repair, barbering and mechanics.[103]

Figure 2: Administration Building, Morrison Training School, Hoffman, North Carolina, 1926. Caption reads: A State Institution for delinquent Negro boys.[104]

Samarcand Manor

Despite the influence of women's clubs in the creation of the reformatories, young female delinquents remained ostracized from the spoils of the reformatory schools.

[103] North Carolina Department of Cultural Resources, "Cameron Morrison School," North Carolina Highway Historical Markers Program, last referenced November 11, 2018, http://www.ncmarkers.com/Markers.aspx?MarkerId=K-37. The name was later changed to the Cameron Morrison Training School for Negroes, although the date for this change is debated (either 1925 or 1939), and it later became known as the Morrison Training School. The facility closed completely in 1977 when it was transferred to the Department of Corrections and re-opened as a youth prison, known as the Morrison and Sandhills Youth Center. The building continued to experience changes throughout the 1970s and 1980s, shifting from youth prison, to correctional institution, to an adult prison. The building now operates as the Morrison Correctional Institution as a medium custody level facility.

[104] Image made available through the New York Public Library, Digital Collections, Schomburg Center for Research in Black Culture, Jean Blackwell Hutson Research and Reference Division. *The New York Public Library Digital Collections*. 1926. http://digitalcollections.nypl.org/items/510d47df-e96d-a3d9-e040-e00a18064a99.

While the King's Daughters rallied behind the creation of the Stonewall Jackson School, the white WCTU became the driving force behind the campaign for an industrial school for young white girls. When prison reform and juvenile incarceration gained popularity throughout North Carolina in the late 1890s and early 1900s, the white WCTU began their campaign for an establishment for white girls in 1888. Despite assistance from the NCFWN and the Daughters of the American Revolution (DAR), it would take almost three decades of campaigning and lobbying for a female reformatory to come to fruition. In 1918, the General Assembly passed legislation providing funds for an establishment for white girls, called Samarcand Manor, also spelled as Samarkand Manor.[105] The funds purchased a tract of land, roughly 230 acres, from Charles Henderson (Headmaster of the Marienfield Open-Air School for Boys) located in Eagle Springs, Moore County, North Carolina. Samarcand Manor Industrial Training School for Girls became the first state-run female training school in North Carolina. Samarcand Manor would follow in the footsteps of the Stonewall School, focusing on the idea of rehabilitation for its young offenders, rather than punishment. Samarcand Manor's mission statement stated:

> The fundamental idea of Samarcand Manor is that every girl upon entering leaves her past behind her and begins life anew. The underlying principles of her training are the preparation of the girl for a useful life.[106]

While Samarcand Manor's reason for creation and mission statement mirrored the Stonewall School, the motive for attending the schools and the treatment of the juveniles inside the school vastly differed. Female delinquent institutions were considered a way to

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[105] Sims, *The Power of Femininity*, 123.

[106] Quote from by Eugene Brown, Assistant Commissioner of the State Department of Welfare. Found in John Wertheimer and Brian Luskey's "Escape of the Match-Strikers": Disorderly North Carolina Women, the Legal System, and the Samarcand Arson Case of 1931," *The North Carolina Historical Review* 75, no. 4 (October 1998): 437.

strengthen character and morality *before* the young woman entered society; the Stonewall School and Morrison School existed as institutions created as an avenue to help a young man *after* they had committed a crime, as the young man needed moral training and character reform. Created as an establishment that would benefit a young women by providing them skills that prepared them for their role in society as mothers, wives, and caretakers, Samarcand Manor received public funds for this purpose.[107]

In an attempt to reform young women who risked becoming a "fallen woman," female reformatory institutions became a way to save young women before they had the chance to become prostitutes, unwed mothers, or live a life of poverty. While a young man could commit a crime and then attend school to reform himself, emerging from the institution a changed man, often society considered a young woman forever branded as a delinquent, amoral, and corrupt woman, too far gone to save. Parents, teachers, and public officials recommended young women attend a reformatory institution *prior* to committing a crime or living a wayward life. Perceived as a danger to the white ideals of morality, chastity, and innocence, most young women admitted to institutions such as Samarcand had actually never committed a crime. The *Raleigh News and Observer* ran a two-page article entitled "Mary Smith, 'Fallen Woman,' and How She Was Reclaimed," which recounted the story of sixteen-year-old Mary Smith, a young prostitute guilty of "gross immoralities."[108] The article claimed Mary had "publicly solicited the attention of men, and that she had wandered the streets at night seeking her prey."[109] A judge

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[107] Leslie Brown, *Upbuilding Black Durham: Gender, Class, and Black Community Development in the Jim Crow South* (Chapel Hill: University of North Carolina Press, 2008): 272.
[108] Ben Dixon MacNeill, "Mary Smith, 'Fallen Woman' and How She Was Reclaimed," *Raleigh News and Observer,* November 28, 1920, page 21.
[109] Ibid.

sentenced Mary indefinitely to Samarcand Manor and the report stated that the training at Samarcand so greatly improved her life, Mary became a woman fit to enter society.[110] In order to solve North Carolina's "girl problem," lawmakers created state funded schools, as well as state policies (modeled on Victorian morality standards) to characterize "delinquent girls not as wayward juveniles...but as potential prostitutes who required segregation, quarantine, and study to protect potential enlisted men."[111]

Young women without a steady home life became a risk to the morality of the nation, but particularly in the American South. The "girl problem" of fallen women ran rampant especially in the South, according to historian Susan K. Cahn, since morally corrupt women in the South challenged the South's "foundational association between chastity and whiteness."[112] Samarcand Manor became a place for the state to send young women who may fall prey to the corruption of society and as a way for the state to police prostitution and poverty. In comparison to the Stonewall School, Samarcand Manor authorities enforced much stricter rules, including an earlier curfew and forbidding smoking. Additionally, Samarcand Manor kept women until school officials deemed the young women fit to re-enter society, which meant girls could be at the institution from months to years, each determined on an individual basis. In comparison to these indefinite sentences, judges sentenced the male offenders at the Stonewall School for committing a specific crime, each with an individual sentence duration.[113] By sending

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[110] Ibid.
[111] Karin L. Zipf, "In Defense of the Nation: Syphilis, North Carolina's Girl Problem, and World War I," *The North Carolina Historical Review* 89, no. 3 (July 2012): 277.
[112] Susan K. Cahn, *Sexual Reckonings: Southern Girls in a Troubling Age* (Cambridge: Harvard University Press, 2007), 182-188.
[113] Wertheimer and Luskey, "Escape of the Match-Strikers," 435-460.

young white girls to Samarcand Manor, the state was able to regulate young women who would later become white mothers, thus ensuring the boundaries of white society.

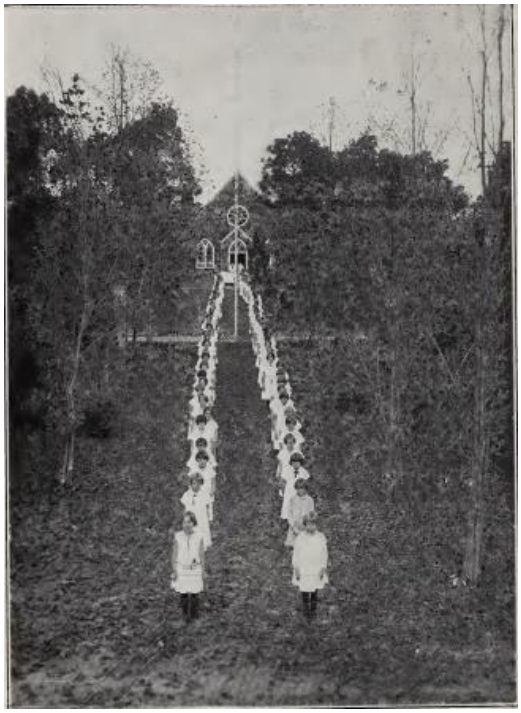

Figure 3: Women and girls at Samarcand Manor exiting the Chapel located on the property, 1926.[114]

In order to achieve their purpose of reforming and shaping young women, Samarcand Manor became a home that provided both educational and vocational opportunities for young women. The 1926 Biennial Report of the Board of Directors and Superintendent of the State Home and Industrial School for Girls highlights the vocations taught to the young women at Samarcand Manor, including mending, sewing,

[114] Image found on page eight in the Sixth Biennial Report of the Board of Directors of the State Home and Industrial School for Girls, Samarcand Manor. (Charlotte: Press of Observer Printing House, 1930). Digital image made available through North Carolina Digital Collections, State Archives of North Carolina. Image courtesy of the North Carolina State Archives Digital Collections website.

dressmaking, basketry, weaving, canning, laundry, domestic science, gardening, and dairying. The Report also provides insight into the additional curriculum of the school, which included athletics (morning drills, dancing, dumbbells, baseball, basketball, hockey, swimming, diving), religious services, education (class curriculum issued by the State Department of Education), and outside activities (care of trees, harvesting, birds, flowers, hiking).[115] The education and vocational training that the young women of Samarcand Manor received followed the established gender roles of early twentieth century American society.

Industrial Home for Delinquent Negro Girls

The passage of the legislation and accompanying funds again reiterated the racial line dividing the training school reformatories. Samarcand Manor would be for white girls only, young African American girls would continue to be punished through the traditional incarceration system, or worse, handled through the various "solutions" of Jim Crow laws. Considered to be "perhaps the most difficult social problem confronting North Carolina Negroes," by Lawrence A. Oxley (1927 Director of the State and Welfare Programs for African Americans) young black girls in North Carolina were the cause of utmost concern by African American civic women. Black civic clubs across North Carolina began to campaign on behalf of African American delinquent girls across the state. From 1919 to 1926, African American civic women, and predominantly the North

[115] Board of Directors and Superintendent of the State Home and Industrial School for Girls, Samarcand Manor, "Fourth Biennial Report for the Year Ending June 30, 1926" (Raleigh: Capital Printing Company, State Printers: 1927). Biennial Reports for Samarcand Manor (1926-1938) made available through North Carolina Department of Cultural Resources, State Library of North Carolina, and the State Archives of North Carolina "Digital Collections," accessed via http://digital.ncdcr.gov/cdm/fullbrowser/collection/p16062coll9/id/4893/rv/compoundobject/cpd/4894 .

Carolina Federation of Colored Women's Clubs (NCFCWC), led by educator and philanthropist Charlotte Hawkins Brown, fundraised across the state.[116]

In 1919, Brown began a campaign in December to fundraise for the vocational school. The duration of the campaign lasted for one week in 1919, from December 8 to December 15, and local newspapers encouraged white citizens (primarily white women) of the state to support this worthwhile campaign for the training school. In 1923, the NCFCWC sent out 100,000 stamps to the North Carolina public, urging the public to "save our girls," through the construction of a reformatory school.[117] The concept of saving their young women resonated with both black and white reformers, and became the rallying slogan for fundraising for the Efland Home. A 1935 publication titled, "Efland Home Accomplishes its Mission, To Save and Serve," highlights the longevity of the idea of saving children from the evils of urbanizing society.

The NCFCWC eventually raised enough money to buy 142 acres of land in Efland, North Carolina, located in Orange County. By 1926, they opened the doors to the newly constructed Industrial Home for Delinquent Negro Girls, later known as the Efland Home.[118] Efland Home differed from orphanage homes and industrial training schools by focusing on the sexual risks of young black women. Considered the "prey of unprincipled

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[116] Born in Henderson, North Carolina, Charlotte Hawkins Brown (known as Lottie) was raised in Cambridge, Massachusetts, where she attended Cambridge English High School and Salem State Normal School. In 1901, at eighteen years of age, Brown returned to North Carolina to teach at a rural school for black children. In 1902, Brown opened the Palmer Memorial Institute in Sedalia, North Carolina, as a day and boarding school for black children. The fame of the Palmer school allowed Brown to become well known in social circles throughout North Carolina. Brown was a vivacious educator, social worker, and religious leader. She championed African American children and their right to an education and quality life. Brown received several honorary degrees, and she passed away in 1961.

[117] Charlotte Hawkins Brown, "A Challenge to Negro Womanhood," advertisement in *The Daily Advance*, April 2, 1923, page 4.

