

liarily difficult problems of race contact. The differences in attitude of mind and the ways of life are so subtle and, at the same time, so complicated, that a white person rarely understands how to deal with them sympathetically and effectively." The redoubtable civil libertarian Baldwin likely lived to rue these statements, which the text coupled with an expression of distaste for the "constant discrimination" faced by African Americans.²⁸

In the St. Louis City juvenile probation department, according to the U.S. Children's Bureau, "[t]he men handled cases of delinquent boys and the women supervised all neglect cases, cases of delinquent girls, and some cases of delinquent boys, mainly younger boys. . . . The staff included a negro man, who supervised all the older negro boys; and a negro woman, who supervised the negro girls and younger negro boys. A Jewish woman supervised the majority of Jewish children on probation, and an officer who spoke German was assigned mainly German cases. One woman specially fitted for work with older delinquent girls was given the majority of such cases. Another woman specialized in neglect cases." The sole black male St. Louis officer managed a staggering 265 cases.²⁹

In 1936, Jackson County's juvenile probation staff had fourteen members, three men and eleven women, also burdened with heavy caseloads. One male probation officer, an older minister, did all cases involving delinquent white boys, producing a caseload of about 700 and investigations a court observer charitably described as "often superficial." One African American officer handled all cases involving African American children. One officer did all cases involving Catholic families, including Mexican families that might not speak or understand English.³⁰

Low salaries undermined efforts to recruit and maintain professional probation officers. In 1919, the General Assembly increased the salaries of chief juvenile probation officers and their deputies to better compensate them for their central role in treating wayward youth and distressed families. The lawmakers turned around and increased these salaries again in 1921 and in June of 1929, four months before October's stock market crash. The only probation salaries that remained unchanged were those of deputies in the state's smaller counties.³¹

After the 1919 increment, salaries of Missouri's chiefs and deputies, which varied depending on the size of the jurisdiction served, were competitive with salaries paid in similar-sized jurisdictions in other states. The 1921 legislation actually placed Missouri probation salaries among the highest in the nation, at least in the largest counties. Chief probation officers would now receive a maximum of \$3000 per year in the largest counties and a maximum of \$1000 per year in the smallest. Deputy probation officers would receive a

maximum of \$2000 per year in the largest counties and a maximum of \$800 per year in the smallest. (By contrast, New York City juvenile probation officers were paid between \$1800 and \$2400 in 1922, and between \$1800 and \$2700 as late as 1945.)³²

Missouri's sliding scale may have reflected the relative abilities of large and small counties to muster public funds, or it may have reflected the fact that deputies were subordinates (and often women, who did not reach pay parity with men). In either event, freezing the deputies' salaries for more than a decade hurt the ability of Missouri's smaller counties to attract and maintain a truly professional staff, and may have dampened the deputies' own enthusiasm for the vital role probation now played in the juvenile justice system.

Even with periodic increases during the 1920s, Missouri's salary structure did not escape notice in a 1925 U.S. Children's Bureau study, which criticized low salaries nationwide for producing inexperienced probation staffs plagued by high turnover. After the 1920s, Missouri's salaries remained unchanged for several years, leading a court observer to conclude in 1938 that the state still had "difficulty getting better trained officers, particularly men. The salaries paid do not measure up to those paid by private case work agencies doing similar work, nor in some cases to those having a more political character."³³ Quite an observation indeed in the middle of the Depression, when work was hard to come by.

Outdoor Relief

The least-restrictive-alternative meant treating delinquent and dependent children in their own homes whenever possible. Missouri's juvenile courts had quite a way to go because the number of children living in the state's orphanages and children's homes had grown steadily from 1880 to 1908. In 1923, three-quarters of the state's dependent children were still living in institutions. By then, St. Louis alone had more than thirty private orphanages, most operated by religious groups and most accepting only white children. Like most of the nation's orphanages, Missouri's orphanages housed not only orphans or half-orphans, but also children whose parents were simply too poor to care for them at home.³⁴

The General Assembly responded to the 1909 White House Conference's clarion call for in-home care with two major initiatives designed to help keep distressed families together, the nation's first tax-supported mothers' allowance law in 1911 and a workmen's compensation act in 1926.

