Crim es of Youth: Juvenile Delinquency and the Carceral State in New York City, 1920-1978

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Accessibility
Crimes of Youth: Juvenile Delinquency and the Carceral State in New York City, 1920-1978

A dissertation presented
by
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to
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Crimes of Youth: Juvenile Delinquency and the Carceral State in New York City, 1920-1978

Abstract

*Crimes of Youth* traces the changing politics of delinquency and ideology of crime in twentieth-century New York City. Between 1920 and 1978, U.S. officials built a powerful and expansive carceral state focused on disciplining and controlling the behavior of children and youth in New York. This project was built on a rehabilitative myth, which ostensibly sought to rehabilitate delinquent children into future citizens, but created a two-tier system that provided social and material aid to white children and families while denying it to African Americans in the decades before World War II. Yet even for white families, the system of new juvenile police, courts, probation bureaus, juvenile laws, and penal institutions that was consolidated in the 1930s was deeply coercive in its ambitions to socially engineer a national body politic defined by Anglo-Protestant norms and ideals. As New York’s neighborhood demographics changed in the 1940s, city leaders’ anxieties about the racial and civic health of the city shifted from Americanizing European immigrants to viewing African American and Puerto Rican families as the primary origin points of crime. To this end, city officials developed new tools that targeted youth of color in the postwar years, including statistical measures that purported to be able to scientifically predict future delinquents, as well as gang control initiatives that brought youth of color in ever closer contact with state surveillance and law enforcement. The War on Poverty represented a culmination of the rehabilitative carceral model, even as the era revealed the limits of liberalism to reckon with poverty and inequality outside of the language and ideology of crime.
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For all my teachers
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May everyone be safe and well.

Brooklyn, New York
March 2020
Introduction

Thinking About Delinquency
In 1930, the New York State Crime Commission issued a remarkable report, which summed up established knowledge about crime and set the agenda for state crime control and prevention efforts for decades to come. The essence of that agenda was contained in four sentences that were singled out to serve as the report’s epigraph:

The ultimate crime prevention task is that of guiding the development of childhood behavior. That task is one neither for national nor state effort, but for county or municipal direction. The work unit under a county or municipal crime prevention program must be large enough to include the life of a social group or economic class, and small enough to deal with the forces that are primary in character formation. That unit is the neighborhood.\(^1\)

The Crime Commission’s statement expressed what experts in the new and developing field of American criminology had come to regard as common sense over the past ten years, even as it translated that academic expertise into action and thereby actualized emerging theories into proscribed state policy.

The report expressed an understanding of crime and its causes that could be reduced to a series of theoretical assertions. First, that crime could be eradicated through preemptive action by eliminating what were believed to be the “root causes” of criminality. Second, that crime prevention was primarily a task that should focus on guiding children and youth. Third, that the state, especially at the municipal level, had a clear responsibility to undertake this project. Fourth, that certain demographic factors such as “social group or economic class,” as well as the dynamics of individual “character formation,” were implicated in crime causation. Finally, that this presupposed connection between criminality and demography and/or personality defined the spatial grounds on which the war on crime should be waged—that is, the neighborhoods of New York City.

The New York State Crime Commission’s report was particularly noteworthy for the way that it boosted a new way of thinking about “crime prevention,” a phrase that came to connote a particular set of beliefs and assumptions that saw children as the body in which the social disease of crime could best be treated and eventually eradicated from society as a whole. This belief was part of a larger ideology of crime that U.S. experts and policymakers were developing between the late nineteenth and early twentieth centuries, which understood criminality as a personal trait and essential quality, such that “criminals” were believed to be a category of people governed by invisible natural laws of social dynamics, psychology, biology, or environmental factors. Individuals who broke the law could be understood to have revealed their status as members of the criminal class, while everyone else provisionally remained a normal citizen. Except, that is, for those who were under particular suspicion as being potential criminals, because of factors such as poverty or ethnicity that were believed to be associated with crime. While these were old ideas, they were articulated in new ways in the 1920s.

Yet this ideology of crime was about much more than breaking the law. The topic of crime—and its control—was more fundamentally an arena for debates about the “health” of American society, including arguments about the ideal racial and ethnic composition of the nation’s citizenry, the nature of social relations, moral and ethical behavior, and desirable forms of economic productivity. Children and youth, constituting as they did the literal future reproduction of society, were at the heart of this larger conversation about crime and the deeper social concerns it represented. Children were also believed to possess a unique behavioral plasticity, which made them subjects of interventions that were not believed to be effective for

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adults. Controlling children meant controlling the future of the nation. Consequently, preventing
the development of a class of adult criminals was understood to require eliminating crime by
children—that is, delinquency. This fact manifested through the centrality of discourses of crime
prevention and delinquency, both of which focused on children and youth, to the larger
conversation about national crime. Put another way, the struggle to control and prevent crime
and delinquency was a self-professed project of social engineering, as officials consciously
sought to use the emerging tools and expertise of science, including technologies of crime
prevention, to shape the behavior of society according to desired social norms.

The timing of the Crime Commission’s report was also momentous, coming as it did in
1930 on the heels of a pioneering decade in American social science and at the dawn of a decade
of extraordinary state building. While European ethnic immigrants, African Americans, Asians,
and other dubiously- or non-white peoples had long been associated with immorality, dirtiness,
and criminality, civic leaders in 1930 turned towards crime prevention as one of a number of
state tools intended to improve, educate, uplift, and whiten those populations that were regarded
as assimilable to the ethno-project of maintaining and purifying a body politic defined by Anglo-
Protestantism. In pursuit of these goals, civic leaders built institutions such as unemployment
bureaus, social security, child welfare, public health bodies, and professional social work
agencies in the early twentieth century—often understood under the broad umbrella of the
welfare state—in an effort to shape and discipline the social polity alongside a suite of other new

and transforming institutions including police forces, courts, prisons, probation, and criminal law. In its modern iteration, sociologist Victor Rios has characterized this system as a “‘youth control complex’ created by a network of racialized criminalization and punishment deployed from various institutions of control and socialization has formed to manage, control, and incapacitate Black and Latino youth.” This youth control complex was largely built before World War II.

The conventional narrative explaining the arc of the U.S. criminal system from the 1930s to the 1970s charts the rise and fall of the so-called rehabilitative ideal, an ideology that emphasized a flexible, therapeutic, individualistic, non-punitive approach that aimed to rehabilitate offenders rather than punish them. This rehabilitative ideology is generally understood to have grown out of progressive reformist impulses, to have served as the backbone for the new carceral state institutions developed around the 1930s, and to have prevailed until its sudden collapse under determined political assaults and cultural exhaustion in the 1970s. What followed after, according to this narrative, was a resurrection of pre-rehabilitative attitudes that emphasized retribution and punishment while reducing social welfare provision. Importantly, scholars have explored the ways that the rehabilitative ideal was not only destroyed by its destruction but also transformed in ways that reinforced racial and class disparities.

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conservative enemies, but also by criticism from the political left and from incarcerated people themselves, who denounced polices including indeterminate sentences and forced therapy as putting a benevolent veneer on what was essentially the coercive imposition of middle-class white norms upon minorities and the poor.  

Rather than focusing on the factors implicated in the unraveling of the rehabilitative ideal in the 1970s, this dissertation explores the historical construction of rehabilitative ideology and the several axes along which it was never a coherent project to begin with. By framing rehabilitative discourse less as a trans-historical ideal that existed in a fixed form until it failed, and more as a theoretical and rhetorical justification that different people used for changing purposes over time, this dissertation offers new insight into the ways that the so-called rehabilitative ideal supported a project that was always already carceral. Beyond that, however, it reveals that the history of rehabilitative discourse was complicated, local, contingent, flexible, and powerfully woven into the politics of race, gender, and citizenship long before the crisis of the 1970s.

Because of the particular social importance of children to the future of the nation, youth crime and juvenile delinquency became the centerpiece of rehabilitative discourse in ways that civic leaders used to advance their visions of ideal American society. This emphasis was reflected by the ways that criminality was framed in opposition to citizenship.  

6 Garland, *The Culture of Control*, 53–73; Kohler-Hausmann, *Getting Tough*, 211–49. Francis Allen himself was a critic of the rehabilitative ideal, even as he cautioned that “if you forswear the rehabilitative ideal, where will the impetus come from to advance the essential decency of the system?” Allen, “The Decline of the Rehabilitative Ideal in American Criminal Justice,” 156.

1930s, rehabilitative claims were largely employed by public and private officials in New York to further their ends of socially engineering a nation of productive white citizens by “salvaging” boys and girls who were believed to be destined for lives of crime due to their social circumstances, turning them into properly behaved fathers and mothers. State efforts thus primarily emphasized white and white ethnic children, particularly in low-income and immigrant neighborhoods. Indeed, the project of Americanization and white racial assimilation was concurrently the project of crime prevention, understood as turning potential criminals into citizens. Leaders of this effort promoted the need for rehabilitative measures in order to “save” the masses of white children who were believed to be only driven further into careers of crime through the harsh and punitive treatment and criminal stigmas incurred by treating underage offenders the same as adults. This was the primary justification for creating a separate system of children’s courts, juvenile police, and laws that separated statutory delinquency from adult crime.\(^8\) Instead, officials placed overriding emphasis on social work and material uplift, while

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reserving access to such resources for white families. While the rehabilitative discourse was
grounded in Progressive era ideas, the ideology came into its own in the 1930s as officials
dramatically increased the scale and power of state carceral institutions, inaugurating a new
epoch of delinquency prevention and control.

African American leaders also tried to gain access to similar material resources, social
aid, and leniency by making rehabilitative claims, but were largely rebuffed by the white
establishment. Alongside European immigrants, African Americans were also regarded as
potential criminals and subjected to heightened policing, surveillance, and arrests, but while
white youth were exempted from the harshest treatment in the police, court, and correctional
systems, African American youth were left without these protections to bear the brunt of full
carceral exposure. Thus, a juvenile system that was ostensibly built on the rehabilitative ideal
actually functioned on an implicit racial double standard. This was one way in which the notion
of the rehabilitative ideal as a fixed and universal idea was revealed to be a fiction. Even as black
and white actors alike used rehabilitative arguments as an attempt to marshal resources and
judicial compassion, these benefits and access were largely allotted on racial lines, leaving black
communities without either. I refer to this dynamic as the rehabilitative myth, which claimed
universality of access to rehabilitative treatment even while denying it to everyone equally.

Historians struggling to grapple with the racial dimensions of the rehabilitative myth have
emphasized either one of its faces, or the other. Literature on the Progressive origins of

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rehabilitative ideology has tended to focus on the importance of middle-class white women reformers, the Children’s Court movement, and the emphasis on educating and socializing European immigrants into American citizenship and whiteness. On the other hand, many historians have critiqued this focus on white actors and offered corrective explorations of the ways that African Americans co-created the rehabilitative discourse, either by seeking to extend its benefits to black families or by challenging the criminalization of black children and youth.\(^9\)

The framework of the rehabilitative myth attempts to bring both perspectives together in an effort to center the larger carceral logics and institutions that were at work regardless of race, albeit in different ways. This also lens offers a frame for exploring how race and carceral control were deeply entangled. Policies that sought to control white children in one way also affected black children in other ways, and vice versa; neither occurred in a vacuum. While it is essential to clarify the particular ways that race shaped and defined the differential impacts of carceral control, scholars must also pay attention to how these dynamics unfolded in relationship to each other.

As demographic change and the forces of migration altered the social landscape of New York City during and after World War II, the racial politics of delinquency prevention and control also began to shift. A new generation of postwar social scientists began to study what researchers called the criminality and pathology of African American and Puerto Rican families, despite the challenges presented by the carceral system.

who had moved to the city in record numbers by the early 1950s even as federal housing policies encouraged white families to relocate to new and segregated suburbs. At the same time, a wave of postwar fear about delinquency and the new phenomenon of so-called gang wars, which were fed by biased press reporting, police statistics, and the policy decisions of a new city anti-delinquency body called the Youth Board, portrayed delinquency and youth violence as a problem of racial conflict in mixed neighborhoods undergoing demographic change. In the two decades between the beginning of World War II and 1960, social scientists, police, Youth Board officials, and press reporters redefined delinquency in both professional and popular idioms away from an understanding as being primarily a problem of Americanizing European immigrant children, and toward being a problem of pathological African American and Latino youth in neighborhoods of segregated urban poverty. This shift to identifying the potential criminals of concern as youth of color was accompanied by corresponding policies that increased the concentration of policing and surveillance in New York’s neighborhoods of color. White youths were simultaneously de-criminalized and offered paths out of the juvenile court system.

By 1960 the theoretical linkages between criminality, poverty, and blackness forged over the past two decades had hardened, just as the federal government stepped into the scene. New federal anti-delinquency legislation, which was based in significant part on criminological expertise derived from studying New York’s minority neighborhoods, made unprecedented amounts of funding available to local actors who vowed to fight crime and poverty in the areas where it was believed to be the biggest problem: America’s so-called urban slums and ghettos. Even while the Johnson administration’s twinned wars on poverty and crime targeted heightened policing and surveillance to minority neighborhoods, the availability of resources earmarked for projects in communities of color allowed some African American leaders to fight with renewed energy for a real follow-through on the rehabilitative promise that black children and families
had long been denied. However, these efforts were hamstrung by white liberals’ lack of sustained commitment to substantive material reparations, as well as by repressive responses to the challenging of existing power structures that such efforts inherently posed. Ultimately, the social instability of the 1960s, including urban uprisings and organizing by civil rights and Black Power leaders, convinced lawmakers to abandon their experimental commitment to social provisions for marginalized groups under the War on Poverty, even while doubling down on targeting law enforcement and surveillance in those very same neighborhoods.

Thus the turn towards emphasizing ever more punitive crime control over poverty relief in the 1970s was not so much a resurrection of pre-rehabilitative attitudes as it was a scaling back of professed commitments to social aid and compassion that revealed the robust carceral scaffolding that had always been alongside and underneath. Liberal lawmakers in the 1960s had demonstrated that the rehabilitative myth could be sustained as long as white children were the primary beneficiaries, but was not politically feasible when black children were the ones in need. Instead, policymakers and criminologists redoubled longstanding narratives that cast African American and Latino youth as inherently, violently, dangerously, and potentially revolutionarily criminal. While white youth had long been offered the possibility of salvation, black youth were regarded as irredeemable. Officials discarded the mask from the kind face of the rehabilitative myth, leaving only the punitive face underneath.

The fracturing of the rehabilitative myth reveals a deeper story about carceral logic and state control that belied the rehabilitative ideal in a more insidious way. This fact lay in the ways that the juvenile system built in the 1930s—then upheld as the pinnacle of rehabilitative thinking—may have protected white children from formal criminal charges, public trials, and uncomfortable places of confinement, yet nonetheless was designed to shape and discipline the behavior of those very same children and their families through pioneering methods of
investigation, supervision, treatment, and probation. In fact, the informal and in some cases extralegal nature of this state project allowed it to ensnare a far larger number of New Yorkers than it would otherwise have been able. This fact directly contributed to a great number of legal cases in the 1960s and 1970s that forced the juvenile system to abandon its so-called rehabilitative structures of informality, secrecy, and individual flexibility. White families may have been spared the harsher aspects of this system, but it had been a deeply and fundamentally carceral project of social and racial engineering from the beginning. This was the system that politicians inherited in the 1970s. They may have tinkered with the calibration of punishment, but the bulk of the machine remained untouched. At the heart of the issue remained an ideology of crime that had not been mitigated by substituting the word delinquent for criminal.

Juvenile delinquency is an interesting example for interrogating these historical processes, because the word itself is a proxy for crime, even while denying to be so. In fact, the pervasive slipperiness of delinquency’s definition is one aspect that made the term so useful to those twentieth-century reformers who wanted maximum power and flexibility to attack the so-called problem of delinquency without any accompanying restrictions. At the colloquial level, juvenile delinquency can mean anything from a rebellious attitude and use of obscene language to extreme violence. To call a youth a delinquent is to summon connotations of badness, irresponsibility, antisocial behavior, truancy, drug use, and disrespect for adult authority. As a technical term of law, juvenile delinquency varies from state to state, but generally is defined as an offense committed by a person between a certain age range (in New York it was between seven and sixteen years old until 2018, when the upper limit was raised to eighteen) that would be a criminal act if committed by an adult. Historically, legal definitions of juvenile delinquency have also included a great number of further provisions for which a minor could be found guilty but not an adult, including disobedience and incorrigibility, running away, or associating with
“immoral or vicious persons.” Juvenile delinquency was technically a non-criminal offense, despite the fact that the juvenile court and correctional systems closely resemble the adult criminal system. However, given the history of these systems as tools of social control, juvenile delinquency can best understood as a discourse of youth crime. 

Because juvenile delinquency has been so closely associated with education and social engineering—much more explicitly than adult crime—the historical conversation about delinquency’s causes and solutions is an excellent forum in which to examine the interplay between concepts of crime, citizenship, and categories like race, ethnicity, class, and gender. To put it more simply, the history of juvenile delinquency uniquely reveals the ways that crime control was fundamentally about social control, even as the particular emphases of that equation changed over time. As Michel Foucault wrote, “Prison continues, on those who are entrusted to

10 The debate about the “quasi-criminal” nature of juvenile delinquency is deeply related to the history of delinquency statutes, see Jeffrey Butts and Adele Harrell, “Delinquents or Criminals: Policy Options for Young Offenders,” Crime Policy Report (Urban Institute, June 1998).

it, a work begun elsewhere, which the whole of society pursues on each individual through innumerable mechanisms. By means of a carceral continuum, the authority that sentences infiltrates all those other authorities that supervise, transform, correct, improve.”¹² Disciplining youth was the work of disciplining society.

Juvenile delinquency prevention and control was a primary location of that disciplinary “work begun elsewhere.” This was due in part to children’s presumed attributes as plastic creatures who would become the products of their upbringing, which enabled recurrent demographic arguments that stoked fears about a generation of future criminals about to come of age, including the infamous “super predator” debate of the 1990s.¹³ But controlling children’s development was also fundamentally a project about controlling families, and the carceral reach of state juvenile officers drew parents and relatives, siblings, caregivers, and other adults into relationships that equally sought to coerce and control them. At the most basic level, what officials described as the control and prevention of delinquency was an effort to ensure compliance with established social norms defined primarily by capitalist productivity, patriarchy, and white supremacy. Compliance was defined as being a good citizen, while defiance was defined as crime.

While historians have understood early twentieth century processes of Americanization and social welfare provision through the lens of the welfare state, they have not reckoned with its carceral dimensions. Yet this was a fundamentally carceral project, premised as it was on state agents’ deep concern with knowing and controlling the behavior of the population through surveillance, supervision, positive incentives, and the ultimate coercive threat of violence and

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confine. There has been a great deal of excellent work done by scholars to understand how welfare provision in the United State has historically been allocated and gate-kept through mechanisms such as means testing, home visits, work requirements, and standards of moral conduct since the nineteenth century, often as ways to funnel resources to “deserving” white recipients while withholding it from “undeserving” people of color. However, more work remains to understand how the same efforts were fundamentally projects of social control.\textsuperscript{14} This dissertation argues that the prevailing state project of the early twentieth century, especially during the New Deal era, was training and assimilating white and potentially white citizen-subjects, while regulating, disciplining, and controlling those who were not marked for full citizenship.

The issues of crime prevention and delinquency, which fell at the juncture of traditionally-designated welfare and law enforcement state functions, should force scholars to reexamine these traditional historiographical categories of the welfare and carceral state.\textsuperscript{15} These


“twinned social welfare and social control goals,” as Elizabeth Hinton calls them, cannot be disentangled, even in their earliest origins. While there may be semantic value in retaining the individual terms of the welfare and carceral state to emphasize one side or other of the coin, ultimately the distinction blends into the coercive character of the state, regardless of whether that authority was wielded by social workers or police officers. In the case of crime prevention, the same state agent was often and ideally both. These officers ultimately held the power to encourage a child’s development into a citizen instead of a criminal through all the tools at the state’s disposal, including both the carrots of social aid and quality of life improvements, and the sticks of punishment.

Scholars in the emerging field of carceral studies are not entirely in agreement about what precisely constitutes the carceral. Deriving from the Latin root carcer, meaning prison or jail, carceral studies originated with inquiries into the nature and origins of punitive policies, mass incarceration, and closely associated systems including courts, police and criminal law.


Scholars have since expanded the field to examine the ways that other systems such as food stamps, housing, employment, labor relations, immigration, electoral politics, schools, mental health, substance regulations, and many others are intimately—perhaps inextricably—implicated in a vast carceral network governed by racist and patriarchal logics of domination that Michelle Alexander famously called the New Jim Crow. In the last five years, an explosion of recent scholarship by historians and others has applied the lens of the carceral state to reexamine a wide range of topics. These studies have complicated the boundaries of traditional disciplinary “states,” including the welfare state, the nation state, the police state, and the administrative state.  

Taken as a whole, this emerging scholarship questions whether there is any part of the state that is not carceral. This question suggests that something about the state itself may be defined by coercion and control through the ever-present threat of violence. Indeed, this supposition echoes Max Weber’s classic formulation that the state is constituted by a monopoly on the legitimate use of physical force. The historian Micol Siegel has taken this a step further to theorize that the police are those who perform this everyday “violence work.”19 There is enormous value in exploring the broadest possible implications of what it means to talk about the carceral state, and yet to push the word too far from its original meaning risks losing focus on what precisely makes these dynamics carceral, which is defined here as the way they ultimately


19 Siegel, Violence Work, 9.
relate to coercion and control through the exercise or threat of state violence. While carceral studies is an interdisciplinary field, one task for historians is to understand the particular, contingent, perhaps self-contradictory development of the carceral state over time—that is, how and why the entity we think of as the state unfolded as it did. This dissertation is an exploration of one aspect of that story.

One open question for scholars of U.S. history is how to situate the carcerality of the post-World War II era—which has understandably been the periodization of the majority of research which focuses on mass incarceration—within the longer historical context of a nation founded on slavery, settler colonialism, and empire. In particular, there is a preponderance of studies that begin in the postwar era with what is generally characterized as a punitive or retributive turn in the 1970s, often explained as the result of some form of white backlash to the civil rights movement.20 While there has been a great deal of scholarship that explores carceral logics in the late nineteenth and early twentieth centuries, especially around developments of penal reform, social science and scientific racism, lynchings and vigilante violence, chain gangs, vice control, and the hardening of the U.S. border, there is a conspicuous lack of explanatory connections between the turn of the century and the 1960s.21


Rather than primarily being explained by racial and political backlash, the punitive turn of the 1970s is better understood as the fallout of tensions within a liberal paradigm of carceral control and white supremacy that was built into the state itself in the early twentieth century.

Understanding these developments requires looking more closely at the creation and purpose of crime control institutions themselves. Alleged youth criminality was as much at the center of this issue in the 1920s as it was in 1978, when public furor over the sentencing of fifteen-year-old Willie Bosket, convicted of murdering two people in the New York City subway, led state legislators to justify passage of the Juvenile Offender Act, which, among other things, lowered the age at which a minor could be tried as an adult for certain crimes to thirteen. In addition to New York’s Juvenile Offender Act, the 1970s witnessed a sweeping revision of the so-called

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juvenile justice system at both the state and federal levels, in ways that were closely linked to the
development of staggering overrepresentation of youth of color at all levels of the system. And yet to explain this phenomenon merely in the political terms of the 1970s is to miss the profound ways that these developments were consistent, rather than breaking, with deeper historical and institutional carceral patterns. After all, the police, court, probation, and legal codes governing Bosket’s custody, trial, and sentencing as a juvenile in the 1970s were built decades earlier. For those who see the developments of mass incarceration over the last fifty years as a profound injustice, this history suggests that merely reversing the backlash while retaining an essentially functional criminal system may be insufficient. Instead, it suggests that attention should be given to an analysis of the historical purpose of crime control itself.

This dissertation also reveals the ways that crime and criminality are historically constructed social categories rather than transcendent theoretical terms claiming to represent ontological reality. To invoke crime is to presuppose a layer of interpretation that imposes a set of relationships and meaning upon a perceived interaction. This is to disentangle the linguistic ways that the same act may be understood as crime rather than as violence, harm, addiction, survival, or any number of other possible interpretations. Further, it is to interrogate the historical process at work in the ways that crime-as-an-act has been rendered synonymous with crime-as-a-person, that is, the ways in which criminal becomes an attribute of a person’s essential nature or identity. Crime is not a neutral descriptor of an event. It is a particular category of harm or violence defined by historical power dynamics that include legal frameworks, political economic incentives, dominant social norms, racial ideology, structures of gender and sexuality, social

science, and carceral institutions, among others. Crime as a category is both a product of and tool of reproducing power. This may seem like a banal statement to those accustomed to thinking about how changing laws and norms shape what is or is not viewed as a crime at any given place and time, yet the underlying logic of seeing certain actions as crimes and certain people as criminals is pervasive, especially with regard to so-called street crimes and violent crimes. It is a historical artifact that we tend to think this way.

The point is an important one, because historians have often been complicit in perpetuating a narrative in which crime is treated as a fact rather than as actor’s category or as a category of analysis. Examples abound even in simple statements, for example the sentence “crime went up in 2019,” in comparison to the more accurate statement, “statistics about crime claimed it increased in 2019.” A great deal of urgent historical work lies in unpacking the silent space between the two. This tendency to grasp and reify crime is a mistake insofar as it limits our ability to interrogate the historical processes involved in how such an ideology of crime came to be, to say nothing of the potential ethical or political implications of continuing to use a criminal framework that supports ongoing state violence. At the very least, there are intellectual reasons for better understanding the nuances of crime as a constructed social category, the same way that scholars understand race and gender as historically constructed. One example is to examine the ways that civic leaders, acting on epistemological beliefs about social and statistical facts represented by the knowledge and expertise of social science, may have transposed those beliefs into reality through their adherence to them. Another is to illuminate the underlying motives and pressures for which crime discourse has served as a socially acceptable proxy, allowing regimes of crime control to actually function as regimes of controlling so-called criminals.

This dissertation is hardly the first to claim that crime is a social category, not an ontological reality. Nonetheless, belief in the latter remains hegemonic in both the academic and
popular mind. Nowhere is this entrenchment more evident than within the discipline of criminology, a field arguably defined by the centrality of crime as the primary theoretical unit of social analysis and prognosis. Indeed, it is impossible to separate the development of criminology as a discipline from the development of the belief in crime as a natural phenomenon. The founding concern of criminology was rooted in a search for the causes of crime, an impulse predicated upon the belief that crime and criminals are actually existing entities that can be understood and thereby controlled through the tools of science. Despite the insurgence of a school of labeling theory and a so-called radical criminology in the 1960s and 1970s, which emphasized the power relations inherent in legal labels of deviance and advocated a shift in focus from studying crime to studying processes of criminalization, the 1980s saw a resurgence of classical criminology and return to the dominant focus on crime causation and control. It remains largely the same today. 23


The intention to deconstruct crime should not be misconstrued as making any absolute claims that crime is always the wrong frame for understanding and responding to social conflict, violence, or harm. Crime, in some instances, may in fact be judged to be the most useful frame. Nor, by focusing on processes of criminalization, does this dissertation seek to minimize or ignore the reality of violence and harm as lived experiences and historical forces in themselves. Rather, it attempts to make the case that crime should not be assumed, because of the power of historical conditioning, to be the most useful way of framing these social phenomena, or indeed assumed to be the only frame imaginable. Alternative lenses may focus on injury, social harm, or systemic patterns of inequality in ways that include the impact of types of harm often excluded from definitions of crime, including state violence, environmental damage, and injustices by business and corporations. These alternatives may also open the door to other possible responses and resolutions that do not necessarily depend on the carceral state. Ultimately, the ability to have a real conversation about the relative dimensions of justice depends upon having a nuanced and critical understanding of the historical dynamics and power relations that are constitutive of crime as a way of understanding the social world.24

Tracing the historical construction of delinquency and crime requires examining the ways that theories of crime and criminality are inextricable from the history of expert knowledge—in particular, social science and statistical reasoning—and the power relationships that defined the production of such expertise. Dominant understandings of criminality in twentieth-century criminology were created by elite, largely white experts in universities, police forces, and

government agencies that produced knowledge through experiments and studies on communities identified as predisposed to crime. Drawing on the insights of Michel Foucault, this relationship between power and the production of knowledge was not incidental to the history of crime ideology, but rather constitutive of it. At the same time, we must be careful not to overstate the importance of elite discourse, policy, and action as the singular engine of change, thus overlooking the ways that non-elite residents and marginalized people also shaped collective beliefs about crime. Nonetheless, power mattered, and the ability of people in positions of social and institutional authority to impose their theories of deviance and criminality upon others through ultimately coercive mechanisms of policing, surveillance, and incarceration was a fundamental dynamic of the carceral state itself. This dissertation therefore focuses on disentangling the networks of theories, expertise, policies, and actions by researchers, public officials, and law enforcement officers that used and created state power through re-inscribing social relations within a dynamic framework of criminality and criminal law.

Because statistics and statistical reasoning have been such a central feature of criminological expertise and common-sense beliefs about who is a criminal, scholars must be very careful in using and interpreting historical sources. Michel-Rolph Trouillot famously distinguished between two interdependent meanings of the word history, comprising “that which happened” and “that which is said to have happened.” The first emphasizes root sociohistorical processes, while the second draws attention to how we claim to know such things, or the stories told about them. While ultimately all works of history are interpretive projects that depend on the legitimacy of their fundamental truth claims, some sociohistorical processes are easier to access than others, depending on the way that power has shaped available archives.25 The study of

crime is a particularly thorny problem in this regard because of the difficulties of knowing about an activity that people have good reasons to keep as secret as possible.

This dissertation is concerned with untangling the how the historical conflation between “that which happened” and “that which is said to have happened” has itself been a defining feature of shaping criminological knowledge about crime. As Trouillot notes, “Power is constitutive of the story.” At the heart of the issue is the reliability and legitimacy of statistical reasoning itself, which has been touted as one of the primary ways by which social scientists can know and study crime. Two methodological points are worth mentioning here. The first is that, for reasons discussed in chapter one, crime statistics necessarily rely on proxy metrics such as numbers of arrests to stand in for the impossibility of directly measuring illegal activity. For this reason, as well as other significant problems such as inaccurate reporting and incomparability of categories across jurisdictions and time, crime statistics are highly suspect as a reliable indicator of “that which happened,” and their use is perhaps more illustrative of “that which is said to have happened.” Instead of taking crime statistics at face value, this dissertation is interested in reading between the lines in order to explore the ways that statistical discourse has itself been historically constructed as the foundation of scientific facts. Similarly, historical narratives based on statistical truth-claims, including media coverage of “crime waves” as well as dominant discourses of crime causation should be treated as evidence of historical claims making rather than evidence of reality.

The second point is that, because of the nature of the carceral archive, it is difficult to know certain information about the impact of policing and crime control policies. The New York Police Department did not publicly report their arrest statistics by race or by precinct for the

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26 Trouillot, Silencing the Past, 28.
period under study, and therefore it is difficult to evaluate levels or trends of historical policing. Scattered data points are occasionally available through other sources, but there is no easy comprehensive picture of policing in the city. The reports of the Children’s Court, and its successor the Domestic Relations Court, are little better. Court officials reported the country of origin for children of non-native parentage, an in some cases the race of children, through the year 1937, after which they stopped. In addition, because of the NYPD’s secrecy about its crime control operations, especially after the 1960s, it is difficult to evaluate certain police initiatives. Nonetheless, this dissertation attempts to explore, where good evidence exists, the nature of relationships between ideas, theories, and discourse about delinquency, and the ways such notions were translated into polices that impacted children, families, and communities.

This history adds to a small but growing literature that focuses on the importance of understanding pre-World War II developments in policing, courts, and carceral relationships at the local level. Authors such as Carl Suddler, Simon Balto, and Tera Eva Agyepong have all argued for the importance of earlier patterns of radicalized inequality that were well-established in police departments by the 1930s.27 As Balto provocatively argues in his study of the Chicago Police Department, “in terms of the mechanisms and strategies of policing on the ground in urban America, neither the War on Crime nor the War on Drugs actually constituted dramatic reinventions of the wheel.”28 While it was true that developments in the 1970s dramatically sharpened disparities in racial treatment and significantly expanded the scope and impact of the juvenile carceral state, nonetheless the fundamental institutions, technologies, and ideologies that defined the 1970s had their origins in the first half of the century. There is a significant

27 Suddler, Presumed Criminal; Agyepong, The Criminalization of Black Children; Balto, Occupied Territory.

28 Balto, Occupied Territory, 4.
chronological gap between studies of Progressive-era reformers, which largely end in the 1930s, and histories that begin with the punitive turn in the 1960s. The in-between decades were important; in fact they largely defined the carceral project. In particular, developments in the 1950s are critical for understanding how the rehabilitative project became the punitive one.

