



# SECURING THE JUVENILE COURT LAW IN IOWA<sup>1</sup>

BY HAZEL HILLIS

The story of how Iowa got its juvenile court law in 1904 cannot be clipped off the bolt of social-reform tales neatly, at an abrupt beginning, as so much ribbon over the counter. Its pattern goes back to the passage of a probation law in Massachusetts in 1869; to the establishment of juvenile courts in Australia, Canada, Illinois, and Colorado in 1898 and 1899; and, even more perhaps, to something else that happened just before the turn of the century.

The gay nineties, remembered for leg of mutton sleeves and tandem bicycles, should also be remembered as the era when a lady could, for the first time, speak in public and be absolutely sure of retaining her amateur standing. Less than a generation before it had been considered ladylike for a woman to collapse from sheer timidity or excitement at the prospect of having to stand on her two cramped feet and address, even briefly, a public gathering or fellow members of her literary society.

But gradually this had been changed. It is hard, even now, to tell whether Susan B. Anthony and Iowa-born Amelia Bloomer with their respective movements for equal suffrage and dress reform were the cause of the new spirit of independence and confidence loose among the women-folk of that generation, or whether they were merely the first to publicly cast aside shackling traditions.

At any rate, the women of America were thinking, and at least a part of them no longer believed that it was always

<sup>1</sup>The source material used in this sketch, unless otherwise cited, is from letters manuscripts, and newspaper clippings preserved by Cora Bussey Hillis (Mrs. Isaac L.) and compiled in scrapbooks by the author, Mrs. Cyrus B. Hillis, her daughter-in-law.

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man's right to lead, and always woman's duty to follow. One woman, Mrs. Theodore W. Birney of Washington, D. C., did more thinking than most, and in 1897, with the financial aid of Mrs. Phoebe A. Hearst, organized the Congress of Mothers.<sup>2</sup> This national movement asked for an educated parenthood and a wider vision of the needs of children. Mrs. Birney, in her first address to the Congress, asserted that "The appeal to take up the needs of the child and kindred topics is not made to mothers alone. Men have a thousand outside interests and pursuits, while nature has set her seal upon woman as the caretaker of the child; therefore it is natural that woman should lead in awakening mankind to a sense of the responsibility resting upon the race to provide each new-born soul with an environment which will foster its highest development."

The idea caught, and swept the country like a living flame. Mothers' clubs were formed; objects and purposes were discussed. And all the while the press comment was continuous, favorable, unfavorable, and frequently hilarious. One approving editorial writer summed up his opinion by observing that "This Congress is composed of women of brains—women who wear shoes large enough to insure comfort of the foot, and whose belts would encompass several of the wasp-like waists of fifty years ago. Such women both realize and recognize their duties and obligations, and know their rights. They are sensible and not prudish. They do not hesitate to discuss some questions the mere mention of which a generation or two ago would have been indelicate. Knowing that heredity is important and that Oliver Wendell Holmes was more than half right when he emphasized the importance of a wise selection of a grandfather as a preliminary in education, these nineteenth century mothers can look you serenely in the face and talk of prenatal culture."

The National Congress of Mothers had two years of rapid growth behind it when Illinois established the first really

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<sup>2</sup>In 1908 "and Parent-Teacher Associations" was added to the official name of the Congress. In 1924 the name "National Congress of Parents and Teachers" was adopted.

workable juvenile court system in the United States. In its history, *Twenty Years' Work for Child Welfare*, published in 1917, the Congress refers briefly to its part in the juvenile court movement:

The Congress did not originate the juvenile court and probation system, but it saw its advantages and worked for years to establish a systematic propaganda which was successful in many places . . . . Detention houses instead of jails were promoted, and the placing of the probation work on a foundation which required efficiency in child nurture as a qualification for such service became a feature of Congress work.

In the spring of 1899 an earnest mother and civic leader, Cora Bussey Hillis of Des Moines, represented the Iowa Child Study Society of the National Congress of Mothers, held, as the two previous annual meetings had been, in Washington. Realizing that the Iowa delegate was a woman of unusual ability, Mrs. Birney urged her to accept the title of state regent and the responsibility of organizing Iowa into a Congress unit. Mrs. Hillis, writing of it some years later, said: "Here was I, bidden to preach a new gospel to a state full of mothers, the majority of whom really believed they already knew all there was to be known about child-care. I was to work the limit of my strength in a new cause; to overturn established procedures; to introduce innovations, sometimes unwelcome because not understood; to be the agitator in school affairs, and even to try to overturn a century-old system of jurisprudence; introduce juvenile courts, and compel reluctant judges to turn from the business of safeguarding the almighty dollar long enough to save some little immortal child."

Although no records of that meeting of 1899 are available, this comment by Mrs. Hillis indicates that even then the National Congress of Mothers had adopted the cause of the juvenile delinquent and was agitating for court reform.

Mrs. Hillis accepted the responsibility placed upon her by Mrs. Birney, and Mrs. Birney and the board of directors of the Congress, in turn, accepted her invitation to hold their fourth convention in Des Moines.

Iowa was ready for the Congress when it convened May 21, 1900. Every county had its mothers' clubs and thousands of delegates poured into the new auditorium loaned by its Des Moines owners to the mothers for their convention.

A few days before the meeting opened, the *Sioux City Journal* said of the mothers' work:

The line of investigation followed by the clubs adopting the congress plan of work is a systematic and scientific investigation into the care and training of children, and the prevention of the increase of defective and delinquent children.