Mothers' Allowances

Single-parent households headed by women faced sobering realities that clashed with family preservation goals emerging from the 1909 White House Conference. More women than ever before were entering the nation's workforce, but nationally more than half earned less than the \$7 a week needed to provide themselves a bare subsistence. Three-quarters earned less than the \$8 a week needed to assure themselves a living wage. Supporting children on these meager wages was virtually impossible. The 1916 Children's Code Commission told of a mother of six who, with her husband imprisoned in the state penitentiary, was forced to institutionalize the children because she could not support them on her weekly six-dollar wage. Her story was not an isolated one.³⁵

In 1915, Missouri's Senate Wage Commission, composed of the lieutenant governor and six senators, heard similar stories. About 60,000 Missouri women and girls were employed in non-servant positions, including about 10,000 who were earning their own living. The Commission estimated the minimum cost of living for these female employees to be \$8.53 a week in St. Louis, \$8.50 a week in Kansas City and probably \$8.00 a week in the state's smaller cities. Thousands of Missouri women and girls made no more than \$4.50 to \$5.00 a week, not enough to feed and clothe themselves, much less dependent children. In the prior decade, food prices in Missouri had increased between fifty and one hundred percent while the wages of most women and girls had increased no more than ten percent. Even Missouri's female school teachers earned as little as five to seven dollars a week on a yearly basis, leading the Wage Commission to remark that they were "entitled to much better pay if they are competent to teach children."³⁶

In 1911, Missouri enacted the nation's first tax-supported mothers' allowance law, which was designed to provide monthly payments to needy, but otherwise fit, mothers to enable them to remain at home to raise their children without a male breadwinner. The legislature felt that without in-home cash assistance to their families, many children would continue to land in institutional care for no reason other than their families' poverty. When single mothers did find work outside the home, significant numbers of their unsupervised children would continue to land in juvenile court for delinquency.

Despite the name, mothers' allowances were designed primarily to support needy children rather than their mothers. Mothers' allowances followed on the heels of two fundamental social reforms passed a few years earlier, the compulsory education and child labor acts. The two acts, which with periodic amendments remain bedrock child protective legislation today, resulted

from sustained advocacy by many of the same voices that had urged juvenile court legislation. These voices included the State Conference of Charities and Corrections, the Missouri Federation of Women's Clubs, the Women's Christian Temperance Union, and the Missouri Federation of Teachers. Governor Joseph W. Folk also lent his unequivocal support, calling child labor "the enemy of civilization" and asserting that "crime is reduced as education increases."³⁷

The compulsory education and child labor acts, enlightened though they were in outlook and operation, clashed with the goal of maintaining dependent children in their own homes. Despite initially spotty enforcement, the acts restricted needy children's entry into the workforce, leaving them less able to help support their families, at least until they could drop out of school.

By 1928, forty-one other states had followed Missouri's example by enacting mothers' allowance laws, leading the U.S. Children's Bureau to remark that the laws had "met with more ready response than any other child-welfare measure that has ever been proposed." By 1933, all but two states had these laws. Most made no provision for single-parent households headed by fathers, perhaps because for decades so many widowers had continued working while placing their young children in orphanages or with relatives until they remarried.³⁸

Missouri enacted mothers' allowance legislation, like the juvenile court acts themselves, in incremental steps. Three distinct but quite similar programs emerged. The 1911 legislation applied only to Jackson County; St. Louis City created mothers' allowances by city ordinance a year later; and without affecting operation of the two existing programs, the General Assembly extended mothers' allowances to the state's smaller counties in 1917.³⁹

The 1911 bill was drafted by nationally-known Jackson County juvenile court judge Edward E. Porterfield, whose leadership earned him recognition as the "Father of the Mothers' Pension Movement." "If the poverty of the mother forces her to neglect her child," he reasoned, "the poverty should be removed and not the child." Judge Porterfield believed mothers' allowances were an antidote to delinquency committed by children of single mothers away at work during the day. He also perceived an intimate relation between mothers' allowances and the newly enacted compulsory education laws: "The state, through her compulsory education law, tells the mother she must send her child to school until he arrives at the age of 14 years and in effect that the child cannot work and aid the mother in her support of the little ones. . . . But ought not the state when it forbids the mother the earnings of her child, go further and provide for that mother the equivalent of the child's earnings, so often essential

to her in the rearing of her children? Ought not the state, all the citizens, furnish these scholarships?"⁴⁰