[118] Sims, *The Power of Femininity*, 125.

men of both races...” the founders of Efland Home aimed to prevent and correct the behaviors of young black women that could eventually lead to a life of poverty.[119]

Figure 4: First Cottage at Efland Home. Caption reads: N.C. Industrial Home for Colored Girls. Efland, N.C. A training school for delinquent Negro girls.[120]

The original Efland Home began with a modest twenty-person dormitory and main cottage. For individuals sent to the Efland Home, the age limit remained sixteen years of age, and judges sentenced any offender over sixteen to an adult prison. The entrance to Efland Home differed from Samarcand Manor. Instead, the entrance more closely mirrored admission to the Stonewall School, because judges admitted young women to Efland through judicial order and only *after* committing a crime. The young women remained at Efland for a predetermined sentence probation period.[121] The

[119] Quote by Charlotte Hawkins Brown. Found in Brown’s *Upbuilding Black Durham,* 272, as well as Kate Burr Johnson’s “North Carolina’s Social Welfare Program for Negroes,” Special Bulletin Number 8 (Raleigh: North Carolina State Board of Charities and Public Welfare, 1926).
[120] Image found on page 37 in Kate Burr Johnson’s, North Carolina State Board of Charities and Public Welfare, Special Bulletin Number 8, “North Carolina Social Welfare Program for Negroes,” 1926. Image courtesy of digitized by version of this program, made accessible by Google Books.
[121] Wertheimer and Luskey’s “Escape of the Match-Strikers” 456-457.

entrance to Efland and Samarcand highlight the differences between admission to a white reformatory school and an African American institution. By only admitting young black women after they had committed a crime, it implied that young black girls could not be saved and they were not fit members of society. This conviction and unattainable moral reformation forever labeled young black women as problems to American society, thus ensuring the boundaries of white societal control.

Efland School began with an estimated $25,000 to $30,000 raised by private funds.[122] Unlike Samarcand Manor, Efland Home did not receive public funds; rather, it relied on private donations to operate the school. This led to an unstable stream of revenue and caused the African American civic women who fought for the home to appeal to both white and black patrons. By appealing to white patrons through the credibility of the Stonewall Jackson School, Charlotte Brown proposed that the NCFCWC planned to "undertake this effort [funding the school], 'just as the white women did in the organization of the Stonewall Jackson Training School.'"[123] Through this careful fundraising tactic and the approval of white women, Brown and the NCFCWC eventually acquired funds from the white North Carolina Federation of Women's Clubs and Nathan C. Newbold – influential white education reformer in North Carolina and head of the Division of Negro Education – to build Efland Home. In 1927, the state agreed to provide public funds. North Carolina appropriated "about $100,000 for Samarcand, $150,000 for Jackson, and a mere $2,000 for Efland."[124] The interest of the

[122] The monetary amount raised by the NCFCWC has been reported ranging from $25,000 to $30,000. The exact number is unknown.
[123] Ibid., 272-273.
[124] Wertheimer and Luskey, "Escape of the Match-Strikers," 457. Wertheimer and Luskey cite figures from July 1, 1928 to June 30, 1929 from *Public Laws of North Carolina, 1927,* page 169.

state remained first with white males, then white females, and then African American males. These reformatory institutions – Stonewall Jackson Manual Training and Industrial School, Morrison School, Samarcand Manor, and Efland Home – were the first step taken by North Carolina reformers towards juvenile prison reform. The implementation of these establishments paved the way for Progressive reformers to continue to work in the political sphere, campaigning for an entirely remodeled justice system for children. These reformers, both group and individual, highlighted the change that reformatories could make on children in society.

The increased public desire for social work, prison reform, and reformatories emphasized the need for a separate juvenile court system in North Carolina, complete with a series of laws that protected juvenile delinquents from adult prisons. The growing civic participation and encouragement from the public, combined with the national trend of juvenile courts, reiterated the Progressive reformers original intention of a separate juvenile court system. Throughout the 1910s, North Carolina civic and service groups, as well as North Carolina lawmakers, worked to create legislation that would provide a separate court system for North Carolina's children.

CHAPTER THREE – NORTH CAROLINA'S RESISTANCE TO NATIONAL RECOMMENDATIONS

As the notion for separate juvenile court systems gained popularity throughout the United States, North Carolinians began to consider different types of juvenile reform movements that extended beyond the creation and implementation of training and reform schools. As institutions such as Stonewall Jackson and Samarcand Manor reached capacity, judges who convicted children of criminal actions continued to sentence them to adult prisons and chain gangs. As news of the institution's inability to accommodate children spread across North Carolina, it provoked the need to revise the existing laws regarding juvenile delinquency. As advocates and policymakers in North Carolina recognized that reformatory institutions (for both white and African American children) would no longer serve as the best possible option for youth rehabilitation, they lobbied for the creation of an entirely new court system, the creation and implementation of the North Carolina juvenile court system.[125]

The idea for a separate juvenile court system differed from reform and training facilities through enforced legislation. This legislation would require all counties to comply with equal practices throughout the state, so that each youth offender would be held to a standardized treatment.[126] As social work and the idea of the welfare state

[125] The Probation Courts Act of 1915 was the first piece of legislation to officially implement a definition for a delinquent child. It created the foundation for juvenile justice in North Carolina, establishing the definitions of delinquency and age, difference between juvenile and adult crimes, separation of juveniles from adult court, and a probation system for juveniles. This act was not routinely enforced across the state. The Juvenile Court Statute of 1919 would later enforce a statewide juvenile court system that each county was required to have and use, solidifying the juvenile court system in North Carolina.

[126] While the language used in the campaigns for the juvenile court imply equal treatment for all juvenile offenders, the historical context shows that black children were frequently omitted from equal treatment in any part of state systems. Alley and Wilson report that in 1936 only two of twenty-seven

garnered both local and national attention, the shifting ideas of health and morality in the United States during the 1900s led to a complete overhaul of the juvenile justice system. The creation of national organizations such as the National Child Labor Committee and Children's Bureau exacerbated the idea of *national* child welfare. These organizations began to make recommendations for states to follow regarding life at home, access to education, labor laws, and juvenile justice. While no singular national juvenile justice system existed in the United States, these organizations made recommendations based off national studies and reports. Juvenile justice systems varied statewide, "from county to county and municipality to municipality within a state."[127] While other states chose to follow these national recommendations, particularly during the mid-1920s, when the National Child Labor Committee reported eighteen as the preferred age of adulthood, North Carolina and parts of the surrounding southern region chose to disregard specific national guidelines for a variety of reasons, including child labor, access to education, and race.

Following the altered economic practices and rising industrialization in the years before World War I, the war again shifted how Americans viewed childhood and adulthood. As Americans prepared to enter the war, an increased need for knowledge regarding education, health, and morality in young men and women emerged. The war changed how Americans viewed the break between childhood and adulthood by defining at what age individuals could go to war. This brought the discussion surrounding the right

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child caring facilities received black children. Alley and Wilson, *North Carolina Juvenile Justice: A History*, 5-6.

[127] Institute of Medicine and National Research Council, "Chapter Five: Juvenile Justice System," 155.

to a childhood to the forefront of national debates.[128] The idea that an individual's eighteenth birthday would transform a "boy" to a "man" – allowing them to join the armed forces – influenced social reformers to advocate to raise the age of adulthood across all aspects of life, including labor, education, marriage, health, and the criminal justice system.[129] As the United States began to stipulate more human rights to children in the 1910s, states that relied extensively on child labor (including North Carolina) remained reluctant to consider eighteen as the officially state recognized age of adulthood.

As labor needs increased and WWI loomed on the horizon, early Progressive reformers who had lobbied for training and reformatory schools as safe places for juvenile offenders adjusted their ideas to incorporate the changing idea of adulthood. Changing cultural and social practices throughout the United States, especially regarding the nature of poverty, influenced American public opinion on childhood health and wellness. By emphasizing the notion that adulthood did not begin until the child's eighteenth birthday, state social workers could begin to advocate more intensely for children's labor laws, the right to an education, keeping young teens out of war, and the juvenile justice system. During the mid-1900s, Progressive reformers considered children a vulnerable population, launching the concept of a "right to childhood." Children's rights and the welfare of children became a top priority for American social workers, private charity groups, and state officials, seen through the creation of the National Child

[128] Alley and Wilson, *North Carolina Juvenile Justice System*, 3.
[129] War Department, *The National Defense Act* (Washington, D.C.: Washington Government Printing Office, 1921).

Labor Committee, the Children's Bureau, and individual state Public Charities and Welfare divisions.

Beginning in the 1900s, the federal government became increasingly concerned with issues related to child welfare. The development of national organizations and implementation of their recommendations across the United States provides context as to why North Carolina may have hesitated regarding raising the age to of adulthood to eighteen years of age. This chapter presents the recommendations made by national organizations and analyzes the social, economic, and cultural reasons why North Carolina legislators hesitated to implement these recommendations into state law. Presented chronologically from 1900 to 1919, it emphasizes the differences between policies and legislation at the national and North Carolina levels. Despite the recommendations from national organizations, North Carolina legislators chose to lower the age of adult criminality from eighteen to sixteen for a variety of reasons and proceed with their own concepts on juvenile justice. In a period of changing social reform, the lack of uniform information regarding children's rights from national organizations before 1921 created a variety of options for North Carolina legislators to consider as the standard in regards to juvenile delinquency. In doing so, they chose sixteen as the upper age of criminality.

National Child Reform Movements

In 1903, the National Conference of Charities and Correction (established 1874) held their thirteenth annual conference in which they designated an entire section to "Destitute Children." This section covered topics regarding child labor, with a particular section titled "Child Labor as a National Problem with Especial Reference to the Southern States." This early publication foreshadowed the difference between the

southern region and the South's reluctance to conform to national policies suggested by the child labor advocates.[130] The piece claims that the South's cotton monopoly makes it vulnerable to the exploitation and corruption of its "moral character," and that if the South does not regulate its child labor practices, it neglects its duty to protect the future of the region.[131] The National Child Labor Committee later repeats this trend of differentiating the South through publications and reports that focus exclusively on child labor in states such as North and South Carolina.

Created in 1904 by a group of recognized social welfare workers – including Florence Kelley, Robert de Forest, Edward Devine, Homer Folks, Rabbi Stephen Wise, Jane Addams, Lillian Wald, Graham Taylor and Benjamin Lindsey – the National Child Labor Committee (NCLC) worked to promote "the rights, awareness, dignity, well-being and education of children and youth as they relate to work and working."[132] As the NCLC

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[130] Edgar Gardner Murphy, Chairman of the Alabama Committee on Child Labor, "Child Labor as a National Problem with Especial Reference to the Southern States," in *Proceedings of the National Conference of Charities and Corrections of the Thirteenth Annual Session* held in Atlanta, May 6-12, (Press of Fred J. Herr) 1903.

[131] Ibid., 129-133.