In this history, local relationships mattered. In Chicago, Los Angeles, Detroit, Baltimore, Philadelphia, Boston, and cites across the nation, locals actors negotiated racial and urban landscapes, city bureaucracy, and social science through a politics of delinquency. While some particulars differed, a canon of standard practices developed across the nation that included establishing crime prevention bureaus, recreation departments, youth boards, gang units, and crime mapping technologies. The federal government became a major player during the 1960s, but before that expertise in delinquency prevention and control was largely developed by experimentation at the municipal level. This dissertation focuses on New York City as a central origin point for theories, research, policies, and institutions focused on the prevention and control of delinquency in ways that inherently reflected the particular local dynamics of New York itself. While qualities like the city’s size, immigrant populations, racial diversity, and rich neighborhood culture made New York unique, these were the same qualities that put New York at the forefront of developing model anti-delinquency policies. Because New York had been a large, diverse, and industrial city for so long, local officials had struggled to confront the social fallout of those dynamics since at least the nineteenth century.

Experimental products of officials’ efforts, including novel theories and technologies of policing, supervision, diagnosis and treatment, prediction, sentencing, rehabilitation, inter-agency coordination, and record keeping made New York officials into national experts and made New York’s neighborhoods a laboratory for national expertise. Notable examples of these developments included New York Police Department’s Crime Prevention Bureau, the New York
City Youth Board, experimental gang control programming such as the Street Club Project, pioneering technologies of purported crime prediction by Harvard criminologists Sheldon and Eleanor Glueck, and the opportunity theory of Richard Cloward and Lloyd Ohlin, who went on to shape federal policy and model War on Poverty Programs including Mobilization for Youth and Harlem Youth Opportunities Unlimited (HARYOU). In all of these instances, the local dynamics of New York City, including the racial and political economic landscape of the city, were inextricable from the regimes of knowledge, coercion, and control developed within them.

With all of these aspects in mind, the New York State Crime Commission’s assertions that crime prevention was an emerging responsibility of modern municipal governments, and that the central unit of such efforts must be the socio-economically defined neighborhood, acquires increased significance. The Crime Commission was, in many ways, at the origin of articulating a new ideology of delinquency and crime prevention that achieved a hegemonic dominance as the foundation of a vast system of carceral institutions and professional innovations including juvenile police, courts, and social work. While there was a long history to all of these institutions, the era between the 1920s and the 1970s defined a period in which these ideologies and institutions coalesced into their modern form under the guiding ethos of the rehabilitative myth. A significant part of this shift was the adoption of crime prevention and delinquency control functions as necessary public services of the state, whereas they had previously been handled by private welfare agencies.

This dissertation charts the developments of that era in New York through five chapters that are organized both thematically and roughly chronologically. Chapter one explores the ideology of crime prevention in the 1920s and early 1930s, including its roots in a scientific faith that the underlying causes of criminality could be discovered and therefore eradicated through enlightened policy. This belief was deeply entangled with the emergence of a new field of
American criminology, which was definitively shaped by the early influence of sociology. The New York Police Department was on the cutting edge of applying these theories of urban development to the project of identifying and mapping the so-called hot spots where crime was “bred,” and therefore locating the communities to target for preemptive intervention in the name of prevention. It was not a coincidence that the New York State Crime Commission identified “the neighborhood” as the primary unit of crime prevention research and work. Neighborhoods—a geographic epithet for a kind of space that was defined by the social qualities of the people who lived there—were the basis on which officials believed future criminals could be located and identified.

Chapter two examines the carceral institutions that New York officials created in the 1930s in order to carry out this vision of crime prevention. These included new and experimental systems of juvenile laws, police, courts, probation, treatment, and incarceration. While these allegedly rehabilitative institutions were defended as informal, individualized, compassionate, and non-criminal, in practice white children and youth disproportionately received the benefits of such treatment, while African American children and youth received longer and harsher court dispositions and were locked out of segregated institutions and resources due to racial discrimination. At the same time, white and provisionally white families were the primary subjects of a burgeoning carceral system that sought to shape and discipline the behavior of their children through carceral tools of supervision, intimidation, and manipulation that bordered on extralegal. The informal, individual, and off-the-record nature of this carceral system was a primary hallmark of the rehabilitative ethos and a substantive characteristic of its emphasis on social engineering.

The third chapter moves into the 1940s and 1950s, arguing that the primary focus of criminologists, law enforcement, and public officials concerned with delinquency prevention and
control began to shift from white and white ethnic families to African American and Puerto Rican families as the purported source of the problem of crime. The chapter explores this shift through the professional relationship formed between the New York City Youth Board and the Harvard-based criminologists Sheldon and Eleanor Glueck, who collaborated to run a decade-long study to devise a method of predicting future criminals among New York City school children based on social factors including family structure. The Gluecks represented the rising influence of a new school of psychological and personality-based theories of crime causation, which honed a frame of pathological deviance that was particularly associated with black and Latino families. The Youth Board-Glueck research project specifically studied African American and Puerto Rican children in the South Bronx in order to devise a tool of statistical crime prediction that was tailor-made to New York City’s demographics, even as this tool over-predicted the number children of color believed to become future criminals in comparison to white children. The legacies of the project, including the adoption of the predictive rubric by the NYPD, further consolidated beliefs about the potential criminality of African American and Puerto Rican families.

Chapter four explores the connections between an emerging postwar conversation about so-called crime waves, muggings, and gang wars, and between changing methods of policing that concentrated police force in neighborhoods of color. As Stuart Hall and others have argued, the notion of a mugging was a new conceptual category of crime born in 1940s New York, which was closely associated with black violence and served as a proxy language to express white racial fears.29 A similar dynamic was true of so-called youth gangs and gang wars, which became a major topic of public concern in the 1940s and 1950s. Biased reporting by the media,

29 Hall et al., Policing the Crisis, 19.
together with selective interventions, surveillance, and policing by the Youth Board and NYPD, created new cultural and criminological definitions of youth gangs as violent, pathological, dangerous groups of boys. Gang violence was particularly associated with African American and Puerto Rican neighborhoods and the idea that race-based street armies were fighting over control of the changing city. In response, the Youth Board and NYPD organized gang outreach and suppression initiatives, which were disproportionately targeted to neighborhoods of color. Law enforcement officials used the justification of combating youth violence in the early 1950s as a key argument for reorganizing the allocation of police across the city, making East Harlem the first laboratory for what became a permanent city-wide program of assigning police to precincts on the basis of so-called crime rates.

The last chapter takes the story into the 1960s, arguing that the homegrown expertise developed through New York’s experimental delinquency and gang control efforts over the preceding decades formed the basis for the Kennedy administration to design the first major federal anti-delinquency program. This criminological knowledge, which eventually formed the heart of President Johnson’s War on Poverty, linked poverty, criminality, and blackness together in order to identify the so-called urban ghetto as the primary source of the dual problems of crime and poverty. The 1960s represented the consummation of a process began during World War II, in which officials’ primary focus of crime control began to shift from white youth to youth of color. The anti-poverty resources available under the Johnson administration were predicated on a crime control agenda from the beginning, even as some African American leaders sought to leverage these resources in order to make good on the long-deferred promise of rehabilitative uplift for minority communities. Ultimately, whatever radical potential existed in programs like Mobilization for Youth and HARYOU-ACT was subverted by a political retrenchment as officials shied away from what African American leaders demanded was
necessary for real change. By the end of the decade, policymakers abandoned their professed commitment to fighting poverty, even as they redoubled their longstanding emphasis on crime control.

As the crises of the 1970s deepened, the tensions that existed within the rehabilitative myth finally broke it from within. New York officials reinforced narratives that portrayed African American and Puerto Rican youth as violent, dangerous criminals and gang members, even while white youth were further exempted from the most punitive qualities of the juvenile system. A series of legal challenges to the informality and secrecy of the Children’s Court—the very staple of its rehabilitative foundation—forced the courts to make the juvenile system even more like the adult criminal system, demolishing any remaining illusion that delinquency was a meaningfully “non-criminal” offense. Meanwhile, the legislature passed a series of progressively more punitive youth crime control laws that increased sentences, lowered the age of adult responsibility, and put more children and youth directly into the adult criminal system. The federal government also emerged as a powerful leader of shaping and funding anti-delinquency efforts across the nation. These were dramatic and significant developments, and the 1970s should not be overlooked as a major turning point in the history of policing and mass incarceration. Yet the racial logic and sweeping carceral capacity on display in the 1970s had been incubated within the ideologies of delinquency, crime prevention, and the rehabilitative myth for the better part of a century.

Finally, a note on language. The fact that discourses of juvenile delinquency have relied on fuzzy and capacious definitions that have included children, youth, and young adults from grade school to their mid-twenties makes it a challenge to write about young people in ways that are specific, yet without adding extra assumptions about criminality or lack of self-determination. This challenge is intimately connected to the ways that beliefs about childhood
have been built into the law, including the fact that minors lack legal agency by definition. One must also be sensitive to ways that the choice of referring to an individual as a child have historically been deployed as tools of leveraging either innocence (or lack thereof) or infantilization. As Tera Eva Agyepong writes in her study of race and the Children’s Court in Chicago, “Black children’s status as ‘child’ was contingent in that it could be highlighted or erased in different contexts.”

There is no single, neutral term for referring to a young person that will make sense in all contexts. I have generally relied heavily on the words child and youth, acknowledging that there are no fixed age qualifications for these categories. At times I have needed to convey perceived gender through terms such as boy and girl, or young men and women. Occasionally the word teenager made the most sense. I have avoided using the words juvenile or minor to refer to young people themselves, reserving these words to use in their sense as legal terms, often in connection with legal systems built around juridical meaning such as juvenile courts. Similarly, my use of the words crime, criminal, delinquency, and delinquent is always in the sense of either an actor’s category or a category of historical analysis, and never as a word professing to represent reality. I beg the reader’s understanding in this effort to use language to point to the historical construction of the meaning and concepts within the words themselves.

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Chapter 1

Crime Prevention
The same year that the New York State Crime Commission issued its report on *Crime in the Community*, the New York Police Department established a Crime Prevention Bureau to control and prevent crime, especially among children and youth. It was a significant moment, as the NYPD’s decision constituted part of vast transformation in the carceral landscape of American cities. That shift, which began in the 1920s but expanded and consolidated in the 1930s, involved the creation of a constellation of new juvenile-focused carceral institutions including police units, courts, probation bureaus, penal institutions, and laws that reflected an emerging outlook that crime prevention was a central responsibility of local government. While these institutions were strongly shaped and influenced by Progressive-era ideas, in the 1930s there was a decisive shift toward public rather than private responses to the so-called problem of crime and delinquency. The emerging carceral institutions of the 1930s, including the NYPD’s Crime Prevention Bureau, were also based on the developing expertise of U.S. social science, which came into its own in the 1920s to provide new and influential theories about the sociology and growth of American cities, as well as all their attendant social problems. By the end of the 1939, New York officials had built a robust, centralized carceral system designed to influence and control the behavior of children and their families. This juvenile system, which could not be said to have existed in any comprehensive way before 1930, lasted without major revisions until the 1960s, and still forms the bones of the system in place today.

These remarkable developments were justified under the slogan of crime prevention. Though the phrase’s meaning was apparently simple—to prevent crime—it carried a specific set of connotations and was premised on a theory of crime that asserted crime could, in fact, be prevented. Though nothing about the phrase indicated how crime prevention might be attempted, in practice the term was limited nearly exclusively to working with children and youth, who were
believed to be uniquely malleable and therefore more easily redirected from their supposed
trajectories toward “careers of crime.” Tellingly, for instance, the Crime Prevention Bureau
renamed itself the Juvenile Aid Bureau in the mid-1930s to more accurately describe its activity.
Crime prevention was also, by nature, future-oriented in its intention to forestall crime tomorrow
through interventions today. This orientation, however, created a serious challenge: if future
crimes had not yet happened, how should officials know which children were the future
criminals? The answer that officials reached was a statistical one. Through the scientific study of
crime and natural social laws, they believed, it was possible to use social and geographic factors
such as ethnicity, race, income, and neighborhood to identify the potential criminals, or those
judged most likely to break the law. Preemptive intervention could then be introduced to “save”
and rehabilitate the child at risk. The shifting politics of identifying and “treating” potential
delinquents constituted the shape of crime prevention efforts through the close of the twentieth
century and into the twenty-first.

Crime prevention was at the heart of sweeping new institutions and laws to respond to
what civic leaders and public officials saw as the pressing threat of criminality to American
society in the 1920s and 1930s. Though the phrase crime prevention had been in scattered
circulation before the twentieth century, its use skyrocketed after 1927 as crime prevention
became a catch-all referent to describe the importance of children and youth in the vast efforts
underway to build a public system of social control.¹ To understand the carceral state as it was
constructed in the 1920s and 1930s, one must begin with unpacking the beliefs and commitments
that undergirded and sustained the project. This chapter explores the relationship between crime
prevention and an ideology of crime that defined the juvenile system as it was built during this

¹ Google Ngram Viewer, use of “crime prevention” in English-language books, 1800-2000. For more on crime prevention, see Suddler, Presumed Criminal, 13–38; Wolcott, Cops and Kids, 126–45.
era. Though these ideas were rooted in the nineteenth century, they were consolidated in the interwar years and welded to a new public sensibility that enshrined them as guiding state paradigms. The first half of the chapter explores the history of these commitments, while the second half traces how they were operationalized as public policy through the NYPD’s Crime Prevention Bureau. Chapter two builds on this foundation to explore the development of carceral systems beyond the police department.

The term “ideology of crime” is used here to refer to a set of theories and beliefs about the ontological nature and presumptive causation of crime, which formed the foundation of a widespread and largely unquestioned conviction that crime is a useful and desirable framework by which to understand and respond to certain kinds of deviant or unwanted behavior. In particular, the ideology of crime is characterized by a positivist belief that crime and criminals are actual and naturally occurring categories of behavior and individuals that can be identified and understood through scientific study. Because crime is understood to have an underlying cause, even if it remains scientifically elusive, criminality—like a disease—is believed to be potentially treatable, curable, and even eradicable. Crime control and crime prevention therefore represent policy responses derived from a worldview organized by an ideology of crime. Within this analytical framework, crime prevention can also be understood to constitute an ideology of its own, which emphasized the importance of impressionable children as either future citizens or future criminals, depending on the quality and influences of their upbringing. In decades before World War II, the project of crime prevention was closely tied to a concern with the racial, civic, and moral health of the national body politic.

Crime prevention provided link between a conceptual framework of crime and prescribed

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policy interventions. It described a carceral project that was fundamentally about controlling people based on a projection of their future behavior. These projections were influenced by statistics that turned assumptions about the criminality of social groups into the basis for concrete policy. Crime prevention could be leveraged as the justification for either repression or rehabilitation, depending on the circumstances. It also provided the logic for narrowing a more general concern with crime control into a particular concern with the intimate matter of children and families. Ultimately, the ideology of crime prevention demonstrated that carceral control did not require actual crime; a child’s alleged future actions were enough of a reason to build a massive state system of police, courts, probation bureaus, and penal facilities. Carceral control was fundamentally about controlling people, and it was enough that the future crime remained potential.

**American Criminology and the Ideology of Crime**

Any exploration of crime prevention or crime control must begin with an understanding of what is understood to constitute crime, who is the criminal, and why it is believed to be an important social problem. The answers to these questions changed over time, and they were being significantly amended by criminologists and sociologists in the 1920s United States. In the early twentieth century, the field of U.S. criminology was still nascent, characterized by heterogeneous approaches influenced by the more mature schools of criminology in Europe. By the 1920s, however, American criminology began to come into its own, strongly dominated by the sociological approach of scholars at the University of Chicago. The research and theories propagated by these Chicago School sociological criminologists adapted European theories about crime to their prevailing concern with the unique social problems scholars saw emerging in
America’s industrial and immigrant cities. U.S. criminologists articulated a domestic ideology of crime that drew heavily on older positivist theories, but that emphasized a sociological definition of crime and a methodological approach that statistically associated criminality with impoverished inner-city neighborhoods and racial and ethnic minorities. The criminological knowledge produced in the 1920s and 1930s provided the theoretical template that state officials used to construct a sweeping battery of new institutions for preventing and controlling crime.

To understand the significance of developments in the 1920s United States, it is necessary to go back to older European debates about the nature of crime. Though the term criminology itself has been traced to 1885, earlier writers had developed a diverse foundation for the field in Europe well before then, and split into two major schools with different approaches to the definition of crime and the work of criminology. The Classical School was developed in the eighteenth century by Cesare Beccaria and Jeremy Bentham in efforts to reform harsh and arbitrary state legal power, while the Positive School, founded in the nineteenth century by Cesare Lombroso, Raffaele Garofalo, and Enrico Ferro, was an attempt to study the criminal through the application of scientific methods.

The two schools articulated competing definitions of crime, which stemmed from their differing perspectives on the goals and methods for studying and controlling crime and criminals. In the Classical School, Beccaria and Bentham were primarily concerned with laws, criminal acts, and in making punishment more effective. This was in contrast to studying the criminal as a person in an effort to distill patterns of underlying criminal motivations. Proponents of the Classical School used a simple and strictly legal definition of crime as an action prohibited by

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law. This legal definition was emblematized in the doctrine of *nullum crimen sine lege*, or no crime without a law. Legal definitions had the consequence of placing scholarly emphasis on legal frameworks and their effects, rather than studying the inner motivations of the so-called criminal.⁴

Positivists, on the other hand, established themselves in opposition to the Classical School, and advocated for the scientific study of crime as a universal natural phenomenon. Raffaele Garofalo, an influential positivist, saw crime as irreducible to particular statutes—which varied according to place and time—and advocated instead for a criminological definition of “natural crime,” which could be supposed to exist “in human society independently of the circumstances and exigencies of a given epoch or the particular views of the law-maker.” The twentieth-century criminologist Paul Tappan put it clearly when he characterized the positivist rejection of legal definitions of crime as arising “from their desire to discover and study wrongs which are absolute and eternal rather than mere violations of a statutory and case law system which vary in time and place; this is essentially the old metaphysical search for the law of nature.”⁵

In place of the traditional legal definition of crime, positivists articulated a social definition of crime as something that violated the social values of a society, rather than its legal codes. Such a “sociologic notion of crime,” Garofalo argued, could more properly be defined as conduct that offends the pity (or a revulsion against the infliction of suffering on others) and probity (or respect for others’ property rights) of a society.⁶ This idea reflected the belief that not

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all anti-social conduct was banned by law, nor were all proscribed activities necessarily anti-social. Nonetheless, positivists insisted, crime existed as a real phenomenon that transcended man-made legal codes, and could be studied with the proper methods.

The corollary to the idea that crime existed separate from criminal law was that criminals existed separately from criminal law. European positivists thus turned their attention to seeking an explanation of crime in the criminal as a person rather than in crime as an act. As Garofalo wrote, “Adding the figures, combining the scattered sums of human misery produced by human wickedness, it unrolls to us the scenes in a world-appealing tragedy…And in sinister climax, it reveals to us the author of these scenes of desolation—an enemy mysterious, unrecognized by history;—we call him the CRIMINAL.”

However, if violation criminal law could no longer be relied upon to identify members of the criminal class, then scientists needed other tools to identify and study the causes and motivations of this “mysterious” kind of person. If only scientists could understand the underlying cause(s) of crime, positivists believed, then they could devise a cure or prevention for it. “The task of the twentieth century,” Garofalo wrote, “is to eradicate those traces of primitive barbarity which we know as criminality.”

Thus began a scientific search for the cause of crime, which located the hypothesized criminal as the primary object of study. This project came to define American criminology in the twentieth century, and still remains a vital topic in contemporary criminology. However, because scientists found that there was no clear single answer to the question of the cause of crime, the topic of how best to locate, study, and reform the criminal remained the central issue.

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7 Garofalo, Criminology, xxvii.

8 Garofalo, Criminology, xxx.

of criminological debate over the next century. Biological explanations were proposed by Lombroso, Garofalo, and others including the American phrenologist Nelson Sizer and British physician Charles Goring; psychological theories by those including Isaac Ray, Henry Maudsley, Gustav Aschaffenburg, and Sigmund Freud; and sociological analyses from men such as Emile Durkheim, Edwin H. Sutherland, Robert K. Merton, and Thorsten Sellin, among others. All of these men devoted themselves to, in the words of Garofalo, “utilizing for the moral progress of society all the new discoveries of experimental science.”

The development of criminology as a distinctive field in the United States unfolded amid the efforts of American social scientists to apply European theories to domestic agendas. The formation of criminology as a distinctive field in the United States occurred as an idiosyncratic process between the late 1800s and 1930s, both coinciding and deeply intertwined with the development of professional social science and with the construction of the American carceral state. From nascent European beginnings in the nineteenth century, criminology developed into a coherent field with powerful institutional backings and a clear research agenda by the 1930s. Early American criminologists were heavily influenced by the positivist belief that crime had a cause that could be discovered through science. Though their preferred explanations and disciplinary allegiances differed, in the 1920s and early 1930s U.S. criminologists coalesced around a consensus that focused on the criminal rather than the crime as part of an overriding search for the underlying cause(s) of criminality. Children, by virtue of a cultural frame that saw them as the future of society—including a eugenicist emphasis on the future of white civilization—occupied a central place in criminologists’ theorizing about what made a child into criminal.

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10 Garofalo, Criminology, xxxi. See also Rafter, Creating Born Criminals.
During this era, criminology in the United States came to be dominated by sociological methods and analyses, though psychology and biology remained significant and durable influences on the field. Prominent criminologists believed that through studying the ecosystems of social relationships they could effect a project of social engineering based on their ability to understand, and thereby manipulate the phenomenal world. In other words, the ability to control crime itself would come through scientifically uncovering the hidden social facts of human nature and society. As prominent U.S. criminologist Edwin Sutherland wrote in 1927, “In the long run the only efficient method of dealing with the problem [of crime] is a demonstration of the possibility of solving this problem in human engineering just as problems in any other field of engineering are solved, by the method of science.”¹¹ The quantitative tools and ideological outlook developed by Sutherland and his peers formed the basis of a new carceral ideology and institutional system that was being built over the 1920s and 1930s.¹²

By the 1930s, criminology in the United States had distinguished itself by focusing on the criminal as an actor rather than crime as an act, and by the emerging power of sociology as a

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disciplinary framework within the field. While there have been no shortage of criminological textbooks written about the development of theories of crime over the twentieth century, there have not been comparable histories that examine the field’s underlying premise—the positivist belief that criminals were an identifiable category of humanity, that their possibly pathological condition had a cause, and that through scientific inquiry, that cause could be discovered and public policies enacted to cure existing criminals of their social affliction and prevent future ones from contracting it.¹³ This reification of criminals as an actually-existing class of people with something like a social disease profoundly shaped public and social policy in the twentieth century, undergirding the creation of a powerful network of private and public welfare and law enforcement institutions that were established for the purpose of crime control. By seeing crime as a social and historical category, however, crime control was revealed to be criminal control, a project of social engineering that targeted specific demographically-designated populations in order to bring them in line with state plans for their behavior and existence.

Sociology came to preside as one of the most influential modes of criminological study, largely due to the influence of a cohort of sociologists who taught and trained at the University of Chicago. Called the Chicago School, these sociologists rose to prominence in the 1920s with their theories of urban dynamics in America’s immigrant cities based on the work of Robert Park, Ernest Burgess, Frederic Thrasher, and Edwin Sutherland, whose 1924 Principles of Criminology was immediately recognized as the defining textbook of the field, even as

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Sutherland continued to revise and rework the book in subsequent editions. Sutherland’s work was hugely influential in defining the field and in training the next generation of criminologists, and because of this his arguments are worth examining in some detail as emblematic of a new era of thought.

Before the 1930s, U.S. criminology was characterized by a focus on the criminal and an eclectic approach to the question of crime’s causal factors. Earlier American writers had emphasized explanations such as the physical environment, including climate and the weather; psychological conditions, such as insanity or psychopathy; and other social factors, such as religious background, poverty, family structure, race, ethnicity and foreign nativity as causes of crime. Sutherland struggled to evaluate these causal theories in light of the field’s challenges with both defining and measuring crime. Significantly, he rejected the legal definition of crime on the grounds that it abstracted an individual from a situation and assumed absolute free will in decision-making. Instead, Sutherland defined crime as a social situation, a set of relationships arising out of the constellation of an individual, social groups, and the environment rather than an ascriptive trait. People, he argued, could not be separated from their context. Sutherland’s social definition of crime set the norm for U.S. criminology at the moment of the field’s maturation, creating a strong precedent for decades to come. Sutherland’s work, which was reinforced by that of his colleagues at the University of Chicago, exerted a significant influence


in shaping U.S. criminologists’ widespread embrace of social definitions of crime, a tendency to emphasize sociological factors in explaining causality, and a firm positivist belief in science and statistics.

Crime statistics occupied a central position in Sutherland’s inquiry, as they represented a primary method of evaluating possible causes of crime. The problem for the field, however, was that no single factor—whether bad neighborhoods, gang membership, broken families, heredity, nativity, race, or ability—appeared able to explain why some people broke the law while others did not. Sutherland was forced to conclude that, based on existing evidence, “The only generalization that can be made [about criminals] is that, as a class, they had been found guilty of violating laws….Not only is it unsafe to generalize about criminals, but no good principle of classification of criminals has been discovered.” Yet rather than question the assumptions underlying his theory of crime, Sutherland concluded that science had simply not yet uncovered the answer, and that more research was urgently necessary. This was based in skepticism of available statistics and data rather than a rejection of positivist models of criminality.

Despite Sutherland’s insistence that available data had so far failed to indicate that any social group was more inclined to criminality, there was already a strong and pervasive statistical discourse in the field that associated criminality with African Americans and immigrants. As Khalil Muhammad has shown, the 1890 census marked a moment when a discussion of black criminality entered the popular consciousness. The census reported that African Americans constituted 30 percent of the nation’s prison population, even though made up just twelve percent of the total population, and was taken by many prominent criminologists, including

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17 Sutherland, *Criminology*, 25.
Frederick L. Hoffman, as objective evidence of black criminality.\textsuperscript{18} Scholars such as Ida B. Wells, W.E.B. Du Bois, Thorsten Sellin, and to some extent Sutherland attempted to debunk these statistical claims by arguing that African Americans were in fact subject to disproportionate criminalization, rather than disproportionate criminals. Jim Crow laws, discrimination, and police bias contributed to the fact that African Americans were subject to increased likelihood of being arrested, and convicted.\textsuperscript{19} Nonetheless, statistical arguments that pointed a causal arrow between the disproportionate arrest and incarceration of African Americans and their presumed criminality remained pervasive, and race was used as a primary basis of predicting one’s likelihood of parole violation through the 1960s.\textsuperscript{20}

European immigrants were also the subjects of heightened suspicion of criminality, though in some ways this discourse unfolded differently than for African Americans. Many more prominent criminologists argued against the inherent criminality of immigrants, and even though there was some disagreement about whether European immigrants committed more crimes than native-born white Americans, there was a strong professional tendency to explain this fact as the result of cultural disconnects between old-world villages and U.S. cities, the fact that most immigrants were single young men, and the general poverty of immigrant communities. This view was widely propagated, including by the National Commission on Law Observance and

\textsuperscript{18} Muhammad, \textit{The Condemnation of Blackness}, 4, 31–35. Muhammad cites Frederick L. Hoffman’s 1896 work \textit{Race Traits and Tendencies of the American Negro} as an important origin point for the statistical discourse of black criminality. See also DeLombard, \textit{In the Shadow of the Gallows}.


Enforcement, also known as the Wickersham Commission.\textsuperscript{21} Such explanations cast European immigrants as capable of redemption with the right help, rather than irredeemably or biologically predisposed to criminality. In the case of European immigrants, increased crime was regarded as a matter of social circumstances, while for African Americans it was regarded as a matter of race.

Nonetheless, foreign nativity was a central topic of criminological research and concern. Parents’ country of origin was systematically tracked and reported by the New York Children’s Court through the end of the 1930s. The Wickersham Commission, while ultimately concluding that there were many mitigating factors affecting rates of crime among immigrants, nonetheless conducted extensive hearings on the matter in the 1920s. The New York State Crime Commission was particularly interested in rates of crime among the city’s various immigrant groups, and conducted its own investigations that tracked delinquency rates among children of foreign-born parents.\textsuperscript{22} Following in the footsteps of William Thomas and Florian Znaniecki’s pioneering work \textit{The Polish Peasant in Europe and America}, sociologists at the University of Chicago particularly focused on the social dynamics of immigrant neighborhoods as a primary causal factor of crime and delinquency, as will be discussed later in the second half of this chapter. Thus, while associations between criminality and foreign nativity was not generally held


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against European immigrants as a matter of inherent and irredeemable badness, it did substantially form the basis for Chicago School sociologists to focus their research and theorization on the problems of immigrant communities.

A core difficulty for criminologists was that directly measuring crime itself was impossible, because police were not omniscient entities and were only aware of crimes that were reported to them. This left the number of unreported crimes—either because they were known only to the perpetrator, or because the victim did not want to report it—a dark and unknown figure that could only be guessed at. As Sutherland reported, “There can be no complete enumeration of crimes that are committed.”

While officials fantasized about ways to acquire more complete surveillance and knowledge of criminal activities, criminologists and law enforcement officials were in practice limited by the constraints of their own corporality. This gap between officials’ desires to develop a system of total surveillance and between the practical limits of their abilities to collect, sort, and record such data remained a central engine in their search for ever more expansive surveillance and archival capacities over the coming decades.

Indeed, the very difficulties of gathering such data were used as a primary justification for building an ever more expansive crime control apparatus. Though officials aspired and dreamt about one day being able to compile a perfect dataset reflecting actual crime, they were forced to rely on proxy metrics in order to approximate such knowledge. Despite the fact that proxy data were used to calculate approximate rates of crime, the resultant numbers were nearly invariably reported and published as “crime rates,” thus insinuating that the number accurately represented crime while eliding what it actually measured. The most common of these proxies was to use police arrest numbers as a substitute for measuring actual crime, though others

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included reported crimes, court statistics of prosecutions or convictions, or penal statistics of incarceration.

However, the use of proxy statistics to stand in for crime created difficult interpretive problems. One fundamental challenge of was that one could never know the ratio between arrests (or prosecutions, etc.) and actual crime. Therefore, it was difficult to derive any reliable meaning by relating one to the other, although criminologists and social scientists continued to do so. There were also a vast number of other factors that skewed proxy crime data. The use of arrest rates, for instance, relied on an erroneous assumption that an arrest was equal to a conviction. Even assuming the absolute impartiality of the officer in such cases—and there was much evidence to suggest that gratuitous arrests were not only incidental but in some cases constituted department policy—a large number of those arrested were never prosecuted or were later judged innocent. Nonetheless, their arrests could be counted as indications of actual crime.

Police departments also faced incentives to over- or under-report certain categories of offenses in order to bolster their own appearances of effectiveness. Using conviction statistics to circumvent these problems did not provide a solution to other distortions in the data. More intensive or efficient policing would increase the number of total arrests, thus also increasing apparent rates of crime. This factor was particularly salient in cases where certain neighborhoods or areas of a city were targeted for heightened policing, thus producing higher arrest (and crime) rates among the targeted demographics. This dynamic was particularly true of African American neighborhoods, as targeted policing translated into higher crime rates, which were then touted as objective and race-neutral measure of black crime.24

Despite these and other challenges, criminologists insisted on the reliability and expanded use of proxy crime statistics as the basis of scientific knowledge. The FBI’s Uniform Crime Report (UCR), introduced in 1930, was touted as the first national crime dataset, relying on the voluntary contributions of local police departments from across the country using wildly different criteria for recording “crimes known to the police.” Before even a year’s worth of data had been collected, the FBI was issuing press reports depicting trends in crime rates. Yet the NYPD’s data was regarded as so especially poor that New York’s crime statistics were excluded from national computations for two decades by virtue of being “incomplete, unreliable, and misleading.” Even within a single police department, changes in recording and reporting policies could lead to dramatic leaps in crime rates overnight, as happened in New York in 1950 and again in 1966. Presumably illegal activities hadn’t increased from one month to the next; the method of reporting simply changed. In addition, the UCR also only collected and reported certain categories of crime, primarily “violent” and property crimes, leading to a disproportionate emphasis on so-called street crimes. The UCR’s measurement of crime also produced criminological knowledge that was conditioned by race. When first introduced in the 1930s, the UCR kept separate tallies of criminal statistics by categories of both “foreign born” and “black.” By the 1940s, the former had been replaced with “white,” while “black” remained, according to Muhammad, as the “unmitigated signifier of deviation (and deviance).”