The program for the final day of the Congress was a symposium on "The Child Saving Problem from Various Points of View." One of the speakers, Mrs. Frederic A. Schoff of Philadelphia, Vice President of the organization, gave a resume on "The Provisions (or lack of them) in the Different States for the Care of Neglected, Dependent and Misdemeaning Children." According to the press, the report Mrs. Schoff presented "represented the combined labor of six women for a period of eight months." It was, it was said, practically a textbook on the subject, being a survey of all laws affecting neglected and dependent children. Another speaker, Mrs. Martha P. Falconer, probation officer of Chicago, spoke on "Practical Benefits of the Juvenile Court Law."

At the close of the national meeting, the Iowa Congress was formed and Mrs. Hillis was named state president.<sup>3</sup>

*Suggestions*, a little magazine published in Des Moines at this time—"a paper devoted to home subjects, decoration, and dress"—and containing a section edited by Mrs. Hillis, carried news about the local, state, and national congress activities. The May, 1901, issue declared:

The work of the Congress of Mothers is preventive rather than reformatory. A systematic effort will be made, and has been made in some places to have the local authorities report to the mothers' clubs every case of incorrigibility coming before them. They do not believe a little child deserves to be locked up until he is 18 or 21 because of so-called incorrigibility.

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<sup>3</sup>She continued to serve as president until 1906.

The same issue of the magazine announced the 1901 meeting of the Mothers' Congress to be held in May in Columbus, Ohio. Hon. Harvey B. Hurd of Chicago, author of the Juvenile Court Act of Illinois, was scheduled to address the Congress on "New Times; New Methods; or, Why Juvenile Courts and the Probation System Should Exist in all States."

Included in the list of "Aims and Purposes of the Congress" published by the national organization were the following:

To secure legislation as will insure that children of tender years may not be tried in ordinary courts, but that each town shall establish juvenile courts with special officers, whose business it shall be to look out for that care which will rescue instead of confirm the child in evil ways.

To work for such probationary care in individual homes rather than in institutions.

The June issue of *Suggestions* gave a detailed report of the Columbus meeting. Mrs. Hillis, prefacing quotations from addresses by Judge Hurd and Richard S. Tuthill, Judge of the Chicago Juvenile Court, said, "No field of effort more forcibly appeals to the Iowa Congress of Mothers than the movement to establish juvenile courts to save children from becoming criminals."

Judge Hurd, in his address before the Mothers Congress, spoke of results already gained from the two-year-old Illinois law. "This law has done more than its authors expected of it. What I claim for it is that it is letting in new light upon the subject and may lead to something better than we have had before."

Mrs. Hillis commented upon Judge Hurd's talk: "He suggested that the Mothers' Congress petition the next legislature to enact a law under which the parents of delinquent and incorrigible children could be arraigned before the bar of justice and be punished. He gave it as his opinion that they are really at the root of the evil and ought to be looked after."

Judge Tuthill, in his talk, explained the operation of the

juvenile court over which he presided, and stressed the need for more women probation officers. "Sometime ago," he told the Congress, "about seven hundred and fifty children were placed under the care of probation officers, and all but about two hundred of them behaved themselves with propriety and have never been brought back to the court again. That shows what can be done. Now a good deal more could be done if we had more of these faithful women probation officers, for a woman can get into a home, if she has tact and judgment, and good sense, and can accomplish more than a dozen men. Men cannot talk to women. When a man comes around a home the mother resents it. 'Well,' she says, 'you are trying to do something that is not any of your concern—trying to teach me to take care of my babies.'

"It needs women to do this work. Wherever there are children to deal with, you must have women."

Although Mrs. Hillis was the very busy president of the Iowa Congress of Mothers, she found time, until 1905, to head the Des Moines Union of Mothers' Clubs. At the final spring meeting of the latter organization in June of 1901, held shortly after her return from Columbus, the matter of a juvenile court for Iowa was discussed.

The *Iowa State Register* reported that

Mrs. Hillis called attention to many matters that demand the attention of all the mothers of the city. Several legislative questions were brought up and it was decided to carry on an active campaign during the next legislature for their passage. The following are three matters that will be brought before the legislature and bills will be introduced along the lines indicated:

An adequate law for the punishment of kidnappers of children; regulating the age of consent; for the punishment of infringements on the law which regulates the sale of liquors to children, together with cigarettes and the use of gambling devices.

The establishment of a juvenile court in Iowa for offenders under the age of 16 years.

A child labor law.

Committees were named by Mrs. Hillis for the ensuing year as follows:—Juvenile Court—Mrs. George Peak, Mrs. E. B. Whitcomb, Mrs. Anna Gordon, Mrs. De Loose, Mrs. T. A. Cheshire, Mrs. Lulu

Bishop, Mrs. S. F. Prouty, Mrs. Orin Davidson, Mrs. Dr. Patchin.

The state meeting of the Iowa Congress of Mothers, first planned for the spring and then for the fall, of 1901, was not held in Des Moines until January 28-31, 1902. If one had not known it before, a glance at the program would show that it was to be a juvenile court year for the mothers. "What is Iowa Doing for Her Dependent, Neglected, and Delinquent Children;" "The Incurable Boy," "The Wayward Girl," "The Insufficiency of the Law," "The Juvenile Court"—these were subjects to be discussed. The Congress planned to talk about other things, of course,—"Compulsory Education," "Child Labor," "The Mental and Moral Development of the Adolescent Child"—but the accent at this convention was on juvenile delinquency and what might be done about it.

In the advance publicity, a spokesman for the Congress asserted that "the legislative acts to be asked by the mothers for the children are so manifestly needed that, as a prominent senator remarked, 'They will need no lobbying, and will doubtless go through without one dissenting voice.' The women of all sorts of clubs feel that they must help in this work, and are uniting with the Congress that their influence may tend to secure the desired results."