[132] Catherine A. Paul, National Child Labor Committee (NCLC): Founded April 25, 1904, Child Labor Public Education Project, VCU Libraries Social Welfare History Project, last accessed March 10, 2019, https://socialwelfare.library.vcu.edu/programs/child-welfarechild-labor/national-child-labor-committee/. Quote referenced by Natanson, B. O., National Child Labor Committee collection, *Library of Congress*, last accessed March 10, 2019, http://www.loc.gov/pictures/collection/nclc/background.html. Florence Kelley (1859-1932) was a social reformer and welfare activist living and working in Chicago and New York City. She advocated strongly for working women and children, as well as helped with the National Advancement Association for Colored People. Edward DeVine (1867-1948), an economist, child welfare advocate, and social worker, DeVine helped establish the Children Bureau, as well as spent twenty years working with the New York Charity Organization Society. Homer Folks (1867 – 1963) worked as a social work pioneer and secretary of the State Charities Aid Society of New York. Folks was twice elected Chairman of the National Conference of Social Work. Rabbi Stephen Wise (1874-1949) was a prominent rabbi in Oregon and New York, advocating for child labor laws. Jane Addams (1860-1935) a progressive reformer, founded Hull House in Chicago, established a School of Social Work at the University of Chicago, and was the first woman to serve as the President for the National Conference of Charities and Corrections, a position she held for six years. Lillian Wald (1867-1940) an activist who founded the Henry Street Settlement House in New York, advocated for early nursing programs, and helped found the NAACP. These early social reformers led the campaign for child labor reform in America.

worked to increase awareness on child labor, it also heightened the public's understanding of childhood living conditions, education levels, health (emotional and physical), and position in the criminal justice system through investigations and subsequent reports. The studies and reports made by the NCLC allowed Americans to understand the lives of child laborers across the nation, in turn "generating public sentiment in favor of reform, and lobbied first for state and then for national legislation against the evil."[133] In the early twentieth century, employers used child labor in various industries across the United States, including examples such as canneries, glass factories, cotton mills, agriculture, mining, and textile factories. Each state had a separate law regarding child labor. However, child labor in the American South came under intense scrutiny in 1906 when Republican Senator Albert J. Beveridge of Indiana introduced a child labor bill to Congress. His bill sought to regulate the transportation of interstate commerce made by children under fourteen years of age. In a speech to support the bill, Beveridge proclaimed, "I come to the section of the country where this evil is greatest and most shameful and where it is practiced upon the purest American strain that exists in this country — the children in the southern cotton mills."[134] While industries utilized child labor nationwide, emphasis on the working conditions of Southern cotton mills brought national attention to child labor in the Carolinas, including an NCLC study on the life inside cotton mills. The report, "Child Labor in the Carolinas: Account of

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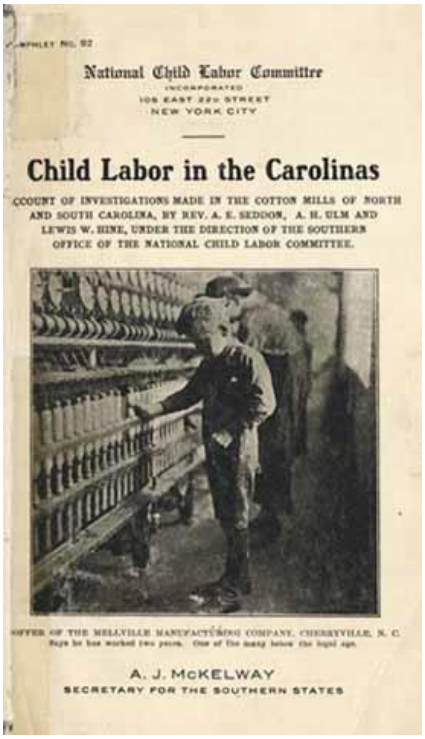
[133] Thomas A. Krueger, "Crusade for the Children: A History of the National Child Labor Committee and Child Labor Reform in America" review of *Crusade for the Children: A History of the National Child Labor Committee and Child Labor Reform in America* by Walter I. Trattner, *The American Historical Review* 76, no. 4 (October 1971): 1235.

[134] Walter I. Trattner, *Crusade for the Children: A History of the National Child Labor Committee and Child Labor Reform in America* (Chicago: Quadrangle Books, 1970): 87. Also found at Bureau of Labor Statistics, "History of Child Labor in the United States – Part Two: The Reform Movement," last accessed March 1, 2019, https://www.bls.gov/opub/mlr/2017/article/history-of-child-labor-in-the-united-states-part-2-the-reform-movement.htm#_edn81.

Investigations Made in the Cotton Mills of North and South Carolina," published in 1909, highlighted the life of children who worked in mills in both North and South Carolina, including the current labor laws for each state.[135] The 1909 North Carolina child labor law stated the age limit for employment as follows: employment at thirteen, apprenticeship at twelve, and age of night work at fourteen years of age. In South Carolina, the age of employment was twelve years, with the exception for orphans and children of dependent parents (allowed to work at any age), including night work. The images published in this investigative report showed children working in unsafe conditions, quoted children explaining life within the mill, and exposed the quality of life for children who began working in the mill as young as seven years of age. These investigative reports strengthened reformers and lawmakers arguments that the United States should institute federal laws regarding child labor.[136]

[135] A.J. McKelway, "Child Labor in the Carolinas: Account of Investigations Made in the Cotton Mills of North and South Carolina By Rev. A. E. Sedon, A.H. Ulm and Lewis H. Hine, Under the Direction of the Southern Office of the National Child Labor Committee," Pamphlet No. 92 (New York City: National Child Labor Committee, 1909). This report made available online through the Documenting the American South series hosted by the University Library at the University of North Carolina at Chapel Hill https://docsouth.unc.edu/nc/childlabor/childlabor.html.

[136] Ibid. Other reports published by the National Child Labor Committee include "The Weak Spots in Child Welfare" by Florence Kelly, 1916.



Figures 5: The cover of the *Child Labor in the Carolinas.* Caption reads: "Doffer of the Mellville Manufacturing Company. Cherryville, N.C. Says he has worked two years. One of the many below the legal age. Figure 6: An image inside the report that shows young women working in Newberry Mills, South Carolina. Caption reads: "Newberry Mills, S.C. Noon hour. All are employees. The unguarded wheel and belt at the left are sinister neighbors for little girls' arms, skirts and braids. There was no faculty inspection in South Carolina.[137]

Additionally, in 1912, with the endorsement of President William Howard Taft, the United States Congress passed the bill for the creation of the Children's Bureau. The Bureau became the first federal government agency to work directly with matters pertaining to children. The Bureau initiated investigations regarding child welfare, allowing Bureau staff to compile information for reports on the statistics of children in

[137] Both images acquired from the National Child Labor Committee report, "Child Labor in the Carolinas," (New York: National Child Labor Committee, 1909). Digitized through the University of North Carolina at Chapel Hill's *Documenting the American South* collection, https://docsouth.unc.edu/nc/childlabor/childlabor.html. Images courtesy *Documenting the American South* website.

the United States.[138] The establishment of the Bureau in 1912 – finalized with a fifteen person staff and $25,640 operating budget – legitimized and emphasized the role of the federal government in child welfare across the United States. The Bureau's primary goal became investing in the welfare of children across the United States.[139] After its establishment in 1912, the Bureau began to gain attention as they published reports on eugenics, infant mortality, low-income families, illegitimacy, child delinquency, child dependency, and mentally and physically disabled children.

North Carolina Probation Courts Act of 1915

Despite the increased attention from national organizations, North Carolina lawmakers hesitated in altering state laws in regards to juveniles (education, welfare, labor, and criminality). As interest in child welfare by the federal government gained public attention, a response to accusations of poor child labor management in North Carolina demanded a reaction. In response to the growing interest in child welfare and the separation of children from the adult prison system, the North Carolina General Assembly passed the Probation Courts Act in 1915. While the North Carolina Constitution of 1868 differentiated between adults and juveniles in adult prisons, called for the establishment of both houses of refuge and the Board of Public Charities and Welfare, the Probation Courts Act of 1915 became the first piece of legislation passed regarding the treatment of juvenile delinquency in North Carolina. The increased publicity of an 1895 court case, *State v. Yeargan*, in which the court ruled that "holding

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[138] E. Wayne Carp, "The Rise and Fall of the U.S. Children's Bureau," *Reviews in American History* 25, no. 4 (1997): 606.
[139] Angelique Brown, "Children's Bureau - A Brief History & Resources," *Social Welfare History Project,* last accessed January 22, 2019, https://socialwelfare.library.vcu.edu/programs/child-welfarechild-labor/childrens-bureau-a-brief-history-resources/.

that, for children between the ages of seven and fourteen, there is a rebuttable presumption that they lack criminal intent and are thus incapable of committing crimes," emphasized the notion that children lacked the innate criminal intentions of adult convicts.[140] Since the late 1890s, North Carolina reformers and social activists had emphasized the idea that the "lack of maturity meant that children should be judged differently than adults," which eventually became one of the touchstones for the Probation Courts Act of 1915.[141]

The Probation Courts Act introduced the basic principles of a separate juvenile court and probation system to North Carolina; however, it did not enforce a separate juvenile court system throughout the state.[142] Rather, the Probation Courts Act introduced seven distinct features to juvenile delinquency in North Carolina that counties and municipalities in North Carolina could choose to utilize.[143] While it did not create a

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[140] Birckhead, "North Carolina, Juvenile Court Jurisdiction, and the Resistance to Reform," 1473-1474.

[141] Ibid., 1473.

[142] W. H. Swift, *Child Welfare in North Carolina*: *An Inquiry by the National Child Labor Committee for the North Carolina Conference for Social Service* (New York City: National Child Labor Committee, 1918), 11.

[143]The Probation Courts Act, full title "An Act to Provide for the Reclamation and Training of Juvenile Delinquents, Youthful Violators of the Law, Their Proper Custody and Probation System," encompasses the following seven sections. Section 1 - The definition of juvenile and the definition of dependent, explaining the differences between the two. The Act defines a juvenile delinquent as a boy who "violates any municipal or State law, or when, not being a law violator, he is wayward, unruly and misdirected, or when he is disobedient to parents and beyond their control, or whose conduct and environment seem to point to a criminal career." It defines children as dependent when "for any reason, he is destitute or homeless or abandoned, and in such an evil environment that he is likely to develop into criminal practices unless he be removed therefrom and properly directed and trained. Section 2 - Assign the duty of the court to determine if the child who committed a crime should be placed under the watch of a volunteer, a probation officer, or a parent/guardian, but the courts always have jurisdiction over the child. Section 3 - Seeking and appointing appropriate probation officers to the child. Section 4 - Holding separate trials for children when possible and the implementation of a separate record system, the "juvenile record." Section 5 - No court, justice of the peace, sheriff or probation officer may admit a child under fourteen years of age into a jail or prison where they may come in contact with an adult criminal. Section 6 denotes any parent that allows a child to become a delinquent may be guilty of committing a misdemeanor. Section 7 - Ratification and enforcement of the Act. All found in the Public Laws of North Carolina, Session 1915, Chapter 222, ratified March 9, 1915.

systematic statewide juvenile court system in North Carolina, it did institute policies and rhetoric that helped shape the legislation for future juvenile delinquency laws.

The critical takeaways from the Probation Courts Act include the definition of juvenile delinquent and dependent, the enforcement of separate detention and probation between adult and child offenders, committing juvenile offenders to training/reformatory schools, the establishment of separate juvenile court trials and juvenile criminal records, and the beginning of the probation system. The Act prioritized male delinquents through the language used throughout the legislation. By referencing every delinquent as a "he" or "him," consequently the act neglected female and minority delinquents, often leaving their sentencing to the mercy of the judge. Until 1915, even with the development of the training and reformatory schools, the courts continued to send children to adult prisons and convict camps. The development of the Probation Courts Acts emphasized the notion that the state would treat *children* under eighteen in a separate facility and under a different legal system than adults and the judges should review the crimes committed by juveniles differently than adult crimes.

Even with the development and execution of the Probation Courts Act in specific cities, North Carolina continued to experience difficulties implementing a broader approach to juvenile welfare across the state. A report published by the National Child Labor Committee in 1916 titled "The Weak Spots in Child Welfare Laws," prepared by Florence Taylor, showed that North Carolina had no fourteen-year limit for common gainful occupations, no sixteen-year limit for dangerous occupations, and the attendance age for education remained stagnant at age twelve. The statewide recommendations made

by the NCLC listed at the front of the pamphlet recommended eighteen as the age of education.[144]

Keating-Owen Act

By 1916, the Keating-Owen Act (the nation's first child labor law) "expanded the Children's Bureau's responsibilities, granting it powers of administration and enforcement."[145] The Keating-Owen Act – passed by Congress and signed into law by President Woodrow Wilson – banned the sale of products made in any factory, shop, or cannery that employed children under the age of fourteen and from any mine that employed children under the age of sixteen. It also banned the use of children under the age of sixteen from working in a facility at night, or for more than eight hours during the day.[146] The 1916 May issue of the *Child Labor Bulletin,* "Proceeding of the Twelfth Annual Conference on Child Labor," published by the National Child Labor Committee, designated two sections of the report to child labor conditions and legislation in North Carolina. The first section, "Attempted Child Labor Legislation in North Carolina," written by Judge Zebulon Weaver, addressed the proposed child labor bill previously brought before the General Assembly, whose primary features included "a 14-year limit in mills, factories, workshops and places of amusement; an 8-hour day for children under 16; and the appointment of inspectors to investigate and prevent violations of the law by parents or the mills…."[147] The bill faced opposition from the cotton mill owners and Weaver quotes, "They came from every part of the state, and such was their influence

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[144] Florence Taylor, "The Weak Spots in Child Welfare Laws," Pamphlet No. 268 (New York City: National Child Labor Committee, 1916).
[145] Carp, "The Rise and Fall of the U.S. Children's Bureau," 607.
[146] Ibid.
[147] Hon. Zebulon Weaver, "Attempted Child Labor Legislation in North Carolina, *Child Labor Bulletin* (New York: The National Child Labor Committee, 1916), 9.

that the bill was defeated."[148] Second, the *Child Labor Bulletin* addressed a section titled "Child Labor in North Carolina" written by Dr. George T. Winston. Winston highlights the conditions of children involved in mill life, the reluctance of mill owners to support the Keating-Owen Act, and the fight mill owners made to denounce the Keating-Owen Act through the argument of state's rights and unconstitutionality. Since Keating-Owen did not prohibit child labor (rather it prohibited the sale of goods made by child laborers), North Carolina mill owners fought against the bill.[149] On September 1, 1916, the Keating-Owen Act went into effect nationwide.