Though Sutherland was himself extremely critical of the problems involved in using

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proxy statistics to stand in for crime rates, as well as of the numerous inaccuracies introduced in the collection, aggregation, and comparison of data, he saw the answer not as a call to abandon all statistical projects, but to dramatically expand and improve the quantity and quality of social data collection. In fact, he proposed a comprehensive national filing system for gathering continuous personal information about every individual in the United States, from nativity and family information to regular teachers’ appraisals, results of mental ability tests, social agency reports, and autobiographies written by every schoolchild about their own interests and attitudes.\(^\text{28}\) And though Sutherland rejected studies that claimed foreign-born whites had higher rates of crime than native-born whites on the grounds of faulty statistical analysis, he accepted findings that the second generation of immigrants were involved in more criminal acts.\(^\text{29}\) Sutherland also accepted a study purportedly showing increased crime rates among African Americans in northern cities, despite the fact that the study’s original author himself acknowledged the underlying statistics were biased\(^\text{30}\).

Significantly, Sutherland’s view of society was one in which every person was a “potential criminal.” Still, he acknowledged that some were more likely than others to become “confirmed” criminals through some as-yet-undiscovered combination of social contacts and internal tendencies.\(^\text{31}\) Yet the precise composition of this “near-delinquent” class remained mysterious. The precise mechanisms remained unknown by which children who were determined to be statistically “at risk,” based on their income, neighborhood, or race, for

\(^\text{28}\) Sutherland, *Criminology*, 87.

\(^\text{29}\) Sutherland, *Criminology*, 97–102.

\(^\text{30}\) Muhammad, *The Condemnation of Blackness*, 234.

\(^\text{31}\) Sutherland, *Criminology*, 118, 623.
becoming a future delinquent might actually break the law. This meant that, in practice, all children that were members of suspect groups were under permanent suspicion as potential criminals. Uncovering the proverbial smoking gun that caused good kids to go bad therefore assumed an urgent research priority in the broader quest for the cause of crime. This idea, which linked demographic statistics to potential criminality in an effort to predict and thereby prevent a given future crime, remained persistent over the following decades, pointing to the lasting influence of Sutherland and positivist beliefs that criminals could be identified and studied as a class. Crime prevention was therefore a project fundamentally directed by statistical evaluations of various groups’ criminality.

Ultimately Sutherland’s vision for crime control advocated for a technocratic administrative state that could use the knowledge produced by social science to induce its citizens to internalize a new common code of social norms and mores in order to combat the disorganization caused by unprecedented mobility, industrialization, immigration, racial and ethnic mixing. “If we start in the direction of passing laws in order to keep people from violating laws, we have an endless road ahead of us,” Sutherland wrote, referring to the futility of trying to legislate a change in behavior. Instead, he wrote, “we must finally come back to a modification of the attitudes of the average citizen. Consequently, it is desirable to educate and train the youth with that in view, rather than with legislation in view.”32 Youth, especially the children of immigrant parents, were the key subjects in this state project. Indeed, Sutherland noted in 1924, New York was already paving the way in developing practical programs to “educate and train the youth.” Specifically, he highlighted the special crime prevention units of the New York Police Department that existed between 1914 and 1918, as precursors to the Crime Prevention

32 Sutherland, Criminology, 629–30.
Bureau established in 1930. Crime prevention should be regarded as important as detective or patrol work, Sutherland argued, advocating in the final sentences of *Criminology* for police nationwide to emulate the NYPD and extend prevention activities “to all communities, if crime is to be reduced materially.”

Sutherland’s work was both emblematic of and extremely influential to the rise of an American school of sociological criminology that began to mature in the 1920s. This criminology provided the methodological and ideological foundation for the wholesale transformation of carceral institutions and laws over the 1920s and 1930s. Based on positivist ideas that crime existed separate from criminal law, this criminology posited the existence of criminals as a type of person that could be identified, studied, and understood. It sought to use quantitative tools of social science, especially statistics, to achieve this goal, despite substantial challenges with measuring what criminologists called crime. And it was bent towards the practical goal of using this new scientific knowledge to design policies that could prevent the creation of more criminals to engineer a more ideal society. This project presupposed a guiding entity—in this case, the state—that possessed both the benevolent will and the functional power to enact such policies. It was, at heart, a project of social control, framed through the lens of crime. For Sutherland and those who followed him, the primary weapons in this war on crime had to do with ever-larger capacities for identifying and keeping track of people, producing statistical knowledge about them, and devising a method that could truly transform someone’s inner self from a criminal into a citizen. This ideology, as it was articulated by Sutherland in the 1920s, was immediately taken up by agents who sought to revolutionize the nation’s legal and carceral landscape by turning Sutherland’s principles into institutional systems.

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33 Sutherland, *Criminology*, 631–32.
Preventing Crime in New York City

In 1930, an advisory commission appointed by the New York City Police Commissioner reported that, “Just as yellow fever was successfully attacked by draining the swamps and morasses where it bread, so the attack on crime is, in part, at least a matter of eliminating its breeding place.” Crime, the commissioners argued, was a problem of social hygiene, a “criminal infection and contagion” spread from the city’s “social swamps and morasses,” which “may manifest…in disorderly gangs, unregulated dance halls, vicious places of amusement, lack of proper recreation, and rendezvous for idlers and quasi-criminals, masquerading as poolrooms and cafes.” To counter this threat, the task for a “modern police head” was two-fold: to arrest offenders, but also to make “the determination, if possible, of the conditions which hatched the present crimes, and the elimination or correction of those which, if not treated, will send out a swarm of new offenders.” This was a radical proposition—that a police department should be responsible not only for detecting crimes that had already occurred, but also crimes that had not. Reflecting a faith in the capacity of science to uncover and understand the secret workings of the natural order, the advisory commission recommended that the New York Police Department treat not only the “symptoms” of the disease of crime, but eliminate the “causes” of crime at their source, thereby preventing future outbreaks. Crime prevention, the commissioners declared, was just as essential to the modern city as fire prevention or disease prevention, and must be a central part of the police department’s daily work. Police Commissioner Grover Whalen agreed, and less than a week after the report’s release Commissioner Whalen established a Crime Prevention Bureau in the New York Police Department.

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Crime prevention was the mechanism by which the positivist ideology of crime articulated by U.S. criminologists in the 1920s was translated into policies for intervention. While academic studies of crime could claim to be purely intellectual, crime prevention had a clear goal: to change people’s behavior, and perhaps also their psychological make-up and the material conditions of their lives, in order that they might better comply with society’s stated codes of social conduct. Crime prevention was fundamentally a project of social control. For European immigrants, successful prevention was defined as rescuing or rehabilitating at-risk children to become healthy, productive, successful American citizens, rather than the dirty, impoverished, unadjusted ethnic criminals that their circumstances indicated they were likely to be. Rehabilitation was therefore equated with Americanization and whiteness, that is, socialization into and adoption of Anglo-Protestant social mores. Yet the methods to best effect such changes in individuals’ behavior remained as mysterious to science as the causes of people’s criminal behavior in the first place. The types of intervention and “treatment” proscribed by crime prevention officials therefore reflected and illuminated their own beliefs about the nature of the underlying problem, their priorities for the persons affected, and their understandings about what constituted social norms. In New York City, the state agents initially tasked with implementing and enforcing crime prevention, and thus defining what precisely it meant, were police officers.

Crime prevention developed as a coherent project in the 1920s and 1930s at the intersection of policing, new theories of sociological criminology, and the development of professional social work. As a frame, crime prevention became popular in police departments across the country, though the NYPD was an influential early example.35 Crime prevention grew

35 Suddler, Presumed Criminal, 26; Wolcott, Cops and Kids, 144–45.
out of overriding Progressive-era concerns with salvaging children who were living and growing up in destitute and unhealthy conditions in crowded working-class and immigrant neighborhoods, and drew heavily on the examples and expertise of middle-class women reformers and settlement workers. Reformers continued to place a great deal of emphasis on recreation, the availability of safe places to play outdoors, civic education, and supervised socialization. Yet beginning with the establishment of the Crime Prevention Bureau in 1930, the NYPD entered a new era in which “crime prevention” was given a central role in civic leaders’ social priorities and adopted as a critical function of public municipal government, comparable to disease and fire prevention. The reframing of crime prevention as a public service housed within the police department was an important break from the ways that child welfare and social uplift had been handled by private settlement houses and reformers during the Progressive era. Over the course of the 1930s, the NYPD formalized and professionalized what crime prevention meant, creating in the process a powerful new carceral state focused on policing children and families.

The history of the Crime Prevention Bureau is a parable of how crime prevention and new criminological theories were absorbed by officials already placed within existing carceral institutions, even as they sought to use these new ideas to reform and expand their capacity. The close and persistent historical relationship between vice control, welfare provision, and crime prevention was a distinctive and notable feature of the evolution of the Crime Prevention Bureau, indicating intimate ways those functions were linked in officials’ minds. But ultimately, for those seeking to put principle into action, “crime prevention” offered more as a slogan than a concrete policy roadmap. Early Crime Prevention Bureau leaders had to decide for themselves how exactly to go about preventing crime. In the process, they operationalized the theoretical insights
being produced by criminologists and professionals at the University of Chicago and elsewhere in order to map and target the populations believed to be the “breeding grounds” of crime in the city.

The first officers in the NYPD’s new Crime Prevention Bureau, many of them policewomen, were drawn from the converted ranks of the NYPD’s earlier “welfare units,” which had been in existence since World War I. The welfare units had been created in efforts to professionalize and reform the police department, as well as to deal with the high levels of vice and destitution seen to be plaguing the city. Upon his election as a reformist in 1914, Mayor John P. Mitchel sought to centralize municipal administration, beginning chiefly with the police department. Mayor Mitchel appointed an outsider named Arthur Woods to be Police Commissioner, citing Woods’ special concern not only with police administration, but also with “the underlying social problem.” Woods had done extensive work with the anti-prostitution group the Committee of Fourteen, as well as the Citizens’ Union, and immediately moved to bring the Department more in line with his vision that modern police work must be dedicated to eliminating the root causes of crime. These causes could include alcohol and narcotics, but also poverty, unemployment, and tenement overcrowding. “These have not been regarded as police problems,” according to Woods, “But they are just that in the broadest sense of the term….All may thrust recruits into the criminal class.” Woods represented a new generation of police professionalism, advocating for a definition of crime control and prevention that dramatically expanded the scope of traditional police work and moved crime prevention from the realm of


private volunteerism to state obligation.

Shortly after his appointment, Woods created two new police units to carry out his progressive vision of police as agents of social welfare. The first was called the Welfare Bureau, or Social Service Squad as the press often called it, formed “for the purpose of teaching foreign-born residents that the police are not enemies, but their friends.” The Commissioner did not approve of the new unit’s popular moniker. “I hate the term social service,” Woods said. “What we are doing is purely in line with legitimate police work. When we help a man who is destitute we are reducing the number of possible law-breakers by one. Destitution often leads to crime. We are really doing crime prevention work to-day, which is in line with the best type of police work.”

This work included collecting money into a voluntary fund, which was dispersed at the captain’s discretion to suffering people that a patrolman encountered needing aid. Police also tried to find employment for unemployed men, on occasion organizing whole neighborhoods of people to each pay ten cents a week to fund a local resident to keep the block clean. Woods justified this work as reducing the “supply” of criminals. In his view, law enforcement efforts that focused solely on arresting, jailing, and releasing offenders without addressing the underlying criminal motivation were no more than “swat the fly campaigns,” as Woods called them. “Flies are nuisances,” he declared. “They carry and breed disease. It is a wholesome thing to swat them, the more the better, but there always seem to be about as many flies the next day.” The task, therefore, required getting at the “breeding grounds” to “drain the swamps of crime” of

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criminals by policing vice and improving conditions in European immigrant communities.41

The second new unit Woods created was called a Crime Prevention Bureau, though it was short-lived and seems to have been organized as a special detail squad rather than a formal division of the Department. Plainclothes “crime prevention officers” were charged with keeping an eye on poolrooms and motion pictures for unsupervised children, and were also known as “curfew cops.” When they found a young boy or girl playing truant, their job was to return the child to school and then visit the child’s parents to investigate the home situation. If necessary, crime prevention officers would try to help find a job for a family’s breadwinner, or for the boys themselves if they were old enough. On the East Side, officers also organized a “juvenile police” program, which gave uniforms and training to the local “boy gangster to cleanse his own neighborhood of the nuisances he and his family play.”42 During Woods’ tenure, there were over 6,000 junior police in the city.43 Crime prevention work therefore sought to weaponize children to police their own families and become intimate agents of state surveillance within communities where police officers were regarded with suspicion and kept at a distance.

Woods’ efforts, however, were tied to the larger political struggles between Tammany Hall and reformist campaigns. During the intense mayoral election of 1917 Woods was criticized

41 Woods, Crime Prevention, 31–32. The quote in whole reads, “We must drain the swamps of crime as they drained the swamps in Cuba to get rid of the yellow fever mosquitoes.” This disease vector analogy drew on U.S. imperial experience in Latin America and the Pacific as the “test tubes” for scientific knowledge. Woods himself had studied police administration in Europe and traveled with President Taft to the occupied Philippines. See Laura Briggs, Reproducing Empire: Race, Sex, Science, and U.S. Imperialism in Puerto Rico (Berkeley: University of California Press, 2002).


on the ground that the police were overburdened with social service work and could not do their proper law enforcement jobs. Mayor Mitchel lost his bid for re-election, and the new Tammany-installed Police Commissioner Richard Enright promptly abolished all of Woods’ crime prevention units and junior police, though he maintained the welfare units and the vice squad, which had existed since at least 1905 for the purpose of arresting alleged prostitutes and raiding poolrooms and similar establishments.44

With developments in the fields of criminology and police science in the 1920s, police officials sought to bring their departments in line with scientific practice. This project of police professionalization had a long history in New York City, and virtually every new Police Commissioner faced pressure to implement his version of departmental reform. The proliferation of public and private crime commissions during the same decade also served to sharpen public concern about crime and demands that government officials do something to respond.45 In addition, periodic newspaper articles proclaimed the existence of a massive “crime wave” throughout the 1920s, largely related to Prohibition.46 In New York, a number of influences drew attention to “the problem of youth” as a central part of the general crime problem.

Chief among these was the New York State Crime Commission, established in 1926 under the chairmanship of state Senator Caleb Baumes as part of an attempt to counter the

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alleged “rising tide of criminal activities” in the state. The members of the State Crime Commission were both efficient synthesizers of the emerging criminological consensus about the so-called problem of youth crime, and active advocates for a dramatically expanded state role in developing aggressive delinquency control measures. Like Sutherland, they highlighted the critical lack of available statistics as a primary roadblock preventing effective and immediate action. Unsatisfied with existing research, the commissioners conducted their own studies of youth and crime in New York, which were significant contributions to both criminological theory and knowledge and directly influenced the first crime prevention efforts in New York City.

The State Crime Commission was a sterling example of prevailing contemporary attitudes toward youth crime control. “We have found no unit causes of crime and recommend no unit cures,” wrote the commissioners, reflecting the deeper uncertainty among criminologists as to the ultimate cause of why some people “became criminals” and while others did not. Similarly, the commissioners emphasized a social definition of crime, writing, “This report stresses individual study and treatment, but it recognizes that every individual leads a social existence, and that both the treatment and prevention of crime must consider, not alone the individual transgressor, but must involve treatment for the entire primary social group of which he is a functioning unity, whether it be family, gang or neighborhood.” Thus, the State Crime Commission, a body of elected state legislators, sought to transform the conventional wisdom of criminology (heavily influenced by Sutherland and the Chicago School) into public policy.


While emphasizing individual casework, the commissioners targeted the larger program’s intervention based on whole social groups, which could be isolated in order to study the statistical relationship between, for instance, the foreign born and a propensity to be arrested. In sum, the commissioners wrote, they recognized “the necessity of of carrying on broad scale programs coping with the adverse social and economic conditions whose influences are constant factors in criminal careers, as well as in the lives of many otherwise wholesome citizens.” Though refusing to identify a “unit cause” of crime, nonetheless state officials designed a program of crime prevention premised on the belief that certain “adverse social and economic conditions” were harmful to the development of good citizenship.49

Like Sutherland, the State Crime Commission envisioned a program of crime prevention based on the expansion of state knowledge and power through comprehensive and coordinated surveillance, supervision, and coercion. “We need a clearing house of information concerning all the neighborhood influences which are inimical to good citizenship and likewise of all the resources within the neighborhood that may be called upon in the name of good citizenship,” they wrote. The goal was to coordinate a massive city-wide effort that brought all the many youth-serving forces—from churches and schools to children’s courts and correctional institutions and to philanthropic case agencies and police departments—into conversation with each other about the necessary intervention and case management of each individual child.

“The agency that must deal with the problem of the neighborhood must be a super-agency. It must not be solely a public agency, nor solely a private agency, for it requires not only the co-operation, but the integrated action of all other types of agencies as working parts of it,” wrote the commissioners. Yet there were significant challenges to implementing such an

ambitious project, among them the sheer volume of information about the city’s individual children that had to be collected, maintained, updated, and shared among a huge number of agencies. “How is this formidable array of forces organized so that the plans which are made and the treatment which is given are not in conflict with one another?” asked the commissioners. “What procedures exist to prevent overlapping of effort on the one hand and neglect of important problems on the other hand? The answer seems to be that there is no such machinery.” Indeed, the city’s efforts to create a functional super-agency came to define the municipal youth policy over the next half-century.

The NYPD’s 1930 Crime Prevention Bureau was intended to provide just such a coordinating role. “The work of the Crime Prevention Officer should be that of a liaison officer between the family or the individual in difficulty, the potential offender and the social agencies, public and private, schools, churches and all other agencies interested,” wrote the Advisory Commission on Crime Prevention, appointed in 1928 by Police Commissioner Whalen to study crime prevention in New York City. Besides Whalen, the Advisory Commission’s executive committee consisted of the wealthy financiers Edward F. Hutton and William L. Butcher, who had also served as a key member of the State Crime Commission, and the language and recommendations of the two commissions were closely related. When the Crime Prevention Bureau was established on the recommendation of the Advisory Committee, the New York Police Department positioned itself as a central body that could, on the basis of individual investigations, refer youth that police officers encountered on the streets with the court and


probation system, a private psychiatric or social or organization, or one of the NYPD’s own case workers. A more detailed discussion of this system will be the subject of the next chapter, but for the purposes of understanding the overriding principle of crime prevention, it was significant that the NYPD merged social work with the traditional police function of social control, both of which were ultimately backed by the full coercive power of the state.

“The new policing which Commissioner Whalen represents, demands a type of officer interested and trained in recognizing social problems and informed about social resources,” declared the Advisory Commission, adding that “The work of the Welfare Units of the Police Department should be reorganized along practical, modern social work lines.”53 In 1930 the Crime Prevention Bureau was regarded as a cutting-edge institution in both police work and municipal policy. Unlike the rest of the NYPD, appointment to the Crime Prevention Bureau required either a college degree or five years of social service experience. By late 1931, its staff consisted of 130 patrolmen, 44 female police officers, and 25 social workers assigned on the basis of a civil service examination.54 It was organized on a schematized case-work basis, as will be further discussed, which aspired to keep track of the offenses, investigation, and treatment of all children and youth who came to the attention of the police, whether or not they were arrested.

A significant number of the bureau’s “crime prevention officers” were women, reflecting the division’s origins in social welfare work and vice control. The Crime Prevention bureau was initially divided into two parallel divisions—policemen to handle boys and policewomen to handle girls, each with its own leadership. The first director of the women’s division was a


woman named Virginia Murray, who had no experience in police work but “whose broad background in social welfare work” was lauded as her primary qualification. Murray brought years of experience in and connections to New York’s private social welfare organizations, having served in leadership roles and chaired committees on delinquency and correction in the Welfare Council, Travelers Aid Society, and Women’s City Club. She was replaced as director by Henrietta Additon, who brought seventeen years of experience in social work and sociological research, having served at the American Social Hygiene Association prior to joining the NYPD.

The guiding philosophy of the Crime Prevention Bureau was the rehabilitative ideal, an idea that was rapidly becoming the hallmark for a developing web of public crime prevention and delinquency control institutions, including specialized police and court systems for children and youth. Early twentieth-century notions about the need to care for the upbringing of immigrant and impoverished children developed from a long history of changing ideas about childhood, the industrial city, and the role of the state. Scholars have argued that the European idea of childhood as a social category and the centering of the family around children emerged in the sixteenth and seventeenth centuries. As populations in Europe, and eventually the United States, moved away from agricultural labor to urban areas and industrial work, young people depended on families for financial support and competed for work in new ways. By the eighteenth century, social commenters were expressing concern about the threat of indigent and


Childhood has always been a racialized concept, as discussed by Bernstein, \textit{Racial Innocence}; Agyepong, \textit{The Criminalization of Black Children}; Meiners, “The Problem Child.”}

By the 1870s and accelerating through the end of the century, a powerful movement of “child savers” emerged as prosperous white reformers built a dense infrastructure of private welfare institutions and pressured states and cities to treat children who came to the attention of the legal system differently from adults. At the heart of their efforts was a new idea, which scholars have called the “rehabilitative ideal,” and which has been understood to dominate the juvenile carceral system from its emergence in the late nineteenth century until the 1970s.\footnote{Platt, \textit{The Child Savers}, 11–12, 43–45. The term “rehabilitative ideal” comes originally from Francis A. Allen, \textit{The Borderland of Criminal Justice: Essays in Law and Criminology} (Chicago: University of Chicago Press, 1964). See Ward, \textit{The Black Child-Savers}, 33–38; Kohler-Hausmann, \textit{Getting Tough}; Bailey, \textit{The Rise and Fall of the Rehabilitative Ideal}.}

The rehabilitative ideal was based on a belief that the existing method of treating children the same as adults within the existing criminal system, including arresting and confining children together with adults in jails, was harmful and counterproductive, tending to provide impressionable children more opportunities to learn from “hardened criminals” than to facilitate their reform. Instead, child-saving proponents argued that children were a special case, and should be treated separately from adults. According to these arguments, children could not be held responsible for their actions in the same way as an adult could, and deserved to be heard before a sympathetic
magistrate who could consider the full context of the individual case and make a recommendation based upon the child’s own welfare, rather than upon punishment. Reformers also argued that a wholly separate children’s court system was necessary in which children were held apart from adults, and protected from the stigma of being labeled and treated as a criminal through private hearings, informal procedures, and non-criminal charges.  

Children remained a central focus of progressives’ efforts as middle-class and elite reformers identified urban poverty, vice, and low moral standards as a grievous and urgent problem. Private institutions such as settlement houses provided resources, training, and social aid to generations of European immigrants and their families, helping them escape poverty even as reformers required assimilation into Anglo-Protestant norms. The creation of a class of white citizens was at the heart of this project.  

African American families did not receive commensurate resources or aid, and were often excluded from white-led settlement houses. As a class of generally well-educated and often professional women asserted their maternal expertise and “natural” place at the forefront of progressive social reform so far as it touched the

59 On the rehabilitative ideal in the children’s court movement, see Tanenhaus, Juvenile Justice in the Making; Feld, The Evolution of the Juvenile Court.


family, they advocated forcefully for more local controls and regulations over children in public, including laws meant to promote desired forms of recreation and discourage undesired ones, especially dance halls, candy stores, and vice districts. The women who helped professionalize social work around the turn of the century were closely associated with their male counterparts in the developing fields of the social and medical sciences. Cutting-edge theories about crime, delinquency, disease, and public health circulated quickly among the professional classes, as criminological theories and methods of intervention, especially case work, developed hand in hand in the early twentieth century.62

The rehabilitative ideal defined the work of the Crime Prevention Bureau. As Commissioner Whalen put it, “Our aim is to keep the youths of New York as far away from jail as possible.”63 Children and youth were no longer included in the daily line-up (a humiliating ritual seen to unnecessarily reinforce a criminal self-identification), and crime prevention officers wore plainclothes. The goal was to identify and correct misbehavior “through proper care and guidance” with the minimum amount of necessary coercion.64 “Much of the success of the success of the work of the Bureau will depend upon the selection of the right type of officers,” wrote the Advisory Commission. “They must be in sympathy with the purposes of the Bureau, and realize that the training and molding of the character of boys will very materially assist good


63 “Miss Murray Begins Work in Crime Bureau.”

government in the years to come.”

Cultivating good citizens was a pervasive theme, reflected in the Crime Prevention Bureau’s efforts to instill “a respect for law and an appreciation of good citizenship.” One of the four formal purposes of the Juvenile Aid Bureau (as the Crime Prevention Bureau was renamed in 1936) was “instilling in boys and girls a respect for law and appreciation of good citizenship.” A cartoon in the NYPD’s monthly periodical depicted a long line of white boys and girls in neat clothing being directed by a kindly-looking police officer in the direction pointed by a sign that read “road to good citizenship, success and prosperity.” Henrietta Additon wrote that if only the Crime Prevention Bureau could provide wholesome forms of engagement, “our boys and girls, who are on their way to a career of crime and disgrace, will become, instead, useful and happy citizens.”

The incorporation of prominent figures such as Murray and Additon as early leaders of the Crime Prevention Bureau was indicative of the way that the Police Department was defining and adopting a function that had previously been performed by private welfare and service agencies. The fact that public officials began identifying crime prevention as a critical municipal service in the late 1920s was a significant development. In 1930, Hubert Gallagher authored a short publication called *Crime Prevention as a Municipal Function*, which opened with the

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69 Henrietta Additon, “For Christmas, an Ounce of Crime Prevention,” *Spring 3100* 1, no. 9–10 (December 1930): 24.
statement, “An increasing amount of consideration is being given to the importance of crime prevention as perhaps the most constructive measure in combating the national crime problem. Although attention has been repeatedly called to this remedy with the organization of state and national crime commissions, it has not been generally recognized that crime thrives and breeds in our cities and that a sound program of crime prevention must start in the municipalities rather than in other units of government. In other words crime prevention is to be looked upon as an essential municipal function.” Crime prevention, Gallagher argued, echoing the words of the NYPD Advisory Commission on Crime Prevention, was “as important to our community life as disease and fire prevention. “To prevent crime and keep it from recruiting its forces, the police department, because of its contacts, knowledge, firm knit organization and strategic position, must take the lead.”

Gallagher’s book laid out the central tenets of a crime prevention program, in which he drew on the NYPD as the ideal model. Defining crime prevention as “the elimination of the causes and conditions that are conducive to crime whether in the case of potential or past offenders; and also the rehabilitation of the criminal, actual and potential,” Gallagher echoed professional wisdom that the first goal of crime prevention entailed identifying and rectifying the supposed causes of crime, which he listed as: bad environmental factors, lack of recreational opportunities, evil companions, poverty, unemployment, bad habits, and bad health—physical and moral. In the 1900s and 1910s, private agencies such as the Committee of Fourteen still occupied a primary role in investigating and regulating such conditions, as historians like

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70 Hubert R. Gallagher, Crime Prevention as a Municipal Function (Syracuse: Syracuse University, 1930), 7, 44.
Jennifer Fronc and others have demonstrated.\textsuperscript{71} By 1930, however, crime prevention was fast becoming the standard by which police departments were exhorted to take a newly expanded public role. As Gallagher wrote, "To prevent crime and keep it from recruiting its forces, the police department, because of its contacts, knowledge, firm knit organization and strategic position, must take the lead."\textsuperscript{72}

**Breeding Grounds and Spot Maps**

The close historical relationship between crime prevention and other efforts to similarly engineer a more “healthy” polity, including vice and public morals enforcement and “social hygiene” projects, was reflected in ways that criminologists and law enforcement officials articulated the origin of crime as a physical place in the city. As the NYPD’s advisory commission reported, “Just as yellow fever was successfully attacked by draining the swamps and morasses where it bred, so the attack on crime is, in part, at least a matter of eliminating its breeding place.” The effort to find and eradicated the “breeding places” was thus of utmost concern. In fact, the perceived linkage between so-called problems of industrial urban life in America’s large immigrant cities and the problem of crime became a central theme for American criminologists and crime prevention officials, who developed influential new theories about crime and urban development in the 1920s.

In this era, crime mapping came to be used as both a way of producing new knowledge about criminality, as well as a powerful tool of identification and control. This pioneering of


\textsuperscript{72} Gallagher, *Crime Prevention as a Municipal Function*, 44.
crime maps and their associated discourse came to be a standard and central feature of crime prevention efforts in New York City. It also linked criminality to urban space and demographically-defined populations in a new way that provided a race-neutral language to justify targeted law enforcement in working-class immigrant and African American neighborhoods. Though the technology of spatially representing crime statistics changed throughout the twentieth century, as will be discussed in future chapters, the practice of representing crime statistics and other information on maps in order to target specific neighborhoods for law enforcement has been ongoing. Accounts of the NYPD’s more recent use of place-based policing, including “hot spot” policing and proprietary computer mapping software, as well as “data-driven” and “evidenced-based” policing more generally, typically locate the beginning of these strategies around 1980 with the development of CompStat. However their actual origins are in the theorizing and experimentation of the early twentieth century.

Drawing on a discourse and methodology that understood criminality as a contagious and potentially heritable social disease, reformers, social scientists, and crime prevention officials in New York developed a crime control and prevention plan based on the neighborhood as the basic unit of intervention. Neighborhoods proved to be a useful unit for crime prevention advocates because they had both geographic and demographic attributes, and could be discussed in terms of one while disavowing the other. Statistics provided the essential link. As social scientists set about gathering data about the hypothetical relationships between factors such as nativity, race,  

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class, and crime, they created a growing body of ostensibly neutral scientific statistics that, in aggregate, seemed to some criminologists to imply a correlation between those social factors and criminality. However, the primary question of the field revolved around the fact no one seemed able to prove that any one of these factors actually caused a person to become a criminal.

Yet while criminologists and officials did not feel comfortable claiming that foreign nativity, for example, definitively produced criminals, nonetheless they did rely on proxy crime (i.e., arrest, etc.) statistics to say that some neighborhoods were high crime or high delinquency areas. The implication was that these neighborhoods actually produced or “bred” criminals. Because many of New York’s interwar neighborhoods were strongly segregated by ethnicity and nativity, geography became a proxy for targeting minority populations while providing enough deniability to defend against accusations of discrimination. Neighborhoods provided the basis for mapping New York’s social geography—that is, the intersection between geographical space and social patterns of residence, and were therefore at the center of debates about policing and controlling racial citizens in the American city. The power of mapping delinquency onto social space was a powerful tool of state vision and planning, and the work of collecting data, mapping crime, and using the resultant knowledge to guide policing was a central part of officials’ crime control project.74

The relationship between urban space, ethnicity, and crime was at the center of

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sociological criminology from its birth in the United States at the University of Chicago.\textsuperscript{75} Robert E. Park and Ernest W. Burgess, two founders of the Chicago School published their landmark compilation on *The City* in 1925, a work that was enormously influential on urban planning and social policy for decades. In that work, Park and Burgess developed a theory of urban development that saw the city as an environment of “human ecology” governed by natural laws that proscribed the movement and condition of social groups within urban space. Their theory grew out of a concern, not merely with understanding the causes of poverty, crime, and urban despair, but of devising a mode of intervention and engineering in a way that was at once both social and urban.