The most interesting event of that Congress of 1902 was the reception for the delegates held by Governor and Mrs. Cummins in the executive rooms in the capitol. Representing 40,000 Iowa women, two hundred delegates and the presidents of five women's organizations "looked in upon the sessions of the House and Senate. Lieutenant Governor Herriott called the Senate to order, granted a recess of fifteen minutes, and invited Mrs. Hillis to the platform, introducing her as the daughter of General Cyrus Bussey, a former member of that body, and as a woman active in the welfare work of the state. Mrs. Hillis, in reply, said: 'We represent the motherhood of the state, and we urge your passage of a law making the kidnapping of children punishable by such extreme penalty as will prevent a repetition of the Cudahy kidnapping case. We also give notice that

two years hence we will present a juvenile court and probation law, and earnestly request the legislators to study the literature of the movement as it appears in the current press.' " After leaving the Senate, the delegates were then "escorted to the House where a similar scene was enacted."

The visit to the legislature by the Congress delegates was the result of no sudden whim on the part of the delegates or their leader. Like a piece from a jigsaw puzzle, it fitted into a picture of events that started shortly after Mrs. Hillis returned from the sessions of the National Congress of Mothers in 1899. Inspired by that meeting, she had begun a quiet and thorough study of juvenile delinquency. She entered into lengthy correspondence with persons who were in a position to give her information and support, and what she learned made her resolve that Iowa should not be too far behind in the parade of states that was moving slowly, but inexorably, in the direction of more humane treatment for the children brought before the country's courts.

Under date of January 11, 1902, shortly before she became President of the National Congress of Mothers, Mrs. Schoff, leader of the juvenile court crusade in Pennsylvania, said in a letter to Mrs. Hillis:

"The judge of the juvenile court sent me your letter to the Court, saying he knew of no one who could reply so well as I. My desk is so piled with letters, that I sighed when I knew the reply would take an hour, though of course I am so glad you are working to get the law.

"There are one or two points you want to make clearer than ours. Be sure to have the word 'incurable' added to 'dependent and delinquent,' because some are trying to make out that the law does not apply to incurable children, and that on complaint of parents magistrates may still commit children to reformatories. This is one of the greatest abuses we have to deal with. Parents wishing to be rid of the support of their children send them to a reformatory, in many cases, wishing to put their support on the state until they can earn money. Parental responsibility is not encouraged by such a course, and it is positively wicked to put innocent children in a reformatory. If you

could only see great big men and women swear that a six year old is incorrigible, you would feel the absurdity and injustice of such a system, as I do.

"The jurisdiction of all children's cases should be given clearly to the Juvenile Court and not to Magistrates. I think if I were drawing a new bill, I would include in it the provision for the house of detention for untried juvenile offenders, or at least state definitely that every county should provide rooms away from the prison where children awaiting trial would be kept. There must be definite provision for this part, and it must be mandatory. Do not use the word 'may'. Put 'must' or 'shall'. Permissive laws amount to very little. If you send me an outline of your bill when drawn, I will give you any suggestion I can about it.

"The Juvenile Court in Philadelphia is slowly getting into running order. We have rotation in our judges, and it will take longer on that account to get them all educated to its best working. Those Judges who have sat in the Court appreciate its importance and value. We have not yet sufficient probation officers, but they give reports of great good done under the new system. They report improved homes, and their visits are welcomed by parents and children.

"Our Children's Aid Society has acted as a House of Detention until the city can provide one. It has, since July, taken 400 children awaiting trial, and at no expense to the city. These are the children who would otherwise have been kept in police stations or prisons. This Society has rendered most valuable aid in carrying out the law. My committee in the new century has been authorized to raise a fund of eight thousand dollars for the support of twelve probation officers. We have districted the city, and as soon as possible, shall put a responsible person in each district.

"Already the commitments of children to reformatory institutions have decreased fifty percent.

"A member of the Maryland Legislature called on me yesterday for suggestions and information. It is his purpose

next week to introduce a bill similar to ours in the Maryland Legislature, and to give his undivided attention to putting the measure through. It is most interesting to see the idea spreading, and we must do all we can to push it everywhere.

"New Jersey is deeply interested. I have spoken in Trenton and Camden to large and enthusiastic meetings, and I think there is little doubt it will be accepted there.

"I understand the Governor of Indiana is personally pushing the subject.

"Iowa is such an intelligent and progressive state you should get it easily there. St. Louis has such a court and New York is trying hard to get it.

"I have but one copy of my address to the Senate. I don't believe you want mine. I spoke to the House, using no paper, but giving, in the fewest words possible, the reasons for passing such a law. Facts and briefness is what is appreciated by such a body.

"Another thing: you should have your bill introduced by a man of prominence. One who is with the dominant party, and who can carry what he undertakes. You can help by requesting every women's organization in Iowa to write to their Senator and Representative urging them to vote for the bill. The Women's Club of Des Moines should be a help in the work.

"I hope your State Congress will be most successful. I think you will find it advisable to work on lines pursued by other states, grouping the Parents' Associations about the public schools. Uniformity of work will strengthen the National movement.

"I hope you are quite well by now, and that this letter will help you."

In September of that year, 1902, Mrs. Hillis, alert to seize every advantage to secure better juvenile care, went before the "Quarterly Conference of the State Board of Control and the heads of the various state institutions" and asked that in Des Moines and all other cities where there were truant officers as provided by a new state law, such officers serve also as probation officers. She declared that through

the press, public opinion could be aroused to wield great influence in the matter so that these truant officers might be empowered to act without waiting two years for some special act of the legislature on the subject. She asked for the establishment of juvenile courts as soon as possible; for the better care of delinquent children; and for a state appropriation providing a support of one dollar a week to be paid for the care of each delinquent child given care in a home. "Make the delinquent parents feel that this child of theirs is also a child of the state, and that the state is interested in the education and development of that child."

