

THE COURT OF THE CHILDREN

EDITORIAL BY THEODORE ROOSEVELT

FOURTEEN years ago there did not exist a single children's court in the entire civilized world. To-day it is an acknowledged and permanent institution not only in our country, which had the honor of creating it, but in many other countries as well.

The object of the children's court is to set apart the few child criminals, and to care for the children who are not criminals, but in danger of becoming such, by putting them on the road towards good citizenship. Naturally the court destined to fulfill such a function must discard many of the traditions and practices of the past. It is not sufficient for a judge to decide that a child has offended or that he has been neglected. It is necessary to determine what was the underlying cause for the offense or condition, and what can be done for the child's betterment. Discipline must be inflicted if discipline is necessary. Nevertheless, the disciplinary function is less important than the function providing a means of prevention. It is the first duty of the court to do its share in eliminating the causes that make for the neglect of children, and for the misconduct that may come either from such neglect or from sheer misguided and misunderstood activity. The judge must have peculiar qualities. He must avoid sentimentalism on the one hand and narrow-mindedness on the other. Only thus can he make the children's court fulfill its function, a function which includes saving the child, preserving the family, and arousing the public to the need of abolishing the social conditions that breed crime and misery.

Judge Lindsey, of Denver, a citizen who has emphatically deserved well not only of the

State of Colorado but of the entire Republic, by his actions and writings first brought vividly before our people both the need and the usefulness of children's courts. Since then much has been done in other cities. I happen to have followed the work of the Children's Courts in Chicago, Washington, and Baltimore, under Judges Mack, De Lacey, and Williams. On the invitation of Judge Hoyt, then presiding in the Court, I visited the New York City Children's Court. The visit was interesting in more ways than one. I hardly knew whether most to admire the admirable work Judge Hoyt and the men and women associated with him were doing, under adverse conditions, or to wonder at the fact that the biggest city of the country should be so disgracefully behind most other big cities in providing decent facilities for doing this work. New York stands at the tail end of the movement for dealing with juvenile delinquency in a progressive and enlightened manner. In New York there are no special Children's Court judges, whereas all the other leading cities have men who devote their time exclusively to this work. Some of the New York judges do admirable work in this Court, but others, who are excellent men in their regular work, are not fitted for this particular task, and do not and cannot become expert in it, or conversant with the needs of the children who appear before them. There must be special children's court judges if the work of the children's courts is to be properly handled. Such a man as Judge Hoyt would give ideal results if he were willing to undertake the matter permanently.

In New York there are almost no regular paid probation officers. The chief court, the

Manhattan Children's Court, has only one paid probation officer, although the number of cases before it averages over ten thousand a year. As a contrast, the Chicago Children's Court, where the number of cases a year are but thirty-five hundred, has thirty-five paid probation officers—indeed, all told, Chicago has now a total of about sixty officers who are engaged in the probational work. In New York there are a few volunteer probation officers paid by charitable organizations, the Protestants, Catholics, and Jews all making special efforts of one kind or another to supply the lack of paid city officials. Doubtless it will always be expedient to rely largely on this private charitable work—in other words, not to substitute the city work for it, but to treat each as complementing and supplementing the other; but that private charitable religious societies should be left to do all, and the city practically nothing, is discreditable. At present various philanthropic and religious societies—non-sectarian, Catholic, Protestant, and Jewish—are doing onerous work which would be left entirely undone were it not for them. It is only the efforts of these volunteer charitable and religious bodies which enable the New York courts to do anything at all.

The city should take prompt steps to put the work on a satisfactory basis, and to make the necessary appropriation. There should be centers for delinquency work scattered throughout New York. The mere physical extent of the city renders it impossible to expect the best results if too much concentration is attempted. Each district center should have two or three probation officers, who would weed out the minor and trivial cases. Only serious offenses should be sent to the central Children's Court, where the children's judge would preside in person. Of course every effort should be made to avoid breaking up the home; but we must face the fact that it is sometimes imperative to take away the child from vicious home surroundings. Under an adequate probation system, a thorough investigation by a probation officer is made in each case before the child comes up for trial. This gives the judge that knowledge of the child's life without which he cannot efficiently deal with the case. The probation officer occupies a peculiarly delicate and important position. His work is to make himself not merely the friend, but the acknowledged and trusted friend, of the child given to his care. On the other hand, he must beware of sentimentalism and over-leniency,

which are exactly as fatal defects as harshness and lack of sympathy. To pamper a child on probation may be the most effective possible way of ruining him. Too much attention cannot be paid to getting the right type of man for probation officer. His personality is the most important factor in the probation system. The system is sure to break down, and the whole cause to be thereby discredited, if it is applied to improper cases, if improper methods of oversight are used, and, above all, if the probationary officers have not sound heads as well as sound hearts.

