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The Racial History of Juvenile Justice

Geoff K. Ward

In October 2007, the Boston chapter of the NAACP hosted a roundtable on the Niagara Movement. In honor of the Niagara Movement meeting in Boston in 1907, the NAACP and the Trotter Institute collaborated on a series of events marking the centennial of the gathering Niagara men and women in Boston, the largest of five annual meetings of the Niagara Movement and the first to include women as voting delegates. The roundtable, like the 1907 Niagara Movement meeting, was held in Faneuil Hall. The inclusion of women as full participants in the Niagara Movement speaks to the force and significance of the Black Women's Club Movement, in which Josephine St.-Pierre Ruffin of Boston and Mary Church Terrell of Washington, D.C., among many, many others, were prominent.

Five panelists participated in a discussion, moderated by Sarah Ann Shaw, community activist and former television journalist, about the Niagara Movement's origins, the reasons it fell apart, the need for a similar organization today, and what shape it might take.

The panelists were L'Merchie Frazier, director of education at the Museum of Afro-American History in Boston; Kerri Greenidge, historian for the Boston African-American Historic Site, a branch of the National Park Service; Robert Hall, associate professor of African American Studies at Northeastern University; William Strickland, associate professor in the W. E. B. Du Bois Department of Afro-American Studies at the University of Massachusetts Amherst; and Geoff K. Ward, then an assistant professor in the College of Criminal Justice at Northeastern University.

What follows is an edited transcript of remarks made by Ward, who is currently an assistant professor in the Department of Criminology, Law and Society at the University of California, Irvine.

I would like to talk more specifically about the racial history of American juvenile justice and how it relates to the Niagara Movement. As a way of prefacing these remarks, I can refer to the recent events in Jena, Louisiana, where we have seen not only an indication of the need for some kind of collective action around issues of racial justice, but also the sad state, frankly, of our current ability to effect meaningful social change. My mother, who is a retired attorney, the other day said, “Geoff, how is it that thousands of people showed up in Jena, Louisiana to protest the railroading of these black boys, and when everyone left, the black boy was still in jail? No one managed to bail him out.” That was once understood as a necessary aspect of the struggle—working to actually free people. My response to her was that my sense of the demise of organized resistance is reflected in so much of the symbolic protest we see today and the lack of actual substantive change.

But I want to come back to that point by beginning with some background on the history of American juvenile justice, its relation to the Niagara Movement and how we got to this situation we are in today. As Bob Hall started off by saying, we can generally think of this movement as an effort to breathe life into a moribund liberal democracy, an effort to give meaning, give reality, to so many of our lofty democratic creeds at the turn of the twentieth century. Juvenile justice is a fascinating context to think about this effort, because it was established very explicitly as a liberal democratic institution. The founders of American juvenile justice described it as a “citizen-building institution,” an effort to transform “wayward and vicious youth,” to use the language of the day, into normal, productive social actors. So this was an idea of enlightened social control, where the state acting as parent of the country, as the legal doctrine defined it, in the context of juvenile justice would take an active role in preparing the citizenry of the liberal democracy.

Of course, when the juvenile court was established in 1900, there was no sense that black Americans had any standing within this liberal democracy and, therefore, no sense that black youth had any future as normal, productive citizens. However, black Americans at that time were very invested in these same notions that through concerted effort you can prepare a young person to take a position of influence and leadership within a liberal democracy. So you see, by the 1890s, black wom-

en's clubs organizing in opposition to what is developing as a Jim Crow juvenile justice system, a system that is effectively a racial project in selective citizen- and state-building. That is a racial project. Juvenile justice becomes a racial project in the maintenance of white democracy, by selectively investing in the development of white citizens, and potentially white citizens, these being particularly Irish and Italian immigrant youth who come to these shores in large numbers at this time, and were subject to great discrimination, but viewed as having the potential to assimilate into the white democracy.

The white parental state not only systematically denied black youths access to its rehabilitative creed, but denied black communities influence in the administration of justice. And you see by the 1890s black women's clubs taking the first steps in opposition to this developing institution of racial domination and oppression. By 1908, many black women's clubs around the South but also in the North organized in opposition to what one Alabama club woman describes as "the slavery of an iniquitous justice system"—to refer back to someone's earlier point about the "new abolitionists."

I think that the importance of the Niagara Movement in the early twentieth century is that it offered a strategy for organizing resources more effectively, more intelligently, in terms of sustained civic activism, civic engagement. So whereas black club women's associations, for example, were generally led by well-to-do women of color, and their rank and file were largely working-class women, with some education, but very limited political influence. The Niagara Movement attempted to bring together figures with a greater variety of political and intellectual abilities, with financial means and so forth, that would make the push for civil rights more effective. And certainly, Booker T. Washington was an impetus for that organizing effort, but there was constant consideration of how we can make this change more effectively.

For example, in 1915, the NAACP commissioned a study of the relation of the Negro child to the juvenile courts of the United States after hearing of the situation of apartheid in Memphis, Tennessee's juvenile justice system, where there was a white juvenile court fully-fitted with all the cutting-edge devices of juvenile rehabilitation, or so they claimed, and across the town was a five-room house called the Colored Juvenile Court

that featured an open sewer in the back yard, no sitting judge, and virtually no investment in services. This information comes to the NAACP. [W.E. B.] DuBois is charged by the board to conduct a national study of this issue to use that as a way to press the state to reconcile its contradictions in this alleged, enlightened project of citizen building.

Interestingly, I should point out that *The Crisis*, the journal of the NAACP, which also grows out of this effort, is probably one of the most important vehicles at this time in raising oppositional consciousness and organizing resources to oppose Jim Crow juvenile justice. The first black woman judge in the United States was a woman named Jane Bolin, who was appointed to the Manhattan Juvenile Court in [1939]. Jane Bolin attributed her interest in law and interest in fighting for racial justice to the copies of *The Crisis* she found on her father's coffee table. Her father founded the branch of the NAACP in Poughkeepsie, New York. She decided that her future would be to realize racial justice and she set out to do that from the juvenile court bench in Manhattan.

The greatest victory of the NAACP, as far as the racial history of juvenile justice is concerned, *Brown v. Board of Education*, forced the integration of reformatories which had for decades—and if you go back to the Houses of Refuge of the nineteenth century, for over a century—excluded black youth from their democratic project of citizen building. The NAACP, through the lens of the liberal politics of integration, thought that if you opened these institutions to black youth and opened the courts to black decision-makers we would all have access to these enlightened ideals. Ironically, *Brown v. Board of Education* is really an important part of what we see today in the overrepresentation of young people of color in institutions of social control. What the liberal politics of integration did not predict is that the civic ambitions of juvenile social control would change as nonwhites joined whites in juvenile and other justice systems. So do we need a Niagara Movement today? We certainly need to revisit the impetus of the Niagara Movement, that is, the question of how we can effectively leverage our collective influence to make meaningful social change, and what form does that leverage take. I agree we are presented with complex global issues of inequality, oppression and domination. I do not believe very much in a narrow, nationally- and race-based framework for organizing against oppression and domination. I can see the value of that in the short term; in the long term, it seems to me very limited.

What we clearly need, however, is to revisit this question of the resources we have at our disposal to put pressure on the state, perhaps to reinvent the parental state. We have to acknowledge the limitations of the liberal politics of integration, which assumed that the integration of the state would effectively institutionalize racial justice. We have enough evidence now that that has not happened. So how do we move beyond the politics of integration and, in the twenty-first century, reconsider both the problem of racial justice before us, but as importantly, how we can constructively engage in a “new abolitionist” agenda?