Park and Burgess’s model famously divided the American city (based on their study of Chicago) into five concentric circular zones, each of which grew successively more socially and economically exclusive (as well as safer and nicer to live) the farther away from the center one went. Cities grew and developed, they argued, as successive groups of migrants and immigrants entered the city in the inner zones, where they could afford to live but where conditions were poor, and as they culturally assimilated and achieved material success over generations, would gradually “invade” the outer zones in progressive order. Thus, the inner zones were understood to be places of high crime and poverty caused by the constant social “disorganization” of new groups (both African American and European immigrant) unadjusted to life in a foreign culture, a big city, and among strangers. It was in the city’s inner zones that “the poor, the vicious, and the delinquent, crushed together in an unhealthful and contagious intimacy, breed in and in, soul and body,” they wrote. For Park and Burgess, as well as generations of sociologists after them, this disorganization—which could be described both socially and geographically—was the

\textsuperscript{75} Thomas and Znaniecki, *The Polish Peasant in Europe and America*, was a significant early predecessor to the work discussed here. Thomas and Znaniecki were also at the University of Chicago.
essential engine of “social problems” such as crime.\textsuperscript{76}

Frederic Thrasher, another sociologist at the University of Chicago and close colleague of Park and Burgess, published in 1927 what is often cited as the first formal study of gangs, laying the groundwork for what would become an entire field of study. Thrasher built on Park and Burgess’s views of urban development, further articulating a theory of “human ecology” in which behavior (in particular, the formation of what he called gangs) was determined by invisible natural laws and the environment. He described his work, a survey of 1,313 “gangs”—many of which were simply loose associations of boys—in Chicago, as “a study of the gang, to be sure, but it is at the same time a study of ‘gangland’; that is to say, a study of the gang and its habitat, and in this case the habitat is a city slum….\textsuperscript{77} Building on predecessors’ work in Chicago’s ethnic immigrant neighborhoods, Thrasher saw gangs, which he defined as spontaneously-formed groups that became integrated through conflict and were characterized in part by moving through space and being attached to certain territory, as being natural products of the socio-environmental conditions in certain neighborhoods.\textsuperscript{78}

In particular, Thrasher’s most innovative theoretical contribution was his conclusion “that gangland represents a geographically and socially interstitial area in the city,” meaning that gangs were, by definition, “interstitial groups” that arose in the “fissures and breaks” that existed in both socially disorganized communities and in the geographically in-between areas of the


\textsuperscript{78} Thrasher, \textit{The Gang}, 54–57.
American city. “The gang may be regarded as an interstitial element in the framework of society, and gangland as an interstitial region in the layout of the city,” Thrasher wrote. As part of this argument, Thrasher created a detailed map of every gang in his survey, marking them with red dots over a base map of Chicago’s industrial areas and marked ethnic neighborhoods (“Polish,” “Negro,” etc.). Citing Park and Burgess, Thrasher concluded that “The central tripartite empire of the gang occupies what is often called ‘the poverty belt’—a region characterized by deteriorating neighborhoods, shifting populations, and the mobility and disorganization of the slum.” Thrasher’s gang map marked the beginning of decades of attempts to map delinquency in socio-urban space, creating a visual index of “ganging” that purportedly revealed its areas of concentration in relation to racially- and ethnically-defined neighborhoods.⁷⁹

The project of mapping delinquency as a method of criminological study and intervention was thoroughly systematized by Clifford Shaw and Henry McKay, also of the Chicago sociology department. Building on their colleagues’ work, Shaw and McKay published their own study of delinquency in Chicago in 1929 titled Delinquency Areas, which used police, court, and school records to create public health-style “spot maps” of the home residences of both youthful and adult offenders.⁸⁰ While Thrasher had used maps as a supplement to his main study, for Shaw and McKay mapping was the primary inquiry. They concluded that, rather than occurring evenly throughout the city and its populations, rates of delinquency were higher toward the center of the city, where living conditions were worse and African Americans and recent European immigrants lived, and lower in the exclusive residential areas farther out. While criminologists


⁸⁰ Both Thrasher and Shaw and McKay’s maps built on a long history of social mapping, see Vaughan, Mapping Society, 168–201.
were not willing to say that evidence proved blacks and immigrants were inherently criminal, nonetheless the use of maps as statistically-abstracted and purportedly objective scientific evidence supported a discourse that defined criminality as produced at the intersection between urban space and the growth of cities, and between the disorganization caused “by the influx of foreign national and racial groups whose old cultural and social controls break down in the new cultural and racial situation of the city.” Delinquency spot maps provided both the argument and the proof that crime was a problem of so-called slums and the types of people who lived in them, even as the social science of mapping elided the statistical assumptions and abstractions that produced the knowledge the maps claimed to show.  

Ultimately, the goal of mapping delinquents lay not in gathering knowledge, but in designing a public policy of prevention that was targeted to relevant populations. “The point is that from the sociological point of view, therefore, the study of such a problem as juvenile delinquency necessarily begins with a study of its geographic location,” Shaw and McKay wrote. “This first step reveals the areas in which delinquency occurs most frequently, and therefore marks off the communities which should be studied intensively for factors related to delinquent behavior.” Maps were more than a way of seeing; they functionally guided crime control efforts based on a mode of socio-spatial thinking in which place was always already infused with social and demographic qualities. The theories of the Chicago School of sociology about urban growth patterns were extremely influential on policy makers throughout the following decades, shaping, for example, the beliefs of federal housing officials responsible for redlining inner-city housing stock as undesirable, while providing subsidized loans to white families to move to

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82 Shaw et al., *Delinquency Areas*, 10.
racially-restricted suburban areas from the 1930s through 1950s.\textsuperscript{83}

For the nascent field of delinquency prevention policy, the Chicago sociologists’ work provided critical early studies that shaped further research and experimentation through the end of the twentieth century. Based on their mapping research, Shaw and McKay themselves went on to create their own experimental delinquency prevention initiative called the Chicago Area Project in the 1930s, which designated certain neighborhoods as “delinquency areas” and sought to provide intensive services in keeping with the rehabilitative ideal.\textsuperscript{84} The Chicago Area Project was extremely influential as a model for policy makers in New York; but while the Chicago School provided a template and an inspiration, officials and researchers in New York used it as a jumping-off point from which to conduct their own studies of New York’s “delinquency areas” and design their own unique experimental responses.

The delinquency prevention and control programs that grew in New York were often eclectic in their theoretical underpinnings, yet were firmly grounded in sociological criminology from the beginning, and remained strongly influenced by sociological thinking through the 1960s. While Chicago was perhaps the most well-studied American city from a delinquency perspective in the 1920s, officials in New York quickly developed their own studies to produce a comparable body of data and statistical knowledge about the of crime in New York City. Indeed, New York became a primary site of research and policy experimentation in American delinquency control and prevention, due in large part to its status as a major city with large European immigrant and African American populations in the early twentieth century. Yet this

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research and intervention was always targeted to certain neighborhoods, producing an ever larger database of criminological knowledge about statistically-implicated residents, or, put another way, residents in statistically-implicated neighborhoods. Shaw and McKay were not shy about the potential uses of maps and statistical data “in predicting or forecasting expected rates” of delinquency in given areas, and indeed, the use of crime and “hot spot” maps to guide carceral interventions based on statistical predictions of future crime rates was a major project in postwar New York and into the twenty-first century.  

Beginning in the late 1920s, New York City officials began making their own studies of the socio-geographic distribution of delinquency in the city as the first step in planning a crime control and prevention initiative. The State Crime Commission was a frontrunner in this regard, and the areas that the commissioners focused on indicated the populations about which they were most concerned. Beginning in 1928, investigators of the State Crime Commission published a study the “environmental factors of juvenile delinquency” in the Lower East Side, an area selected both because it was part of the district with the highest numbers of youth brought before the Children’s Court in the borough, and because a particular portion of that district was of interest to “various committees and research organizations interested in the area.” Thus, the selection of the neighborhood and its residents as a research subject was justified by both statistics and the simple fact that it was already of concern to civic leaders. The Crime Commission’s study was particularly focused on detailing the area’s changing demographics—nearly three-quarters of the population were foreign born whites in 1920. In the late nineteenth century, the neighborhood had been primarily composed of Germans and Irish, followed by a

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85 Clifford R. Shaw and Henry D. McKay, *Juvenile Delinquency and Urban Areas: A Study of Rates of Delinquents in Relation to Differential Characteristics of Local Communities in American Cities* (Chicago: University of Chicago Press, 1942), 14. See chapter 3 of this dissertation; later examples include the NYPD’s CompStat program, Broken Windows policing, and contemporary “evidence based” policing.
“great influx” of Russian Jews and the subsequent departure of most of the Germans and Irish, and then by a later arrival of many Italian immigrants, as well as a number of Greeks, Poles, Lithuanians, and “other races,” together with the gradual moving out of the Jews. From this information, the commissioners created “spot maps” of the home addresses of youth brought before the Children’s Court, mapping this information together with housing quality, religious centers, recreational facilities, pool rooms and movie theaters.\footnote{New York State Crime Commission, \textit{A Study of Environmental Factors}, 7, 16–19.}

The members of the Crime Commission expanded their study to publish in 1931 “the first data on the distribution of young offenders, by population areas, within the five boroughs of New York City.” The research question was, simply, “which neighborhoods in New York City are the worst breeding spots of crime?” Based on arrest and arraignment data for youth aged sixteen to twenty, the report found that the areas of greatest concern, which “deserve[d] especial survey and intensive community inquiry, by police, other public and private agencies, and by local citizens, as a step in carrying out a crime prevention program” included Harlem and Hell’s Kitchen in Manhattan, Gowanus in Brooklyn, and Little Italy in the Bronx.\footnote{New York State Crime Commission, \textit{The Youthful Offender}, 125, 123, 129–30. Hell’s Kitchen had long been a progressive area of focus, see Joseph J. Varga, \textit{Hell’s Kitchen and the Battle for Urban Space: Class Struggle and Progressive Reform in New York City, 1894-1914} (New York: Monthly Review Press, 2013).} Extensively citing the urban growth theories of Park and Burgess, Thrasher, and Shaw and McKay, the members of the State Crime Commission mapped their work in Chicago onto the socio-geography of New York, accepting the core explanation that ethnic succession produced social disorganization in central rather than peripheral areas.\footnote{New York State Crime Commission, \textit{Crime and the Community}, 113; New York State Crime Commission, \textit{The Youthful Offender}, 123, 125.}

While the commissioners cautioned that it was “neither known nor proven, or disproven”
that the “slum” was the place were criminals were “bred,” nonetheless they concluded that “the data are sufficiently accurate to be used as the basis of preliminary steps in the selection of areas for neighborhood crime prevention programs among young offenders,” and recommended “a plan of neighborhood organization” as the mode of reform. Ultimately, the way that the members of the State Crime Commission talked about the import of the New York mapping project revealed a pervasive slippage between whether they were referring to a neighborhood as a statistical entity or as an actual producer of human criminals. “The most important measure of the criminological status of an area would not be the number of crimes committed in it,” reported the Crime Commission, “but the number of criminals reared within its precincts.” Thus officials turned statistical representations of reality in the form of crime rates and maps, created from proxy data and full of biases produced by incomplete knowledge and power inequalities, into the reified notion that they were actual reality — a transformation paralleled and enabled by the belief that “criminals” and “delinquents” were a real and identifiable class of human, rather than a social category produced by legal codes and norms.

The NYPD’s Crime Prevention Bureau, formed in 1930 at the urging of the State Crime Commission and the Advisory Commission on Crime Prevention, did in fact begin its work by focusing on an area just off the Lower East Side district simultaneously highlighted by the Crime Commission. Dubbed a “special experimental Crime Prevention District,” the targeted area covered an overwhelmingly Italian neighborhood in lower Manhattan bounded by Bleeker,

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91 The “dualistic fallacy” that criminals and non-criminals are real categories also has some critical history within criminology, see Tappan, Juvenile Delinquency, 58–59.
Kenmare, Lafayette, and Bowery Streets, with local P.S. 21 at the core of what the NYPD dubbed a “Model District” for crime prevention. Early crime prevention efforts followed progressive diagnoses about the need for proper supervision, wholesome and safe recreational opportunities, and sharp control of vice and moral conduct. Officers conducted a survey of the area’s recreation opportunities, churches, social agencies, movie theaters, and poolrooms. Beginning with a publicity campaign in the Italian-language papers, as well as giving talks in churches and schools, crime prevention officers began to reach out to the community. They projected films for children and parents in the school building, and conducted medical examinations of boys’ physical conditions. The primary emphasis was on organizing supervised recreational and leisure time activities, including a boy leaders club, model airplane club, drama class, and mass exercises, as well as arranging free buses to see the fleet and visits by prominent boxers and wrestlers. Throughout all activities, officers sought to inculcate ideals of sportsmanship via an honor code “to promote honesty and fair play among the boys.”

The creation of ever-more comprehensive area surveys of the city’s “delinquency areas” occupied a central focus of city crime prevention efforts over the following decades, as will be discussed in following chapters. A 1934 study by the city’s chief probation officer for the New York City Housing Authority titled *The Slum and Crime: A Statistical Study of the Distribution of Adult and Juvenile Delinquents in the Boroughs of Manhattan and Brooklyn* built on the work of the Chicago sociologists and the New York State Crime Commission in making yet more detailed spot maps of so-called delinquents’ home addresses, with particular focus on thirteen defined “slum areas.” These included, in Manhattan, the Lower East Side, a large portion of

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92 Edward M. Butler to Police Commissioner, June 13, 1934, Fiorello H. La Guardia Collection, Subject Files (hereafter F HLSF), box 3445, folder 23, reel 32, frames 941-944, La Guardia and Wagner Archives, LaGuardia Community College, CUNY (hereafter LWA); Memo for the Police Commissioner, April 26, 1934, FHLSF, box 3446, folder 1, frames 967-969, LWA.
lower Manhattan including Soho and Greenwich Village, Hell’s Kitchen, a portion of the Upper East Side, and all of Central and East Harlem; and in Brooklyn, the Navy Yard, Williamsburg, Red Hook, Brownsville, and Coney Island.

The *Slum and Crime* study was notable for its explicit conflation of delinquency areas and slum life. Delinquency was, the report claimed, the result of “a direct environmental influence in slum areas.”\(^93\) When it came to translating the import of this study to the police department, any remaining nuances disappeared. “These maps show clearly where some of the crime-breeding areas of the city are located,” reported Morris Ploscowe, Chief Clerk of the Court of Special Sessions, in a training lecture to NYPD officers. “By and large they are slum areas even though the sociologists try to disguise this fact by giving them the fancy name of interstitial areas,” he continued. “The existence of delinquency areas, however, shows where the major danger spots in the city lie and where the major part of law enforcement activity must be concentrated.”\(^94\)

Precisely what activities constituted crime prevention in these designated delinquency areas also remained undefined and “experimental.” It also changed over time and based on the racial and ethnic composition of the neighborhood in question, as will be discussed in further chapters. The salient points were that the underlying philosophy behind the crime prevention ideal was being created in the 1920s, through the work of Chicago School sociologists and officials who applied and extended criminological research and experimentation to New York City, and that the logic of crime prevention would continue to operate even as its instruments and

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subjects shifted. Because, within the delinquency area, every child was statistically suspect to be a potential delinquent—and, moreover, because delinquency “prevention” necessarily entailed working with children who had not yet “proven” themselves to be “true” or “actual” delinquents—efforts tended to be broadly applied.

Crime prevention, as a fundamentally future-oriented, probability-based endeavor, went hand-in-hand with the purported identification of a population of potential criminals. This population was provided by the mapped delinquency area. Capturing both the predictive necessity of crime prevention and the prevailing belief that the project’s ultimate goal was one of producing citizens instead of criminals through social control and discipline, Ploscowe described the work of the police in crime prevention as “individual case work with delinquents and criminals and with those who are merely in the pre-delinquent stage in the effort to make law abiding citizens of persons who would otherwise be candidates for state prison.”

Thus, crime prevention relied on preexisting ideas about the city’s trouble spots and vice districts, as well as proxy metrics of crime and criminality such as arrest rates, housing quality, and density of dance halls, to quantitatively identify both delinquents and “pre-delinquents” for prevention work. How to “prevent” criminal development, as we will see, was a carceral project of surveillance and social control.

Conclusion

In the 1920s, the field of American criminology was still young, and researchers saw the primary task to be gathering enough data to understand the scope of the so-called problem of delinquency in order to be able to make hypotheses about its cause. An integral part of this

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endeavor required defining the problem—in this case, defining crime as a social (or sociological) rather than legal category, and defining who precisely was being discussed in when talking about crime in the context of the American city. The theories of the Chicago School sociologists defined both in terms of each other. Crime, they argued, was not simply a matter of breaking the law, since laws could change from place to place and time to time, but a matter of violating certain social norms in the context of a given society. Yet the underlying positivist assumptions of criminology, reflected in the field’s founding mission to discover the cause of crime, also posited that this norm-breaking was not simply a behavior, but was, somehow, an essential personal quality (or perhaps illness) that could be transmitted through some as-yet undiscovered vector such as family upbringing.

Statistics promised to provide the tool through which the hidden natural principles that conditioned human behavior could be brought to light and put to use in controlling the development of individuals’ characters along desired parameters. As Warren Halpern, New York’s Chief Probation Officer, wrote in the opening to his study *The Slum and Crime*, “Explanations of crime must go outside its purely legal aspects….The person, the situation and the interactions between them, constitute crime in its social sense,” he wrote. “Like a released shutter, the scientific approach allows daylight to reach the hidden motives which condition delinquent behavior.”96 Criminality therefore constituted the belief that a person was or might be in fact part of this invisible category of criminals, regardless of whether they had yet “proven” themselves to be such in a public act of transgression.

Criminologists sought to narrow and define this field of “potential” criminals in order to better study and understand them. This effort was, at heart, a statistical and predictive endeavor,

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since it dealt in aggregates and likelihoods. Through theories that posited crime was caused by disorganization produced by the natural growth of cities, criminologists in effect defined those populations who both lived in and constituted the so-called disorganized urban center as the most potentially criminal. The creation of delinquency areas thus criminalized—both by attaching a presumption of criminality to a defined population and by ensuring heightened scrutiny and policing of the same—populations that were defined both geographically and socially, as part of ethnic, immigrant, or class groups that criminologists also statistically correlated with crime. Youth experienced a further layer of suspicion by the added statistical claim that they were responsible for a disproportionate number of crimes, even within an already criminally-predisposed population. Youth were also at the heart of the question about how, precisely, one became a criminal (whether proven or unproven) in the first place. Maps served to further concretize and define the exact boundaries of which neighborhoods were of highest concern.

The task of crime prevention, therefore, was at the heart of a project to use science in order to shape the social order. This was not a submerged motive; proponents of greater crime prevention were clear that they were trying to craft society in their own image. “The understanding, treatment, and prevention of delinquency,” wrote Edwin Cooley, a previous Chief Probation Officer, in his 1927 study of probation and delinquency, “presents a difficult but a splendid task of social engineering.” The State Crime Commission agreed, writing that, while the “community social conscience” could not be held responsible for adult offenders, who could easily move around and were ultimately regarded to be accountable for their own actions, when it came to “the facts relating to misdeeds of childhood and of adolescence the community may be

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The notion of “social engineering” recalled the larger scientific project of using the tools of science to uncover hidden truths in order to better control the phenomenal world. Children and youth, because they were seen as impressionable and generally lacked the power to determine their own circumstances, became the major subjects in this effort to engineer, through persuasion or coercion, a desirable polity. This was, at heart, what the project of crime prevention was all about, and it required a constant drive to create more statistics and derive more knowledge in order to better understand the secret laws of crime. As pioneering child psychologists William Healy and Augusta Bronner wrote in 1926, “No forward-looking project of human engineering can be carried on without research, any more than can other forms of engineering or industry.”

While criminologists had highlighted the relationship between childhood and crime since the late nineteenth century, in the 1920s it became a truism, in part due to the influence of the Chicago School, that crime prevention must necessarily focus on shaping the behavior of children and youth, rather than adults. This belief became so ubiquitous over the course of the decade that the term “crime prevention” was widely understood to refer to intervention efforts aimed nearly exclusively at children and youth. This was reflected in the fact that the NYPD’s Crime Prevention Bureau, the efforts of which were aimed at the city’s underage population, was renamed the Juvenile Aid Bureau in 1936 to more clearly convey its purpose to the public. “Practically all confirmed criminals begin their careers in childhood or early youth,” wrote Healy, who was closely involved with establishing the first Juvenile Court in Chicago, in his groundbreaking 1915 study The Individual Delinquent. “The determinants of delinquent careers

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are the conditions of youth,” he continued, advancing his argument that “The best rewards of therapeutic efforts are from working with youth.”100 Nearly every major crime survey of the following two decades echoed the assertion that, statistically speaking, “The problem of crime is the problem of youth,” as Andrew Bruce wrote for a major 1929 Illinois Crime Survey.101 “The ultimate crime prevention task is that of guiding the development of childhood behavior,” added the New York State Crime Commission in the opening epigraph to their capstone report in 1930.102 The federal government’s Wickersham Commission, tasked with investigating the national crime situation, wrote a whole volume on the child offender in 1931, the first sentence of which stated, “Any program for the prevention of crime must begin with the proper treatment of the child offender.”103

The reasoning behind these assertions was invariably statistical. “Not only do youths commit the greatest number of crimes in proportion to the population of the same age, but they are guilty of the most serious and desperate crimes perpetrated by human hands,” wrote Edwin Cooley, the Chief Probation Officer for New York’s Court of General Sessions, in 1927.104 Healy, citing a deplorable lack of American statistics, pointed to an English study which found that “58 per cent. of criminals are already dishonent before they are 15 years old…and that all of

100 William Healy, The Individual Delinquent: A Text-Book of Diagnosis and Prognosis For All Concerned in Understanding Offenders (Boston: Little, Brown, 1915), 10–12.
102 New York State Crime Commission, Crime and the Community, 11.
104 Cooley, Probation and Delinquency, 4.
them have shown their anti-social tendencies before they are 19 or 20.”

“Statistics on adolescent delinquency furnish indisputable evidence that criminals are recruited from the ranks of childhood,” wrote the NYPD’s Advisory Commission in 1929, quoting a number that 60 percent of all those arrested for highway robbery the previous year were under twenty-one years old. Likewise, the State Crime Commission found that “youth in New York City is responsible for more than its share of serious crime,” citing a statistic that 16-20 year olds were responsible for a disproportionate number of crimes relative to the overall population.

Because the overriding narrative was one of concern about raising the nation’s children to be citizens rather than criminals, the statistical argument that preventing crime must focus on children overlapped with a racial concern about the need to assimilate the American-born children of European ethnic immigrants into a white ethno-nationalist body politic that was also coded in the language of citizenship. Statistical arguments that claimed to show a “crime wave” of offenses by juveniles, or that created alarm about the disproportionate criminality of children and teenagers—often discussed alongside statistics about the relative crimes committed by ethnically- or racially-defined social groups or in so-called slum areas where minorities were concentrated—were therefore also implicit arguments about the statistical threat posed by demographics defined by race and ethnicity, as well as by age. Both the Chicago School of sociology and the New York State Crime Commission were perfect examples of this. Because proponents of crime control were simultaneously clear that crime did not occur evenly throughout the city, every instance of the (apparently isolated and neutral) argument that youth

105 Healy, The Individual Delinquent, 10.


were disproportionately criminal was therefore also an argument that minority youth were the real demographic problem.

In the early twentieth century, the two main minorities in Chicago and New York, the cities where the national conversation about crime was primarily unfolding, were European immigrants and African Americans, each of which were differently positioned relative to middle-class Anglo-Protestant reformers’ visions of a nation of white citizens. This was the real thrust of concern about children and cities, and about delinquency and crime prevention, in the early twentieth century. Within this framework, reformers saw white ethnic immigrants as a potentially dangerous social threat, but ultimately one that could be contained and redeemed through racial and cultural assimilation of the second generation. African Americans, on the other hand, also posed an existential challenge to a definition of America as composed of white ethno-citizens, but had no comparable potential avenue for racial assimilation into such a project.

While crime control was, in all cases, conceived and used by elites and reformers as a tool of social control—crime being defined as the antithesis of citizenship—the disciplinary system was ultimately used to give white ethnic subjects in the 1930s and 1940s a hand up into the social order at the cost of their ethnic allegiance, while African Americans and other non-white groups bore the brunt of punitive impacts and ultimately became the primary focus of a carceral system that concurrently abdicated any lingering adherence to the rehabilitative ideal.

The 1920s and 1930s were decades of rapid and dramatic transformation of the carceral state. While ideas about crime, childhood, race, rehabilitation, and social problems were deeply shaped by Progressive-era beliefs and concerns, during the 1920s reformers and professionals began to articulate a new paradigm that saw crime prevention as a critical function of municipal government rather than private agencies. This shift was shaped by the maturation of U.S.
criminology, which came to be dominated by sociology and a quest to understand and therefore control the causes of crime. As sociologists developed theories of ethnic succession and urban growth, crime prevention was targeted to working-class minority neighborhoods. Because crime prevention was equated with professionalism, expertise, and social science, the development of the NYPD’s Crime Prevention Bureau in 1930 was part of a larger movement to build a new and expansive carceral infrastructure of crime prevention and control that was centered on children and families and stretched beyond the police department. The next chapter explores how these ideas underlying crime prevention informed the creation of a web of carceral institutions in the 1930s.
Chapter 2

The Carceral City and the Rehabilitative Myth
In the year 1900, New York law did not make a distinction between children and adult offenders; there was no separate system of judicial review for children; the police arrested and jailed minors together with adults; “delinquency” was a generic term referring to misbehaved youth but not a legal category; and probation did not exist as a formal tool of correctional authority. By 1935, New York City operated a robust and sweeping centralized system for delinquency prevention and control. The term “juvenile delinquent,” together with several other related terms, were given refined definitions in statutory law; the NYPD created an entirely new division to handle children and youth; a sprawling new separate and specialized court system for children and adolescents had been established; and probation had been integrated and professionalized as a powerful tool of supervision and discipline for children and families. While these developments all had long roots in the nineteenth century, reformers began to make rapid changes in the 1910s and 1920s, culminating in a moment of institutional consolidation in the early 1930s in which police, courts, probation, and related laws coalesced into a recognizably modern form that endured without major changes from the 1930s through the 1960s. This new system was built out of earlier progressive institutions and impromptu state responses in order to create a centralized, coordinated crime control effort that was far more robust and far-reaching than earlier efforts, and which more fully shifted the center of gravity of responsibility from private philanthropic organizations to the city and state government.

Taken as a whole, the 1930s represented a sea change in state and societal attitudes towards disciplining and controlling children. Officials constructed this newly powerful and coherent system for managing what came to be framed as juvenile crime as the method through which they sought to meet the threats of migration and immigration, urbanization, and industrialization to American society. They understood the task of cultivating today’s children
into tomorrow’s citizens as an essential task of social reproduction. Without strong families, they argued, the racial, ethical, mental, and biological health of American democracy would falter and fail before the abyss of criminal degeneration. The assimilation and Americanization of large numbers of potentially criminal European immigrants therefore assumed critical urgency. Such a project of explicit social engineering, however, required a massive expansion of state capacity to identify, track over time, and ensure the proper behavior of large numbers of potential criminals amid an even larger number of ordinary, non-criminal New Yorkers. It was in service of this task that officials built the juvenile system that emerged in the 1930s.

This system—composed of vast number of public and private institutions dedicated to the prevention and control of juvenile crime—was built under the aegis of the rehabilitative ideal. In creating separate laws, procedures, and institutions to treat children and youth differently from adult offenders, officials declared that they sought to protect minors from the stigma, trauma, shame, and other damaging effects of being labeled and treated as a criminal. Legal definitions of delinquency and separate police and court systems sought to create new “non-criminal” avenues for re-socializing, re-educating, and re-habilitating troublesome children and youth in place of their parents’ alleged inability to do so. Yet this supposedly rehabilitative system justified the creation of a massive new constellation of laws and institutions for state adjustment and control of behavior through formal and informal mechanisms. In fact, advocates of the need for special separate treatment of minors used this reasoning to argue that the juvenile system should operate with a greater degree of procedural flexibility, less oversight, more secrecy, and far fewer constitutional protections than in the adult criminal system. From the beginning, critics pointed out the inherent tensions between calling a system “non-criminal,” and yet that same system being functionally difficult to distinguish from the formally “criminal” adult system. In
other words, you could call a young offender a delinquent instead of a criminal, but as long as the same frame of criminality and range of repercussions were operative in both, the main difference was one of age rather than substance.

Because of the way that the 1930s juvenile system was officially regarded as “non-criminal,” in the sense that it was undergirded by the rehabilitative ideal and did not operate in the realm of criminal law, while nonetheless functioning as a deeply coercive and non-voluntary state method of controlling behavior that relied on arrest, court appearances, mandatory supervision, and incarceration, this chapter makes a distinction between the “criminal” and “carceral” aspects of state crime control. In fact, a complicated and unresolved public discourse arose around the degree to which the juvenile system, as it existed until the 1960s, might actually be better regarded as implicitly criminal or “quasi-criminal” in its treatment of children and youth.

This conversation turned on an underlying disagreement about whether the word criminal should be defined in a narrowly legalistic way, or whether it must account for the broader impact of the juvenile system on youth and families. This chapter argues that the entire juvenile system as it came to exist, including both public institutions such as police, courts, and training schools, as well as closely contracted private institutions such as hospitals, social welfare organizations, orphanages, and correctional facilities, was deeply carceral in the sense that officials’ goal was to use the coercive power of the state to ultimately back a comprehensive effort to shape and control the behavior and constitution of the members of American society—its citizens. Such capacity did not exist in the early twentieth century; indeed, the underlying concepts such as delinquency were themselves still in formation. However, by the 1930s, under the guiding banner of the rehabilitative ideal, officials brought a developing vision of expansive state power
into reality for the first time.

Yet the system as it functioned in the 1930s did not fall on all New Yorkers equally. Both European immigrant and African American communities were targeted for heightened scrutiny, contributing to disproportionate representation of ethnic and racial minorities in carceral systems. Boys and girls were also disciplined differently based on patriarchal norms governing obedience and appropriate sexual behavior. Officials’ goal of social engineering, however, was more concerned with ensuring the proper development of white children than black ones. Combined with the deliberate informality of the juvenile system, this priority resulted in a two-tier outcome in which white children largely enjoyed the benefits of the system’s rehabilitative emphasis, including lenient judges, social aid, individualized attention, and recreational resources, while black children did not receive comparable treatment or resources. This difference was a real one, and white children benefitted from the “non-criminal” aspects of the juvenile system to the degree that their involvement with the system did not hinder—and in many cases actively helped—them to secure jobs, education, housing, and families without a criminal stigma. Nevertheless, the rehabilitative ideal supported and justified the creation of a juvenile system that was, as a whole, deeply coercive, invasive, and broadly empowered. For these reasons, the rehabilitative ideal is perhaps better regarded as a rehabilitative myth. Its promises may have been available for some children but not for all. Furthermore, its adherents used the image of its rehabilitative universality to build state capacity to identify, monitor, and coerce residents to a degree unparalleled even in the adult criminal system.

The constellation of separate juvenile courts that were created in the 1930s represented the pinnacle of the rehabilitative paradigm that had been growing in influence since the nineteenth century. Yet while the courts’ design was intended to protect children and youth from
stigma and the public eye, the courts themselves vastly expanded the state’s power and reach in shaping families’ lives. The very features that proponents said protected children from criminal treatment were the same features that stripped children of protections afforded to adults in the criminal system. This history suggests that focusing on the self-purportedly “non-criminal” aspirations of the 1930s system obscures the substantive ways in which the system as a whole was designed from the beginning to use state power to discipline and engineer a docile, desirable population. Welfare and crime control, traditionally understood as separate functions, were both welded together in this project.

This chapter will examine three core components of the carceral city that originated in the nineteenth and early twentieth centuries, but were consolidated into their modern form in the 1930s: the Police Department’s Juvenile Aid Bureau, the juvenile court system, and the Probation Bureau. While there were many other institutions—including welfare and philanthropic organizations, psychiatric treatment facilities, and correctional institutions—that interlocked with these three systems to form an expansive web of public and private efforts united under the banner of delinquency prevention and control, it was police, court, and probation officers who came to form the front lines of identifying, recording, and disciplining the majority of New York’s allegedly delinquent and potentially delinquent population. Within all three of these systems, there were deep and unresolved tensions between “non-criminal” aspirations that sought to use social work and other methods to treat children differently, and between the fact that the agents of these efforts remained law enforcement officials tasked with crime control.
The Juvenile Aid Bureau and New York’s Young Citizens

The NYPD’s Crime Prevention Bureau, hereafter generally referred to by its post-1934 name Juvenile Aid Bureau (JAB), was often the first point of contact between a child and the juvenile system. In most cases, the JAB operated as the main intake and triage agency for the juvenile system—whether locating troublesome youth during police patrols or receiving complaints from outside adults, JAB officers were the ones to decide the next step after a given encounter or complaint. Due in part to this central intake role, as well as to the NYPD’s status as an established and well-funded department, the JAB carved out a jurisdiction for itself as the primary coordinator of city youth policy more generally. A tension existed from the beginning between the JAB’s stated commitment to a social work approach, which sought to treat youth differently from adult offenders in order to protect them from harmful stigmas and treatment as criminals, and between the fact that such work was being performed by police officers. By claiming police jurisdiction over youths’ behavior, law enforcement officials used crime prevention as the reason to expand state surveillance over and involvement in the intimate lives of families. The particular forms that this involvement took were in direct relationship to the ways that law enforcement officials and civic leaders understood the proper place of boys and girls, men and women, and whites and blacks in the social order. In the 1930s, the JAB ran three interlinking operations: recreation, patrol, and case management. Each revealed different aspects of JAB officers’ priorities and methods of social engineering.