Mrs. Hillis wrote to Jane Addams of Chicago's Hull House asking for information about the operation of the Illinois law and on May 22, 1903, Miss Addams sent the information and added, "if the inclosed matter does not give you all the information you desire, will you kindly let me know."

November and December of 1903 were busy months for those interested in the passage of a Juvenile Court law. In November the approval of the Des Moines Women's Club was obtained for the proposed legislation, and the club went on record with a resolution pledging its support. "The club women are almost a unit in endorsement of the proposed legislation," a newspaper account said. "The bills of the states operating such a law are being carefully compared and the best features in all will be adapted to Iowa needs. The preliminary work is being done by a committee from the Mothers' Congress, and the bill will be carefully drawn by a prominent attorney after it has been examined, criticized, and amended by various experts in sociological work. The matter was presented to the Women's Club by Mrs. Isaac L. Hillis, who is enthusiastic, and a great worker in the agitation for the Juvenile Court."

Strong support for the movement poured in from every corner of the state. Mothers' clubs, women's clubs, federations, labor unions, reform and social welfare groups, lawyers, judges, and many, many others declared a willingness to help the Congress in its fight. Petitions were signed; resolutions were passed; legislators were contacted.

Senator Warren Garst of Coon Rapids was invited by the Iowa Congress to present their bill to the legislature. "Mr. Garst," an undated and unidentified newspaper clipping reads, "has not pledged himself, but has indicated in a letter received this morning by Mrs. Hillis that he is in hearty sympathy with the movement and promises to hold a conference on the subject with the officers of the congress within the course of a few days. In connection with the agitation for the passage of this bill a mass meeting to be held in the auditorium of the Y.M.C.A. has been planned for December 10, and this morning Mrs. Hillis appeared before the Ministerial Association and asked that an invitation card be left at every home visited by the canvassers for the Sunday school census, urging attendance at this meeting. Governor A. B. Cummins and officers of the various charitable institutions of the city have promised to be present and give addresses on the advantages to be gained with such a law in force. Mrs. Hillis appealed to the ministers to each devote one sermon to the cause. In regard to the care of arrested children in Des Moines, Mrs. Hillis said: 'In Des Moines we have a miserable system of taking care of these little folks. The only place for the detention of these young people is one small room, the most of which is cut up into pigeonholes just large enough for a cot and a chair. In these the children sleep and during the day are all allowed to mingle in the small remaining space. The contaminating influence of a few bad boys in this cage with a number of little girls can readily be realized. There have been as many as thirty there at once. These children are fed but black coffee with bread and molasses with soup for dinner.'" The facts presented in that interview appear to have been new and shocking to the women who read them. On November 22, the *Des Moines Daily News* carried the story of the resulting deepened interest in the situation:

A diet of bread and molasses with black coffee without cream or sugar, with the addition of soup for dinner, for the little children detained at the police station, together with other conditions there, has aroused the interest of the Mothers' Club and the Women's Club of Des Moines and is responsible for a movement for a detention home. It is claimed that the children are kept in the station

without any chance for free, fresh air in the summertime, and that boys of eighteen, bordering on incorrigibility, are kept in the same room with little girls.

On December 10 the symposium was held at the Y.M.C.A. as scheduled. Mrs. Hillis presided over the meeting and explained its purpose. "The juvenile court movement," she said, "was begun in Illinois five years ago when Mrs. Lucy Flower<sup>4</sup> and Judge Hurd of Chicago started the idea of investigating the causes of crimes committed by young children." After describing the Illinois law, she gave the Colorado law as an example, also, of what could be accomplished. "In that state," she said, "parents can be fined for refusing to care properly for their children, and persons aiding the performance of crime by children can be fined and imprisoned."

One of the features of the meeting, which was "well attended by judges, professors, and civic leaders," was the reading of a letter Mrs. Hillis had received from Judge Tut-hill. Under date of December 1, Tuthill wrote that "the plans outlined in the juvenile court law are simply an application of common sense rules, recognizing that all children are in need of parental care; we recognize this truth in cases in our own families. All wise parents endeavor to give their children proper consideration, for they recognize the fact that without this care they would inevitably, especially in great cities, go to ruin. Thousands of children found in our streets have not such parental care and are speedily going wrong for the want of it. The State stands in 'loco Parentis' to all children, and where a child is found, who for any reason has become delinquent for the want of proper parental care, the State should enter upon the discharge of its duty and give the child such care.

"Heretofore, the State has only given the policeman with his club, police cells, jails and prisons to children who, before they know what crime really was, committed some act which in an adult would be a crime; punishes them for it and throws them into constant companionship of maturer

<sup>4</sup>A search of local records fails to reveal anything more about Mrs. Flowers' part in the juvenile court movement.

criminals where their delinquency speedily develops into criminality.

"I think three-fourths, at least, of the criminals which, during my nearly seventeen years of experience in the Circuit and Criminal Courts, have come before me have been youths who have developed by lack of this parental care into mature and deliberate criminals.

"Under the juvenile court law, children under sixteen years of age are not to be treated or considered as criminals, and the purpose of the law is to give them such parental care, through probation officers (men and women), as will place them in the right course.

"I think the success of the work has been remarkable, although we lack facilities for doing it. What we need are homes and schools in the country to which children can be sent. By homes, I mean cottages presided over by a house father and a house mother; by schools, I mean those with good teachers where the children can learn something of family life; manual training work shops, barns with all manner of live stock in them, and farms where they may be taught horticulture, as well as agriculture, and where they can be kept from one to three years.

"It has been demonstrated that with such care and treatment even those children who have been indicted and convicted of crime, can be, ninety per cent of them, reclaimed and transformed into good citizens.