States such as North and South Carolina fought against child labor laws on grounds that it would disrupt ways of life for entire families. The following cartoon by Rollin Kirby, published in 1916 in *New York World*, and 1916 *New York Times* article highlight a key argument made by southern legislators in opposition to the Keating-Owen Act.

[148] Ibid.
[149] George T. Winston, "Child Labor in North Carolina," *Child Labor Bulletin* (New York: The National Child Labor Committee, 1916), 70-74.

OVERMAN OPPOSES CHILD LABOR BILL

North Carolina Senator Argues That Work Keeps Children Out of Mischief.

WORKS TELLS OF HARDSHIPS

Says He Has Never Recovered from Early Labor—Husting and Kenyon Support the Measure.

Special to The New York Times.

Figure 7: Cartoon by Rollin Kirby for *New York World.* Caption reads: "Sen. Overman: 'See, it keeps them out of mischief.'" Figure 8: Article headline for *New York Times* special.[150]

Senator Lee Slater Overman, a North Carolina Democrat, argued that mill employment "kept children out of mischief," thus reducing rates of juvenile criminality.[151] Overman argued that child labor laws provided a stable environment for children, lessening the likelihood of children's involvement in criminal activities. A 1916 *New York Times* special section reported that in the Senate, Overman used statistics to compare North Carolina (no child labor law) to Massachusetts, Rhode Island, and Missouri, all states that complied with a child labor law. Overman claimed, "only 15 children per 100,000

[150] Cartoon by Rollin Kirby for *New York World,* 1916. Images made available online. Rollin Kirby collection of digitized cartoons available on the Library of Congress "Cartoon Drawings" collection. Article headline for *New York Times* special article. No author stated. Published August 8, 1916. Image courtesy of *New York Times* digital archive website.
[151] Rollin Kirby, "Sen. Overman: 'See, it keeps them out of mischief.'" Cartoon for *New York World,* 1916. Kirby worked with *New York World* from 1913 to 1931, winning three Pulitzer Prizes (1922, 1925, 1929) for cartooning.

between the ages of 14 and 16 were sent to jail," when compared to Massachusetts (279), Rhode Island (199), and Missouri (122).[152] Other southern senators bolstered Overman's argument by claiming that removing children from the mills would disrupt family income levels, thus creating more poverty in the South. A cartoon by John Knott, published in the *Dallas News* 1916, emphasizes a second major argument made by the opposition against the Keating-Owen Act.

Figure 9: Cartoon by John Knott for the *Dallas New*, 1916. Caption reads: "Getting Admission but No Welcome." The cartoon shows Woodrow Wilson leading the "Child Labor Bill," to the door of the Senate, only to be rejected on the grounds of states' rights.[153]

The concept that the Keating-Owen Act violated states' rights became a core argument for senators who opposed the implementation of the bill. In 1918, a North Carolina judge ruled the Keating-Owen Act unconstitutional through the *Hammer v. Dagenhart* case.

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[152] *New York Times*, "Overman Opposes Child Labor Bill," *New York Times*, August 8, 1916, (no page number).
[153] John Knott, "Getting Admission but No Welcome," cartoon published in *Dallas News*, 1916. Image courtesy of *Dallas News* archive, made available online.

Robert Dagenhart sued to allow his sons (John and Reuben Dagenhart) to work in a cotton mill in North Carolina, suing on the grounds that the Keating-Owen Act violated the Commerce Clause (which permits and regulates commerce between nations, states, and Indian tribes) or the Tenth Amendment. The same year, the United States Supreme Court upheld the North Carolina judge's verdict, ruling the Keating-Owen Act as unconstitutional, stating it overstepped the purpose of the government's power to regulate interstate commerce. Dagenhart later stated:

> Oh, John and me never was in court. Just Paw was there. John and me was just little kids in short pants. I guess we wouldn't have looked like much in court. We were working in the mill while that case was going on.[154]

While the Keating-Owen Act was eventually overturned, it contributed to greater national awareness of the welfare of American children and the work down by the NCLC and Children's Bureau. As concern for children's welfare began to dominate the public sphere, interest in juvenile delinquency moved beyond private service organizations such as the United Daughters of the Confederacy, the King's Daughters and Sons, and the National Association of Colored Women, and became a widely recognized public issue. No longer confined to the sole-interest of private organizations, "child-saving" became a sweeping national trend. The rise of the National Child Labor Committee, the Children's Bureau, and the increased attention on national laws increased awareness and concern regarding the welfare of American children. In 1918, President Woodrow Wilson designated 1918-1919 as the "Children's Year," in which he called the campaign for childhood rights by the Children's Bureau and the National Child Labor Committee one

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[154] Lowell Mellett, "The Sequel to the Dagenhart Case," *The American Child*, January 1924, page 3. *The American Child* was part of the monthly General Child Welfare bulletin, published by the National Child Labor Committee. This particular article was written by Lowell Mellet for the *Scrippes-Howard Newspapers* and incorporated into this issue of *The American Child.*

of the most patriotic acts an American citizen could conduct, stating, "Next to the duty of doing everything possible for the soldiers at the front, there could be, it seems to me, no more patriotic duty than that of protecting the children who constitute one-third of our population."[155]

Figure 10: "Children's Year" campaign poster published by the United States Children's Bureau and Woman's Committee of the Council of National Defense. Caption reads: "The health of the child is the power of the nation."[156]

This developing idea of childhood justice, the right to a childhood, unhindered by labor or lack to education, accelerated the idea of the right to a separate juvenile court system. While national level discussions influenced state level changes, ultimately states chose their own ideas of how to handle youth offenders and create their own juvenile justice systems. National recommendations from organizations such as the NCLC and Children's Bureau influenced how states could standardize their systems, but they did not provide federal legislation on childhood rights. Instead, states determined what would

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[155] Statement from President Woodrow Wilson, found in Children's Bureau, *The Children's Bureau Legacy: Ensuring the Right to Childhood* (Washington D.C.: U.S. Department of Health & Human Services, 2012), 27, https://cb100.acf.hhs.gov/sites/default/files/cb_ebook/cb_ebook.pdf.

[156] Image made available through the Library of Congress Digital Collections, https://www.loc.gov/pictures/item/2002719770/. Poster created by artist Luis Fancis Mora, printed by the W.F. Powers Company in 1918 in New York. Poster commissioned by the Children's Bureau and Woman's Committee of the Council of National Defense.

work best, which led to differences and discrepancies regarding the idea of "childhood" across state lines. The idea that *childhood* is a human right bolstered national reformers, as well as state social and welfare workers belief that children should remain segregated from adult prisoners. These reformers and social workers believed that if the state gave children the right to childhood outside the criminal justice system, then the state should also consider the adult prison system unsuitable and improper for children as well. The Bureau's emerging interest in children and childhood delinquency enhanced the idea that children in the court system should be saved, not punished, and an emphasis on reform became a central key in the debate on juvenile prison systems.[157]

In 1918, the Children's Bureau published a report titled "Juvenile Delinquency in Certain Countries at War - A Brief Review of Available Foreign Sources." This report analyzed juvenile delinquency and the existing practices in countries including, England, France, Germany, Italy, and Russia. Through their examination of international juvenile delinquency policies, the Children's Bureau created a baseline structure for future juvenile courts in the United States. While it focused on children in the war (written and published during World War I), this report concluded by stating that children were entitled to a normal home life and standard schooling and that "now, more than ever, do the children who are without proper guardianship… need the attention which special [juvenile] courts can give."[158]

The same year, the Children's Bureau launched a study into the existing state juvenile courts to survey their practices in order to help standardize national policies

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[157] Children's Bureau, *The Children's Bureau Legacy: Ensuring the Right to Childhood*, 52-53.
[158] Julia C. Lathrop, "Juvenile Delinquency in Certain Countries at War - A Brief Review of Available Foreign Sources," Bureau Publication No. 39 (Washington D.C.: Government Printing Office, 1918), 24.

regarding juvenile courts and encourage consistency across state lines. The Bureau conducted this investigation through a series of questionnaires and surveys sent to 2,391 courts across the United States. Bureau staff composed questions for the survey that analyzed "what impact the juvenile court movement had had on the actual functioning of courts handling delinquency and dependency matters."[159] The surveys indicated that each juvenile court must include the following criteria to be considered a *true* juvenile court: (1) hearings for children held separately from those as adults; (2) informal, chancery procedure rather than criminal procedure; (3) regular probation service for investigation and supervision of cases; (4) separate detention for juveniles; (5) a system for recording information in case records; (6) provisions for conducting physical and mental examinations.[160] The Bureau first looked to the states for ideas to develop national criteria and procedures, compiling the collected information and then creating national juvenile justice recommendations which were returned to states. As the reports returned to the Children's Bureau, Bureau staff realized that juvenile courts across the country varied widely in their approach. The Bureau's leading expert on juvenile delinquency, Katherine Lenroot, summarized the findings of the surveys by stating:

> Lack of adequate probation service, the absence of any method of detention other than the jail, failure to secure adequate social information and to provide a method for recording and utilizing these facts, judges who were not qualified for their work and who failed to grasp its fundamental principle, unnecessary publicity of these hearings - one of more of these and other defects in organization were frequently found.[161]

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[159] Marguerite G. Rosenthal, "The Children's Bureau and the Juvenile Court: Delinquency Policy 1912-1940," *Social Services Review* 60, no. 2 (June 1986): 306.
[160] Evelina Belden, *Courts in the United States Hearing Children's Cases: A Summary of Juvenile-Court Legislation in the United States*, Children's Bureau Publication No. 65 (Washington D.C.: Government Printing Office, 1920), 10.
[161] Rosenthal, "The Children's Bureau and the Juvenile Court: Delinquency Policy 1912-1940," 307.

As information from states with distinctly different approaches to juvenile court systems poured into the Bureau, the responses helped the Bureau promote the need for standardized national guidelines that states could implement. For the Bureau, a true juvenile court within a state would contain the aforementioned six criteria.

In conjunction with the arrival of the Children's Bureau report, the National Child Labor Committee created special publications for state specific inquiries, such as North Carolina, Oklahoma, Alabama, Kentucky, Tennessee, and West Virginia.[162] It is unclear whether state officials requested that the NCLC conduct these reports on the status of child welfare in their states, or if the NCLC chose these states for particular reasons. Although the NCLC conducted and published each report, institutions ranging from conferences to universities hosted the NCLC and aided in their analysis of the initial findings. The table below highlights the differences between state reports in regards to hosting institutions.

[162] The publications, all published by the National Child Labor Committee, include *Child Welfare in Alabama: An Inquiry by the National Child Labor Committee under the Auspices and with the Cooperation of the University of Alabama, 1918; Child Welfare in Kentucky: An Inquiry by the National Child Labor Committee for the Kentucky Child Labor Association and the State Board of Health, 1919; Child Welfare in Oklahoma: An Inquiry by the National Child Labor Committee for the University of Oklahoma, 1918; Child Welfare in Tennessee: An Inquiry by the National Child Labor Committee for the Tennessee Child Welfare Commission, 1920; Rural Child Welfare: An Inquiry by the National Child Labor Committee Based Upon Conditions in West Virginia, 1922.*

Table 1: Different types of Child Welfare Committee Inquiry Reports across a variety of states. Compiled information from publications made by the National Child Labor Committee 1918-1922.