The Jackson County act provided a monthly allowance for poor mothers who were fit to care for their children under fourteen at home, had deceased or imprisoned husbands, and would otherwise have to work regularly outside the home to make ends meet. Later legislation extended coverage to mothers with husbands committed to one of the state's mental hospitals or to the colony for the feebleminded and epileptic. The act excluded unwed mothers, perhaps because they were expected to place their children discreetly for adoption, or because policymakers adhered to the common law's effort to regulate illicit adult behavior by punishing so-called "illegitimate" children. Whatever the official motivation, the ranks of Missouri's destitute certainly included out-of-wedlock children living at home. Mother and child faced social stigma, and nonmarital children had no legal right to support from their father even when his identity and whereabouts were known. (Non-marital children would not have this right in Missouri until the late 1960s.) As a condition of receiving an allowance, the 1911 Kansas City law required mothers to remain home with the children, though the requirement was reportedly sometimes overlooked when recipients needed wages.⁴¹

Jackson County appropriated only \$12,000 annually (an average of \$1000 per month) for the mothers' allowance program and paid only \$10 for the first child and \$5 for each additional child. In 1923, a researcher found these amounts "inadequate and unsatisfactory" and "entirely too limited," even when augmented by private charity from the Kansas City Women's Club, the Kansas City and Independence Needle Work Guilds and similar groups. Jackson County often kept waiting lists of worthy families and, according to the researcher, provided allowances to only a small percentage of eligible needy families.⁴²

The Jackson County juvenile court directly administered the mothers' allowance program. The Supervisor of Mothers' Allowances, a member of the probation department with her office in the county detention home, would take applications and investigate the cases with the aid of the Kansas City Provident Association. The supervisor would bring worthy cases to the juvenile court judge, who would determine after a hearing whether to grant an allowance. The supervisor would then visit the family monthly to monitor the family's health, expenditures and continued eligibility.

Following the 1911 St. Louis City Municipal Commission's hardhitting report, the General Assembly authorized the city to create a mothers' allowance program by ordinance, which it did in 1912. The ordinance also created the St. Louis Board of Children's Guardians to administer the city's

program, with the juvenile court's close involvement and cooperation. Aid was available for mothers with children under fourteen, although the city actually paid relatively little for twelve- and thirteen-year-olds, presumably because funds were limited. The maximum monthly mothers' allowance was \$15 per child unless the city comptroller authorized a greater amount for special need, though the average actually paid appeared to be about \$12 per child. Four-fifths of the unwed mothers excluded from coverage were under twenty-five, including half under twenty in 1927.⁴³

Enactment of the Jackson County and St. Louis legislation still left most of the state, particularly rural counties and smaller towns, outside the mothers' allowance system. In these areas, some recipients of outdoor relief received only temporary payments of \$1.50 or even fifty cents, or sometimes even less. Some recipients received only five dollars per calendar quarter. "This is about five and one-half cents a day," a researcher remarked in 1915, "and some families contain five or more persons – a penny per day per person!"⁴⁴

On the recommendation of the first Children's Code Commission, the legislature enacted the statewide mother's allowance 1917 act, which was broader than the Kansas City and St. Louis enactments. The 1917 statewide act reached needy mothers who had children at home under sixteen, who were divorced from or deserted by their husbands, or whose husbands were dead, imprisoned, hospitalized for mental illness or incapacitated from working. The statewide act also made expectant mothers eligible for an allowance for three weeks before and after childbirth. Unwed mothers again found themselves excluded. Most states had set the maximum age higher than sixteen, and hindsight compels the question whether Missouri's three mothers' allowance acts might have perpetuated the cycle of poverty by encouraging needy children to drop out of school and go to work without finishing their education. The maximum statewide monthly mothers' allowance was \$16 for the first child and \$8 for each additional child, with a family maximum of \$40, amounts a researcher called "pitifully inadequate" in 1923.⁴⁵

The 1917 mothers' allowance legislation provided for administration by county boards of public welfare, which would provide payments and investigate recipients' homes at least semiannually to determine the family's continued eligibility. Like the earlier acts, the 1917 act did not require mothers to work their way out of poverty and placed no time limit on eligibility before the child reached the maximum age.