"Experience has demonstrated that unless those children are cared for and given the needed parental care, it will not be many years before the State will have to care for them in its prisons, at unremunerative labor.

"I maintain that it is far better to build such homes and schools than to build prisons and penitentiaries.

"This movement for giving parental care to children has spread all over the state and I think men and women who have considered the subject agree that it is not only our moral and religious, but our patriotic duty to provide this care for these little ones.

"If only all the good people could be informed as to what should be done for these children and public senti-

ment could be awakened, I believe it would be the greatest step forward toward the prevention of criminality that was ever taken."

Judge Gifford L. Robinson, representing the state board of control, declared at this meeting that Iowa was "twenty-five years behind" in its work for delinquent children. "Iowa has no system for the protection of children. There is no law for the suspension of sentence; no parole and no reformatory in the proper sense of the word. We should prevent crime rather than punish it. In Iowa 20 per cent of the convicts are less than twenty years of age and 90 per cent of them are from the poor classes. Prisons have become schools of crime. The juvenile courts will prevent this deplorable condition."

Justice Frank E. Duncan made a "scathing attack upon the wine-rooms of the city, and declared they were responsible for more crimes than any other influence. He asked why they were not closed and the owners punished under the law, and wanted to know if the saloon element was so strong that men with power could not afford to enforce the laws.

"John Beardsley, of the Associated Charities, spoke of the best method of presenting the matter before the legislature, and thought it best to ask for only a part of the system at one time."

In an address, *A Worker Among Street Boys*, Mr. Weeks, whom it has not been possible to more definitely identify, spoke of the "evil examples of the police stations and home life.

"Prof. F. I. Herriott of Drake University said the judges of the country condemned the practice of huddling criminals together, and advised isolation, as in the case of epidemics of disease. He said that the spirit of criminality was fostered by permitting criminals to be in each other's company.

"Mrs. S. F. Prouty and Mrs. A. B. Shaw pledged the cooperation of the [Des Moines] Women's club in the movement, and said the children had the sympathy of every mother who was interested in their salvation."

The detailed news story from which these quotations were taken made no mention of several prominent persons who were advertised to appear on the program at this juvenile court meeting.

A letter Judge Tuthill wrote to Mrs. Hillis the following month, January 10, 1904, indicates that the proposed bill had not yet been finally drafted. "In reply to yours just at hand," Tuthill wrote, "would say that I would provide in the bill for paid probation officers, with at least one in every county, and two in every county with a population over fifty thousand, or perhaps three. Judge Cole will be better able to decide upon this question than I can. The officers should be paid by the county upon the approval of the judge of the juvenile court, fixing the salary in the law at such sum as the judge thinks proper under the circumstances. The probation officers here who are paid, are paid through voluntary subscription and the salary averages from fifty to sixty dollars a month.

"The Indiana law I like really better than our own, as they have made some improvements, as to paying board money for children. We have it in our law but it has never been successfully carried out with us. The Children's Home and Aid Society endeavor to raise money for this purpose but we had such poor success in keeping the children in homes provided that I am not able to say what is best in that respect.

"I fear you would have difficulty in raising money to pay probation officers by voluntary subscriptions. Here in Chicago a large number of very wealthy people who are charitably inclined and able to give, and want to give, like to feel they are doing something in this child saving work, themselves, so contribute.

"I think, perhaps, you could get along without a Detention Home, by simply notifying the parents, fixing time, place, etc. I do this here and really have no difficulty in getting the child into court. This, of course, would overcome the expense of a Home.

"What is best to be done in any instance is generally determined by existing conditions at the time and place.

You, Judge Cole, and others interested in this work, are much better able to appreciate your conditions than I am, and I would feel much hesitancy in advising you, except very tentatively, as to what to do.

"Act on your own best judgment and you will probably act more wisely than if out-siders say what you ought to do."

Mrs. Schoff, who had now succeeded to the presidency of the National Congress gave conflicting advice with respect to probationary work in a letter dated January 11. "I enclose our laws. They are made to conform to our State Constitution. Constitutions differ greatly; therefore one state is little guide for another except in the main thought.

"Our probation work is far better than where the positions are paid by the public. We pay all our officers. We have ten now. I have raised the money. I believe the women should do this to secure the best service. Volunteer officers are of no account.<sup>5</sup>

"Our laws pertain to the whole state. Our constitution does not permit laws that relate to cities and towns. All come under the same laws. . . .

"Your first need is to have the lawyer who draws your bill especially conversant with your constitutional law.

"I am glad you are still working at this, and hope you may succeed."

Ben B. Lindsey, at thirty-four, had become famous as the judge of the juvenile court in Denver, where proper administration of the law had resulted in a ninety per cent decrease in truancy. Confident that he could aid the Iowa Congress in the work for the establishment of a law for its own state, Mrs. Hillis wrote to him in January, asking him to come to Des Moines to address called meetings, and, if possible, the legislature.

Under date of January 11 he replied: "I think that I could be with you on the 7th of February if you could have an evening meeting at one of the churches. I would be

<sup>5</sup>The important thing to note here is that the disagreement between Tuthill and Mrs. Schoff was merely in who was to do the paying, they both heartily agreed that the probation officer should be a paid worker.—Editor.

glad to speak on the subject which interests you under the title of 'The Child and the State.' I think it very important to get a union meeting of the churches, as we found such meetings here did as much as any one thing to arouse public sentiment for our laws.

"I feel certain that I could get transportation, so there would be no expense attached to the trip. In case you arrange for the meeting, I think it would be well to get the presence of the Governor and the Legislative Committee having charge of the bill."