State	Publication	Date	Hosting Institution or Agency
North Carolina	*Child Welfare in North Carolina, An Inquiry by the National Child Labor Committee for the North Carolina Conference for Social Service*	1918	North Carolina Conference for Social Service
Oklahoma	*Child Welfare in Oklahoma: An Inquiry by the National Child Labor Committee for the University of Oklahoma*	1918	University of Oklahoma
Alabama	*Child Welfare in Alabama: An Inquiry by the National Child Labor Committee under the Auspices and with the Cooperation of the University of Alabama, 1918*	1918	University of Alabama
Kentucky	*Child Welfare in Kentucky: An Inquiry by the National Child Labor Committee for the Kentucky Child Labor Association and the State Board of Health*	1919	Kentucky Child Labor Association
Tennessee	*Child Welfare in Tennessee: An Inquiry by the National Child Labor Committee for the Tennessee Child Welfare Commission*	1920	Tennessee Child Welfare Commission
West Virginia	*Rural Child Welfare: An Inquiry by the National Child Labor Committee Based Upon Conditions in West Virginia*	1922	National Child Labor Committee

These publications scrutinized specific aspects of childhood in the states, including dependency and delinquency, child care institutions, agriculture, rural school attendance, child labor, and laws and administration. In 1918, the NCLC supervised an inquiry for the North Carolina Conference for Social Service report. The report - *Child Welfare in North Carolina, An Inquiry by the National Child Labor Committee for the North Carolina Conference for Social Service* – consists of six sections: Dependency and Delinquency, Child-Caring Institutions, Agriculture, Rural School Attendance, Child Labor, Law and Administration. It highlights the legislative differences between North Carolina and the national recommendations set forth by organizations such as the NCLC and Children's Bureau.[163]

Mabel Brown Ellis – the National Child Labor Committee's Special Agent on Juvenile Courts – wrote the "Dependency and Delinquency" section for the welfare inquiry report, noting four "peculiar features" of the juvenile court system in North Carolina in comparison to the national recommendations that other states followed. These peculiar features include: 1) Lack of Child Welfare Agencies and Laws, 2) Intermingling of Children and Adults, 3) the Negro Problem, 4) Variety of Standards. Ellis concludes the Dependency and Delinquency section by providing a summary of her findings and concludes with recommendations for state officials to follow.

The report observed that until 1918, the State Board of Public Charities and Welfare (formally recognized in 1917) remained the only agency that handled welfare cases for children. NCLC agents noted the lack of local agencies and adequate child

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[163] W.H. Swift, Mabel Brown Ellis, Mary Elizabeth Barr, Charles E. Gibbons, Eva Jaffe, and Theresa Wolfson, *Child Welfare in North Carolina, An Inquiry by the National Child Labor Committee for the North Carolina Conference for Social Service (*New York City: National Child Labor Committee, 1918).

welfare a red flag for child welfare in the state.[164] By 1917, North Carolina's only established reformatory institution, Stonewall Jackson School, had reached capacity for the number of juvenile delinquents it could safely maintain. North Carolina lacked any type of state mandated system for child delinquents once the training school reached capacity. The *Child Welfare in North Carolina* report noted the absence of any type of state reformatory school for African American children. The report also documented the limited size of Samarcand Manor, which remained a private institution until 1918. Additionally in 1918, North Carolina employed three full time probation officers to cover the entire state, which resulted in a lack of implementation of probationary laws for juvenile delinquents. The limited number and segregated nature of reformatory institutions, shortage of probation officers, and weakness of state-enforced juvenile laws marked North Carolina as different from NCLC standards for juvenile delinquency and child welfare policies.

The second peculiar feature of North Carolina's juvenile justice system was the "intermingling of children and adults." Due to the lack of space in the Stonewall Jackson School, judges in North Carolina continued to place juvenile offenders in the same penitentiaries, convict camps, and jails as adult offenders. This section highlights the fact that North Carolina considered the age of an adolescent" to be lower than most other states. Ellis notes this is partly due to the idea that "those hard days after the Civil War when mere boys had to do men's work because there were no men left… or due to the long isolation of large parts of the state…."[165] While Ellis marks this as diverging from

[164] Mabel Brown Ellis, "Dependency and Delinquency," in *Child Welfare in North Carolina, An Inquiry by the National Child Labor Committee for the North Carolina Conference for Social Service* (New York City: National Child Labor Committee, 1918), 10.
[165] Ellis, "Dependency and Delinquency," 12.

NCLC and Children's Bureau recommendations, this particular feature could be applied to North Carolina's regional neighbors, as southern states recovered the workforce after the Civil War, causing children to work labor intensive jobs due to a limited adult workforce. While none of the aforementioned reports highlighted this particular feature, it would not be uncommon to see it in states such as Georgia, South Carolina, or Mississippi. In North Carolina, the age of adulthood began as young as twelve years old, when children could legally work. Children could legally leave the North Carolina education system at fourteen years of age. North Carolina considered fourteen as the age of consent, fourteen as the age for legal marriage for females and sixteen for males.[166]

Ellis considers the third identifying feature for North Carolina the "Negro Problem."[167] While intended to apply to all children, regardless of race, there are instances of clear racial discrimination between black and white children in the North Carolina legislative system. The report stated:

> The laws are theoretically for both races alike, but close observation of the difference in the treatment accorded to white and colored children by the courts of the state arouses disquieting doubts as to the validity of the theory… The negro child has not to fear deliberate harshness of judgement, for the southern white is more tolerant of the weakness of the colored race than is the northerner.[168]

Ellis continues to report on what she regards as the "negro problem," stating that the issues surrounding African American children in the juvenile system stem from the African American communities in North Carolina. She associates specific character traits to African American communities, including what she calls "shiftless, ignorant, and that for some standards of personal morality seem at times non-existent…."[169] Ellis portrays

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[166] Ibid.
[167] Ellis, "Dependency and Delinquency," 13.
[168] Ellis, "Dependency and Delinquency," 15.
[169] Ellis, "Dependency and Delinquency," 14.

juvenile black offenders as products of a system that requires changing from the top down. She concludes that African American youthful offenders will never be able to help themselves unless "industrious and intelligent colored men and women," enlist the help of white patrons and begin to use material and spiritual resources found in the community to "improve the condition of the dependent or delinquent child of their own race."[170]

Through her depiction of the "negro problem," Ellis attributes characteristics to the entire African American population, rather than individualizing the crimes committed by juvenile offenders. News publications in 1919 reinforced Ellis' idea of "community uplift." The *Greensboro Daily News* noted that by disregarding African American children in the court system, white North Carolinians "disregarded their duty to the youth of the weaker race, which is also a duty to themselves, to the whole structure of society."[171] While discrimination took place in the juvenile courts, evident through Ellis' language used in describing the "Negro Problem," the idea of moral duty to "uplift" the African American race meant many white North Carolinians considered it part of their moral duty to include black children in the emerging juvenile court system, as it pertained to society as a whole. A 1919 *Durham Morning Herald* newspaper article, "Justice in the Courts," reported on the status of African American children treated in the new juvenile court system, claiming that black children were discriminated against not because of their race, but because they are "friendless."

> The courts are not perfect in their administration of justice, and it is true that the negro does not always get justice...It should be the purpose of the negro to secure

[170]Ibid.
[171] *Greensboro Daily News*, "A Promising Program that lacks balance," *Greensboro Daily News*, November 27, 1919, page 4.

> more, not less, friends and whatever is done to reduce the number of the negro's friends reduces his chance for getting justice in the courts."[172]

This exclamation emphasizes the concept that characteristics applied to the entire African American community in North Carolina determined one's place in the criminal justice system, rather than the individual crime committed. African American juveniles did not receive equal treatment within the emerging juvenile justice system, evident in the establishment of the separate North Carolina State Board of Public Charities Division of Work Among Negros division in 1925, eight years following the establishment of the North Carolina State Board of Public Charities. As noted in the second chapter, training and reformatory schools for African American children did not appear until 1925, when the Hoffman Training School opened, and 1926 for the Efland Home for Girls, both schools operating on limited budgets.

The final peculiarity of North Carolina's juvenile justice system was the "Variety of Standards."[173] The Variety of Standards arose from North Carolina's previous method of "private legislation," which allowed cities across the state to vary in terms of city governments, city policies and procedures. Using the cities of Asheville and Raleigh as examples, the report examined school attendance as a base marker for comparison between city standards. The city of Asheville required a nine-month school year for children, while Raleigh allowed students to attend only four months out of the year (in compliance with the state law).[174] This example shows that cities across North Carolina varied on the age in which children attended school, went to work, and admission to the

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[172] *Durham Morning Herald*, "Justice in the Courts," *Durham Morning Herald*, October 2, 1919, page 8.
[173] Ellis, "Dependency and Delinquency," 15.
[174] Ibid.

penal system. In comparison to the other state reports show in Table 1, North Carolina was the only state to include this provision. Ellis' inclusion of this specific example highlights North Carolina's lack of a unified code of conduct for juvenile courts across North Carolina, permitting presiding city judges to conduct juvenile court proceedings as they deemed fit.

The 1918 *Child Welfare in North Carolina, An Inquiry by the National Child Labor Committee for the North Carolina Conference for Social Service* report emphasized the emerging differences of the North Carolina juvenile justice system when compared to national trends. In comparison to the other NCLC publications – Oklahoma, Alabama, Kentucky, Tennessee, and West Virginia – the North Carolina report was the only NCLC publication to include a section for "Peculiar Features." In particular, the first feature "Lack of Child Welfare Agencies," and the fourth feature "Variety of Standards," stressed North Carolina's core problems in implementing a juvenile court system in every county in the state. The omission of the first and fourth feature from the other reports marks North Carolina as distinct compared to her regional counterparts. While other Southern states likely experienced the lack intermingling of children and adults and problems with how to incorporate African American children into welfare systems, North Carolina appears to be the only state with a lack of child welfare agencies and varying standards across counties. North Carolina's opposition to and the eventual striking down of the Keating-Owen Act created increased press coverage on child labor and labor conditions, which may have placed the state under closer inspection from national organizations. This report showed the initial break in North Carolina policies (when compared to regional counterparts) and a continued tendency for North Carolina to

operate under her own guidelines, disregarding recommendations made by the Children's Bureau to standardize the concept of childhood and child welfare in the state.

By 1919, the Bureau published its own periodical, *Child Welfare News Summary,* and sent copies of the periodical to all state and local officials that worked closely with the Bureau. The Bureau publicly advertised the lives of children across America, which generated a larger debate about the rights and treatment of children, not only by parents but also by the states in which these children lived and the role of government in families' everyday lives. As these reports garnered attention, interest, and advocacy by reformers, child welfare workers, and social workers, the idea to enforce laws protecting children emerged in national debate. At the culmination of Children's Year, the White House hosted a conference for the Bureau called "The Standards of Child Welfare." This conference provided what the Bureau deemed "minimum standards of child welfare," in hopes that some states would adopt these standard practices. The final report of the conference breaks down the standards into three main categories: public protection of the health of mothers and children, children entering employment, and children in need of special care. Within each of these broad categories, the conference report then further specifies specific recommendations for child welfare. The recommendations for juvenile court systems fall under "Children in need of special care." While the recommendations do not state a specific age for upper criminal jurisdiction, the standards designate seven practices that all juvenile courts should implement. The Standards of Child Welfare Conference pressured states to formally recognize and enforce a legal system for juvenile offenders.[175]

[175] Julia C. Lathrop, "Standards of Child Welfare," *The Annals of the American Academy of Political and Social Science* 98 (November 1921): 1-8.