In the year 1930, one-third of New York City residents were foreign born. The large number of predominantly European immigrants had been a major concern of civic leaders for near the past century, with Progressive-era reformers particularly focused on the brutal living and
labor conditions immigrants faced in New York’s tenements and factories. Reformers articulated a particular discourse around “salvaging” the children growing up in these conditions in order to save them from “careers of crime” and ensure their development into desirable future citizens. The quality of children’s upbringing was understood to be the operative factor between a life of crime and a life of productive contribution to society. For largely middle-class Anglo-Protestant reformers, the project of raising good citizens was synonymous with Americanizing the city’s immigrants and indoctrinating them into the cultural norms and sexual mores of whiteness. To the extent that criminality was defined as one’s lack of conformity to these norms and mores, the projects of ethnic assimilation and crime prevention were closely intertwined. Though African American reformers tried to secure comparable resources for their own communities, white and white ethnic children were the main focus of a movement led and funded by white social elites, who were concerned with producing a nation of white citizens.

In the JAB’s early years, delinquency prevention efforts largely centered on providing recreation and supervision, reflecting progressive beliefs that the main cause of boys getting into trouble was a result of their natural energy not having suitable outlets in the urban environment. As Jane Addams wrote in 1909, “the Anglo-Saxon city has turned over the provision for public

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recreation to the most evil-minded and the most unscrupulous members of the community.”

This idea had two aspects: that wholesome recreation was necessary to suitable social development, and that defenseless children were being corrupted and exploited by profit-seeking owners of candy shops, dance halls, saloons, and other vice establishments, which needed to be properly supervised and controlled. As indicated by Addams’ reference to the “Anglo-Saxon city,” mainstream reformers were primarily concerned with expanding parks and recreation opportunities for white and white ethnic children, even though the parallel discourse of crime statistics emphasized high crime rates in African American neighborhoods as well as predominately European immigrant ones. Though African American reformers sought to secure equal recreational resources in their own communities, they faced discrimination and never achieved comparable facilities. While the discourse of crime prevention largely eschewed explicit references to race, the fact that recreation facilities and other resources were made plentifully available in white and immigrant neighborhoods while African Americans had to struggle for access indicated that the main thrust of crime prevention as a project of citizenship was focused on white children.

The NYPD’s flagship recreation program was the Police Athletic League (PAL), which sought to get boys “off the streets and into the sand lots.” PAL originated in 1931 with local police welfare officers organizing ad-hoc athletic competitions in their neighborhoods. In 1932, welfare officers were re-assigned to the Crime Prevention Bureau and the athletic programs were formalized. In particular, the main recreational attraction in the summer of 1932 was a citywide baseball league, which organized intra-league games within the city’s police-designated crime prevention districts, sending the victors to represent their district at the city level. Games were

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umpired by policemen, and the program attracted the public sponsorship of Babe Ruth and other major league players. PAL was wildly popular from the beginning. In the first summer, more than 5,000 boys from every borough played in the league, and the championship game of the “Mulrooney Little World Series,” named after the Police Commissioner, drew over 50,000 fans.

Building on its inaugural success, the PAL branched out into organizing similar year-round competitions for everything from basketball and boxing to roller hockey. The following summer 7,000 boys participated and the all-stars baseball team ended its season with a reception at the White House. The league also raised money to fund trips to summer camps, free boat rides, and admission to sports events, theaters, and circuses across the five boroughs. In addition, crime prevention officers orchestrated a huge play street program, which closed off certain streets to traffic and provided supervision by workers from the Works Progress Administration. By 1936, PAL membership had grown to over 50,000 youth, and by 1939 it was close to 200,000.

The recreational philosophy reflected efforts to reinforce and reproduce a gendered social structure that was built into the larger ideology of cultivating American citizens. In this scheme, white boys had to be educated and disciplined in order to become responsible voters, civic participants, and breadwinners, while white girls had to learn how to be obedient and secure a good husband while not being too sexually available. Recreational efforts were primarily

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7 Controlling the sexuality of girls and the racial double standards therein is the subject of much study. For efforts focused on white girls, see Odem, *Delinquent Daughters*; Rembis, *Defining Deviance*; Pasko, “Damaged
directed at boys, who were understood to be the demographic in danger of being drawn to poolrooms, unsupervised social clubs, and “schools of crime” out of a lack of suitable outlets for their natural boyish energy. PAL was based on a core belief that “the training and molding of the character of boys will very materially assist good government in the years to come.”

Recreation was both an outlet and a mode of training. In the words of the U.S. Attorney General, “If the ideal of citizenship is to be realized, the same good sportsmanship and team work that characterizes play in competitive games should govern. The game can never be played selfishly and alone.” Boys had to be guided and encouraged to grow into strong and athletic citizens, which required active intervention on the part of interested adults. “Children cannot be expected without direction to select recreation any more wisely than they would a balanced food diet,” wrote Henrietta Additon, an early leader of the Crime Prevention Bureau. Instead, she encouraged crime prevention officers “to teach children how in their leisure time they can have fun, good health, find adventure and cultural and spiritual development.”

One day, the reasoning went, these boys would grow into husbands and fathers, capable of raising their own children to be what the head of the JAB in 1936 called “a citizenry of the future of whom we may well be proud.”

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8 New York Police Department, Annual Report, 1929, 57.


Though the State Crime Commission had concluded, “Juvenile delinquency is primarily a boy problem,” crime prevention officers in the 1930s were also concerned with the behavior of girls, which manifested with a greater emphasis on supervision rather than recreation.\textsuperscript{12} Crime prevention officers’ main concern for girls was safeguarding their sexual development by controlling where, when, and with whom they passed leisure hours. As the city’s Chief Probation Officer wrote, “In general, adolescent boys commit offenses against person and property; while adolescent girls are, by and large, actual or potential sex offenders. In dealing with the boy, the major question is: How can he be prevented from entering a life of crime? — while, with the girl, in addition to the long-range query: How can she be kept from a life of prostitution? — is the immediate and more urgent question: Is she pregnant and is she venereally infected?”\textsuperscript{13} Bound up in this effort was an underlying fear of racial miscegenation of the body politic; just as boys must grow up into proper citizens, girls must be ensured to reproduce the proper national stock.

In fact, the Crime Prevention Bureau was created out of existing police institutions that had been in charge of policing the particular behavior of girls and women for decades. With the creation of the Crime Prevention Bureau, the previously existing Women’s Bureau was abolished and all of the NYPD’s female officers were transferred to a new Bureau of Policewomen. This Bureau was apparently initially located within the Crime Prevention Bureau itself, which also absorbed the functions of the welfare officers attached to the various precincts.\textsuperscript{14} The early organization of the Crime Prevention Bureau split its personnel into two

\textsuperscript{12} New York State Crime Commission, \textit{A Study of Environmental Factors}, 8.


halves: men and women, each of whom had their own commanding officer and were detailed to work with boys or girls, respectively. Female jail matrons had been employed since the nineteenth century, and female officers since 1918 for the purposes of performing duties specific to women, such as maintaining custody of female detainees, looking for runaway girls, and policing activities such as shoplifting, fortune telling, abortions and other unauthorized medical procedures. The Crime Prevention Bureau also absorbed the functions of the Welfare Bureau, which had been charged with enforcing public morals in dance halls and places of amusement, as well as dispatching plainclothes “special duty officers” to schools and playgrounds to prevent disorder and delinquency.

Mary Sullivan, the first head of the female crime prevention officers, described a typical case for the bureau as “that of a father and mother distraught because their daughter is out night after night; they have lost all control over her; they do not know where she goes; and their threat of punishment brings the reply that she will leave altogether unless she is given her freedom.” Upon taking such a report, a crime prevention officer would trace her to a dance hall where she had found work as a “hostess,” employed to dance with male customers in exchange for a percentage of the ticket revenue, which could bring in an income as high as $40 a week. This financial incentive—“The lure of pretty clothes and easy money,” in the words of one investigator—seemed to be a primary incentive for attracting girls to this kind of activity. Having found the wayward daughter, the crime prevention officer was then tasked with resolving the situation, ideally by persuading the girl to return home, or by improving the girl’s situation by

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putting her in contact “with all of the character-building forces in her neighborhood.” Dance halls occupied a special obsessive interest for crime prevention officers as particularly dangerous as places of social interaction and potentially sexual mixing. One of the Crime Prevention Bureau’s early raids was on a dance hall where police officials reportedly knew Filipinos danced “with white girls—many of them very young.”

These gendered priorities were reflected in the statistics for boys and girls who were arraigned before the New York City Children’s Court. In the ten years between 1925 and 1934, 87.5 percent of the children arraigned before the court were boys, while 12.5 percent were girls. The most frequent charges against boys were disorderly conduct, stealing, and burglary, while among girls they were running away from home, ungovernability, and stealing. More than a third of girls were arraigned for running away from home. “Girls come to the attention of correctional agencies largely because of behavior problems, usually involving sex,” reported the State Crime Commission,” citing their own study of 377 youth brought before the court from one Manhattan neighborhood. Of those youth, about 12 percent were girls, of whom about 60 percent were charged with being ungovernable and 23 percent with being disorderly, while the boys were charged with property offenses at least as often as for disorderly and ungovernable behavior.

The fact that there were far fewer resources available for African American children revealed the underlying agenda that crime prevention as a program of social provision and uplift

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was aimed primarily at white families. In Harlem, residents found that recreational resources and facilities were hard to come by, even while the neighborhood received disproportionate policing because of its label as a high delinquency area. Though the Crime Prevention Bureau did establish a Harlem unit from its early days, Harlemites complained that the Bureau was under-resourced and understaffed. The situation was so extreme that the *Amsterdam News* conducted an investigation and found that Henrietta Additon, the Deputy Police Commissioner in charge of the Bureau, had never once visited the unit, and that there were insufficient supplies for the Bureau to do its work.  

In Brooklyn, too, the sentiment that African American youth were underserved by recreational infrastructure was widespread. In the 88th precinct, for example, a group of concerned black citizens created a neighborhood council in 1938 to press the local police captain to open a neighborhood play street, since the precinct’s two PAL recreation centers were too far away from the neighborhood’s 3,000 African American children.

Robert Moses, the Commissioner of Parks and the man most responsible for reshaping the city’s recreational landscape in the 1930s, pursued a pattern of development that systematically benefitted white communities and neglected black ones. Of the 255 playgrounds that Moses was responsible for constructing during the decade, Harlem received only one.  

Harlem’s children had no place to play but the street, asserted Reverend Shelton Hale Bishop at a community meeting. “No wonder they are like caged tigers and, once loose, want to wreak havoc,” he said. The situation with swimming pools was similar. Moses built one pool in

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21 Willam H. Davis to John F. O’Ryan, July 28, 1934, FHLSF, box 3446, folder 1, reel 32, frame 986, LWA.


Harlem for the use of African American and Puerto Rican children in Colonial Park and a separate pool in the historically white East Harlem district between 111th and 114th streets. Though scholars have debated the degree to which pool segregation was enforced by the design of the facilities and attitude of pool employees it is not disputed that the pools remained largely *de facto* segregated, whether or not this was enforced by the design of the facilities and city employees, in addition to the well-documented threat of violence from white pool-goers. Regardless of the reason, the area’s families of color got the message, and traveled three miles to the Colonial Park pool, even if they lived just down the street from the pool in East Harlem.\(^{25}\)

African Americans were split about the best response to both youth crime and to a public narrative about crime that was promoted by the white-run newspapers and which largely labeled Harlem as a degenerate crime-ridden slum. Some expressed skepticism that high levels of public concern about youth crime would result in more equitable use of police force within black communities. One editorial highlighted three cases within two weeks of black youth held for killing a white person, including the arrest of a fourteen-year-old black Brooklyn youth and the execution of a sixteen-year-old youth in Georgia convicted of killing a white pecan grower. The following year, a crime prevention officer shot and killed 23-year-old Ira Wallace, a homeless black youth, on the fire escape of an apartment on West 137th Street after Wallace had allegedly taken a piece of pork from the refrigerator in the apartment where the officer was playing cards.\(^{26}\) Harlemites were no foreigners to police brutality against black youth. In 1935, massive


unrest broke out following an incident in which residents believed police had beaten sixteen-year-old Lino Rivera to death for shoplifting. The fact that no such beating actually took place was incidental to the everyday experiences of similar violence among Harlem residents, as evidenced by the fact that the alleged beating of Rivera was the final straw.\(^7\)

Nevertheless, African Americans often agreed with the premise that the main cause of crime was the underlying social and material conditions, and that society both could and ought to urgently improve these conditions. Harlem, with its density of deteriorating housing stock and scarcity of public works, hospitals, and parks, formed the center of their critiques and calls for improvement. In a three-week series of articles highlighting the grossly disproportionate homicide rate among African Americans in New York, Henry Lee Moon, who later edited *The Crisis* for the NAACP, told an archetypical story of “Johnny Doe,” a black youth whom society and the law neglected until the moment he committed a crime. In the story, Johnny lived in a crowded, unsafe Harlem apartment, where he found it as easy to evade the school attendance officers the landlord did to evade the sanitary code. He began hanging out with other maladjusted youths in poolrooms and movie theaters instead of making the long journey to the YMCA on 135\(^{th}\) Street, since the closer “Y” was barred to black boys. Eventually Johnny and his friends tire of always being poor, and decide to rob an empty store. Unfortunately the owner appears, and in a moment of shock and terror, Johnny shoots and kills him. The police quickly track down the boys, and Johnny and his friends are executed by the state for murder. Only at the end did the law step in, “the law that had passed unheeded Johnny Doe’s truancy from school, that had permitted him to be reared in squalid quarters, barely habitable, that had tolerated speakeasies; the law that represents a society which never before was aware of Johnny’s existence.” The

\(^7\) Police brutality in Harlem was commonplace. See Johnson, *Street Justice*. 
tragedy of this story, Moon wrote, was not that Johnny had some natural propensity for crime because of either his race or upbringing, but that a society that neglected him for his whole life was quick to make him pay the price. As Reverend Bishop put it, “A city that spends $2,300 a year to keep a boy in Warwick [a boys’ correctional facility] should have vision enough to see how much more would do if it were channeled into decent housing and recreation.”

Recreation, however, was only a small part of the crime prevention and control apparatus of the 1930s, and in some ways the least innovative. The continued importance of recreation in city officials’ responses to delinquency revealed the lasting influence of Progressive-era beliefs about the importance of playgrounds, parks, and wholesome outdoor outlets for boyish energy, even as persistent inequalities in access to those resources demonstrated the ways that white children occupied a place of central concern in officials’ minds. Yet other dimensions of crime prevention and control developed in the 1930s were far more intrusive in the ways that they sought to shape the behavior and development of New York’s children.

**The Juvenile Aid Bureau’s “Trouble List” and “Potentials”**

The JAB was conceived from the beginning as providing a coordinating function between the multitude of public and private youth-serving agencies in the city. The Advisory Commission had recommended that “The work of the Crime Prevention Officer should be that of a liaison officer between the family or the individual in difficulty, the potential offender and the social agencies, public and private, schools, churches and all other agencies listed.” In practice,

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29 “Delinquency Laid to Parents, City.”
because the NYPD was the city’s primary agency to identify and provide intake services for allegedly delinquent children, the JAB functioned as the central arbiter of what should happen to the vast majority of the city’s youth cases. This required developing the capacity to keep track of an ever-larger number of individual cases moving through the JAB’s system. In 1932, the JAB contacted just over 13,000 cases in the course of the year. By 1936, that number was approaching 31,000, and by 1940 it peaked at 66,640.31

Each of these cases came from a variety of different sources, and required individual adjudication about whether to further investigate the individual, and then whether to keep the case under the supervision of the JAB, or to refer it to the courts or to an outside social agency. This was a monumental challenge of record management and bureaucratic communication, and the increases in the number of annual cases reflected the growing sophistication of the JAB’s systems as officers created powerful new methods for identifying and keeping track of an enormous volume of children. The use of spot maps and other spatially-designated target areas based on ethnic and racial demographics ensured that the police department’s efforts remained concentrated on the populations of officials’ highest concern, while JAB officers used informal and extra-legal supervision to “treat” cases under the NYPD’s management. While all of this new police activity was framed as cutting-edge rehabilitative casework, it brought ever larger numbers of families, both white and black, under the parental supervision of the state.

In keeping with its dual identity as both a traditional law enforcement and social service agency, the JAB divided itself into two main sections: patrol and case management (in addition to recreation, which was slowly passed off to third-party organizations after the 1930s). Specialized JAB units performed patrols in areas identified as high concern, ensuring popular

31 New York Police Department, Annual Reports, 1932-1940.
hangout spots like movie theaters and dance halls were complying with laws governing licensing and operation, and in practice enforcing moral standards of decency and racial mixing. Other areas of heightened JAB patrol included beaches and parks, Times Square, Pennsylvania Station, the Navy Yard, bus and ferry terminals, and Harlem in general. As previously discussed, these patrols grew closely out of personnel and tactics employed by vice squads and public morals enforcement. The JAB’s case management officers, on the other hand—who comprised the Service Unit, created in 1936—blended law enforcement and social work. They were responsible for collecting and managing the tens of thousands of individual youth who came to the attention of the JAB each year and determining whether each case required further investigation. If so, an officer would either visit the child’s home and interview their family, or summon the family to the local precinct station. Based on the outcome of that interview, cases could either be kept under the continued management of the JAB (roughly half of the cases), or referred to an external agency or the court system.

In a city with three million children, the JAB relied on statistical and racial assumptions about the criminality of socially defined populations in order to target its efforts. The JAB’s first step was to create eleven “crime prevention districts”—five in Manhattan, three in Brooklyn, and one each in Queens, the Bronx and Staten Island—establishing a JAB satellite office in each one. JAB officers drew the borders of these areas on the basis of crime rates and demographic data, also creating further special high-concern “delinquency areas” within districts. According to the Byrnes MacDonald, the JAB Director, these subdivisions were “based on natural boundaries

33 For the ratio that the JAB kept cases, see Kahn, Police and Children, 18, 47.
34 Kahn, Police and Children, 16, note 3.
of race, color, creed, local consciousness, or geographical entity.” These districts ensured crime prevention officers primarily worked in identified “high delinquency” neighborhoods of the city. The second step was to compile what the JAB called a “trouble list” of “potential delinquents and future criminals,” who lived in these neighborhoods and needed further police attention. According to MacDonald, these were “children that, we know in the light of experience if something is not done for them NOW, it is safe to assume that a large percentage of the group will be getting into trouble of one kind or another in the near future.”35 In other words, the trouble list represented the NYPD’s belief that it was possible to predict future criminals on the basis of certain social factors.

The trouble list represented JAB officers’ fantasy of unlimited knowledge. Echoing Edwin Sutherland’s dream of maintaining a state file on every child in the nation, the NYPD sought to create a paper key to New York’s future criminals. The first step was to identify them. The NYPD began by aggregating the names of all children actively using any of the city’s public or private youth facilities. This list was then compared to the Board of Education’s roster of all the children in a given neighborhood. According to police reasoning, the potential delinquents could be found in the difference between the two lists—a logic that defined potential delinquents as children who did not attend their local recreational centers. A third list was then compiled based on names acquired from the schools (as truants), from teachers (as “showing tendencies toward irresponsibility”), from the Parole Board (as potentially “adversely affected” by adults released on parole), and from the daily contacts of police patrols. The Board of Education alone gave the JAB a list of 5,000 names. The compilation of all these lists produced the master trouble list, which was then further filtered by the names of children who lived in specified delinquency

area neighborhoods.\textsuperscript{36}

The trouble list was then used in highly targeted ways without the knowledge of children involved. For example, one Greenpoint recreation center regularly served about 500 children. Of those, officials identified 85 as on the trouble list. At the request the NYPD, recreation center workers kept a secret record of the daily attendance and attitudes for those 85 children, sending a weekly report to a JAB caseworker that was directly responsible to the director of the JAB for the regular attendance and correct attitude of these children. Out of this information, the crime prevention officer determined that ten youths needed further police intervention, despite the fact that their only transgression of record had been poor recreation attendance.\textsuperscript{37} Once placed on the trouble list, youth would have been subject to physical and psychological examinations, home investigations and interviews by JAB officers, continuing JAB supervision, official referral to external agencies, or potentially even to the Children’s Court.

In fact, because of the way that the JAB kept its records, the tens of thousands of cases in its files effectively constituted a citywide trouble list of potential delinquents, which disproportionately targeted minorities. The JAB’s number of annual cases, which jumped from approximately 13,000 to 66,000 between 1932 and 1940, represented a huge database of names and other personal information that had been accrued with no external oversight, no mechanism for removal, and no attempt at verification of allegations. However an individual child’s name ended up in the JAB’s files, the police department permanently regarded that child as a potential delinquent. This was represented by the NYPD’s practice of classifying the year’s cases in the


\textsuperscript{37} MacDonald, “Youth and Crime Today,” 11; Police Athletic League, “Crime Prevention or Crime Extension?” in Fiorello H. La Guardia Collection, Mayoralty Campaigns (1937), box 40 / 4126, folder “Mayoralty Campaigns 1937/Campaign Subject Files/La Guardia Envelopes/Police Report on Staff, 1937,” NYCMA.
department’s annual report, in which the total number of cases was divided according to the JAB’s action taken. Most cases were lumped into a catchall category simply marked “potentials,” a label that had no clearly defined meaning and could signify either a case under active treatment, or a case that had been filed in case the child came to the JAB’s attention again at a later date. In 1936 the potentials category constituted 55 percent of the JAB’s total cases, a percentage that grew to 90 percent of all cases by 1941.38 This trend reflected the JAB’s tendency to prefer the flexibility afforded by such lump categories, which did not have clearly defined procedures attached and relied on individual officers’ judgment in each case.

The JAB’s files represented a massive archival project of abstraction, standardization, and statistical analysis. Each case derived from an individual incident, whether the child in question had actually broken a rule, or whether the child had been falsely accused or was in fact a victim of adult manipulation. Because the state delinquency statutes made few distinctions between delinquent and neglected children, the JAB and court systems had jurisdiction over both, and treated them similarly. In one example, a child named “Sally” was reported to the JAB by her mother, who asked that Sally be “put away” because she was “emotionally upset.” In “treating” the case, the JAB officer spoke to Sally’s school officials and encouraged Sally to return to a psychiatric clinic. An external reviewer of Sally’s case questioned the JAB’s assessment of Sally’s delinquent tendencies, since it seemed apparent to the reviewer that Sally’s mother was using the system to “get rid of” her daughter because of a new boyfriend.39 Sally, whose only infraction was not going to school, nonetheless ended up in a JAB file.

The JAB’s principal technology in the war on juvenile crime was a single form called the

38 NYPD, Annual Report, 1936, 1941; Kahn, Police and Children, 14–18.

JAB-2 card. This form allowed crime prevention officers to distill the complicated details of an individual child’s life into a standardized format. The JAB-2 was printed on a small card that was carried by every member of the uniformed force. Whenever an officer encountered a person under 21 engaging in “delinquent conduct,” the officer was required to make an evaluation of the situation. If the behavior warranted an arrest (for instance, if it was comparable to a felony by an adult), the officer would take the offending child directly to the Children’s Court, and then fill out a different form, which was later transcribed into a JAB-2, together with the disposition of the case before the court. If the situation did not warrant arrest (for example, asking for money, throwing rocks, or riding a bus without a ticket), the officer filled out a JAB-2 card with information including the child’s name, age, race, address, school, grade, and home address, as well as the nature and location of the complaint, action taken, and officer’s comments. These cards were turned in at the end of every shift and forwarded to the local JAB office for review.40

A JAB-2 card was filled out in almost every circumstance that a child came to the attention of the NYPD, regardless of whether the child or youth in question engaged in behavior that was ever officially ruled as delinquent by a court. In fact, most cases were never summoned before the Children’s Court. Names could end up on the list on the basis of a complaint made by a third person, regardless of its validity or grounding in reality. In fact, the JAB-2 card was the action of choice in such a situation where a complainant wished an officer to arrest a youth, but there was inadequate evidence to do so. JAB-2 cards were also filled out in response to complaints made to the police from parents or relatives, friends, social agencies, teachers, and the Children's Court. Once the JAB received a card, an intake worker would contact the Social Service Exchange, a central clearinghouse of public and private service agencies, to find out

whether the child or their family was in the records of any other welfare agency. If so, the intake worker could choose to refer the case back to that agency. If there was no existing contact or if the agency did not want to act on the case, the intake worker would decide whether the case warranted a follow-up home visit or whether it should be filed, usually in cases of trivial or first offenses. If the decision was made for further investigation, the case was transferred to a plainclothes JAB fieldworker to visit the home and interview the child in question as well as any parents or caregivers. In 1942, JAB officers conducted 8,098 home visits and 3,548 office interviews. Information recorded during these interviews included the field worker’s evaluation of the home environment, parents’ attitudes and employment, child’s relationship with the parents, and the child’s habits, truancy, and religious attendance.41

Though the majority of cases ended with the home visit or office interview with parents who agreed to better control their child’s behavior, if the field worker decided that the visit disclosed the need for further intervention then the case would be referred to a social agency. In the case that no agency wanted the case, the work of making a detailed case history of the child and their family as well as the work “to correct the conditions which are the underlying causes of the delinquency” fell to JAB personnel. If the officer determined that “treatment” was necessary, this could include a range of actions, from a warning or reprimand, a conversation with parents, arrangements for recreation, health care, church attendance, or employment. JAB officers, as members of the police department, had the authority to arrest adults as well as children, including parents for “neglect of children,” or operators of pool rooms, dance halls, or cabarets who admitted underage children.42

An external investigation of JAB methods found that JAB officers, despite their social work emphasis, were police first. “JAB field unit officers are well-meaning and often warm and friendly people but their technique reflects the police base of the program and is most efficient for evidence getting, not for inaugurating a helping process,” the report noted. “They may invade privacy, moralize, interview no matter who is present, become alternatively supporting or threatening, stress getting disconnected facts, not understanding.” Furthermore, the report found, “Often JAB field unit workers undertake ‘informal supervision’ of a child even after closing their case. This is a practice with no legal basis, but clients seldom understand this.” The report concluded, “Because the law is flexibly written and subject to interpretation by enforcement officers, the JAB, in fact, operates a quasi-judicial program in which it decides dispositions for a large group of violators.”

In practice, JAB officers functioned as extra-legal probation officers, in cases that had not been adjudicated by a magistrate and were outside the court system. At the end of the day, JAB agents were police officers, and in fact often introduced themselves as such or used threats such as “don’t make me rough with you,” as part of their daily work with children and families. There was a widespread lack of clarity about whether families were legally compelled to accept JAB presence or intervention. Although clothed as social workers, JAB officers welded the full force of state police power, and could arrest parents as well as children. When an officer entered a family’s living room, asked questions about intimate family matters, and recorded this information in police files, family members faced direct state coercion, even if the child was ultimately let off with a warning. The same external report cited above concluded that the JAB’s procedure “shows an unsuccessful attempt to combine law-

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enforcing and ‘helping’ functions.”

Police officials positioned the JAB at the center of the city’s delinquency control and response system, on the front lines of intake, triage, and response. In keeping with the rehabilitative ideal, the JAB maintained an official policy of attempting to keep as many children out of the court system as possible, and considered it a failure if the JAB’s “informal” treatment was not successful. In practice, however, individual officers enjoyed virtually unrestrained discretion about how to handle an individual case—whether to close it, refer it to another agency, impose JAB “treatment,” or send the child to court. Any given officer’s decisions depended on underlying social codes and mores, including what did or did not constitute “normal” behavior for a boy or girl. Officers’ wide discretion and little oversight supported an ideology that did keep many children, especially white children, away from “official” court records of delinquent conduct. On the other hand, the JAB also created what might be described as a shadow court system, in which police officers made the primary decisions about how a case should be handled. In this system, all children who resided in neighborhoods that the NYPD designated as delinquency areas were regarded as potential delinquents, as was every child who came to the attention of the police on a JAB-2 card. This system was based on statistical presumptions and a strategy of amassing a broad archive of knowledge that could be consulted to inform police actions. While the JAB purported to treat children in a way that was not, strictly speaking, “criminal,” nonetheless the police department developed a crime control response over the 1930s that was far reaching and deeply carceral.

Kahn, Police and Children, 39–40.

Kahn, Police and Children, 18; Tappan, Juvenile Delinquency, 182–83.
Defining Delinquency and the Children’s Court

The Juvenile Aid Bureau, though a powerful force in shaping the city’s efforts to supervise and control its children and youth, still represented only one component in a much larger juvenile justice system that officials were piecing together over the early twentieth century. Alongside their efforts to create a specialized police response to children and youth, officials also built a vast specialized juvenile court and probation system, which reached deeply into the intimate lives of entire families. Like JAB, the juvenile court and probation systems that found expression in the 1930s were rooted in nineteenth century movements that emphasized the rehabilitative ideal and sought to save vulnerable children from moral destruction amid the industrial urban landscape through individualized care, responsible supervision, and access to wholesome outlets for natural adventurous and romantic energies. Similarly, juvenile courts and probation as tools of social engineering were re-imagined in the early decades of the twentieth century as powerful, comprehensive institutions for state efforts to ensure social outcomes, and the process of building a new juvenile court and probation system was largely consolidated in the 1930s in a form that remained unchanged for the most part until the 1960s.

Together with the police and a network of public and private juvenile correctional facilitates across the state, New York’s juvenile court and probation systems in the 1930s reinforced a institutional response to shaping youth behavior that enjoyed both wide-reaching powers and a high degree of discretion. Court magistrates positioned themselves as ultimate surrogates for providing responsible parental supervision to the city’s immature and dependent population—conceived of as adults as well as children. Under the guiding doctrine of parens patriae, the state assumed ultimate parental responsibility over those who were judged incapable of providing it themselves. Describing their work within the ideology of the rehabilitative ideal,
court and probation officials designed a court system that was highly individualized and sought to protect children from the harmful stigma of being labeled a criminal.

In order to do this, they argued, they needed broad and flexible powers to investigate, conduct proceedings, supervise families, place children outside the home, and operate outside of the established adult criminal justice system. This resulted in the creation of a separate children’s system that was powerfully carceral (in the sense of enjoying broad powers to shape social behavior, either through direct coercion or indirect surveillance and the threat of more punitive action) but ostensibly non-criminal (in the sense of its attempts to insulate children from the adult criminal system). Just as in the JAB, there were tensions from the beginning about what precisely it meant for a law enforcement agency to be “non-criminal” in its orientation, and some people held that the court system remained “quasi-criminal” in its treatment of children and families. Furthermore, when it came to racial disparities, it was clear that the benefits of the rehabilitative ideal, including receiving lenient and understanding treatment from magistrates and placement in relatively more comfortable and well-funded private correctional institutions, were privileges that largely did not extend to African American children. This section will address the creation of new laws that defined delinquency and related terms, while the following section will trace the development of the juvenile court system as an institution.

The treatment of minors under the age of 21 in the courts had long been a subject of debate in New York. From the late nineteenth century, a multitude of private organizations pressed for child welfare and protective laws stemming from a progressive concern about the pressures of urbanization and immigration. These reforms generally aligned with the rehabilitative ideal in their efforts to create special provisions for children, as compared to adults. While these legal changes unfolded over decades, the legal prototypes developed in the early
twentieth century were substantially revised into a relatively stable form in the early 1930s that lasted through the 1960s. Legal definitions of delinquency that took shape during the 1930s were notable for the broad and expansive power they gave to law enforcement and court officials to intervene in nearly any child’s life in the interest of state supervision.