With Mrs. A. B. Cummins as one of the persons in Des Moines concerned with child welfare, Mrs. Hillis sought the aid of her friend Governor Cummins. Writing to the Governor in the forepart of January she asked him to make a special recommendation for the enactment of a juvenile court law in his biennial message. This the Governor was unable to do, partly because the request was received too late, and also, he explained, because he thought himself "not sufficiently familiar with the details of the bill which it was proposed to urge, to speak of it otherwise than in the general paragraph" devoted to it in the message. The Governor closed his reply by adding, "You can command me for all that I can do in the way of better provision in the criminal laws for our boys and girls."

Amply proving himself a friend to the proposed measure, however, the Governor's biennial report declared that

There ought to be a marked difference between the treatment given to the mature and the immature criminal. By far the greater number of the boys and girls who are arrested and convicted, could be saved from lives of wrongdoing, if intelligent and merciful supervision were exercised at the time they first violate the law. It is cruel to them and hurtful to the state to consign them to the association of hardened and habitual lawbreakers. There is no subject which better deserves your careful thought than this.

Judge Ben Lindsey demonstrated his deep interest in the Iowa project—and his diplomacy—by writing a full letter to Governor Cummins under date of February 3:

"I have had the honor to receive some communications from Mrs. Cora B. Hillis, of Des Moines, in regard to the Juvenile Court of Denver. Mrs. Hillis has requested that I

might attend a meeting in Des Moines in behalf of similar legislation proposed in your state. I should be only too glad to assist in such excellent legislation.

"We have really had the Juvenile Court in Denver for something over three years, and I think its practical working has been more than demonstrated. It meets with the almost unanimous approval of our people.

"The work of the Court here was referred to by our former Governor and by our present Governor in their public addresses to the Legislature. Under separate cover I have the honor to send you some information regarding the Juvenile Court of Denver, and sincerely hope that your present legislature will adopt similar laws to our own and those of some other states. I prefer the Colorado juvenile system because it holds parents and others to a rigid accountability for the moral welfare of their children. I enclose in this letter one of a series of articles I have been writing for the Denver Republican and the Rocky Mountain News upon the juvenile problem in the cities of this country. If you could find the time and, because of the unfortunate length of the article I am compelled to say, have the patience to read the enclosed, I believe it will give you a fair idea of the importance of our laws holding parents responsible. There is no similar law anywhere in this country, and a juvenile court law is two-thirds lacking, in my opinion, without the feature here referred to."

Lindsey's letter, dated the very day the proposed juvenile court law was introduced into the Iowa Senate, together with the enclosed information, was forwarded by Governor Cummins on February 19 to C. C. Dowell, chairman of the Senate judiciary committee into whose charge the bill had been committed.

There has been some confusion as to who actually wrote the Iowa Juvenile Court bill. Although Mrs. Hillis is usually credited with having been its author, other accounts say that it was written by Judge Chester C. Cole, of Des Moines, a former Chief Justice of the Iowa State Supreme Court, who in 1904 was dean of the Drake Law School, and whose

name has been several times mentioned in the correspondence quoted above. The bill was actually a collaboration. Mrs. Hillis, as this history has shown, was in possession of vast amounts of material relating to such laws, and knew what she and the other workers wanted for Iowa; Judge Cole, who was impressed with the merits of the cause and had the legal knowledge necessary for the drafting of the bill, knew better what they would be most likely to get. Together they worked out a measure which they believed would pass. Though modified several times in an effort to "make it a more opular measure", the bill introduced was substantially the product of their cooperative labors.

Although in its original draft<sup>6</sup> form the bill provided that the probation officers created by the proposed act were to receive no compensation from the public treasury, a later modification provided that these officers should be paid by the county commissioner in counties where the population was over 50,000 inhabitants. This was a reflection of the different advice given by Mrs. Schoff of Pennsylvania and Judge Tuthill of Illinois as to the merits of publicly or privately paid workers. And even this provision was finally eliminated in the bill actually introduced. The press, in commenting upon the proposed payment of probation officers by county commissioners, said "it is asserted that it is wise to do this as volunteer service is not always dependable."

"Claiming that the needs of neglected and incorrigible children are just as urgent in the smaller towns and counties as in the great cities, Mrs. Hillis is devoting her time at the present to reaching mothers in the rural districts, interesting them in the work with the hope of bringing pressure to bear upon legislators from these districts.

"The law, as prepared, is elastic enough to include juvenile courts for towns of 5,000 and upward.

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<sup>6</sup>Of the numerous drafts of the proposed law, three are known to be preserved, a carbon of one of the later drafts in Mrs. Hillis' collection, the original bill as introduced, and the bill as submitted by the committee. The latter two are in the Iowa State Public Archives in care of the Department of History and Archives.

"Senator George Dunham of Madison [actually Delaware] County has been selected to introduce the bill which represents the culmination of three years' work on the part of the Iowa Mothers' Congress."

This undated press report was obviously based upon one of the earlier drafts of the proposed bill, for it mentions still another feature which failed to appear in the official bill. A copy of one of the drafts of the proposed law carrying alterations in Mrs. Hillis' handwriting, shows that Section 1 originally read: "In each county in this state containing a city having a population of five thousand or more, according to the last Federal or State census, there is hereby established a Juvenile Court . . . ." A heavy line drawn through the phrases "containing a city having a population of five thousand or more, according to the last Federal or State census," made the section read: "In each county in this state there is hereby established a Juvenile Court . . . ." And so it appeared in the bill introduced.

The bill for "An Act to Establish a Juvenile Court, and to Regulate the treatment and control of dependent, neglected and delinquent children" was introduced in the Senate by Senator George Dunham of Delaware County on February 3. The bill, known as Senate File 90, was referred to the judiciary committee of which Dunham was a member.