North Carolina Juvenile Court Statute of 1919

At the close of the Children's Year and the same year that the Children's Bureau enacted national practices regarding juvenile delinquency, the North Carolina General Assembly voted to create a standardized juvenile court system in the state. Since 1915, the Probation Courts Act remained the only legislation in North Carolina in regards to juvenile delinquency. In the 1918 *Child Welfare in North Carolina* publication, Ellis concludes by stating "the Probation Courts Act which is so far from being a juvenile court law that we recommend its repeal and the enactment of a new statute…."[176] While the General Assembly repealed the Probation Courts of 1915 due to its lack of uniform execution across the state, legislators still implemented several concepts from the Probation Courts Act into the new juvenile court statute. The systematic implementation of the probation system, an aspect that had previously been missing in the North Carolina justice system (including adult penal system) became a revolutionary notion for the North Carolina justice system. The final primary concept achieved by the Probation Courts Act legislation was the complete separation of all trial recordings and proceedings, establishing the juvenile court record. One of the Act's greatest weaknesses was the vagueness in which it considered statewide probation, quoting, "While the Act dictated juvenile courts that juvenile courts appoint probation officers, it allowed them to work on a voluntary or salaried basis, and it permitted county commissioners to pay them whatever amount was considered 'advisable and just.'"[177] The flexibility and lack of an adequate implementation system for probation and court systems hindered the Act's

[176] Ellis, "Dependency and Delinquency," 35.
[177] Birckhead, "North Carolina, Juvenile Court Jurisdiction, and the Resistance to Reform," 1474-1475.

effectiveness. The inability to create a systematic statewide plan for the implementation of juvenile courts ultimately led to the demise of the Probation Courts Act in North Carolina; however, the legislators copied the Act's concepts verbatim when the General Assembly met in 1919 to draft the Juvenile Court Statute. The only notable changed terminology came from lowering the age of criminality from eighteen to sixteen.

When the General Assembly voted on the Probation Courts Act in 1915, they chose eighteen as the upper age of criminality. The Probation Courts Act described juvenile delinquency as "Any child eighteen years of age, or under, may be arrested, but without imprisonment with hardened criminals and brought before any of these courts to be tried and dealt with as hereinafter prescribed."[178] While unclear why they chose eighteen as the upper age of criminality, the start of World War I, changing labor and education laws across the country, and national influence might have had an impact on why they did. When Ellis conducted her report for *Child Welfare in North Carolina*, she noted that the Probation Courts Act (which she notes ultimately had to be rewritten) implemented three key components to juvenile law, including age of a juvenile offender, the introduction of the theory of probation, and the establishment of the juvenile record as separate from adult court cases. Ellis notes that the Probation Courts Act sets the age of a juvenile offender, both male and female, at "'eighteen or under'…which is the highest limit yet established by similar legislation in any part of the country."[179] In 1915, lawmakers did consider eighteen the age of adult criminality in North Carolina, which makes the lowering of the age four years later a noticeable and important change. Due to

[178] North Carolina General Assembly, Act of Mar. 9, 1915, Chapter 222 § 2, 1915 N.C. Sess. Laws 294.
[179] Ellis, "Dependency and Delinquency," 28.

the ineffective implementation of the North Carolina Probation Courts Act of 1915 across the state, ultimately heightened by the publicity from the Child Welfare report, North Carolinians experienced an increased urgency for an entirely new juvenile court act in North Carolina. The national pressure to change the existing laws may have influenced the state's decision to reject specific national recommendations. As North Carolina faced national scrutiny over child labor laws and child welfare, legislators chose to compromise by implementing a juvenile court system. This increased external pressure may explain why they choose to keep sections of the earlier Probation Courts Act, but reject others, such as the age limit.

Enacted into law in March 1919, The North Carolina Juvenile Court Statute transformed the fledgling juvenile court system in the state. The Statute provided the legislation for a statewide juvenile court system, including juvenile probation, juvenile court proceedings, and the juvenile court record. No state funds were appropriated for the Juvenile Court Statute, instead, individual counties across North Carolina "were expected to utilize existing local officials: the clerk of superior court as the juvenile judge and county director of public welfare as the chief juvenile probation officer."[180] This led to a lack of established protocol within the new juvenile justice system and granted broad power to the juvenile judge presiding over the cases they were assigned. Due to the counties' responsibility to administer the juvenile justice program, services and resources varied depending on what part of North Carolina the juvenile offender lived in.[181] The Juvenile Court Statute would have immediate, as well as lasting consequences for juveniles in North Carolina. The primary concepts of the new juvenile court statute

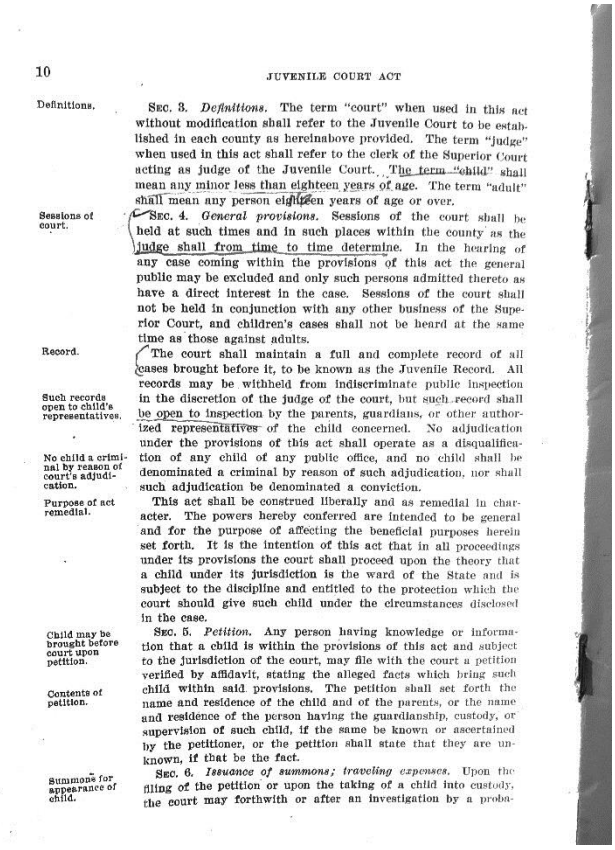
[180] Alley and Wilson, *North Carolina Juvenile Justice System*, 5.
[181] Ibid.

include that the age *sixteen* defined a juvenile delinquent, the court could transfer felony cases of fourteen and fifteen year olds to superior courts, and the enforcement in the court system of trying juvenile individuals separately from adult offenders. The statute applied to individuals who were "delinquent, neglected, dependent, truant, unruly, wayward, abandoned, misdirected, destitute, homeless, or in danger of becoming so."[182] The statute, however, contained a revision that stated that the age of jurisdiction for *juveniles* referred to all individuals under sixteen, meaning that judges sentenced sixteen and seventeen year olds to the adult court system.

The original draft of the Juvenile Court Statute of 1919 identified the upper age of criminality at eighteen years old, the same as the Probation Courts Act. The draft published by the State Board of Charities and Public Welfare has eighteen printed, but the editing shows it marked out and replaced with a handwritten "16." No definitive explanation exists as to why the North Carolina legislators chose to change the age from eighteen to sixteen. Scholars such as Birckhead imply that while no "explicit grounds or rationale for this change can be found in the legislative or social history of the time, the lowering of the jurisdictional age may have reflected the general reluctance of lawmakers to support a 'special' court for juveniles that operated outside the traditional adversary system."[183] Alley and Wilson suggest that legislators were merely "following established pattern and practice," when comparing their juvenile code to surrounding states.[184] Perhaps because this would be enforced uniformly across the state, legislators lobbied for

[182] Janet Mason, "Juvenile Justice in NC: A Historical Perspective," UNC School of Government, online presentation, created October 21, 2009, PowerPoint, last accessed March 1, 2019, www.sog.unc.edu.
[183] Birckhead, "North Carolina Juvenile Court Jurisdiction, and the Resistance to Reform," 1476.
[184] Ibid. Here Birckhead references to Alley and Wilson's theories as to why North Carolina lawmakers continued to choose sixteen rather than eighteen as the age of adulthood.

a lower age limit of criminality, so as not to impact other societal factors such as the labor laws.



10 JUVENILE COURT ACT

Definitions. SEC. 3. *Definitions.* The term "court" when used in this act without modification shall refer to the Juvenile Court to be established in each county as hereinabove provided. The term "judge" when used in this act shall refer to the clerk of the Superior Court acting as judge of the Juvenile Court. The term "child" shall mean any minor less than eighteen years of age. The term "adult" shall mean any person eighteen years of age or over.

Sessions of court. SEC. 4. *General provisions.* Sessions of the court shall be held at such times and in such places within the county as the judge shall from time to time determine. In the hearing of any case coming within the provisions of this act the general public may be excluded and only such persons admitted thereto as have a direct interest in the case. Sessions of the court shall not be held in conjunction with any other business of the Superior Court, and children's cases shall not be heard at the same time as those against adults.

Record. The court shall maintain a full and complete record of all cases brought before it, to be known as the Juvenile Record. All records may be withheld from indiscriminate public inspection in the discretion of the judge of the court, but such record shall be open to inspection by the parents, guardians, or other authorized representatives of the child concerned. No adjudication

Such records open to child's representatives.

No child a criminal by reason of court's adjudication. under the provisions of this act shall operate as a disqualification of any child of any public office, and no child shall be denominated a criminal by reason of such adjudication, nor shall such adjudication be denominated a conviction.

Purpose of act remedial. This act shall be construed liberally and as remedial in character. The powers hereby conferred are intended to be general and for the purpose of affecting the beneficial purposes herein set forth. It is the intention of this act that in all proceedings under its provisions the court shall proceed upon the theory that a child under its jurisdiction is the ward of the State and is subject to the discipline and entitled to the protection which the court should give such child under the circumstances disclosed in the case.

Child may be brought before court upon petition. SEC. 5. *Petition.* Any person having knowledge or information that a child is within the provisions of this act and subject to the jurisdiction of the court, may file with the court a petition verified by affidavit, stating the alleged facts which bring such child within said provisions.

Contents of petition. The petition shall set forth the name and residence of the child and of the parents, or the name and residence of the person having the guardianship, custody, or supervision of such child, if the same be known or ascertained by the petitioner, or the petition shall state that they are unknown, if that be the fact.

Summons for appearance of child. SEC. 6. *Issuance of summons; traveling expenses.* Upon the filing of the petition or upon the taking of a child into custody, the court may forthwith or after an investigation by a proba-

Figure 11: Scan of page 10 from *The Juvenile Court Law of North Carolina: An Act Passed by the General Assembly of 1919 and an Explanation of the Juvenile Court Principle.*[185]

A January 1919 article titled "Juvenile Courts Proposed in Bill," published by the *Lincoln County News* states "The Bill would give superior courts original jurisdiction over all delinquents under 18 years of age…."[186] *The Journal of the Senate of the General*

[185] General Assembly of North Carolina, *The Juvenile Court Law of North Carolina: An Act Passed by the General Assembly of 1919 and an Explanation of the Juvenile Court Principle,* page 10. Hardcover copy located in Special Collections at the Wilson Library, University of North Carolina at Chapel Hill. Image taken by author, Savannah Brown.

[186] *The Lincoln County News,* "Juvenile Courts Proposed in Bill," *The Lincoln County News*, January 30, 1919, page 2.

Assembly of the State of North Carolina, Session 1919 notes on the seventeenth day, January 27, 1919, Senator Stacy introduced and read Senate Bill (S.B.) 178, entitled "An act to create juvenile courts in North Carolina."[187] Senator Thompson, part of Judiciary Committee Number 1, received the committee report on S.B. 178 "with favorable report, as amended."[188] After an "adoption of the amendment," S.B. 178 passed a second and third reading. After passing a second and third reading, legislators sent the bill to the House of Representatives.[189] The amendment change between January 1919 and March 1919 (when the bill was signed into law) indicates that legislators determined that while a juvenile court would benefit North Carolinians, choosing eighteen as the age of "adulthood" for criminality would have lasting consequences for employment and education purposes in the state. It would not be until 1921, two years following the passage of the Juvenile Court Statute, that the United States Children's Bureau recommended that all states increase the age limit of juvenile jurisdiction to the "eighteenth birthday" in an effort to create uniformity in juvenile court standards across the nation.[190] While other states began to raise the age in the 1920s following the Bureau's recommendation, North Carolina continued to use sixteen as the age of criminal adulthood until 2019.