In New York hitherto the work has been chiefly done by volunteers, as already said. The Protestant denominations have for the most part worked through the Big Brother Movement, a work which was started at the suggestion of Mr. Coulter, the clerk of the Children's Court, some seven years ago. He began with a group of forty men connected with Dr. Wilton Merle Smith's church, the purpose being to help to place on the road to good citizenship by individual effort boys who had been before the Children's Court, most of whom were victims merely of their environment. Judge Hoyt is the President of the incorporated Big Brother Movement. Each Big Brother agrees to take a friendly interest in one lad who has gotten into conflict with the law. The work has grown until in the year which ended October 1 last 2,200 boys were cared for, only ninety of whom got back to court, so that ninety-six per cent went straight. Such a record of efficiency needs no comment. There are few forms of helpful effort which obtain such big results from such small money expenditure. This is due to the effective expression of individual neighborly help. There are gymnasium classes and summer camps, there is a Big Brother farm of 250 acres, and ultimately the right kind of employment is generally found for the lads. A general secretary is employed who enlists the proper men as Big Brothers, and there is also a court investigator, who goes to the home of each lad before his case is turned over to the Big Brother. In the year 1911, 690 men worked actively as Big Brothers, taking charge of 2,200 boys. (I give the figures in round numbers.) The court investigators made 2,200 personal visits to boys' homes; 1,200 boys themselves called at the office for advice and guidance. Over three hundred boys were sent to summer camps for vacations of from

two to eight weeks, and, aside from the moral gain, they averaged a physical gain of nearly ten pounds apiece in weight. Two hundred boys obtained employment through the office, forty had permanent homes found for them, others were placed in hospitals, and a number of successful boys' clubs were formed. No less than twenty-six cities have followed New York's lead in this matter, and it is some comfort to think that if New York is behind in governmental action for these boys, she has led the way in various forms of private action. Until the past year the work was financed almost entirely by men of small means, and it has not yet had anything like the financial backing that it should have. A similar work has now been undertaken for the girls; and for girls of this type the need of such work is, if anything, even greater than for boys.

A similar Jewish Big Brother Movement has been started, with as its general secretary Alexander H. Kaminsky. The announced object of the organization is to give the juvenile delinquent a Big Brother who will take a sympathetic interest in his welfare and share his joys as well as his sorrows, who is to make him at home in his presence, to make him feel that he has a real friend who thinks but little of the boy's transgression in the past and wishes to help him mold his future. The watchword of the organization is, "Remember that your little brother is not yet a man; it is your task to make him one." In ninety per cent of the cases where "Big Brothers" have thus taken charge of "little brothers" good results have been obtained. Yet here also it is necessary to remember that amiable weakness on the part of the "Big Brother" may do as much mischief as callousness and lack of sympathy.

It was Monsignor McMahan, Supervisor of Catholic Charities, who nine years ago inaugurated probation work in the Children's Court. The Catholic work has been very largely under Father Lynch, who has unsparingly devoted himself to caring for the boys and to securing them places in institutions or families from which good results could be expected. The Catholic Protective Society keeps four paid representatives continually in court doing probation work. Mrs. Burke has had charge of the interests of the girls who come before the Judge. When it proves impossible to keep these girls with their families, or when their homes are broken up, they are usually taken to the House of the Holy Name, which

I visited. I did not visit the House of the Good Shepherd, where girls whose cases are more difficult are sent; but while Governor at Albany I made a study of the work of the Albany House of the Good Shepherd, under Mother St. Peter, and grew to realize vividly how much was accomplished by the Sisters who made it their life business to render this kind of service. The effort of Mrs. Burke, and indeed of all the admirable men and women of every denomination whom I saw in attendance at the Children's Court for the purpose of helping the children, is, if possible, to prevent the home being broken up. Even a pretty poor home is better than none, and the effort is made to keep the family together, to make the parents (or whichever parent is at fault) do their work—for delinquent children are largely the result of delinquent parents. If to keep the home together proves impossible, then the effort is made to get the child into some family, and if that is impossible, into some institution. Of course the effort nowadays is always to break up every big institution, so far as practicable, into small sub-institutions—the so-called cottage movement. I myself followed the case of one poor girl who was brought before the Court, and afterwards saw her at the House of the Holy Name when I visited it. There she was getting affectionate and wise care. She was in good surroundings. She was being given the chance which she did not have and could not get in her home—and which, by the way, her mother knew she could not get, for her mother had appeared in court and asked that she be taken charge of by the probation officer.

It was somewhat sad, and yet also both instructive and inspiring, to sit beside the Judge and watch the cases that came before him and the way in which he disposed of them. Dreadful glimpses were obtained into wickedness, into base and shocking depravity; things had been done by fathers, and even by mothers, at which one shuddered; and, on the other side, one also saw proofs of such courage and generosity and unselfishness! Evidently an occasional boy or girl would be either inherently vicious or, what too often was even worse in the end, inherently weak; but it was equally evident that in the large majority of cases, especially where the fault was due to too exuberant vigor or to unfortunate home surroundings, the child would turn out as well as any other child if given a fair chance.