In 1909, the state Penal Code was first revisited in the interest of excluding youthful behavior from the criminal code by way of introducing a new legal category of “juvenile delinquency,” intended as a non-criminal charge to replace misdemeanor charges when allegedly committed by a child between seven and sixteen years old. This new legal category was accompanied by a change in terminology, and by the 1920s minors were not “convicted” but “adjudged” of delinquency by a magistrate. While a swath of legislation refined the precise definition of juvenile delinquency and a range of other associated terms through the 1930s, the intent of the laws remained clear, as stated by the 1933 New York City Domestic Relations Court Act that “no child shall be denominated a criminal by reason of such adjudication [of delinquency], nor shall such adjudication be denominated a conviction.” This intention was further reinforced by the fact that the Children’s Court was understood to be a civil, rather than criminal court, allowing it to operate outside the rules of criminal law. A similar federal version was passed in 1938, which allowed U.S. district courts to try children under eighteen years old who were accused of breaking federal law as juveniles, rather than adults.

The removal of juvenile treatment from the realm of criminal proceedings, in which strict

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47 1933 New York City Domestic Relations Court Act, §84.
constitutional protections sought to ensure fair hearings, evidentiary standards and trials, to the realm of social work, which was governed by the much more nebulous and capacious standards of sociology and psychology, meant that youth and families were caught in a double bind. On one hand, a system defended as having their own protection at heart removed the protections of criminal courts and placed youth and their families entirely at the discretion of a magistrate. On the other hand, these courts, though “non-criminal” on their faces, were still backed up by the full coercive power of the state, and employed the authority to arrest, incarcerate, otherwise remove children from the home, or impose probationary oversight. Though the category of juvenile delinquent was created with the goal of decriminalizing youth, in fact its very ambiguity served to expand state carceral oversight and intervention into far more families’ lives.

As early as 1913, an Appellate Division judge wrote that, “Such [criminal] act was made the subject of a new classification, in which it became knows as ‘juvenile delinquency,’ and this offense, though excluded expressly from the degree of statutory crime, was in its nature quasi-criminal, whatever words were used to characterize it.”⁴⁹ A later Court of Appeals decision held that, while the law “specifically states that the proceedings held thereunder are not criminal in nature,” nonetheless “such proceedings, resulting as they do in a loss of personal freedom, are at the very least quasi-criminal in nature.”⁵⁰ The upshot of these statements was a recognition was that the word “criminal” could be read in at least two ways — while a narrow interpretation defined “non-criminal” as not within the legal category of criminal law as applied to adults, a


broader definition understood that delinquency proceedings still brought individuals into a non-voluntary relationship with state correctional authority. By the first definition, the juvenile system might not have technically been “criminal,” but it was nonetheless fully carceral.

While the movement to create separate children’s courts is commonly cited as originating in Chicago, reformers in New York did not waste time establishing their own versions of the system.\(^\text{51}\) An amendment to the city charter authorizing the first specialized courts for children in New York City was passed in 1901, and throughout the 1920s and 1930s, a number of state laws sought to create a separate system of judicial review for underage offenders.\(^\text{52}\) This situation created a convoluted system of overlapping definitions and jurisdictions that virtually everyone agreed was in constant need of simplification. New York legislators eventually landed on an age-based two-tier system, with the term “juvenile delinquent” being applied to those under sixteen years old and the term “wayward minor” to those between sixteen and twenty-one.\(^\text{53}\) Alleged delinquents and wayward minors were separated into different specialized courts and faced different potential outcomes. The landmark 1933 New York City Domestic Relations Court Act established a Children’s Court for minors under sixteen. Meanwhile, also in the early 1930s, youth between sixteen and nineteen were segregated by gender and assigned to newly established and “experimental” Adolescents’ Court (for boys) and Girls’ Term Court (for girls).\(^\text{54}\)


\(^{52}\) L. 1901, c. 466, functionalized in L. 1902, c. 590.

\(^{53}\) New York City defined a juvenile delinquent as between seven and sixteen, while the rest of New York State amended the original language to define it as simply under sixteen.

\(^{54}\) The system described here is what developed in New York City; the rest of the state was governed by separate (though closely related) legislation: The Children’s Court Act of the State of New York (L. 1922, c. 547) applied statewide, while the nearly identical Children’s Court Act of New York City (L. 1924, c. 254) governed the city. The former was substantively amended in 1930 (L. 1930, c.393), while the latter was superseded by the New York
This established the system as it existed without substantive changes until the 1962 Family Court Act. All of these specialized courts for minors were separated from the adult criminal system, closed to the public, and endowed with unprecedented procedural flexibility that removed protections of due process and expanded the investigatory role of probation officers.

At the same time as legislators were constructing a separate juvenile court system, they were refining new statutory definitions of delinquency. These definitions were enormously significant, both in that they constituted the standards to be enforced by law enforcement and court officials and that they represented the codification of the guiding ideology that underlay the law itself. While New York’s original 1909 definition of delinquency defined it merely as an act that would be designated a crime if committed by an adult, the gradual revision of the law moved towards a much broader definition of antisocial behavior, including many provisions that did not apply to adults. This trend reflected a parallel move in American criminology, which likewise moved away from narrow legal definitions of crime, which understood a crime simply as something prohibited by law, toward social definitions embraced by men such as Sutherland, which saw crime as a phenomenon that transcended local laws (which could vary) and was defined, rather, as a violation of social standards. It was also enabled by the fact that, because Children’s Courts operated outside the adult criminal system, they were no longer bound by the criminal code. These developments, together with the driving reformist motivation behind the children’s welfare movement that sought to Americanize immigrant families and cultivate the deportment of citizens consistent with middle-class Anglo-Protestant values, led to the codification of those values in the laws that governed children’s behavior. The delinquency laws and court system that were established in the 1920s and 1930s endured without substantive

City Domestic Relations Court Act (L. 1933, c. 482), which established a Children’s Court and Family Court as two divisions with somewhat overlapping jurisdictions within a new Domestic Relations Court.
revision until the 1960s, when legislators moved back towards defining delinquency as an act that would be a crime if committed by an adult.

These values are most clearly seen in the definitions of the laws themselves. In the first revision of the 1909 definition, the 1922 Children’s Court Act of the State of New York redefined juvenile delinquency was as:

…a child over seven and under sixteen years of age (a) who violates any law of this state or any ordinance of the city of New York, or who commits any act which if committed by an adult would be an offense punishable otherwise than by death or life imprisonment; (b) who is incorrigible, ungovernable or habitually disobedient and beyond the control of his parents, guardian, custodian or other lawful authority; (c) who is habitually truant; (d) who, without just cause and without the consent of his parent, guardian or other custodian, deserts his home or place of abode; (e) who engages in any occupation which is in violation of law; (f) who begs or who solicits alms or money in public places; (g) who associates with immoral or vicious persons; (h) who frequents any place the maintenance of which is in violation of law; (i) who habitually uses obscene or profane language; or (j) who so deports himself as wilfully to injure or endanger the morals or health of himself or others.55

Provisions (b) through (j) were new additions to the definition of delinquency, governing behaviors relating to truancy, moral conduct, and general deportment that were not “criminal” in the narrow sense of being designated as illegal in the criminal code, but which nonetheless were designated as behaviors that could earn arrest, “treatment” by a JAB officer, a court appearance, probation, or institutional commitment. To the extent that the juvenile justice system constituted a shadow criminal justice system for minors, the 1922 definition of delinquency can be seen to criminalize a wide range of social behaviors for children over seven and under sixteen years of age that were not criminalized for those over sixteen.

During the same time, the state legislature also determined that adolescents over sixteen but under twenty-one years old also deserved special judicial treatment separate from adults, but

55 L. 1924, c. 254. This definition was retained in the 1933 New York City Domestic Relations Court Act (L. 1933, c. 482).
distinct from children. This age group was designated as “wayward minors,” rather than juvenile delinquents, though the governing statutes included comparably vague descriptions of undesirable conduct. However, concern about adolescents’ behavior was far more connected to sexual attitudes and development than amongst children. The definition of a wayward minor was:

Any person between the ages of sixteen and twenty-one who either (1) is habitually addicted to the use of drugs or the intemperate use of intoxicating liquors, or (2) habitually associates with dissolute persons, or (3) is found of his or her own free will and knowledge in a house of prostitution or assignation or ill fame, or (4) habitually associates with thieves, prostitutes, pimps, or procurers or disorderly persons, or (5) is wilfully disobedient to the reasonable and lawful commands of parent, guardian or other custodian and is morally depraved or is in danger of becoming morally depraved may be deemed a wayward minor.

An additional amendment in 1945 added two more provisions: “(6) who without just cause and without the consent of parents, guardians or other custodians, deserts his or her home or place of abode, and is morally depraved or in danger of becoming morally depraved, or (7) who so deports himself or herself as to wilfully injure or endanger the morals or health of himself or herself or of others.”

Most boys in this age group were brought before the court on burglary, larceny, disorderly conduct, or similar charges, while girls’ cases often involved pregnancy, disobedience (such as staying out late or dating without permission), or prostitution. The emphasis on controlling sexuality was evident in the fact that the original 1923 Wayward Minors’ Act, which

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56 Though the laws extended up to twenty-one, in practice the specialized courts for adolescent were not equipped to handle such a caseload, and so generally only heard cases from youths up to nineteen years old. This became a central point of legislative debate in the 1940s.

57 Text from Wayward Minors’ Act as amended in 1929 (L. 1929, c. 106). The original act (L. 1923, c. 868) was amended in 1924 to add clause five (L. 1924, c. 388), and 1925 to apply not just to girls (L. 1925, c. 389).

58 L. 1945, c. 736.
established separate special treatment for adolescents, applied only to girls. Not until 1925 was
the law amended to apply to “any person.” The Act did not stipulate that wayward minor cases
must be heard in a separate court, though it did create a new non-criminal “wayward minor”
charge for which youths could be adjudicated, similar to juvenile delinquency.

As evident by the above laws, reformers’ zeal to ensure sufficient state oversight and
supervision over the development of what they saw as New York’s vulnerable children, led them
to craft a system in which sweeping definitions of misconduct gave officials broad interpretive
leeway in deciding how serious a given case might be. The intention was to cast a wide net,
leaving it up to individual officers to decide which cases to reel in. One result was that children’s
and juvenile courts, and especially their probation bureaus, though ostensibly set up to intervene
only in cases of proven delinquency, actually defined their jurisdiction so as to as to be
exceptionally broad. As a group of lawyers connected with the Association of the Bar of the City
of New York concluded, “The breadth of the Court’s jurisdiction over the juvenile and neglected
child definitions is usually justified by its advocates as the means of placing before the Court the
child in need of its services. The principal difficulty with the position is that it has created a court
of law with almost limitless jurisdiction over children. The definitions are broad enough to label
nearly every child a delinquent at some point in his life.”

Advocates of the system argued that it was precisely such an unrestricted ability to bring children before a magistrate, and, once there, to order more through investigations into other unrelated aspects of a child’s circumstances if
deemed necessary, that made the Children’s Court unique and allowed it to effectively protect
and rehabilitate children in need. In other words, the fact that the Children’s Court was so
powerful and operated with so few traditional constitutional limitations was arguably what made

59 Charles Schinitsky, “The Role of the Lawyer in Children’s Court,” Record of the Association of the Bar of the
This broad jurisdiction was expanded even further by the fact that the Children’s Court also oversaw neglect cases, and individual magistrates had the power to substitute neglect and delinquency charges for each other if the situation warranted. In fact, the same petition form was used, regardless of whether the charge was delinquency or neglect. The court also had jurisdiction over destitute and physically handicapped children. Both neglect and delinquency were defined by the same Domestic Relations Court Act, and while technically they governed separate spheres of behavioral problems, because the Children’s Court did not have any fixed procedural standards—in an effort to make the court as un-courtlike as possible as well as to treat each case individually—neglect and delinquency became functionally synonymous as far as the court’s jurisdiction was concerned. The definition of neglect included, among other provisions, a child who was under sixteen and who was “without proper guardianship,” whose guardian was incarcerated, “who wanders about without lawful occupation or restraint,” or “who is under unlawful or improper supervision, care, custody or restraint by any person.” Together, delinquency and neglect cases constituted 96 percent of all the work of the Children’s Court.

The fact that neglect, destitution, and delinquency cases were all functionally handled the same meant that the carceral and quasi-criminal aspects of delinquency proceedings loomed over and bled into all aspects of the court’s work. A parent could not be sure which direction a magistrate would take a case, once they appeared before the court.

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60 Schinitsky, “The Role of the Lawyer in Children’s Court,” 10.


62 1933 New York City Domestic Relations Court Act, §2 (17).

63 Schinitsky, “The Role of the Lawyer in Children’s Court,” 11.
The founding justification for a separate children’s court system was that a non-criminal alternative was necessary in order to protect children; in fact, tensions quickly arose around the counter-argument that delinquency and wayward minor proceedings were inherently criminal. The fact that youth could be arrested, placed on probation, or committed to an institution was difficult to distinguish from criminal proceedings, no matter how the matter was formally defined. This double meaning behind the “criminality” of the juvenile system revealed a shadow aspect of the rehabilitative ideal: while technically non-criminal in its proceedings, the Children’s Court was an integral component in a carceral system that directly intended to shape and “correct” the behavior of a wide swath of the population through coercive control. On this second level, the rehabilitative ideal was also a myth—reformers built a powerful carceral system that, because it was technically not a criminal system, in fact possessed powers beyond the limits of what was constitutionally accepted in the criminal system. Claims that the system needed to be flexible in order to be less punitive almost certainly benefitted many children, who did in fact receive the kind-hearted, personalized attention that reformers intended the system to ensure. But the same broad reach and lack of formal protections also meant that families easily found themselves at the unmitigated mercy of magistrates, with few avenues of appeal.

Building a Carceral City

The juvenile system as it existed between the 1920s and 1960s had two mutually constituting aspects. Compared to later “tough on crime” policies and mandatory minimum sentences, the midcentury system was indeed less punitive and more rehabilitative in the sense that it emphasized keeping children and youth out of jails and protecting them from permanent adult-style criminal records. The primary beneficiaries of this system were intended, from the
beginning, to be white children. At the same time, the 1920s and 1930s were the moment when the juvenile system, as a powerful expansion of state oversight and enforcement, was built and consolidated. This was the system on which later developments in the 1970s were based; and they required less of a structural change than simply repudiating the rehabilitative ideal in favor of a more explicit embrace of the criminal nature of juvenile proceedings that had, in fact, been there all along.

After the creation of the Domestic Relations Court in 1933, officials extended a similar judicial attitude of social work towards adolescents. Special charges for adolescents, however, remained in the same quasi-criminal no-man’s-land as juvenile delinquency. Until the mid-1930s, both boys and girls between sixteen and twenty one were held in jails and brought before the standard Magistrates’ Court (the Women’s Court division, in the case of girls) together with adult offenders, regardless of whether they were charged with a felony, misdemeanor, or wayward minor charge. This practice was the subject of much criticism, on the grounds that mixing youth with older “hardened criminals” was at odds with the purported goals of “rehabilitation of an offender in her formative years and saving her from probable ruin, physical, mental and moral.” Similar criticism of the corrupting influences of mixing adolescents with adult offenders was leveled at practices for both girls and boys.

To remedy this situation, Mayor La Guardia opened an experimental Adolescents’ Court

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64 The Wayward Minors’ Act did not contain wording similar to §84 of the Domestic Relations Court Act specifically providing that juvenile delinquency was not a crime.


for boys in Brooklyn on January 2, 1935. This court had limited jurisdiction, and was only intended to be an alternative forum for hearing wayward minor charges against boys in Brooklyn. The Adolescents’ Court was clearly modeled on the Children’s Court, designed to separate youth from the criminal courts and take a “scientific and reasonable approach” to “treating” adolescent offenders. At issue was the notion that an entire generation of New York’s future men were being lost to crime because of antiquated judicial proceedings that insisted on charging adolescents with crimes instead of “salvaging” them through social work. One major report noted, “Errant youth challenges government and all other social institutions to join in preparing it for manhood in preference to blasting it with a criminal record and loss of citizenship before citizenship is ever attained. This is the most that can be done to convert youthful lawbreakers into useful citizens.” Probationary supervision was the primary tool used to this end, with over half of boys placed on probation.

To this end, magistrates began, apparently on their own initiative, to toss out minor criminal charges with the consent of the district attorney and substitute wayward minor complaints instead. According to one commentator, this practice was “frankly admitted to be extra-legal” and “defensible only on the ground that the end justifies the means….It is an irregular procedure bearing some resemblance to the traditional court appearance and in other

67 Queens and later Staten Island also eventually developed borough-wide Adolescents’ Courts modeled on Brooklyn; in Manhattan and the Bronx boys continued to be arraigned in the standard Magistrates’ Courts. In these boroughs, boys were held together with and treated like adults, from arrest, jailing, the “line-up,” and arraignment through public jury trial. Paul Blanshard, The Adolescents’ Court Problem in New York City: A Preliminary Survey of Existing Procedure and an Emergency Plan (New York: Society for the Prevention of Crime, 1941), 22–24.

68 Shelly, Socio-Legal Treatment of the Adolescent Offender, 4.

respects resembling a social investigation.” In determining when to substitute a wayward minor complaint and how to proceed upon doing so, the individual magistrate’s discretion was paramount. In 1940, wayward minor charges were substituted in only about 31 percent of arraignments in the Brooklyn Adolescents’ Court. It was presumably with some relief that Adolescents’ Court officials greeted a law in 1941 validating the practice of substituting wayward minor complaints for criminal charges, though the Adolescents’ Court still remained an ad-hoc forum, and proponents continued to advocate for a comprehensive judicial overhaul.

Girls between sixteen and twenty-one were segregated into their own improvised division of the Women’s Court, which was called the Wayward Minors’ Court and was established on the order of the Chief Magistrate on March 2, 1936. This court met once weekly, and had citywide jurisdiction. It was described as “a pioneer endeavor in the field of socio-legal treatment” designed to “rehabilitate” girls by minimizing “the strictly legalistic character of the court” and creating “an atmosphere of hopeful, constructive guidance and assistance to both complainant and defendant.” In contrast to adolescent boys, for whom the main concern was destructive or conflictive behavior, for girls the major complaint was disobedience and ungovernability.

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especially with regard to dating, marriage, and sexual activity. Boys also tended to receive
probation, while girls were committed to institutions in higher percentages. In 1939, of 300
intake complaints to the Wayward Minors’ Court, 263 were docketed for court action. Of those,
30 percent were dismissed without adjudication, 28 percent were committed, and 11 percent
were given probation, with the remaining cases still pending. Probation was overwhelmingly
given for indefinite term (up to two years), and the average case had six adjournments, allowing
time for investigations and prolonged court supervision. Over one in four cases in 1939 involved
black girls, a number far in excess of the city’s six percent black population. 75

One defining feature of the juvenile court system as it came to exist from the 1930s
through the 1960s was that magistrates operated “without unnecessary formality as to procedure
or reception of evidence.”76 Individual magistrates were free to conduct the court’s business as
they saw fit, and there was considerable variation in procedure from magistrate to magistrate,
with the evidentiary requirements also varying by judge.77 One outside survey reported that
“This is a court with few legal safeguards, where an all-powerful judge typically functions in the
absence of attorneys or representatives of the press….The judges’ activities in the courtroom are
so widely varied in patterns and so different from one another in underlying premises that one is
left totally perplexed as to what it is that the court means to do.”78 This point was the central

75 Shelly, Justice for the Wayward Minor Girl, 2-5. In 1938, there were 280 intakes of which 149 were adjudicated,
96 were committed to institutions, 13 sent to hospitals, and 38 placed on probation. 218 cases were referred to the
Census Bureau, 1940 Census.

76 Rules of Practice of the Domestic Relations Court, rule 7(1), cited in Schinitsky, “The Role of the Lawyer in
Children’s Court,” 13.


78 Alfred J. Kahn, A Court for Children: A Study of the New York City Children’s Court (New York: Columbia
University Press, 1953), 268.
issue in *People v. Lewis* (1932), which established precedent for the continued use of informal procedures and arbitrary standards of evidence over the following three decades. The case involved Arthur Lewis, a fifteen-year-old boy who broke into a store with another boy in Binghamton, New York and stole twelve dollars, and then together with two more boys made their way to Buffalo in stolen cars. A Children’s Court magistrate adjudged Lewis delinquent and committed him to the State Industrial and Agricultural School. On appeal, the judgment was reversed, on the ground that the evidence against Lewis rested solely on his own confession, made without warning against self-incrimination. The Appellate Division court ruled that if Lewis had been over sixteen and charged with an equivalent felony, this evidence would have been insufficient for conviction. Upon reaching the Court of Appeals, however, the original judgment of the Children’s Court was upheld on the basis that, “Since the proceeding was not a criminal one, there was neither right to nor necessity for the procedural safeguards prescribed by constitution and statute in criminal cases.” *People v. Lewis* was one of the early defining moments in which juvenile delinquency was held by the courts to be a non-criminal proceeding, and thus not subject to the same rules of evidence that governed criminal cases. The case set a precedent in place that affirmed the trajectory of the entire system.

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79 This decision was based on a previous case, *People v. Fitzgerald*, in which James Fitzgerald, a boy of fifteen, was convicted by a Buffalo Children’s Court magistrate of juvenile delinquency for taking money from a man’s home, and was committed to the State Agricultural and Industrial School. The only evidence for his incarceration was the uncorroborated testimony of another boy, and a confession from Fitzgerald exacted under duress from a policeman who threatened to punch him in the nose. On appeal, the district attorney admitted that this evidence would have been insufficient to convict an adult in equivalent circumstances, however because juvenile delinquency was not a crime, the same standards did not apply. The Court of Appeals reversed the ruling and ordered a new hearing for Fitzgerald, and Frederick Crane penned in the decision that, regarding the nature of the act and age of the defendant, “The act remains the same and the proof of the act is equally necessary whether we call it burglary, larceny or delinquency. The name may change the result; it cannot change the facts.” *People v Fitzgerald*, 244 N.Y. 307 (1927).

80 *People v. Lewis*, 183 N.E. 353 (NY 1932).

Yet *People v. Lewis* also revealed structural tensions within the ideology of the rehabilitative ideal. The dissent to the case, penned by Frederick Crane, presented a harsh criticism of the notion that juvenile delinquency could be separated from criminal law. The real matter under consideration, he wrote, was whether the Constitution and its protections against being deprived of liberty without due process applied to children, or only to adults. “Lewis, if he were sixteen years of age, would be charged with a crime, and the crime would have to be proved in accordance with the restrictions and prohibitions of the Constitution…[but] Lewis being under sixteen years of age, all these safeguards have been brushed aside; the Constitution means nothing,” wrote Crane. “The acts committed are exactly the same for a boy over sixteen as for a boy under sixteen, but the Legislature has called the one a "crime" and the other "juvenile delinquency." To base Constitutional protections merely upon the age of the defendant was slippery ground; indeed, “If the Legislature can thus wipe out the constitutional protection by changing a name, the substance and reality remaining the same, at what age of an accused does this power begin and end?” Crane asked. “May the Legislature call forgery, larceny, burglary, assault, "moral delinquency," and send a person twenty years of age to Elmira Reformatory, or some other correctional institution, on his own confession, wrung from him by an inquisitorial process in court, compelling him to be a witness against himself?” Crane also criticized the procedural conflation between delinquency and neglect, destitution, and handicap cases, as well as the extra social definitions that had been added to the term “juvenile delinquency” beyond defining it simply as an act that would be a criminal offense if committed by an adult. The latter instance, he argued, should require the same evidentiary standards and protections as a criminal court, while neglect, destitution, and other activities of the Children’s Court might more
meaningfully benefit from the court’s informal procedures.\textsuperscript{82} Crane’s warnings went unheeded. The \textit{Lewis} decision remained undisturbed until the entire court system was overhauled in the 1960s.

Wayward Minors’ Court officials were also frustrated with the limitations imposed by the court’s improvisational nature. They complained about the limited personnel and physical facilities, and the fact that the court only met once weekly.\textsuperscript{83} However, the larger problem according to court proponents was that the court did not have broad \textit{enough} powers. One aspect of this was that the court’s jurisdiction depended on parents’ cooperation in making complaints against their own daughters. Though police officers could also make complaints, these only provided jurisdiction if the girl’s observed conduct clearly brought her under the provisions of the act. In these situations, parents’ cooperation was necessary in order to prevent such cases from being dismissed—and, clearly, court officials believed that these cases required full investigation and supervision just as much as cases where an obvious unlawful act had been perpetrated.\textsuperscript{84} In fact, the NYPD was already acting beyond the strict letter of the law in similar instances whereupon observing objectionable behavior from a girl, an officer would apprehend her without applying for the required warrant, “upon the theory that they are empowered to place [her] in ‘protective custody.’”\textsuperscript{85}

Indeed, court officials argued, “the present Wayward Minors’ Act is too circumscribed to provide necessary and desirable jurisdiction over adolescent girls who commit offenses that

\footnotesize{\textsuperscript{82} People v. Lewis, 183 N.E. 353 (NY 1932).}

\footnotesize{\textsuperscript{83} Shelly, \textit{Justice for the Wayward Minor Girl}, 6.}

\footnotesize{\textsuperscript{84} Shelly, \textit{The Wayward Minors’ Court: An Evaluative Review}, 8.}

\footnotesize{\textsuperscript{85} Emphasis in original. “Memorandum to Accompany Proposed Bill for Girls’ Term,” SPCC, box 29, folder “Adolescent Girls 1939-47,” 1.}
apparently should bring them within the powers of this court.” Looking to the Children’s Court, which could use destitution or neglect to justify court action if the broad language of delinquency was inadequate based on observed behavior, officials claimed, “in our opinion, based on our experience, the provisions of the Act should be revised to give such a court set-up adequate capacity to deal with adolescent girls, who might be described as neglected, destitute or delinquent.” Such jurisdictional expansion would also bring adult family members under the court’s broadened power.

Another notable feature of the Wayward Minors’ Court was the apparently highly extensive use of “remand by consent,” or detainment of girls for up to a month between arraignment and adjudication, and in many cases where the court made no ruling at all. This practice was defended due to the common situation in which a parent demanded that their daughter be “‘put away’ forthwith,” or in which a defendant refused to return home and stated that she “would rather ‘go to jail.’” Separating the parties allowed everyone a period to cool down. In order for the institution to receive payment for housing the girl, the court issued a remand slip that was identical to that used in sending adult offenders to the city prison between conviction and sentencing. This process raised questions about the legality of detaining a person for long periods without a hearing. Citing the Children’s Court Act, which allowed a magistrate to remand juveniles when necessary, Wayward Minors’ Court officials required a signature of consent before sending a girl to a detention institution prior to her next hearing. This raised unanswered questions “as to whether a minor could ‘consent’ to such deprivation of liberty; or whether a parent, who was a complainant against her daughter, could ‘consent’ to such

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detention.”87 In one example, T.D.,

an attractive youngster who has been [remanded by consent] in the Brooklyn House of Good Shepherd for about a month while an effort was made to reconcile her family to what they considered disgraceful behavior—surreptitious meetings with a boy friend of whom they disapproved. The report from the House of Good Shepherd on T-- was very good; and the family seemed inclined to give her another chance.

Accordingly, the case was adjourned for a period of time for unofficial supervision.” In another case, K.B., who according to the court “adjusted very well to the House of Good Shepherd,” was kept there for an additional there months of medical treatment “in spite of the fact that her father and her sister were desirous of taking her home.” Perhaps K.B. also dearly wanted to return home to her family; perhaps she had tried to escape them by running away with her boyfriend; perhaps she had other dreams about what her life could be. Whatever K.B. wanted was irrelevant while she was compulsorily confined, presumably for a sexually transmitted infection, and subjected to obligatory medical examinations and “necessary treatment to render her non-infectious.”88 It is nearly certain the boyfriend did not receive similar treatment.

In circumstances such as these, the coercive nature of the proceedings were apparent, no matter how “non-criminal” the juvenile proceedings claimed to be. Brought into court by police officials on a warrant, often on the complaint of their own parent, what choice did a youth have? Or, if a parent was trying to prevent their child from being committed to a state institution for an indefinite period, they might agree to temporarily remand their child in hopes of being seen in cooperation with the court. In the case of boys, parents could also be forced into the position of having to make a formal complaint against their own son in order to give the Adolescents’ Court formal jurisdiction over their child’s case, so that a magistrate could substitute the less serious


wayward minor charges for the original misdemeanor. This was the case for Alden Jones, a seventeen-year-old boy arraigned in Brooklyn for taking two cartons of cigarettes and $3.05 from a candy store in order to spend time out with his friends at Christmas. In order to prevent Jones from being convicted in an adult court and sent to prison, his mother Julia signed a complaint alleging that her son was “in danger of becoming morally depraved and is wilfully disobedient to the law and the reasonable commands of the deponent.” Alden then “consented” that an investigation of his family, educational, work, and personal history be made by a probation officer to be considered by the magistrate before making an adjudication. 89

Under the guise of consent, parents were thus compelled to enter formal quasi-criminal complaints against their own children, and girls were compelled to weeks of incarceration, during which they were also often subjected to physical and psychological examinations. In all cases, court officers used consent forms as a stopgap method in order to paper over those legal areas where the statutes governing children and adolescents were not in complete alignment with the “experimental” and “innovational” practices of the Adolescents’ and Wayward Minors’ Courts. When court officials recognized they were on shaky legal ground, they sought to bring the law in agreement with practice, and in the meantime relied on the court’s power and the fact that most defendants did not have lawyers in order to compel New York families to agree to their own subjection. 90

Finally, one last important difference between the criminal courts and Children’s Court


90 Though advocates of a complete overhaul of the laws for adolescent offenders were already criticizing the system by the end of the 1930s, they had to wait until 1951 for another stopgap bill in the form of the Girls’ Term Court Act. This act formalized the previous Wayward Minors’ Court, made it explicitly “non-criminal” and expanded its jurisdiction to include neglect and destitution, thus including adults. The act also gave magistrates the explicit power to detain girls without requiring their consent. L. 1951, c. 716, see Sections 22, 5, and 13.
was that in juvenile proceedings there was no district attorney and no jury, and thus the presiding magistrate operated as prosecutor, defense, and judge all at once, with enormous discretion and virtually no oversight or process of appeal. Proceedings and records were also closed the public. These provisions were defended as further ways to remove the adversarial nature of judicial proceedings with regard to children, in the belief that magistrates could best help children when unencumbered by formal restrictions.\textsuperscript{91} The Children’s Court did not assign council to children or their families if they were unable to provide their own lawyer. A study by the New York City Bar Association found that an enormous number of families could not afford counsel, as represented in the 92 percent of respondents and their families who did not have a lawyer in 1959. Similarly, of the 20,000 children adjudicated delinquent or neglected between 1959 and 1960, only four cases were appealed. The Bar Association concluded that these practices constituted a gross abuse of justice, writing, “The right to appeal is meaningless to these people; without funds and incapable of understanding, they are virtually prohibited from exercising this right.”\textsuperscript{92} This fact must be understood as part of a institutionalized chain of events at every stage of which families were confused about the role of the police, unclear about their rights, intimidated by a system of authority that assumed they would cooperate without protest for the good of their own child. Because juvenile officers operated in this “informal” manner, they actually enjoyed a degree of power, reach, and coercion based on fear that exceeded the adult criminal system.