The lack of state funding for the juvenile court led to informal procedures, resulting in court cases being treated under the concept, "Is the child in need of the care,

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[187] North Carolina General Assembly, *The Journal of the Senate of the General Assembly of the State of North Carolina*, Session 1919 (Raleigh: North Carolina, 1919), 89. Housed in the Library of the University of North Carolina in the collection of House and Senate Journals. Made available online through North Carolina Digital Collections.
[188] Ibid., 199.
[189] Ibid., 305. All committee discussions available online begin in the year 1967.
[190] Lou, *Juvenile Courts in the United States*, 48.

protection, or discipline of the state?"[191] This idea of parental guardianship dominated the newly created juvenile court system, which operated under the notion of *parens patriae*. *Parens Patriae* argues that the state is the supreme guardian of all children within its jurisdiction and state courts have the inherent power to intervene whenever necessary to protect the best interests of children whose welfare is jeopardized by controversies between parents. A parent-child relationship became the primary concept for the early juvenile court system. *Parens patriae* allowed judges to rule that the state could remove children from any home deemed unfit, which primarily rested on poor white families and African American homes. In these rulings, the options for children included probation, sentenced to reformatories, or released. Parens patriae became a rationalized form of upholding the constitutionality of legislation, because it enforced the notion that the state could assume the role of parent and intervene when necessary. By doing so, parens patriae became a legal foothold in upholding the legislation of the reformatory schools and the development of the juvenile court.

The doctrine of parens patriae permitted North Carolina legislators to enforce training schools that followed standards set by the individual institutions, as the idea was that institutions acted in the best interest of the children in their custody.[192] An early example of parens patriae comes from the court case *In re Watson* (1911) in which a father challenged the court's decision to commit his son (charged with vagrancy) to the Stonewall Jackson School for two years. In 1911, six months was the maximum penalty for adult offenders who committed vagrancy. The courts, relying on the doctrine of

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[191] Mason, "Juvenile Justice in NC: A Historical Perspective," last accessed March 1, 2019, www.sog.unc.edu.
[192] Mason P. Thomas, *Juvenile Corrections and Juvenile Jurisdiction: North Carolina's Laws and Related Cases* (Chapel Hill: University of North Carolina at Chapel Hill, 1972), 3.

parens patriae, ruled, "Commitment to the juvenile institution was not imprisonment for crime within the institution."[193] The problem with using parens patriae is that children's offenses were sentenced by a judge who was meant to act in the best interest of the child. This meant that an individual handled children's punishment at their own discretion. Through a focus solely on the child as an individual with needs of care, protection, or discipline, youth offenders lacked the basic rights given to adult offenders, including a right to an attorney, the right to know charges brought against them, the right to a trial by jury, and the right to confront ones accuser.[194] Legislators considered these rights unnecessary for children, as children were not able to determine what was best for them. The development of the juvenile court rested on the idea of parens patriae, not only through the judicial system, but through the welfare system as well. Swift's introduction in *Child Welfare in North Carolina* notes, "Every child born of the state should be its ward… the rights of the states rise above family rights in the child and there should never be any hesitation about invading the family circle when the best interests of the child demand it."[195] Thus, this idea of social welfare borders peculiarly on social control. As the state acted as the parent, seemingly in the best interest of the child, it had complete control over the types of children punished and the degree of punishment implemented.

Public Opinion in North Carolina

As national and local news circulated surrounding the creation of a separate juvenile court system in North Carolina, the North Carolina public met the news with conflicting opinions. Following the implementation of the law in 1919, newspapers

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[193] Thomas, *Juvenile Corrections and Juvenile Jurisdiction*, 6.
[194] Institute of Medicine and National Research Council, "Chapter Five: The Juvenile Justice System," 154.
[195] Swift, *Child Welfare in North Carolina,* 6.

across the state began reporting the public pulse of North Carolinians in relation to the new court statute. Newspaper headlines from across the state highlight the difference in public opinion on the creation of a statewide juvenile court system. *The News,* located in Albemarle, North Carolina published a cautionary article warning the public about the possible dangers of the newly enforced juvenile court system. They quoted that while the legislation marks "the most important court reform yet incorporated in the laws of North Carolina," the language used, most notably the terms such as "in danger of becoming wayward, destitute, or delinquent," provide the possibility for people in positions of power to control youth. The article states that this language allows individuals in power to send juveniles to training schools or place them under constant supervision by parole officers, and that forcing them to work borders cautiously on "the theoretical possibility of peonage practices."[196] Questions about the functionality of the Juvenile Court Statute began to pop up in headlines, most notably in the *Greensboro Daily News*, 1919, in which they reported "The Barnless Harvest: This law has provided a harvest without a sufficient barn," as well as "If ever there was a Chinese puzzle in English its new juvenile law: no where to turn next."[197] These articles stress that while the public supported juvenile court legislation as a concept, North Carolinians worried that legislators had not considered the functionality and operation of the new court system. Public support for the bill wavered due to the idea that the court would become a system of conviction and

[196] *The News*, "The Juvenile Court Law," *The News*, April 10, 1919, page 8.
[197] *Greensboro Daily News*, "If ever there was a Chinese puzzle in English its new juvenile law: no where to turn next," *Greensboro Daily News*, August 6, 1919, page 10 and *Greensboro Daily News*, "The Barnless Harvest: This law has provided a harvest without a sufficient barn," *Greensboro Daily News*, August 31, 1919, page 4.

punishment, rather than a system of reformation and in some ways may create a more criminal youth than the individual that entered the system.

In comparison, *The Sun*, located in Rutherfordton, North Carolina published an article headlined, "Beneficial to Children: Every Child Comes under Provisions of Juvenile Courts."[198] This article explains the advantages of the new statewide law, which includes "remedies" rather than punishment for juvenile offenders. The article describes the new law as a positive, progressive model for North Carolina juveniles.[199] Similarly, the *Messenger and Intelligencer*, located in Wadesboro, North Carolina printed a message from the Superintendent of Public Welfare, stating, "We do not want to make criminals. We want to save. That is why we have the juvenile court."[200]

It is critical to note the difference of opinions throughout North Carolina regarding the juvenile court statute. This shows that while lawmakers continued to stray away from national recommendations regarding juvenile court systems, some North Carolinians supported that decision. Articles that opposed the law stated that the primary problems with the juvenile court law resided in its organization and function. By copying the rhetoric of the Probation Courts Act of 1915, North Carolina lawmakers ignored the National Child Labor Association's standards for a "true" juvenile court. The choice to alter the age from eighteen to sixteen furthers this idea; however, choosing to enforce the Juvenile Court Statute alleviated the scrutiny North Carolina faced in accusations of poor child welfare.

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[198] *The Sun*, "Beneficial to Children: Every Child Comes Under Provisions of Juvenile Courts, *The Sun,* August 28, 1919, page 8.
[199] Ibid.
[200] *The Messenger and Intelligencer*, "Superintendent of Public Welfare," *The Messenger and Intelligencer* December 11, 1919, page 7. Published in Wadesboro, North Carolina.

Although North Carolinians worried about the functionality, organization and sustainability of the 1919 juvenile court statute, there remained an overwhelming positive reaction to the purpose and primary goal of the 1919 statute. Many newspapers reported on the positive outcomes of removing children from the adult courts and creating a new concept for rehabilitation. Examples of this include a publication in the *Greensboro Daily News*, titled "The Juvenile Court Law," in which the authors state "the act embodies the best principles known today and is legislation somewhat in advance of that of many states in that it provides a juvenile court for rural as well as urban population."[201] Additionally, a March article from the *Raleigh News and Observer* called the new juvenile statute "one of the most important constructive measures that has been before this assembly," while a later April article quoted, "the juvenile court is not an instrument of punishment, but one of protection, discipline and training."[202] North Carolinians considered the 1919 Juvenile Court Statute as both worrisome and beneficial to the children of North Carolina.[203]

Sixteen as the Age of Criminality

The range of possibly "best practices" presented for juvenile justice in the early twentieth century contextualize why North Carolina skewed in the particular direction of choosing sixteen as the age of upper criminality. The lack of a defined age of adulthood from national organizations, regional trends, national pressure, and political motives help rationalize why legislators chose to lower the age of eighteen (stated in the Probation Courts Act) to sixteen (in the Juvenile Court Statute). As no definitive answer exists, the

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[201] *Greensboro Daily News*, "The Juvenile Court Law," *Greensboro Daily News*, May 9, 1919, page 4.
[202] *The News and Observer*, "Should Pass Juvenile Court Bill," *The News and Observer*, March 5, 1919, page 14 and *The News and Observer*, "Where the Juvenile Court Comes in," *The News and Observer*, April 1, 1919, page 4.
[203] Missing here are the voices of African American communities across North Carolina. While the newspaper articles provide highlights for cities across the state, they ultimately leave out certain voices and approaches to the juvenile court statute.

argument shifts from why legislators chose sixteen as the age of criminality, to why sixteen *continued* to be part of North Carolina law until 2019. It is unknown why the North Carolina General Assembly adopted sixteen as the age of upper criminality in the final version of the North Carolina Juvenile Court Statute. Judge Ben Lindsey of Colorado - a pioneer in the national juvenile court movement - noted that legislators could trace the approximate to the English prison commission:

> The age of 16 to 20 was essentially the criminal age, and between 10 and 16 the most important age for the care and formation of character. The age between 10 and 16 is also the religious age. It is the age when the good, the true, and the beautiful are most effective upon life and leave the most lasting impression.[204]

Additionally, Herbert Lou's *Juvenile Courts in the United States*, affirms that most states chose an age dependent on what they consider a "child." Lou states that state's upper age of criminality ranged from sixteen as the youngest to twenty-one as the oldest age of adult criminality. State legislators could chose to differentiate the age limit between male and female offenders and what Lou describes as "classes of children," meaning varying levels of societal status and wealth. In 1927 at the time of his publication, Arkansas held the highest age limit of criminality at twenty-one and California remained the only state to apply the age of eighteen to all juvenile offenders (the other states the age of jurisdiction ranged depending on the child and the crime committed.)[205] The Juvenile Court Act of 1919 solidified the age of criminality for juvenile offenders in North Carolina.

As the idea that childhood should be a human right gained popularity, Southern legislators balked at the federal enforcement of child labor laws. North Carolina's

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[204] Hon. Ben B. Lindsey, "Colorado: The Juvenile Court of Denver," in *Children's Courts in the U.S.* (International Penal and Prison Commission: Washington: Government Printing Office, 1973), 28.
[205] Herbert H. Lou, *Juvenile Courts in the United States*, 47.

opposition, in particular, stems from the use of children in the textile mills, arguing that mills kept children out of trouble, supported families, and that mill towns provided an idyllic way of life to poverty-stricken families. David Clark, editor of the *Southern Textile Bulletin*, vehemently argued that the NCLC and child labor laws were a plot to control the South, on the basis that "Northerners" were stripping southern states of their rights. Reminiscent of the mentality similar to the Civil War, southern legislators pressed the idea that the NCLC agitated against the way of life in the South. This provided the possibility for North Carolina senators to argue against all child labor bills introduced to the Senate. In doing so, North Carolina legislators could argue that by raising the age of adulthood in the criminal justice system to eighteen years old, they would subsequently have to alter the age of adulthood in the employment and education sectors.

Similarly, North Carolina legislators remained on trend with the practices of neighboring states. As organizations such as the NCLC and Children's Bureau advocated for national labor laws, "no states had fewer restrictions than Alabama, Georgia, North Carolina, and South Carolina."[206] With no enforced legal age for employment and education across state lines, sixteen may have seemed the appropriate choice for "adulthood" in the North Carolina judicial system.