According to the capitol press of the day, it was reported that "there has been introduced in the State Legislature a bill which provides for a Juvenile court in every county in the state. In this court shall be tried all incorrigible children, or any child brought up for any offense that would receive consideration in the district or police court."

"The bill is the result of much hard work on the part of the club women of the various mothers' clubs throughout the state. Mrs. Isaac Lea Hillis, who is state president of the Iowa State Mothers' Club has worked untiringly in the interest of the bill, and in the work of drafting it. The plan outlined by the bill does away with the practice of bringing small children into the courts where hardened criminals are tried.

"This intelligent move along the lines of reforming criminals earlier in life is the idea of earnest women over the state, and in their opinion this bill constitutes the most feasible plan to get the children away from bad influences. Should a child be convicted of any offense, the judge may remand it to one of the state industrial schools, but the first effort made will be to obtain a home in a good family where the child will know the guidance of adopted parents."

As introduced by Senator Dunham, the bill<sup>7</sup> provided for the creation of a new and separate juvenile court in each county of the state, to be served by either a district court judge or a superior court judge designated by their respective courts. Separate court rooms and separate records were also required for such a court. The proposed law set forth three classes of minor children with whom it was to deal, exclusively, the dependent, neglected, and the delinquent. Describing each category in detail, and explicitly stating that its provisions applied only to those "under the age of sixteen years, and up to their seventeenth birthday," the measure set forth procedures for the care of dependent and neglected children to be taken over by state institutions, private associations licensed by the state, and by foster homes. Such organizations and homes were given certain legal rights with respect to the child as guardian and as pertaining to adoption.

In the provisions for delinquent children came the matter of probation officers, the subject of much thought and discussion by the proponents of the measure. As offered, the bill provided for no pay by a public agency. The probation officers' function was described as that of an aid to the judge and as a guardian of the interests of the youths brought before the court.

Another feature of the bill which loomed important to the friends of the bill was the detention home. Much of the agitation in favor of a juvenile court had risen out of justified complaint against the mingling of immature offenders

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<sup>7</sup>Legislative Records, in the Iowa State Public Archives, in the Department of History and Archives. Both the original and the amended provisions noted later are to be found in this division of the Department.

with experienced and hardened violators and habitual despoilers of the social order. It was specifically commanded that "No court or magistrate shall commit a child not yet having reached his seventeenth birthday, to jail or police station, but . . . shall keep such child in some suitable place provided by the city or county outside the enclosure of any jail or police station." And when sentenced to confinement, even then the youths were not to be placed among adult prisoners.

The future of the juvenile court bill was now in the hands of the legislature.

Judge Lindsey's visit to Des Moines in the interest of such a measure, originally planned for early February, was finally arranged for the forepart of March. The plan for bringing Judge Tuthill to Des Moines was, for some reason abandoned, but the Hon. T. D. Hurley, editor of the *Juvenile Court Record* of Chicago, arranged to come in his place.

Judge Lindsey was a guest in the Hillis home during his two day stay in the city—a stay during which he must have had but little rest, so crowded were his engagements. Mass-meeting audiences, called together for the obvious purpose of further stimulating public sentiment, were stirred by the two forceful, authoritative speakers from out of town.

On March 10, the second day of their visit, the movement to establish a juvenile court in Iowa was given a "powerful impetus" by the addresses made by Judge Lindsey and Judge Hurley. "Both men addressed the legislature in the House chamber after the close of the meetings of the pioneer law makers. The addresses were listened to by an interested audience which completely filled the House chamber," according to an account in the *Des Moines Capital*.

Other forces were at work favoring the court bill. Although the name of G. W. Burnham, Vinton, Judge of the Seventeenth Judicial District of Iowa, has not before entered this account of some of the events that led up to the enactment of the Iowa juvenile court law, a letter written by him on March 15 proves that he was working actively for the

proposed legislation. "My dear Mrs. Hillis," he said, "your letter received. I am in communication with some of the members of the Legislature, and believe the juvenile court bill will pass both houses without a doubt. Had a splendid letter from Senator Courtwright [Waterloo] in answer to mine, and he will give his earnest support to the measure. May come down Thursday or Friday if it seems best, but am almost persuaded to believe that I can do better work by letter than by my presence.

"The 'Adult Delinquent' bill is all right and should become a law, but I am afraid if we attempt too much in this session we will get nothing. Would it not be better to urge the Juvenile Court bill at this session and let the other go over until the next. However, the friends of the measure on the ground can best determine this matter. My opinion however, from this point of view, would be not to urge both at this session."

The reference in this letter to the "Adult Delinquent" bill has a connection, without a doubt, with a statement Mrs. Hillis is said to have made when she was addressing a mothers' club on the juvenile court bill. "She spoke especially of a measure which will soon be introduced, asking enactment of a law that will prohibit a parent placing children in the reform school in order to enable the one who should afford them protection, a chance to marry again."

Judge Hurd and Judge Lindsey had urged that criminally neglectful parents be subject to fine and as early as December 5, 1903, a juvenile court article in the *Des Moines Register* had closed with: "Among the most important clauses to be inserted in the bill are those providing for a special house of detention for juvenile prisoners, and one giving the judge authority to fine a delinquent parent, when it is shown that the child's offense is the fault of the parent rather than of the child."

Meanwhile the legislative mill was grinding its grist. The juvenile court bill was in the hands of a Senate judiciary sub-committee of three, Whipple of Benton, Molsberry of Louisa, and Stookey of Decatur counties. This committee reported certain substantial amendments, which, adopted

by the full committee, were submitted with the judiciary committee's report filed March 12, recommending that the bill when so amended be passed.<sup>8</sup>

These amendments carefully defined the juvenile court as a part of the district court, not a new and separate court as originally proposed. The age limit was made "under sixteen years," thus eliminating the anomaly included in the Dunham bill. A significant and undoubtedly acceptable amendment was one which eliminated from the definition of "dependent children or neglected children," that class of children "peddling or selling any article, or singing or playing any musical instrument, upon the street." This amendment freed such youngsters as newsboys, shoe shine lads, and other needy children working at traditionally youthful means of earning money.