\textsuperscript{92} Schinitsky, “The Role of the Lawyer in Children’s Court,” 15.
Probation and the Supervised Citizen

The third component of the carceral system as it was consolidated in the 1930s was the Probation Bureau, an entity backed by the authority of the courts, but endowed with the mobility, investigatory power, and supervisory discretion of the JAB. While magistrates determined which children were in need of correctional intervention, probation officers were the agents who sought to induce behavioral changes through the power of their watchful gaze. Parental supervision—both by a child’s actual parents, or, failing that, by the state as the ultimate parental figure—was at the heart of the carceral project. *Parens patriae*, meaning “parent of the nation,” was an English common law doctrine that the state assumed the power of ultimate guardianship for those unable to care for themselves, especially children, particularly in cases where the ostensible guardians were demonstrated incapable of providing suitable care.93

The notion of *parens patriae* was closely aligned with progressive defenses for crime prevention as a larger project of ensuring children’s proper education and development as future citizens. For example, a 1905 ruling sustaining the doctrine held that, “To save a child from becoming a criminal, or from continuing in a career of crime…the legislatures surely may provide for the salvation of such a child, if its parents or guardians be unable or unwilling to do so, by bringing it into one of the courts of the state without any process at all, for the purpose of subjecting it to the state’s guardianship and protection.”94

As guardian, the state was understood to be ultimately responsible for ensuring a child’s proper socialization. “Why is it not just and proper to treat these juvenile offenders, as we deal with the neglected children, as a wise and


merciful father handles his own child whose errors are not discovered by the authorities?” asked Julian Mack, a judge and reformer in 1909. “Why is it not the duty of the state, instead of asking merely whether a boy or girl has committed a specific offense, to find out what he is, physically, mentally, morally, and then if it learns that he is treading the path that leads to criminality, to take him in charge, not so much to punish as to reform, not to degrade but to uplift, not to crush but to develop, not to make him a criminal but a worthy citizen.”95

Probation, the practice of placing a child under the attention of a probation officer rather than commit them to a residential institution, constituted a new and powerful tool in allowing the state to effectively exercise its parental obligations to discipline behavior through supervision. State authority in probation, though eventually implemented for adults, originated in the nineteenth century as a court measure in juvenile cases.96 Probation officers came to New York juvenile courts in the first decade of the twentieth century, and assumed the combined power to investigate, prosecute (originate court proceedings), and supervise. As legal historian Merril Sobie writes, “To parents and their children in 1900, unrepresented, uncounselled and probably uneducated, the convergence of authority in child welfare cum probation officials must have assumed awesome proportions.” By 1922, the year that probation was designated as an essential court component in the Children’s Court Act, probation officers had come to serve a critical role as both investigators and ongoing overseers of conduct within the juvenile court system.97

Similar to the informal and quasi-probationary work of the JAB, leading probation officers in the 1920s and 1930s regarded themselves “as a social engineer, tapping whatever

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97 Sobie, The Creation of Juvenile Justice, 110, 112.
power resources were at his command for the benefit of the probationers.  

One primary task for the probation officer was overseeing the behavior of children and youth who were given a period of supervised behavior (from a few months to years) by the court, often as a method not to redirect serious cases from committal to institutions, but to place a much larger number of children regarded as more minor cases under supervision. Probation was not, argued the New York Probation Bureau, about “letting delinquents off easy.” Rather, “Delinquents are put on probation because it is the most suitable disciplinary and educational influence for them.”

Probation work, wrote Edwin Cooley, Chief Probation Officer for New York’s Court of General Sessions in 1927, was primarily a task of turning delinquent children into citizens. “In attempting to mould a worthwhile citizen from the material with which the school, the home, and society in general has failed,” Cooley wrote, “probation is endeavoring to supply all that has been lacking in the past life of the individual and to give him certain constructive benefits which no other agency is equipped to supply.” Supervision was a primary tool in this effort. According to Cooley, “Every phase of the supervisory process should be directed toward the permanent rehabilitation of the delinquent. The probation bureau should squarely accept the responsibility for the permanent restoration of the probationer in the community as a socially useful citizen.”

Another remarkable feature of juvenile courts, as compared to the adult criminal system, was that probation officers served a vastly expanded and largely unregulated investigatory function for the court. The development of this procedure in the juvenile courts in the 1930s was

98 Cooley, Probation and Delinquency, 293.


101 Cooley, Probation and Delinquency, 25, 324.
a marked departure from established judicial departure. The 1933 Domestic Relations Court Act specifically provided, “The Court from time to time may adjourn the hearing and inquire into the habits, surroundings, conditions and tendencies of the child so as to enable the Court to render such order or judgment as shall best conserve the welfare of the child.”102 This clause was interpreted to allow a magistrate to order an extensive investigation into all aspects of the life of a child who had been reported to the court, even in instances where the court decided as a result of the investigation that there was insufficient evidence to issue a summons and bring a case. Investigations could be made at any point in a case on the order of the presiding magistrate, and it was routine for cases to be adjourned to allow a probation officer to prepare a report concerning detailed and intimate information about every aspect of the child’s life, including visits to the home, school, or workplace, as well as information about the child’s ethnic and religious background, neighborhood condition, previous contact with other social agencies, and leisure time interests. Reports for girls also often included psychological and medical evaluations.103 In a practice that would be considered highly unusual by any other court, these reports were made available to the Children’s Court magistrates and used to determine not only the adjudication of the minor in question, but whether or not a case even existed.

The use of probation officers as pre-adjudication investigators was a defining characteristic of the mid-century juvenile court system. Indeed, it was specifically cited in a groundbreaking report by Magistrate Anna Kross as one of the reasons for the need for such a system, which, she argued, failed to serve minors when the magistrate was forced to proceed “merely on the evidence technically presented by complaining witnesses.” Instead, minors would

102 1933 New York City Domestic Relations Court Act, §83.

be better served when “social investigation is provided prior to and *as a basis for*
adjudication.”¹⁰⁴ Part of the set-up of an Adolescents’ Court in 1936 involved the creation of an
Intake Department in the Probation Bureau attached to the court, which as a matter of routine
conducted interviews as part of a preliminary investigation into all complaints which were
reported to the court regarding the alleged behavior of a minor. Complaints consisted of
information given by a family member or other person who gave information to the court that a
minor was within the provisions of the governing statute. Given the extremely broad nature of
the legislation defining delinquency, this said more about the fact that someone made a
complaint than that any particular behavior was in question. The intake investigation was then
used to decide whether to refer the individual to another agency, or to issue a summons to bring
the minor before the court.¹⁰⁵ The extensive use of investigations in juvenile courts thus extended
state surveillance into the lives of families virtually without limit or oversight on the scant basis
only of a complaint.

This unorthodox and “experimental” use of probation investigations caused some concern
among probation officials, as well as from outside observers. The problem was the extensive use
of background investigatory reports by magistrates in making adjudications. A report by the
Chief Probation Officer described this procedure as “a radical departure from the ordinary adult
court routine” for which “Some question has been raised to its legality,” though the report cited a
statute permitting a magistrate to consult “such information as will be of assistance” in deciding
the case.¹⁰⁶ Later commentators disagreed. The New York City Bar Association found that 67

percent of Children’s Court judges looked at reports before adjudicating the child, and 8 percent more read the report during the adjudication hearing. These reports were in many instances the main source of information on which the magistrate adjudicated the child’s delinquency and decided the court’s disposition. Families and minors were not given copies, and thus had no chance to refute the information contained within. Despite an admonition in People v. Lewis that such investigations were “not to be used as legal evidence where there is an issue of fact to be tried,” the author of a study for the Syracuse Law Review concluded that the systematic use of such character evidence by magistrates and acceptance of “the hearsay reports of social workers from which they admittedly form the basic approach to the case” created a situation that “made an unbiased trial impossible.” Just as in Lewis, the conflation of delinquency cases and neglect or dependency cases—upon which the Children’s Court’s basic operation was predicated—served to remove basic safeguards against state overreach while bringing the intimate details of family life closer under state scrutiny.

Probation officers’ activities, both investigatory and supervisory, also had a significant impact on a child’s entire family, beyond the individual in question. Drawing on social work philosophies, probation officers in fact deliberately placed the family at the center of their crime prevention work. “Supervision today means much more than compliance with the law governing home visits and reporting by the probationer,” wrote Patrick Shelly, the Chief Probation Officer in 1937. “It means, as it should, in addition to minimum legal requirements, constructive social service in which not only the probationer himself, but his family must be considered as the unit

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108 Cheriff, “Correct Use of Background Reports in Juvenile Delinquency Cases,” 69–70.
of effort at all times.” A separate Probation Bureau report agreed that among the six “treatment aspects” for delinquents, besides health, education, employment, recreation, and spiritual development, that “The family and not the individual is considered as the unit of the probation officer’s work.” When a child or youth was summoned to appear before the court, often their family was also required to be in attendance, especially as many delinquency cases primarily involved personal conflicts between children and their guardians, rather than actions that would be considered criminal by an adult. Similarly, investigations also involved recording intimate details of guardians’ own lives, especially romantic and sexual relationships. Individual treatment plans often required the active cooperation of guardians, for example in encouraging a child to attend desired activities.

There was a degree of coercion to these interactions, and probation officers faced a familiar question about whether the relationship between probation officer and the individual under supervision had more in common with social work or law enforcement. Paul Tappan, a prominent midcentury sociological criminologist, wrote that, “Much has been made by writers in this field of the point that, within the framework of probation, in contrast to ordinary case work, the client’s participation is compulsory and that therefore the voluntaristic slant of the social agency becomes impossible.” While Tappan argued that there was still room for skilled probation officers to make a positive impact within the “authoritarian framework of the court,” the dilemma echoed larger tensions within the juvenile system. Ultimately, the extensive use

111 See, for instance, Patrick J. Shelly, Annual Report, Adolescents’ Court, Brooklyn, 1938.
112 Tappan, Juvenile Delinquency, 323–24.
of probation officers was a powerful aspect of the juvenile court’s reach and a defining feature of its existence. Probation officers functioned as the state’s eyes and ears in the living rooms of New York’s families, gathering information for magistrates to use in their capacity as surrogate parents of the nation, and as the state’s enforcer, ensuring families’ compliance with court-ordered disciplinary training through ongoing supervision. Magistrates used probation as a wider tool for social engineering than they were able to achieve within the limited capacity of correctional institutions. By the 1930s, probation officers instead cemented their professional indispensability within the juvenile court system on the basis of providing supervision for the masses.

Demographic Disparities in Social Enforcement

The cumulative efforts of police, court, and probation officials to design and implement a comprehensive delinquency prevention and control apparatus in the 1920s and 1930s had disparate impacts based on class, gender, and race.\textsuperscript{113} As has already been suggested, most law enforcement efforts targeted working class communities, emphasizing misbehavior associated with aggressiveness and adventuresomeness for boys, and sexual experience and disobedience for girls. The same patterns generally also held true for African Americans as a particular demographic, however African American children and youth were arrested, arraigned before the court, and adjudicated delinquent in disproportionately high numbers. Because of racial discrimination in private institutional facilities, African Americans were also committed to jails and state correctional institutions far more often than their white counterparts. The implication of

these facts was that the benefits of the rehabilitative ideal—protection from treatment like a criminal, an individualized hearing, and social services aimed at providing a hand up rather than punishment—were a privilege both designed for and largely allocated to white children and youth. African American communities, on the other hand, received greater scrutiny from law enforcement because of their associations with criminality, but fewer of the social benefits that came along with similar police focus on working-class white neighborhoods. These effects were less the incidental products of individual bias than the result of reformers’ foundational concerns with Americanizing a large immigrant population.

Racial and ethnic disparities appeared at every stage of the juvenile system, reflecting in part the demographic targeting of black and immigrant neighborhoods as alleged delinquency areas warranting special law enforcement attention in the name of crime prevention. Of the 72,472 children between seven and fifteen years old who were arraigned before the Children’s Court on delinquency charges in the decade between 1925 and 1934, over two thirds were of foreign parentage, while foreign-born whites represented only 33 percent of New York City’s population. Children of Italian parents constituted 30 percent of children arraigned, roughly one and a half times as high as their proportion of the overall child population of court age. Children of Jewish heritage were 18 percent of those arraigned, or just under twice as high as their proportion of the court-age population. Black children were 12.5 percent of children arraigned, about three times as high as the percentage of black children between seven and fifteen in the city.114 The overwhelming majority of black children arrested for delinquency lived in the borough of Manhattan, and one in four children arraigned in Manhattan’s Children Court in 1934

were black.\textsuperscript{115} Because these numbers reflected numbers of children brought to court before any ruling on the case, they may be understood to reflect factors, including policing, which occurred upstream of the Children Court portion of the juvenile process.

Gender and race both governed the social expectations to which boys and girls were held. Black boys were arrested less frequently than white boys for burglary and stealing, but more frequently for disorderly conduct. Despite the fact that white boys were arraigned on more serious charges more often, they were still almost five and a half times more likely to receive probation instead of commitment to an institution than black boys.\textsuperscript{116} In striking contrast to the boys, the charges for girls were overwhelmingly related to obedience, rather than aggressiveness. While white girls were more likely to be arrested for stealing, a full 78 and 84 percent of white and black girls, respectively, were brought to court on just two charges: being ungovernable or wayward, or running away from home. Black girls were significantly more likely to be arraigned for ungovernability, while white girls were more likely to be arraigned for running away (see Table 1).

\textsuperscript{115} Ward, \textit{The Black Child-Savers}, 191.

\textsuperscript{116} For probation statistics, see Cheryl Lynn Greenberg, \textit{“Or Does It Explode?” Black Harlem in the Great Depression} (New York: Oxford University Press, 1991), 35–37, note 63.
Table 1: Arraignments of Children in New York City Children’s Court by Most Frequent Delinquency Charges, 1925

<table>
<thead>
<tr>
<th></th>
<th>Boys</th>
<th>Girls</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>White</td>
<td>Black</td>
</tr>
<tr>
<td>Total cases</td>
<td>5719</td>
<td>418</td>
</tr>
<tr>
<td>Delinquency charges (as percentage of total)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assault</td>
<td>4.3</td>
<td>7.4</td>
</tr>
<tr>
<td>Burglary</td>
<td>20.0</td>
<td>10.0</td>
</tr>
<tr>
<td>Stealing</td>
<td>20.4</td>
<td>16.8</td>
</tr>
<tr>
<td>Disorderly Conduct</td>
<td>19.8</td>
<td>28.2</td>
</tr>
<tr>
<td>Ungovernable or Wayward</td>
<td>6.7</td>
<td>8.4</td>
</tr>
<tr>
<td>Desertion of Home</td>
<td>12.2</td>
<td>17.2</td>
</tr>
</tbody>
</table>

While one could interpret any of these statistics as indicating that black children and the children of immigrants were simply more inclined to commit criminal acts than the white children of American citizens, or, in this case, as indicating that black girls were actually less obedient, to do so would ignore the evident context of teaching and enforcing socially relative behavior that the juvenile system was intended and designed to impose, as evidenced in the very fact that so many children were arrested for disobedience. For example, both girls and boys in a heterosexual teenage couples spent exactly as much time together and were equally implicated in taboo sexual acts together, yet girls were largely the ones disciplined for this behavior because of social and parental expectations around propriety, while for boys the act of having an unsanctioned girlfriend was not similarly proscribed. In the same way, black youth faced heightened racial discipline around docility and submissiveness.

To be sure, using the juvenile system to enforce social norms in children was not solely the province of police, although the NYPD was responsible for a significant and increasing

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proportion of juvenile cases referred to the courts. Parents of all backgrounds also sought to use the JAB and courts as additional leverage to discipline their own children in accordance with their own sense of social propriety. Historian Cheryl Hicks has detailed how working-class black families in the 1920s often reported their own daughters as ungovernable in an effort to teach them a lesson and maintain a politics of respectability. However, many such families did not realize the potential consequences of making a complaint to the courts and perhaps came to regret doing so, not expecting that once their daughter was entangled in the system she would be beyond their ability to bring home.\textsuperscript{118} Many white families also reported their own children. Yet even still, parents represented only a small percentage of all new cases, with the majority originating from outside individuals, schools, social agencies, and the police. In the 1930s, for example, the number of JAB cases that originated from parents or relatives hovered between 15 and 20 percent, while the number originating from police encounters remained between 35 and 47 percent. Over time, police overwhelmingly became the primary source of new juvenile cases, originating between 83 and 94 percent of juvenile cases in the decade between 1943 and 1953.\textsuperscript{119}

Disparities continued after a child’s court appearance. Black children were significantly less likely than white children to have their case dismissed before trial, and more likely to be adjudged delinquent (the equivalent of a guilty finding). White children received probation five times more often than black children, while black children were committed to institutions at far higher rates and given longer sentences than white children. In 1924 and 1925, for example, 12.3 percent of black children and 67.1 percent of white children adjudged delinquent were given probation, while they were respectively committed to institutions at rates of 29.2 percent and

\textsuperscript{118} Hicks, \textit{Talk with You Like a Woman}, 200–202.

\textsuperscript{119} New York Police Department, Annual Reports, 1943-1953.
Inequalities in institutional placement and sentencing were significant results of the fact that in the 1930s the state relied on contracted partnerships to operate a network of private institutional facilities where children and youth adjudged delinquent or neglected could be committed in New York City. These private organizations operated under largely religious auspices and were overwhelmingly if not entirely run by white boards of directors. They were free to accept or reject specific children according to their own criteria, including racial and religious, resulting in a situation where black children and youth were systematically excluded from facilities that were better funded, more comfortable, closer to home, and less closely associated with criminality because they only accepted white children. This meant that magistrates had very limited options about where to send black children in need of supervision or short-term placement outside the home, and black youth were disproportionately committed to the city jail and state-run reformatories—places deemed the last resort for the most difficult cases when white youth were concerned—because private institutions were segregated. “The Children’s Court is confronted almost daily,” said the Presiding Justice of the Children’s Court said in 1925, “with its inability to deal constructively with colored children under sixteen years of age who are in need of custodial care by reason of the scarcity of institutions willing to accept such children.”

These disparities were especially strong for African American girls, who were subject to

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120 Greenberg, Or Does It Explode?, 35–37, note 63 (cited above). See also Joint Committee on Negro Child Study in New York City, A Study of Delinquent and Neglected Negro Children.

particularly strong policing of their obedience and sexuality because of their gender and race, yet
excluded from segregated private institutions for white girls, which were especially designed to
protect and care for young women and young mothers from criminal treatment.\footnote{Hicks makes a study of the dynamics governing black women committed to New York correctional facilities. \textit{Talk with You Like a Woman}, 128–30, 182–203.} For example, in the case of temporary detention, the Wayward Minors’ Court had two options: the privately-funded Florence Crittenton League, “for non-infected white girls (occasionally accepts Negro girls)” or the House of Detention, the city jail, for “girls who are discipline problems, girls arraigned on warrants, and Negro girls.” Available for temporary referral or indefinite commitment were a larger number of institutions, including the Catholic House of the Good Shepherd for “any white girls over 16 regardless of religion,” a number of Protestant institutions that refused to take girls who were “sex delinquents or venereally infected,” the Jewish Cedar Knolls, and Westfield State Farm, a state reformatory and the only institution where nursing babies could be committed along with their mothers. Another institution called Inwood House was also available for “venereally infected, white, pregnant girls.” These private organizations were allowed to set their own rules of admission and almost all of them refused to take black youth, and thus in most cases the only facilities available for black girls were the jail and the state reformatory, precisely those institutions that confirmed a criminal stigma which the private organizations were trying to avoid. Because of racist discrimination, white girls were able to take advantage of the non-criminalizing aspirations of the court system, while black girls were sent to the most unpleasant facilities.\footnote{Emphasis in original. Shelly, \textit{The Wayward Minors’ Court: An Evaluative Review}, 18.}

When the experiences of white children were centered, it indeed appeared as though the rehabilitative safeguards of the juvenile system were keeping large numbers of children out of
reformatory facilities, especially through the use of probation. However, when the experiences of African American families were accounted for, it was clear that the system did not protect everyone equally. Adhering to the rehabilitative ideal’s own prioritization of white families obscured the degree to which the promise of special treatment was one with conditions. It was a myth that insulation from the starkest experiences of state power was available to everyone.

**The Reign of the Rehabilitative Ideal**

The juvenile court system as consolidated after the Domestic Relations Act—an informal, ostensibly non-criminal, constellation of special courts for children and adolescents premised on the rehabilitative ideal—defined the legal landscape for young New Yorkers from 1933 to 1962. This system had many aspects, depending from which perspective one approached. Definitions of delinquency and neglect based on capacious social regulations rather than the same criminal statutes that governed adults influenced police encounters with children and youth, as well as guided the behavior of parents with regard to the carceral system. The ways JAB officers focused attention on certain neighborhoods chosen on the basis of proxy crime statistics and influenced by criminological theories that associated “potential” criminality with social factors such as poverty, foreign nativity, and blackness contributed to disproportionate numbers of those demographics at all levels of the system. Magistrates’ efforts to craft a court system for children and adolescents that emphasized the need for flexibility, secrecy, and informality, and sweeping power in order to allow them to serve the individual needs of a given child also created a court system in which children and their families were largely at the mercy of the court, without knowledge of their rights, access to legal counsel, the ability to review the evidence against them, or a system of appeal. Outside of the courts, both police and probation officers built
structures to surveil and supervise large numbers of children and youth along with their families, seeking to discipline behavior based on the power of oversight and the threat of more intrusive state intervention.

The ideology of the rehabilitative ideal as it found expression in 1930s juvenile crime control was deeply intertwined with notions of citizenship, racial purity, and the social health of the polity. Within this matrix, delinquency prevention and control was conceived as a tool of social engineering to produce a citizenry that conformed to a vision of productive and well-disciplined heterosexual white citizens. In service of this goal, the systems created to enact the rehabilitative ideal prioritized the education, salvation, and uplift of white children and the children of European immigrants—who were understood to be assimilable into this national project, given the proper supervision—over African Americans, who were not seen to be central to this project. Thus white children disproportionately received the “rehabilitative” benefits of the system, including access to recreation and social services, sympathetic treatment from magistrates, and insulation from incarceration, while black children were excluded through both lack of resources and racial discrimination. The uneven access to these benefits disclosed the myth of the rehabilitative ideal as it professed to apply to all children equally.

The rehabilitative ideal also undergirded the construction of a powerful, expansive, multi-agency system in order to facilitate the identification, record keeping, supervision, referrals, investigation, adjudication, and institutional commitment of New York City’s children. Regardless of the degree to which any given child’s interaction with the system could be deemed “rehabilitative,” the interlocking relationships between police, courts, probation officers, social agencies, hospitals, private institutions, and state-run penal facilities that were created in the 1920s and 1930s as part of a cohesive response to delinquency prevention and control were
premised on the fact that in order to serve as an effective parent, the state had to be able to identify and control its wards. Taken in this light, welfare and crime control aims and methods were not separable within the holistic state project of engineering desirable citizens. This was indicated by the tight and often interchangeable treatment of both delinquency (crime) and neglect (welfare) cases. The functional capacity to identify and control those children judged in need of state correction, as distinguished from those not requiring such intervention, was of central importance to actually implementing the goals at the heart the project. For this reason, criminological research, mapping, statistics, and other metrics were vitally important to officials trying to determine how to allocate resources over the seven million people in New York City. As a result, working-class, immigrant, and African American neighborhoods were targeted for disproportionate attention, even while white residents were ultimately exempted from the most punitive effects of the system brought to bear upon them, while black residents were not.

The generation of children born to immigrant parents was of chief concern from the 1920s through the 1940s, after which that generation had largely reached adulthood. During these years, the juvenile system emphasized a wide reach but gentle impact (at least on whites). That is to say it was a carceral system without being formally criminal. As the second-generation immigrants came of age and the Great Migration reshaped New York’s demographics by bringing more African Americans and Puerto Ricans to the city, officials slowly shifted toward focusing on their attention on African American and Latino families. This set the stage for two decades of conflict within the rehabilitative model, as it was increasingly applied to black and Latino youth. Officials turned to heightened research in and scrutiny of minority neighborhoods, more sophisticated statistical targeting, a new and hyperbolic discourse of fear around gangs, and new ways of policing the city. At the same time, intellectuals posed differing
ways of understanding the pathological engines understood to drive crime and poverty. The 1960s brought this crisis to a head, and also marked the moment when the tensions within the system dating to the 1930s began to unravel it from within, as precipitated by a series of court cases that highlighted the problematic relationship between ‘non-criminal’ juvenile proceedings and their ‘quasi-criminal’ implications, including *In re Gault*. The rehabilitative ideal as a guiding ideology was finally dismantled in the 1970s, but the institutional system underneath it—with all its power to identify, surveil, detain, and incarcerate—retained all its power and efficacy. White youth were, however, more formally exempted from its carceral reach, even as the system was repurposed to be more punitive for the youth of color remaining.
Chapter 3

Potential Criminals
“Gee, Officer Krupke” is one of the most iconic musical numbers of *West Side Story*, a cultural touchstone of postwar New York. The song, which appears midway through the musical about a doomed romance that unfolds in the midst of a rivalry between a white gang and a Puerto Rican gang on the Upper West Side, is notable not only for its clever wordplay, catchy rhymes, and creation of audience identification with the musical’s rebellious protagonists, but for its commentary on postwar attitudes about youth culture, delinquency, and ethnic dynamics in the city’s neighborhoods. The lyrics are humorous because they reveal the absurdity of adults’ various attempts to understand and solve the so-called problem of delinquency, which rose to new levels of public concern after World War II.

Indeed, one of the central motifs of the musical itself is the tension between the “teen-age” protagonists, whose drama and tragedy can only be understood by entering into and taking the young people’s social world on their own terms, and between the ways that the adults in the story continually fail to understand what’s really going on but nonetheless try to control the youths’ lives. In the song, Riff, the leader of the Jets, parodies the efforts of Officer Krupke—the local NYPD officer who hounds the boys throughout the musical—together with the rest of New York City’s delinquency control institutions. Playacting being shunted from one agency to

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another, Riff receives a different diagnosis for the cause of his delinquency from each one. “The trouble is he’s crazy,” says the judge (role-played by another member of the Jets), who sends him to a psychiatrist that says, “the trouble is he drinks,” who sends him to a social worker that says, “the trouble is he’s lazy,” followed by a slough of other adult explanations that “the trouble is he stinks / the trouble is he’s growing / the trouble is he’s grown / Krupke we’ve got troubles of our own.”

To anyone familiar with the so-called youth problem in New York City at the time of the musical’s premiere on Broadway in 1957, a cadre of adults that included police officers, magistrates, social scientists, social workers, and a panoramic variety of armchair theorists would have been familiar characters. It was this familiarity that allowed the song to make its joke about the chronic disagreement in the way that delinquency was discussed and framed. There was, however, one character that was relatively new to the starring role of delinquency control professionals in the 1940s and 1950s: the psychiatrist. Criminology had always been a heterogeneous field, drawing on the methodologies of sociology, psychology, biology, and anthropology, among others, but the U.S. field in the 1920s and 1930s had largely been dominated by the sociological perspective of the University of Chicago.

By the Second World War another framework emerged, known as the culture and personality school, which was heavily influenced by the Chicago School but not reducible to it. The culture and poverty perspective was a multidisciplinary effort to reformulate biological explanations of racial inferiority as “cultural” pathology. Psychological theories featured centrally in a growing movement that increasingly saw the roots of delinquency and other so-called social problems in the psychological pathology of the family, particularly the black
family, which was passed on from mother to child.\textsuperscript{2} Psychological professionals therefore came to play a new and central role alongside sociologists in defining the landscape of delinquency theory and policy in the 1940s and 1950s.

World War II marked a moment of tidal shift in the ways that Americans described, understood, and sought to reduce juvenile delinquency. At the same time, developments of the wartime and post-war years grew closely out of the theories, priorities, and institutions of the 1930s. In particular, the belief in and search for the root cause of crime continued to undergird the project of social reform, accompanied by a great and growing faith in science as a tool for understanding and curing the causes of social disease, poverty, and crime. In addition, the rehabilitative ideal remained the guiding principle of youth policy, even as the racial double standard of access to rehabilitation continued to belie the ideal’s universal claims. Officials also continued to expand disparate crime control policies on the basis of neighborhoods chosen because of their racial demographics. On the other hand, the two decades following the 1930s were marked by major new developments in New York, foremost among them a gradual but dramatic shift in emphasis from white families to African American and Puerto Rican families as the locus of primary interest and concern regarding delinquency and crime. In connection with this, the war and postwar periods were also marked by the perception of a dramatic upsurge in youth crime, violence, and disobedience, which fueled an aggressive expansion of new delinquency control initiatives. The policies that officials designed in response further defined delinquency as a problem of blackness and poverty through innovations in statistics and criminological theory.

Together, this and the following chapter will explore the developments of delinquency control in the 1940s and 1950s, tracing how interrelated changes in the city’s population, social scientists’ research agendas, media narratives, city officials’ political priorities, and carceral institutions and technologies unfolded together to produce a new era of delinquency control. Both chapters center on the activities of the New York City Youth Board, a city agency created in 1947 intended to provide the central coordinating function of citywide youth policy about which officials had dreamed throughout the previous decade. The Youth Board undertook two parallel tracks of program development in the late 1940s, reflecting and advised by two diverging schools of criminology.

The first, and the subject of this chapter, was centered in the schools and involved an attempt to statistically predict and identify “pre-delinquent” children in kindergarten and first grade using a psychological model of crime causation. The second, and the subject of the following chapter, was a range of “group-work” programs designed to redirect the energies of boys in clubs, street organizations, and so-called gangs by focusing on group rather than individual engagement and growing from the sociological frame of the Chicago School. But though the academics advising both programs often disagreed with each other in university halls, Youth Board officials took a more pragmatic approach on the ground. Both of the Youth Board’s psychological and sociological programs supported the main priorities of city and law enforcement officials, which were to police and control undesirable behavior among New York’s future adults. The key to this carceral project in all instances was to expand the scope, depth, and efficient functioning of officials’ knowledge about the city’s residents.

In particular, this chapter argues that the “potential delinquent,” a theoretical entity posited and allegedly demonstrated by Youth Board-funded researchers in the 1950s, became a
body in which ambiguous statistical associations between criminality and blackness were assigned to children of flesh and blood. The potential delinquent was located at once in two worlds: not “proven” delinquent, yet also not fully innocent; a body seen through the implicit presumption of criminality, yet defensibly not separate from the “ordinary” population. The category of the potential delinquent grew out of a research project led by Harvard-based criminologists Sheldon and Eleanor Glueck in partnership with the Youth Board that sought to use subjectively-rated metrics of family quality in order to sort potential delinquents from “non-delinquents” among elementary-age children. The effort was promoted as a method to predict which individual children would be future delinquents. The study, however, significantly over-predicted the rate at which African American and Puerto Rican children would become delinquents in comparison to white children. Nonetheless, the research was heralded as a categorical success, and used as the basis for further programs in New York City and elsewhere. The work coming out of New York City thus both reflected existing beliefs about criminality and created new definitions that cast whole populations as potentially delinquent based on a pathological understanding of the black family.

The partnership between the Gluecks and the Youth Board reveals the messy and contingent relationship between delinquency control officials and social scientists in the postwar era as they sought to understand and prevent crime in the changing city. In contrast to the 1930s, in which officials had prioritized white ethnics, postwar officials and researchers including the Gluecks consistently chose to focus their efforts on African American and Puerto Rican neighborhoods. This ensured that the criminological knowledge of the 1950s was largely produced from communities of color, focused on understanding communities of color, and translated into policies that policed and controlled communities of color. While officials and
academics drew on a long legacy of thought that associated criminality with blackness through statistics and cultural motifs, the criminological theories, statistical data, and institutional responses that they developed in the postwar era equated delinquency and blackness in new and more robust ways. Officer Krupke and New York’s youth-serving establishment may well have been the butt of musical jokes, but they were serious about discovering the causes of crime, even if no one could agree about what those causes might be.

**Studying the New New York**

With the end of the Second World War, New York officials turned with renewed attention to the so-called youth problem, which they had largely put on hold during the war. The end of hostilities, however, brought with it new era of rising tensions around race and civil rights, housing and urban renewal, employment and discrimination, and the American family. The war itself also provoked expressions of concern about the rapidly changing nature of social relations in the United States, especially around the nature of gender roles and the family, industrial work, and religion. Beginning in the early years of the conflict, New Yorkers began to voice concerns about rising levels of juvenile delinquency, which they credited to a number of wartime factors. These included the disruption of school routines, cutbacks in recreation programs due to lack of personnel, and especially to the drop in home supervision and general neglect of children by increasing numbers of mothers who entered the workforce.

Americans also looked to the reported massive rise in delinquency in Great Britain in the

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3 Muhammad, *The Condemnation of Blackness*.

first year of the war and concluded that a similar rise in youth crime was “inevitable” in the United States as well.\(^5\) Looking back to the end of the first world war, forecasters were equally glum about the likelihood of another spike in crime immediately after the war’s end.\(^6\) Commenters were especially alarmed about the apparently enormous increase in “sex delinquency” among teenage girls during the war, as well as a series of highly publicized “crime waves” and “mugging” incidents beginning in 1942.\(^7\) The latter, together with the release of statistics allegedly showing an alarming increase of wartime delinquency, prompted Mayor La Guardia to appoint a Committee on Juvenile Delinquency in 1943. The committee’s reports tallied with what the police department and a number of private citizens groups were also saying, which was that the shift in resources and labor away from school and after-school supervision, recreation, and social welfare programs was having a negative effect on children’s welfare and behavior. State and city officials met the end of the war with an immediate commitment to renew focus and resources on New York’s young people.