By choosing to implement a juvenile court system in North Carolina, legislators complied with the national ideology of child saving; however, the inconsistences of the early recommendations of the NCLC and Children's Bureau permitted legislators the flexibility to choose what they deemed sufficient as the upper age of criminality. In 1919,

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[206] Bureau of Labor Statistics, "History of Child Labor in the United States – Part Two: The Reform Movement," last accessed March 1, 2019, https://www.bls.gov/opub/mlr/2017/article/history-of-child-labor-in-the-united-states-part-2-the-reform-movement.htm#_edn81.

sixteen, rather than eighteen, became the age of adulthood. Through the establishment of a statewide juvenile court system, North Carolina legislators discouraged future federal investigation and intervention. The establishment of this "special children's court" created a judicial system in which children's sentences were left to the judge's discretion, often being handled through informal processes and procedures.[207] While difficult to determine a singular, specific reason for choosing sixteen as the age of criminality, it involved a variety of factors including following regional trends, lack of direct age limit standards from national organizations, public opinion on a "special" children's court, and legislators personal opinions. While each of these aspects of the early twentieth century provide context as to why legislators amended the Probation Courts Act and lowered the age from eighteen to sixteen, this provokes the larger argument of why did sixteen remain the age of criminality for another century? As states began to raise the age to eighteen as early as 1921, when the Children's Bureau published its official recommendation for eighteen as the age of adulthood, North Carolina remained steadfast in its age limit of sixteen.

[207] Alley and Wilson, *North Carolina Juvenile Justice System*, 1-10.

EPILOGUE

As Americans began to consider the lack of childhood a national concern, reform efforts swept the nation. Through the efforts of North Carolina Progressive reformers, dedicated individuals, advocates, scholars, and lawmakers, North Carolina established first, a system of training schools for juvenile delinquents, and second, a statewide juvenile court system. The early attempts at juvenile reform proved beneficial for children, as it separated children from adult court and penal systems. However, training schools, reform institutions, and the probation system remained segregated by both race and class. The new system of juvenile justice was a system reserved often only for white males, leaving females and African Americans as an afterthought. The separation of state and private funding meant that institutions ranged in facilities, operations, and programing.

While it is still unknown as to why North Carolina lawmakers chose sixteen as the age of criminality in 1919, they were following regional trends, preventing the age of adulthood from rising in other sectors, such as labor and education, and addressing the public concern over the implementation and organization of a completely new system. This thesis has explored the original conception, national trends, Progressive influence, legalities and public opinion on the subject of an entirely separate juvenile court system in North Carolina.

After the North Carolina Juvenile Court Statute went into effect in 1919, it became the primary resolution for juvenile justice until the mid-1960s. From 1909 to 1968, eight training and reformatory schools across North Carolina operated as part of the state prison system: Stonewall Jackson School (1909), Samarcand Manor (1918),

Cameron Morrison School (1925), Richard T. Fountain School (1926), Dobbs School (1947), Samuel Leonard School (1959), Juvenile Evaluation Center (1961), and C.A. Dillon School (1968).[208] In 1943, the North Carolina General Assembly voted to create the Statewide Board of Correction and Training (later known as the Board of Juvenile Correction), which unified the training school system. The unification of the operation and funding of the training schools after 1943 led to changes in other aspects of juvenile justice in North Carolina, including the establishment of a "juvenile court in each county as part of the superior court."[209]

North Carolinians began to voice concerns over the treatment of juveniles in the juvenile court system as early as 1953. A 1953 Commission on Juvenile Courts and Correctional Institutions report to Governor Luther H. Hodges and the General Assembly found "North Carolina's upper age limit of sixteen 'considerably lower than the average of other states.'"[210] While the Commission noted the age limit, it opposed raising the age of age jurisdiction, citing a lack of facilities that could provide the necessary training.[211] In 1958, the North Carolina Bar Association's Committee on Improving and Expediting the Administration of Justice in North Carolina conducted the Bell Report. Chaired by J. Spencer Bell, the report examined the historical context of the juvenile court, the existing juvenile courts, and the current operation and structure of the existing juvenile courts in the state.[212] Most notably, the Bell Report questioned the age of juvenile jurisdiction in North Carolina. In the report, the committee asked if the age should be "raised, lowered,

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[208] North Carolina Department of Public Safety, "History of the North Carolina Juvenile Justice System," last accessed April 30, 2019, https://www.ncdps.gov/juvenile-justice/about-juvenile-justice/history.
[209] Alley and Wilson, *North Carolina Juvenile Justice System*, 11.
[210] Birckhead, North Carolina Juvenile Court Jurisdiction, and the Resistance to Reform," 1480.
[211] Ibid.
[212] Alley and Wilson, *North Carolina Juvenile Justice System*, 26-27.

or kept as it was."[213] In 1958, North Carolina still defined a "child" as anyone under sixteen years of age and only five states continued to consider sixteen the age of upper court jurisdiction, North Carolina among them.

As noted in the introduction, America witnessed a wave of juvenile reform movements with the heightened national attention to juvenile cases in the 1960s and 1970s. In 1971, the Board of Juvenile Correction in North Carolina changed its name to the Department of Youth Development. In 1975, the "General Assembly targeted the growing problems of delinquency with legislation prohibiting the training school commitment of status offenders."[214] The Department began to investigate "community-based alternatives" to training schools in 1978.

The revised Juvenile Code became effective January 1, 1980, and "provided for a higher degree of procedural due process for juvenile offenders, thereby continuing the trend of expansion of children's rights."[215] The law also had an impact on North Carolina's training schools still in operation. The law required that the training schools administer a child assessment upon arrival to the school, changed the term limits so that children could serve no longer than an adult for the same offense, assigned children to the appropriate training school, mandated a statewide treatment program, and "stipulated that only physical custody was transferred to the Division of Youth Services, keeping legal custody in whom it was vested – the parent, guardian, agency, or institution."[216] The 1980s and revised juvenile code saw the establishment of studies, commissions, and

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[213] Ibid., 28.
[214] North Carolina Department of Public Safety, "History – 1960s to Present," last accessed March 10, 2019, https://www.ncdps.gov/juvenile-justice/about-juvenile-justice/history/history-1960s-to-present.
[215] Alley and Wilson, *North Carolina Juvenile Justice System*, 75.
[216] Ibid.

programs in regards to juvenile justice. The General Assembly established the Juvenile Law Study Commission in 1980. Operating with fifteen members, the Commission studied "statutory and judicial law as it pertained to juveniles, their families, and agency services available to them…."[217] Other programs and studies included the Mainstream Program of the Division of Youth Services, *Dirty Rotten Kids* a study by the Center of Urban Affairs and Committee Services at North Carolina State University, Detention Study Committee, the establishment of the *Guardian ad Litem* Program, Eckerd Camps, and the Willie M. Program (monitoring procedures for mental health standards).[218] The 1980s in North Carolina saw the expansion of the ideology of working "in the best interest of the child" and establishing programs, studies, and committees dedicated to understanding juvenile justice. The 1990s saw the rise of professional involvement in regards to the juvenile justice system in North Carolina. In 1990, East Carolina University hosted a special Juvenile Justice Symposium for juvenile justice professionals to learn more about the current system in North Carolina.[219]

Beginning in the 2000s, the campaign "Raise the Age" gained momentum across the state. The law enforcement community continued to reject the efforts made to raise the age, due largely to concerns "about potential threats to public safety and concerns from lawmakers about the cost of expanding the juvenile justice system."[220] In 2015, a study completed by the North Carolina Commission on the Administration of Law and Justice (NCCALJ) showed that juvenile reinvestment should be a top priority, leading to

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[217] Ibid., 75.
[218] Ibid., 75-109.
[219] Ibid., 113.
[220] LaToya Powell, "Raise the Age is now the Law in North Carolina," North Carolina Criminal Law, A UNC School of Government Blog, edited on 31, 2017, https://nccriminallaw.sog.unc.edu/raise-age-now-law-north-carolina/.

a collaboration of a "diverse group of stakeholders, including law enforcement officials, prosecutors, juvenile justice representatives, and judges," which resulted in the Juvenile Reinvestment Report.[221] The Juvenile Reinvestment Report was later incorporated into the Juvenile Justice Reinvestment Act, which ultimately raises the age to eighteen to years old for adult criminality. The Juvenile Justice Reinvestment Act becomes effective on December 1, 2019. A century after the initial legislation, juvenile offenders in North Carolina will finally be held to the same standard of upper criminality as the rest of the United States.

While this thesis is not an exhaustive study of the century of juvenile justice reforms that occurred in North Carolina, this work provides the needed historical analysis of the origin and establishment of the legislation that lasted until 2019. The introduction highlights scholarship informing this analysis, ranging across disciplines and topics. Not limited strictly to a historical discussion, Chapter One introduces concepts from early welfare reforms to current debates on American mass incarceration. Chapter Two and Three highlight the intersection of national and state level politics and analyze how North Carolina lawmakers ultimately implemented a juvenile court system, but one that fit their own agenda. These chapters build the historical context to explain the origin and development of the Juvenile Court System, examining what factors allowed the legislation to pass in 1919. While all factors (education, public opinion, national recommendations) explain why the legislation passed, the most prominent factor influencing the legislators materializes from the use of child labor in the South, especially in reference to children in the cotton mill industry. The political cartoons, national news

[221] Ibid.

captions, and repeal of the Keating-Owen Act rationalize why North Carolina legislators needed the age of adulthood to remain as low as possible to keep young workers (and thus the entire family) working in the industry. Raising the age of adulthood to eighteen could hinder economic growth for the industries monopolies. The lack of public outcry from the age change from eighteen to sixteen in the legislation affirms that North Carolinians who had advocated for reformatory schools and a separate juvenile court system felt fulfilled by the passage of the Juvenile Court Statute.

While this thesis examined the origins and historical context of the North Carolina Juvenile Court Statute of 1919, it invites and encourages other scholars to investigate the century of the court statute's existence and the history of juvenile justice in North Carolina by examining the legislative shifts that took place within each decade. Providing the much-needed distinction between what legislative changes were made at a national level, as well as the comparison to regional states, this thesis also contextualized these state changes on a national level. It provides the foundation of how legislators chose the age of sixteen, allowing future scholars to analyze the larger argument of *why* the law was continuously upheld, even though decades of changing social and political reform. The early origins of the juvenile justice system in North Carolina remain largely absent from the scholarly discussion, in which this thesis is an important addition to North Carolina's history. It allows scholars to investigate other factors involved in the creation of the juvenile justice system in North Carolina, including a more thorough examination of African American Progressive reformers and the ways that they used the existing system to carve out a space of equal opportunity for juvenile delinquents. Research on this particular factor may examine the differences between campaigning for reformatory

schools, the differences between funding, and the personal connections that African American reformers made in order to solidify state institutions for African American communities. In order to extend the narrative of North Carolina juvenile justice into the twenty first century, scholars will have to examine race as a critical factor in the early determining reasons for choices made in the North Carolina juvenile justice system. In what ways were African American communities excluded from state welfare programs? How were African American children punished, if not treated through the court system? How does the historical context of excluding African American communities in the twentieth century impact African American communities today? These questions highlight how the treatment of African American juvenile delinquents in throughout the early 1910s directly correlates to how the current system of mass incarceration treats juvenile African American offenders today.

Further investigation might also examine the differences between the reformatory schools. There is a clear lack of funding and resources available to African American reformatory schools, but scholars may investigate the differences between school and gender. One may also question what took place within the schools, incorporating mental health and wellness. Juvenile justice in North Carolina did not occur in a vacuum and influences such as race, gender, socioeconomic standing, health (physical and mental), and programming have to be accounted for when understanding the larger context of rehabilitation in North Carolina. This thesis has addressed each of those factors in order to create the foundation for explaining the origin of the juvenile justice system in North Carolina, however, a more in-depth examination of these influences could create a

stronger rationality for why North Carolina continued to keep sixteen as the age of adulthood for the next century.

Although this thesis examined a small segment of the long tail of juvenile justice history in North Carolina, it has paved the way for new analysis, examinations, and interpretations on the history of the juvenile justice system in North Carolina. As incarceration history becomes more popular with both academic and general audiences, juvenile offenders and their nationwide struggle in the carceral system often remains a footnote in the larger discussion of carceral history. Juvenile incarceration's history has continued to shape how legislators approach current carceral trends and behaviors. By analyzing the origin of the juvenile justice system in North Carolina this thesis contributes to the growing scholarship on the history of state incarceration, specifically juvenile incarceration, representing a highly vulnerable and often overlooked population. This thesis provides essential information on North Carolina's juvenile justice history, contextualizing the past as North Carolinians move forward in regards to juvenile justice in the state.

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