Other amendments, while protecting the juvenile offender and maintaining the probation officer's duties, prescribed the court procedures as similar to those in the district court. On the whole the heart of the law remained unchanged.

Two days later, on March 14, on the motion of Senator Dunham, the bill was re-committed to the judiciary committee for further consideration. After two days time the committee reported back to the Senate a substitute bill with the recommendation for its passage. Actually, the substitute bill, still known as Senate File 90, merely incorporated the original committee amendments and offered not a single change in the bill not previously reported.

A possible reason for the re-introduction of an integrated bill was the introduction of a companion bill of identical form in the House of Representatives by Representative David C. Mott of Audubon County, on March 18. Known as House File 397, this measure was committed to the House judiciary committee.

As the legislative session was in full swing and problems

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<sup>8</sup>The legislative record of the juvenile court measure is based on House and Senate Journals for the Thirtieth General Assembly and the legislative committee books, the latter from the Iowa State Public Archives, Department of History and Archives.

of large moment pressed for attention, the special problem of the proponents of the measure was to secure a place on the Senate calendar rather than in countering any possible opposition. Senator Dunham had Senate File 90 made a special order of business in the Senate for March 23. The lack of any opposition is indicated by the 42-0 vote by which the measure passed the Senate on that date. Correcting the title to make it conform with its provisions including the district court law the bill was sent to the House, where it quickly joined House File 397 in awaiting action in the judiciary committee.

Eight days later, April 1, the chairman of the House judiciary committee, Nathan Kendall, reported the committee's recommendation that House File 397 be indefinitely postponed, in effect killing the bill.\* But on the same date the same committee recommended that Senate File 90 be passed without amendment. Again it was merely the problem of securing space on the crowded House calendar. The legislature was nearing the end of the session. Representative Mott secured approval for making Senate File 90 a special order of business in the lower house on April 6. On this day, April 6, 1904, the juvenile court bill passed without opposition, 88-0, and on July 4 the measure became the law of Iowa.

Throughout the state there had been favorable newspaper support of the bill. There was the same favorable comment upon the victory achieved by the Iowa Congress of Mothers. "Petitions circulated by women were poured in upon the legislature," one editorial in a Des Moines paper said. "Two distinguished juvenile court judges who had made a success of the system in other states spoke at a

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\*This was an unorthodox and dangerous method of disposing of two bills of identical form. The usual procedure is to have the sponsor of the measure urge the substitution of the bill passed first by the other house, if that is the case, for the one originating in the body then taking action. This saves a delay of having an identical bill go through the committee mill again, and saves time, since two houses can consider the same matter at the same time.

In this instance the method of substituting was first to "kill" the one bill by indefinite postponement before considering the other. Technically to do so could have made it impossible if any House member had objected to act on S.F. 90, save by a two-thirds vote. A standard legislative rule is that a subject once disposed of by negative vote or indefinite postponement can not be acted upon or considered again that session except by a special vote.

That no one challenged the House action indicates conclusively the non-controversial nature of the bill as finally considered.

joint session of the legislature in its favor; but the greatest credit for the passage of the law is due to Mrs. Isaac Lea Hillis, president of the Iowa Congress of Mothers, whose untiring efforts in its behalf have at last been crowned with success.

"The greatest benefits of this humane provision for delinquent children will only be gained if it is wisely administered. The detention house and the probation officers are the pivotal points on which the success of the law will hang. . . .

"As the law carried with it no appropriation, this matter of the detention house and its finances will have to be worked out by the philanthropic people of our city.

"Fully as important are the probation officers, who at first will have to be volunteers entirely—men and women who will give their time and best efforts to looking after the children who are brought before the judge of the juvenile court. . . .

"In the future the probation officer must be, and will be, especially trained and educated, and the state will see the necessity of expending the needed money to develop this system to its highest usefulness, but for the present we must work out our own salvation."

The remarks of this editor relative to the need for philanthropic citizens and the temporary aspects of unpaid volunteer probation officers suggests that part of the uncertainty of the legislature was due to the fact that it imposed no financial requirements upon any county or judicial district.

While the subsequent history of the juvenile court in Iowa as it operated under the law whose creation is sketched here is another story, it will be proper to add a few remarks concerning the establishment of the detention home for Des Moines. The struggle was a bitter one with harsh words on both sides. Mrs. Hillis, president of the board of managers appointed by the court to "manage, control, furnish and administer the affairs of said Home under the direction of the District Court," was supported, as always, by the women of the mothers' clubs. The Iowa Humane

Society was an especially powerful ally, as was the Des Moines Women's Club. The opposition came from certain local politicians who drew upon greed and public apathy for their support.

"Provisions for a paid probation officer, and for a detention home, were made by the next general assembly, and the juvenile court of Des Moines, and its detention home, today rank among the best in the country. After the passage of the juvenile law, Mrs. Hillis was appointed by the Court, chairman of a committee of five to secure and equip a detention home. After a time, however, Polk County generously provided for all these needs."

The mild and brief account of that two year period of the struggle to obtain a detention home in Des Moines can never convey the picture of the forces of good, and of indifference, that were at work at that time.

*—Mrs. Hazel Hillis, of Des Moines, is the daughter-in-law of Mrs. Cora Bussey Hillis, a founder of the juvenile court law in Iowa.*

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