As outdoor relief measures, mothers' allowances in Missouri met immediate resistance that resulted in low statewide participation, low appropriations in participating counties, and inadequate local administration. These impedi-

ments also plagued mothers' allowance laws in most other states, where only about 40% of eligible counties actually granted allowances, and many granted only a few and maintained long waiting lists. The nationwide problem remained until the Social Security Act of 1935 provided federal aid to dependent children (ADC).⁴⁶

Missouri's enthusiasm for mothers' allowances waned when a particularly caustic report on the state's outdoor relief programs appeared in 1915. The state's child welfare professionals paid considerable attention to the report, which was written by Denver University sociology professor George A. Warfield for the Russell Sage Foundation and the St. Louis School of Social Economy. Based on a study completed between 1908 and 1910, the report found "no defense" for the way Missouri counties had administered outdoor relief programs. The report contended (1) that county relief officers usually did not know aid recipients' conditions and needs, (2) that relief payments were often "direct encouragements to indolence, drunkenness, and immorality, and [went] directly or indirectly to the support of ablebodied beggars, prostitutes, and criminals," (3) that many recipients were "feeble-minded, or [were] in distress because of some feeble-minded relatives, and that county money encourage[d] such persons to live at large and propagate their kind, or at least [made] it possible for them to do so," and (4) that "such unconsidered and misdirected charity, besides adding to the burden of pauperism, defectiveness, vice, and crime, fails to give relief adequately or wisely to the needy who apply, and gives no relief whatever to many who are most in need but are least willing to ask for help." Finding that many dependent, criminal or mentally ill recipients were related by blood or marriage, the study questioned whether these persons "belong[ed] to a comparatively small number of families in which degeneracy is marked."⁴⁷

If Missouri counties were looking for reasons to ignore the mothers' allowance legislation, they did not have to look further than the Warfield Report. "The very generosity and wealth of the rich counties," Warfield found, "seems to attract to them a certain number of the shiftless and ignorant class. The wretchedness and squalor of some of the 'shack towns,' in which this class lives, are amazing."⁴⁸

A 1923 report found that most St. Louis mothers receiving allowances were living in the city's most congested areas with children suffering from diets sorely deficient in milk, meat and vegetables. In a 1928 study done at the request of the St. Louis Community Council, the Child Welfare League of America criticized the city's mothers' allowance appropriations as inadequate to permit payments to all families that qualified for aid. The CWLA pointedly concluded that the city fell "far below the standards that have been

found to be desirable in order to carry out the ideal of home life for dependent children."⁴⁹

The CWLA speculated that only a fraction of eligible St. Louis families even bothered to apply for mothers' allowances because the allowance was "so small that it does not provide proper subsistence. The mothers who are able to do so find employment, providing for the care of the children as best they may." The percentage of dependent St. Louis children still cared for in institutions was considerably higher than the percentage for the nation as a whole, a circumstance the CWLA attributed to inadequate mothers' allowances that made it impossible to keep many of the children at home. To meet needs, the CWLA recommended multiplying tenfold the city's 1926 mothers' allowance budget of about \$43,000, a hike that did not occur.⁵⁰

In a study of mothers' allowances in thirty-one metropolitan areas, per capita expenditures for calendar year 1930 ranged from \$5.97 in Detroit to \$0.13 in New Orleans. Kansas City and St. Louis ranked 26th and 28th respectively, with per capita expenditures of \$0.67 and \$0.54. Low appropriations that year left Jackson County with a waiting list of 63 families, comprising 250 children. In both Missouri cities, public agencies contributed only about 35% of the total funding and private agencies about 65%.⁵¹

The average payment per family in December of 1930 was \$24.08 in Kansas City and \$42.11 in St. Louis. For the year, an average of 91 families per month received mothers' aid in St. Louis and 84 families per month in Kansas City. Of the 43 states with mothers' allowance laws the following year, the average monthly grant per family ranged from \$69.31 in Massachusetts to \$4.33 in Arkansas; Missouri ranked 15th, with an average monthly grant of \$26.22. In 1936, the Jackson County juvenile court granted \$35,485 in aid to 134 families with 503 children.⁵²

Discussion of Missouri mothers' allowance laws so far has centered on St. Louis and Kansas City, and with good reason. The 1917 statewide act required counties to make appropriations for mothers' allowance programs but provided no penalty for failure to do so. A 1923 study found that outside St. Louis city and Jackson County, only two counties in the entire state (Franklin and Livingston) had actually provided mother's allowances. Appropriations in these two outlying counties permitted only a few small grants. In 1929, as many as thirty-five other counties reported providing funds to mothers in their own homes, but not under the mothers' allowance law.⁵³

The 1923 study surveyed the county court clerks in all counties, many of whom expressed frank distaste for mothers' allowances. Some said county appropriations were inadequate. Others said that the old outdoor relief system was preferred, that mothers' allowances were unnecessary, that no appli-

cations were received, or that the county simply did not want to participate. One clerk said his county “maintains a splendid poor farm at which all who are absolutely dependent are well cared for.”⁵⁴

To facilitate mothers’ allowance payments, the legislature in 1927 authorized counties to create and maintain “pauper funds” to support mothers with dependent children. In 1931, a veteran Missouri social worker found the statewide situation unchanged because “very little interest” in mothers’ allowances existed outside St. Louis and the three counties already participating. By the 1930s, the allowance law was described as a “dead letter” and “often almost unheard of in rural counties, though it exists on the statute books.”⁵⁵

The 1923 study also found that outside St. Louis (where the Board of Children’s Guardians ran an efficient operation), administration in the other three participating jurisdictions had “broken down completely” because of “insufficient appropriation and careless supervision.” Piecemeal legislation had created a patchwork system with no direct state supervision or control, and no state assistance to help cover county appropriations. Critics contended that mothers’ allowance administrators were generally untrained in administering poor relief and in helping recipients become self-sufficient.⁵⁶

What was the legacy of Missouri’s mothers’ allowance programs? In the few counties that participated, the programs enabled many poor children to remain in their own homes rather than in foster or institutional care. Despite the tepid statewide response, Missouri’s pioneering legislation helped introduce at the state level a concept whose nationwide acceptance laid the groundwork for the federal Aid to Dependent Children (ADC) program under the Social Security Act of 1935. Administered by state agencies rather than the juvenile courts, ADC (renamed Aid to Families With Dependent Children in 1962) lasted until the 1996 federal welfare reform legislation replaced it with the federal TANF (Temporary Assistance For Needy Families) program. In one form or another, affirmative in-home state assistance for needy families had become a prominent part of the child welfare landscape.

Workmen’s Compensation

Missouri’s 1926 workmen’s compensation act, approved by the voters in a referendum, provided for administrative payments, without litigation, to dependents of workers whose death or injury on the job often deprived the family of its sole breadwinner.⁵⁷

In the nineteenth and early twentieth centuries, families on the brink of poverty often faced disintegration when the breadwinner was killed or injured on the job, a not infrequent occurrence in industrial and farm work alike. In

1921, just five years before the voters approved Missouri's act, an estimated 25,000 workers annually were killed or injured in the state. Eighty percent of these workers or their families received no compensation, and the other 20% received compensation only after slow, expensive litigation. Many victims were relatively young low-wage men who left little or nothing to support their wives and children. Widows were often left destitute, and the children were institutionalized or went to work to support the family.⁵⁸

The common law gave employers three defenses that frequently denied workers and their families any tort recovery for on-the-job injury or death. The first defense, assumption of risk, was the worker's voluntary consent to encounter a known danger created by the defendant's negligence. The second defense, contributory negligence, entirely excused the negligent defendant from liability to a worker whose failure to exercise reasonable care for his own safety was a contributing cause of the worker's injury. Finally, the fellow servant rule generally excused the employer from vicarious liability for an employee's injury caused solely by the negligence of a fellow employee performing the operative details of the work.⁵⁹

Workmen's compensation overcame the common law defenses and provided statutory recovery without litigation for workers or their families. The calendar year 1928 saw 26,394 compensable workplace injuries or accidents in Missouri and payments of nearly three million dollars, exclusive of medical benefits. Many of these accidents or injuries involved family breadwinners, and the number of Missouri children directly or indirectly benefitted by workmen's compensation dwarfed the number reached, and the amounts paid, annually by mothers' allowances.⁶⁰

Race and Demographics

Between 1915 and 1918, Missouri's first two children's code commissions criticized racial inequities in the care and social services provided to children, including services ordered and monitored by the juvenile court: "State institutions for the care of unfortunate children have in large part failed to make provision for colored children, although in most cases the law permits them to receive colored as well as white, providing they separate them in the institution." Both commissions recommended legislation mandating "proper accommodations" for dependent and delinquent African American children "in separate quarters in all established state and county institutions." The proposed bill was not enacted.⁶¹

Also discussing racial discrimination in public welfare was the tart 1915 Warfield Report on Missouri outdoor relief. Warfield found African Americans,