Immediately after the war’s end, New York state and city leaders immediately allocated funds to create new state institutions to combat the perceived post-war crisis of delinquency. In New York City, proponents had long been pushing for the establishment of a central agency to coordinate and reduce duplication of effort among the many diverse public and private youth-

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engagement organizations across the city. In 1947, they finally got their wish when Mayor O’Dwyer created the New York City Youth Board to plan and coordinate all city youth agencies, allot funds, and conduct research into methods for the prevention and control of delinquency. This followed close on the heels of the New York legislature’s creation in 1945 of the State Youth Commission to give funding and support to local cities in setting up delinquency control programs. In its early years, New York City’s Youth Board received half of its funding from the State Youth Commission.

The recommitment to youth services and delinquency prevention and control immediately after World War II represented both continuities and departures from officials’ efforts in the 1930s. On one hand, though their personnel had been greatly curtailed, institutions such as the Juvenile Aid Bureau, Children’s Court, and Police Athletic League had never ceased functioning during the war, and the return of servicemen to their jobs as police, court officers, and social workers largely constituted a resumption of previous efforts. On the other hand, the city that officials confronted in 1947 was different than in 1939. Among the most consequential changes of the era was the enormous movement of people, as well as the gathering momentum of civil rights activists spurred by the wartime experience, at home and abroad. In the decades during and after the war, the social and geographic landscape of New York City dramatically transformed under the forces of migration, infrastructure projects, and federal housing policies. Confronted with a rapidly changing society, New Yorkers deployed existing frameworks of crime and delinquency to describe and attempt to control their new world. Though much of the

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surface-level language of delinquency remained constant, the underlying thrust of its social goals shifted in the new context away from Americanizing white immigrants to dealing with what officials increasingly saw as the pathological problems of African American families in the urban city. In New York, Youth Board officials were central agents of this shift.

Mid-century New York City was a hub for three distinct migrations that dramatically re-shaped the city. The first was the gradual movement over the twentieth century of African Americans from the U.S. South to northern and western destinations. Among the many factors that drove individual African Americans to leave the places of their birth, economic opportunity afforded by industrial work was an important one. Wartime production in New York City was a particularly strong magnet, especially work in the Brooklyn Navy Yard, which catalyzed a large African American move to the nearby neighborhood of Bedford-Stuyvesant. Migration increased through the 1950s, as wages remained high in the postwar economy. As shown in Table 2, the number of African Americans in New York City increased by close to two thirds over the 1940s, and by the year 1960 was well over twice the size it had been two decades prior. Neighborhoods, however, remained highly segregated. Harlem continued to be a central locus of black life, but by the postwar era was no longer home to the majority of the city’s African Americans. Between 1940 and 1960, the percentage of African Americans who lived in Manhattan fell from 65 to 37 percent, with many people settling in Brooklyn’s Bedford-Stuyvesant and Brownsville neighborhoods, in the South Bronx, and in the Queens neighborhoods of South Jamaica and Corona. With the exception of Harlem, many of these areas had previously been home to

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families of Eastern and Southern European ancestry.\textsuperscript{11}

Table 2: Population of African Americans and Puerto Ricans in New York City, 1920-1960\textsuperscript{12}

<table>
<thead>
<tr>
<th>Year</th>
<th>African Americans</th>
<th>Puerto Ricans</th>
</tr>
</thead>
<tbody>
<tr>
<td>1920</td>
<td>152,467</td>
<td>7,364</td>
</tr>
<tr>
<td>1930</td>
<td>341,069</td>
<td>44,908</td>
</tr>
<tr>
<td>1940</td>
<td>477,494</td>
<td>61,463</td>
</tr>
<tr>
<td>1950</td>
<td>775,516</td>
<td>187,420</td>
</tr>
<tr>
<td>1960</td>
<td>1,141,322</td>
<td>429,710</td>
</tr>
</tbody>
</table>

The second major migration was that of Puerto Ricans to the U.S. mainland, and to New York City in particular, which reached its highest levels in the early 1950s. There had been a substantial Puerto Rican community in New York from the 1930s, but the nexus of cheap postwar air travel, economic opportunities on the mainland, and colonial development policies on the island brought Puerto Ricans to New York in record numbers after the war. Table 2 charts this growth, although the numbers reflect census counts which did not include the children born to Puerto Rican parents in the continental United States, which if counted bring the total up to around 246,000 in 1950 and 612,500 by 1960. East Harlem, the South Bronx, and the Lower East Side became particular destinations for Puerto Ricans in the city during this period.\textsuperscript{13} For nativist New Yorkers, the question of the desirability, assimilability, and racial status of Puerto


\textsuperscript{12} Rosenwaike, \textit{Population History of New York City}, 138–42.

\textsuperscript{13} Rosenwaike, \textit{Population History of New York City}, 138; New York City Youth Board, \textit{Juvenile Delinquency Rates: 1953}.
Ricans was a highly confused and contradictory one, made more complicated by Puerto Ricans’ own island-inflected understandings of color and race, as well their efforts to contest discrimination in the predominating U.S. racial binary of black and white.

Puerto Rican migration became an issue for New York policymakers in 1947, when the press began publishing a series of articles that grossly overestimated the number of Puerto Ricans coming to the city and claimed without evidence that they were a drain on public relief funds and brought a slough of crime, social problems, and tropical diseases. “Most of the Puerto Ricans in this city live in poverty, and are crowded into apartments, as many as fifteen or eighteen in four or five rooms,” reported The New York Times without evidence. East Harlem, or “Little Spain,” as the paper called it, was reportedly “marked in the last eighteen months by a sharp increase in crime, especially among the teen-age population.” The reporting set the stage for a response from public officials.

“In a pattern that was to be repeated again and again,” writes historian Laura Briggs about the incident, “the rising panic about excessive Puerto Ricans and the (utterly undocumented) strain on city services was ameliorated with an announcement that sociologists had been called in to study the problem.” The governor of Puerto Rico asked Columbia University to study the so-called problem of Puerto Rican migration, and a team of sociologists took up the call. This was the moment, Briggs writes, that, with regard to Puerto Ricans, “a cottage industry for social scientists in and around New York was born.” The incident was a perfect example of a defining dynamic of the period, in which whites’ racist fears contributed to


social scientists’ heightened study of African American and Latino communities, which in turn produced a body of knowledge in which social scientists confirmed a perspective that saw families of color as the pathological source of crime and other social problems. The Youth Board became an important agent in brokering these developments by providing funding under the aegis of anti-delinquency work.

The racial status of Puerto Ricans was an evolving puzzle to white officials. The difficulties stemmed from the ways that Puerto Ricans, coming as they did from a Spanish-speaking U.S. possession, with official citizenship but without political or social recognition of equality, did not fit easily into the black/white racial binary of the continental United States. In Puerto Rico, race was constructed similarly to other Latin American countries, recognizing a wide spectrum of mixture between European, African, and Indigenous heritages with status accorded generally by skin color and not constituting an immutable social position, in contrast to the “one drop rule” that governed blackness in the United States. Puerto Rican migrants to New York struggled to navigate how they fit into the U.S. racial landscape, at times seeking to play up their affinity with Europeans as immigrants, and at times seeking to make officials conform to

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their own understandings of color, rather than putting them into boxes of white or black.\footnote{Thomas, \textit{Puerto Rican Citizen}, 56–91. See also De Genova and Ramos-Zayas, \textit{Latino Crossings}. Piri Thomas gives a firsthand account of struggling with being rejected by both white and black groups when growing up in the Bronx during this era in \textit{Down These Mean Streets} (New York: Knopf, 1967).}

Officials, for their part, whether working for the federal census or the Youth Board, did not follow a standardized system of categorizing Puerto Ricans. Were they white? Were they black? Were they a category of their own, distinctive and unmeltable? At different times officials treated them as all three. For instance, census officials in 1950 did not count Puerto Ricans as a separate racial category, but instead relied on census workers’ individual observation to mark them as white or black.\footnote{U.S. Census Bureau, \textit{Puerto Ricans in Continental United States}, Census of Population 1950, vol. IV, part 3, chapter D, Special Report (Washington: U.S. Government Printing Office, 1953), 3D-5.} Yet the census also distinguished Puerto Ricans as their own category by publishing periodic special reports highlighting Puerto Rican migration. Despite this confusion, Puerto Ricans carried a growing association with Latin Americans as racially other, which was tied up in Puerto Rico’s own history of colonial exploitation and treatment by U.S. statemakers. Following the 1947 press scare about Puerto Rican migration, New York City officials began to make careful surveys of Puerto Ricans in the city. Youth Board researchers’ internal publications about the demographics and delinquency rates of each neighborhood generally treated “Puerto Rican, white and nonwhite” as a third category, alongside “white” and “Negro.”\footnote{There was technically a fourth “other” category (presumably comprising Asians), but this was numerically small and not emphasized by officials. For an example, see New York City Youth Board, \textit{Population by Ethnic Group: New York City by Health Areas}, Youth Board Research Department (New York: New York City Youth Board, 1967), NYCML.} Though official statistics reflected ambiguity about Puerto Ricans’ racial status, by the end of the 1940s Puerto Ricans had largely been excluded from the privileges of whiteness and were regarded in both the streets and official reports as a non-white category.\footnote{Thomas, \textit{Puerto Rican Citizen}, 90.} Over time, as
a result of social scientific theorists including Oscar Handlin, Puerto Ricans came increasingly to be associated with the family pathologies and social problems of blackness.

The third migration was of white families out of New York City’s neighborhoods and into new and developing suburbs. Known colloquially as “white flight,” the movement had less to do with fleeing the city than with an attraction to suburbs by a suite of incentives. These included federally subsidized low-interest home loans, massive highway construction and other infrastructure projects, and ancillary benefits through the GI Bill. Home ownership in the suburbs was largely restricted to white Americans through a constellation of discriminatory lending policies collectively known as redlining, as well as the Federal Housing Administration’s policy of promoting the establishment of racially-exclusive suburban communities through restrictive covenants.21

In contrast to the in-migration of African Americans and Puerto Ricans, which were described as an influx of poverty-stricken criminals, the out-migration of white New Yorkers was framed by a narrative that described the “takeover” of previously white neighborhoods by a wave of darker residents. This story was often told in the press and popular culture as an outbreak of fighting between youth gangs of different races for control of changing neighborhoods. *West Side Story*’s tale of turf war between the white ethnic Jets and the Puerto Rican Sharks is a preeminent example, but the so-called problem of gang warfare dominated the public discourse for the entirety of the 1950s and gangs came to be popularly understood as racial armies, despite the reality that most street conflict did not occur between groups of

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different races. The next chapter will discuss this dynamic in more detail. For the present moment, the important points are that racial tensions were high in the postwar era and that the perceived waves of African American and Puerto Rican newcomers were closely associated with poverty, rising crime, and youth violence.

In addition, high levels of immigration from Europe to the United States in the late nineteenth and early twentieth centuries sharply declined after the Immigration Act of 1924, which established origin quotas and other enforcement mechanisms. This had a corresponding impact on the overall number of children born to European immigrant parents as time went on. By the 1950s, the generation of these immigrants’ children was largely reaching the age of adulthood, and therefore of shrinking relevance to a discourse focused on the threat of immigrant children to American society. A child born in 1924, for example, would have turned twenty in 1944, and children born in or before 1930 would have turned or passed the age of twenty by the year 1950. To be sure, European immigration did not cease entirely after the Immigration Act, yet the overall decline in the rate of immigration and therefore size of successive generations of immigrant children may have contributed to the gradual lessening sense of urgency around what was described as a pressing problem of assimilation throughout the early twentieth century.

In the postwar moment, faced with an apparent crisis of juvenile delinquency as well as new social dynamics around African American and Puerto Ricans in New York, the leaders of the newly established Youth Board leaped into immediate action in 1947. The Youth Board’s inaugural executive director was a man named Ralph W. Whelan, who guided the Youth Board’s work in line with his own background as a youth professional. Whelan had a master’s degree in social work and worked as a social worker before being employed as a research assistant for Sheldon and Eleanor Glueck, two preeminent Harvard criminologists. The experience was
apparently formative for him. Afterward he headed a New York-based Catholic delinquency prevention agency, from which he was plucked to head the new Youth Board.\(^\text{22}\) Under Whelan’s tenure, which lasted until his departure in 1958 and spanned the Youth Board’s first decade, the agency aggressively promoted and funded social scientific research into the causes and treatment of delinquency, which was then immediately translated into experimental delinquency control programs. Under Whelan, Youth Board officials treated New York City as one giant laboratory, in which cutting-edge research and policies could be developed together, thereby making New York both an exemplar of existing theoretical practice and an innovator of new criminological knowledge and techniques. Research and delinquency control programs were closely intertwined.

From the beginning, Youth Board initiatives placed the racial and ethnic composition of the city at the locus of the presumptive youth problem. Drawing on inherited strategies of mapping and theories that linked minorities, poverty, and crime to urban development, Youth Board officials began by identifying what they regarded as the “areas of greatest need” for anti-delinquency services. The selection of these areas was based on the data of the NYPD’s Juvenile Aid Bureau, which recorded all contacts between police and youth under 21 years of age from unsubstantiated reports of minor infractions to arrests. Any bias that may have been reflected in the police department’s decision to focus on these precincts was imported into the Youth Board’s efforts. In the first year, Youth Board officials relied so directly on police information to target their efforts that they literally designated these areas on the basis of fifteen police precincts across the city. By 1949, they had refined this designation to eleven “high delinquency areas,” which covered comparable geographic territory as the earlier precinct designation but were now

\(^{22}\) Ralph Whelan Personal Profile, Sheldon and E.T. Glueck Papers (hereafter SEG), Modern Manuscripts Collection, Harvard Law School Library, box 86, folder “Whelan, Ralph W.”
outlined according to neighborhoods rather than precincts. These included: East and Central Harlem, Park West, and Manhattanville-Washington Heights in Manhattan; Brownsville, Bedford-Stuyvesant, South Brooklyn, and Williamsburg in Brooklyn; South Jamaica in Queens; and Mott Haven-Longwood and Morrisania-Belmont in the Bronx. By 1955, the Youth Board had refined this list, adding Corona and Long Island City in Queens, Chelsea in Manhattan, and West New Brighton in Staten Island (Figure 1).

Figure 1. Youth Board Areas, 1955. 23 1) Morrisania-Belmont; 2) Mott Haven-Longwood; 3) Bedford-Stuyvesant; 4) Brownsville; 5) South Brooklyn; 6) Williamsburg; 7) Central Harlem; 8) Chelsea; 9) East Harlem; 10) Park West; 11) Upper West Side; 12) Corona; 13) Long Island City; 14) South Jamaica; 15) West New Brighton

23 New York City Youth Board, *Youth Board Area Maps* (New York: New York City Youth Board, 1955), NYCML, i.
These neighborhoods were a geographic representation of the places that Chicago School sociologists of the 1930s might have described as New York City’s “zones in transition”—those places where the city’s African American, Puerto Rican, and recently immigrated working-class white residents lived, often in conditions of dense and aging housing and poor city services. Earlier efforts to identify and map these areas had been limited in scale and undertaken by isolated agencies without the central authority that the Youth Board commanded. They had focused primarily on the European immigrant areas of lower Manhattan, as well as Harlem. Thus the Youth Board’s comprehensive survey of the entirety of New York City in the late 1940s was the culmination of social scientists and city planners’ dreams over at least two decades.

Taken collectively, the Youth Board Areas covered the overwhelming majority of New York’s African American and Puerto Rican residents. In Queens, the three designated areas happened to be the only three neighborhoods where there was any significant African American population. A similar situation was true in the Bronx, where there were also significant numbers of Puerto Ricans. Some neighborhoods, such as South Brooklyn, Williamsburg, and Chelsea, were primarily white, constituting historically working-class areas where more recent European immigrants had settled in previous decades. As Figure 2 shows, however, with the exception of the city’s majority-black areas, a substantial number of the Youth Board Areas were neighborhoods of racially-mixed residency that were undergoing active demographic change, especially in the Bronx, Queens, and Upper West Side of Manhattan. The Youth Board’s “high delinquency” areas were hugely important in shaping all future Youth Board programming through the 1970s, since they designated the places where Youth Board anti-delinquency efforts were centered and around which the city’s delinquency discussion revolved.
Figure 2. African American and Puerto Rican Population Density in New York City by Borough and Health Area, 1950. Base maps and population data from New York City Youth Board, *Juvenile Delinquency Rates: 1953*. Colored data visualization by Ella Antell.
Based on this initial mapping, one of the Youth Board’s very first initiatives was called the Bronx Pilot Project. Focusing on the South Bronx neighborhoods of Mott Haven, Morrisania, and Tremont, the project sought to survey the area with the goal to determine the specific causes of juvenile delinquency there. The area was selected for study because of its mixed-race demographics, particularly the presence of Puerto Ricans and African Americans. “It represents, with its population of many national and racial extractions, a comprehensive cross-section of the citizenry of New York City,” wrote officials. Their meaning was clear enough through euphemistic references to the “special situation within our Pilot Project Area,” which was linked to a recommendation that all agencies in the neighborhoods have Spanish-speaking staff with “an understanding of Latin American culture.” Officials also cited data that the pilot project area had the highest non-white population growth in the borough, two and a half times higher than New York City as a whole. The area was also the most highly policed in the borough. In the first six months of 1948, the JAB encountered over a thousand Bronx youth, of whom nearly three-quarters came from the Pilot Project area. The final report noted blithely, “The almost endemic quality of delinquency in areas where housing is poor, where earnings are low, or where unemployment is chronically high, is well known,” and the study’s researchers came to “the inescapable conclusion that the focal point in the prevention of juvenile delinquency lies in the home and family.”


The study’s conclusions were notable for the ways they reflected and contributed to the early development of culture of poverty theories that associated mothers of color with single parenthood, sexual promiscuity, and having too many children, all of which were understood to be pathological patterns contributing to poverty. Bronx Pilot Project officials wrote, “Effective pre-marital and marital counseling could do much to weld together more firmly the family groups,” recommending that more “courses for parents on sex education of children, as well as marriage counseling for youth and courses on family living” be offered in the community.\(^28\) As Laura Briggs has argued, Puerto Rican women had been at the center of such discourses since Puerto Rico came under U.S. control, and in fact the research that undergirded the Moynihan report’s conclusion that African American families were plagued by a “tangle of pathology” had deep roots in earlier studies of Puerto Ricans on both the island and in New York City.\(^29\)

Oscar Handlin’s 1959 book *The Newcomers* is regarded as the first work to link the “chaotic families” and deviant sexuality of Puerto Ricans and African Americans. Handlin argued that both Puerto Rican and African American shared patterns of emasculated men, paving the way for similar arguments by Moynihan. A decade before Handlin the conclusions of Youth Board officials were already pointing in that direction, although in a veiled and rudimentary way. While authors of the Bronx Pilot Project were clear about their interest in Puerto Rican residents, African Americans remained unmentioned for the moment, though Morrisania had a significant black population. They were, however, clear that “The Pilot Project Area has more than its full share of the physical and social deficits and lacks which are associated with depressed and


deprived areas.”

The Bronx Pilot Project marked the beginning of the Youth Board’s involvement in creating a social scientific and criminological literature out of research based in New York’s neighborhoods of color with the design to better control delinquency in those very areas. The key to delinquency control, researchers concluded, was through treating the pathologies that resided and were reproduced in Puerto Rican and African American families. Though the Bronx Pilot Project only sketched the beginning of this commitment, it was called a “pilot project” for a reason, and was quickly hailed as the basis for a much more expansive program of research and experimentation. In particular, the Bronx Pilot Project leaders stressed the need for greater psychiatric treatment and counseling facilities in the project area, especially in schools.

Subsequent Youth Board projects in the South Bronx built on the groundwork laid by the Pilot Project, becoming much more explicit in their study of and intervention into the so-called pathologies of the borough’s children of color. Youth Board-sponsored research in the South Bronx came to have national and international reach. It was also an important contribution to a social science discourse that increasingly lumped African Americans and Puerto Ricans in the same category of problematic urban populations that were mired in similar pathologies and responsible for a disproportionate amount of the city’s crime and delinquency. In doing so, Youth Board officials redefined delinquency as a problem of African American and Puerto Rican youth, connected with their status as so-called breeders of a culture of poverty.

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Enter the Gluecks

The 1940s were also a decade of diversifying criminology in the United States. Previous chapters have emphasized the influence of the Chicago school of Sociology on American criminological thought, but the Chicago School was part of a larger interdisciplinary movement among social scientists between the 1920s and 1950s to focus on “cultural” rather than biological explanations of human behavior. Known loosely as the culture and personality school, historians have charted how the movement constituted an epistemic shift across disciplines in reformulating approaches to race, gender and sexuality, crime, international relations, and other domains of traditional social scientific knowledge. Drawing on Freudian theory and based on the work of Ruth Benedict, Margaret Mead, Abram Kardiner, Otto Klineberg and others, a postwar generation of social scientists came to understand human behavior through the frame of individual psychological temperament rather than through the earlier Progressive emphases on labor relations, unemployment, and discrimination. The anthropologist Oscar Lewis notably separated “the poor” from the working class, distinguishing them, as Briggs notes, not by “their relationship to labor or the means of production, but a set of behaviors and the reproduction of


33 O’Connor, Poverty Knowledge, 109.
these patterns in children." In this framework, poverty and its associated problems, including crime, were recast as heritable cultural traits, which could be studied, categorized, and treated as individual psychological disorders and broader social pathologies.

The New York City Youth Board was on the cutting edge of research in this regard. Having identified neighborhoods of criminological and sociological interest as those containing Puerto Rican, African American, and poorer white ethnic populations, the Youth Board research department sought collaborations with social scientists to study and design experimental delinquency control programs tailored to such neighborhoods. Sheldon and Eleanor Glueck, two Harvard-based criminologists, took up this invitation, designing and running over a decade-long project in the South Bronx in close collaboration with the Youth Board that sought to predict individual delinquents in early childhood based on factors such as their family structure and associated personality types.

The Gluecks were already renown criminologists for their theories of delinquency before their collaboration their Youth Board study in New York, but the study bolstered their reputation and put their methods of determining “potential” delinquents into the active practice of other carceral agencies across the city, including the Department of Education and the Police Department. Despite serious methodological flaws that overrepresented youth of color in the ranks of potential delinquents, the Gluecks’ absolute faith that predicting delinquents was possible and desirable, as well as their statistical tools for allegedly predicting delinquency, were deeply influential in New York City and beyond. Their work in the South Bronx gave scientific credibility to the idea that modern statistical and psychological methods made crime prediction possible, and that it was scientifically sound to equate entire social classes—such as boys with

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34 Briggs, *Reproducing Empire*, 178.
absent fathers, a category made largely synonymous with black and Puerto Rican families—as potential criminals. From this logic, it was a short step to heightening carceral surveillance and policing of such statistically designated populations, as happened in New York City.

The very idea of crime prevention contained within it the basic kernel of crime prediction. Based on the assumption that “criminals” and “non-criminals” were actually-existing categories of people, criminologists had built their field on the assertion that the development of criminals could be preemptively prevented by understanding the underlying causes. This was the same logic that led crime prevention work to focus on children and youth. But by the mid-1930s, it also led criminologists to seek ways of predicting which children were most criminologically inclined in order to seek to prevent their development into criminals. Because of the close relationship between crime prevention and crime prediction, sociologists at the University of Chicago were particularly influential early pioneers. Ernest W. Burgess has been credited with developing the first predictive instrument in the late 1920s, which by 1935 had been adopted by the Illinois parole board to determine whether or not to grant parole. Burgess’s method was based on a statistical analysis of 21 factors, ranging from an individual’s father’s nation of origin, to personality type and prior criminal records. Each category was given a weighted score based on its correlation to recidivism rates, and the result was a table that could be used to judge the probable risk of a potential parolee.35

The “Burgess method” was extremely influential to Sheldon and Eleanor Glueck, who first developed their own parole-predictive model in 1930. While the Gluecks used a similar statistical method of building tables of social factors believed to be correlated with criminality,

they used an interdisciplinary approach that emphasized psychological and individual analysis in a way that was criticized by Chicago School sociologists, especially Edwin Sutherland. Nonetheless, the Gluecks received wide acclaim for their work, and professional experts regarded the actuarial method of making predictions based on statistics analysis of social factors based on aggregated data was regarded as a reliable tool.\(^{36}\) Nearly all early predictive studies, including the Gluecks’ work in the 1930s, focused on studying “proven” delinquent populations within penal institutions. By the 1940s, however, researchers began ranging farther afield and started designing experiments that sought to understand and predict delinquency among youth—mostly boys—in the general population. A number of major predictive studies were published in the early 1950s, which significantly shaped the field of juvenile criminology and especially the policies and attitudes of municipal and state youth boards, which proliferated immediately after World War II. Among these later studies, Sheldon and Eleanor Gluecks’ were among the most influential.

Born in Warsaw in 1896, Sheldon Glueck grew up in Milwaukee and received a PhD from Harvard University in 1924, after which he taught as a professor at Harvard Law School until he retired in the early 1960s. His older brother, Bernard Glueck, a psychiatrist, organized the nation’s first prison psychiatric clinic at Sing Sing Prison, and later directed the New York Bureau of Child Guidance where he had a large influence on the developing field of child psychiatry. Bernard introduced Sheldon to his future wife Eleanor Touroff Glueck while she was in the process of earning her own doctorate in education at Harvard, and the two then worked

\(^{36}\) Harcourt, Against Prediction, 60–62.
together for over 40 years to study and write about criminals and crime.\textsuperscript{37} Their first major publication, \textit{500 Criminal Careers} (1930) was a detailed study of formerly-incarcerated men from the Massachusetts Reformatory, followed by \textit{Five Hundred Delinquent Women} (1934), a similar study at the Massachusetts Reformatory for Women, and \textit{One Thousand Juvenile Delinquents} (1934), a study of boys’ behavior for five years after they came to the attention of the Boston Juvenile Court. All of these publications included additional follow-up studies, and were regarded as highly important to the field.\textsuperscript{38} After 1939, the Gluecks’ study shifted from correction to crime causation, with an emphatic focus on children and youth. This shift was marked by the publication in 1950 of a ten-year study titled \textit{Unraveling Juvenile Delinquency}, which was carried out under the auspices of Harvard Law School and financed by sixteen different foundations. It was hailed as an unprecedented study at the time and remains their most profoundly influential work.

\textit{Unraveling} was a new take on the age-old problem that criminologists had been unable to isolate any one factor as the definitive cause of crime. Factors like low income and poor living conditions appeared to be correlated to high crime rates, but left analysts at a loss to explain why some individuals living in such neighborhoods broke the law, while others—sometimes from the same family—did not. The explanation for this, Sheldon and Eleanor Glueck argued, was that although environment and social milieu clearly played a part in causing crime, there must be some other pathology at the individual level that could explain why some people flaunted legal}\textsuperscript{37} “Sheldon Glueck of Harvard Dies; Studies the Roots of Delinquency,” \textit{New York Times}, March 13, 1980; Zigmond M. Lebensohn, “Bernard Glueck, Sr. 1884-1972,” \textit{American Journal of Psychiatry} 130, no. 3 (March 1973): 326; “Eleanor Glueck, Expert on Crime,” \textit{New York Times}, September 26, 1972.

codes and social taboos, while others in comparable situations did not. They explained this individual pathology primarily in terms of personality types, which they understood to be influenced by family history. The Gluecks thus rejected the sociological and environmental approach of the Chicago School in favor of physical and psychological factors, influenced by the work of Freud. The ultimate goal of Unraveling was to isolate whatever it was that the authors assumed distinguished criminals from non-criminals. On the basis of these hypothetical factors, Unraveling presented a set of “prognostic tables based on such differentiation [between delinquents and non-delinquents] by means of which the probability of delinquency in certain children may be early and meaningfully determined without waiting for the actual appearance of delinquent behavior.” The possession of such early-warning identification of “potential delinquents” was understood to allow social workers and psychiatric specialists to intervene in the child’s life while the behavior was still fungible. Through the Gluecks’ psychological theories, crime prevention was equated to crime prediction.

The study itself matched five hundred “delinquent” boys between ten and seventeen years old who were incarcerated in two Massachusetts state correctional schools with five hundred “non-delinquents” who were drawn from the Boston public school system. The criteria for matching included age, general intelligence, national “ethnico-racial” origin, and residence in an underprivileged neighborhood. By holding these variables constant, the Gluecks hoped to illuminate what they assumed were the other operative factors differentiating the delinquents from the non-delinquents. Both groups of subjects were given a series of diagnostic tests and examinations, as well as having their social backgrounds and home lives investigated. The boys


40 Glueck and Glueck, Unraveling Juvenile Delinquency, 15.
in the study were exclusively white or white ethnic in heritage, with the largest groups assigned English, Italian, and Irish ethnicity of record.\textsuperscript{41} The demographic makeup of this earlier study became salient in the Gluecks’ later Youth Board project, in which the subjects were majority African American and Puerto Rican.

From the data collected by this comparison, the Gluecks set about selecting what they believed were most differentiating factors in order to be the basis of the predictive tables. In order to be usefully applicable to children as young as possible, preferably around six years old, the factors could not include criteria such as gang membership, since few kindergarteners were members of gangs. They eventually settled on a scale involving five predictive factors, all of which described the family life of the child and required qualitative judgments from an investigator as to which descriptors best applied. The five factors were:

1. Discipline of boy by father:
   - Overstrict or erratic
   - Lax
   - Firm but kindly
2. Supervision of boy by mother:
   - Unsuitable
   - Fair
   - Suitable
3. Affection of father for boy:
   - Indifferent or hostile
   - Warm (including over-protective)
4. Affection of mother for boy:
   - Indifferent or hostile
   - Warm (including over-protective)
5. Cohesiveness of family:
   - Unintegrated
   - Some elements of cohesion
   - Cohesive\textsuperscript{42}

\textsuperscript{41} Glueck and Glueck, \textit{Unraveling Juvenile Delinquency}, 33, 38.

\textsuperscript{42} Glueck and Glueck, \textit{Unraveling Juvenile Delinquency}, 259–61.
Each factor was given a weighted score by a trained evaluator, and a child’s total score was calculated to determine their chance of delinquency such that a very bad score in one category could outweigh several neutral or even positive scores in others. However, the only number that ultimately mattered was whether or not their total score fell below a numerical threshold indicating they were a potential delinquent. Beyond that, from the Gluecks’ treatment perspective it was functionally irrelevant whether a child was 55 or 95 percent likely to be a potential delinquent. The Gluecks presented the social prediction tables published in *Unraveling* as a reliable and scientific tool supported by their own experimental work. They claimed that the method was ready for wide implementation, particularly by administrators of an “enlightened educational system” as a “litmus paper of personality maladaptation.” School officials could selectively apply the Gluecks’ predictive tables in those “cases in which maladaptive behavior is already present and school authorities wish to determine other or not the boy in question is really a potential delinquent.” Thus, the Glueck system was one in which officials could use a simple set of tables to sort into any boy into one of two categories—potential delinquent or non-delinquent—based on a social worker’s evaluation of that child’s family dynamics. Supplemental Rorschach Tests could be used to clarify borderline cases.

Upon publication, *Unraveling Juvenile Delinquency* was lauded as a groundbreaking study. Ten years in the making, and building upon twenty-five years of previous scholarship by the Gluecks, the study invited comment from many of the biggest names in sociology, criminology, and juvenile justice. Hailed as “one of the most thorough analyses of this subject that has ever been written,” “the most important study ever made on the subject,” and “no less than

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43 Glueck and Glueck, *Unraveling Juvenile Delinquency*, 262, and an identical logic is expressed on 264.

invaluable to the country,” the study received broad acclaim from commenters including New York City magistrate Morris Ploscowe, former director of the Society for the Prevention of Crime Edwin Lukas, U.S. Supreme Court justice Felix Frankfurter, and eminent New York Domestic Relations Court magistrate Justine Wise Polier. Many reviewers expressed minor quibbles or unanswered questions, but accorded the Gluecks a professional esteem and accepted the validity of the study’s main findings, as well as the assertion that delinquency could be predicted and the belief it was desirable for officials—especially in the schools—to attempt to do so. One reviewer wrote, “There is no need to be convinced of the importance of the predictive tables contained in the book under discussion. Their availability means that a prophylaxis for a chronic social problem is possible. The bold act of printing them is, in itself, an antidote to despair.” In a similarly prophetic statement, Lukas wrote that the predictive instrument “is the diagnostic tool the American community has been searching for.”

However, not all reviewers were so sanguine. A handful penned scathing critiques of the Gluecks for unsound analyses and irresponsible construction of the prediction tables. In particular, critics accused the study of major sampling biases, including the Gluecks’ assertion that it was possible to accurately predict future-delinquent boys at the age of six or seven based on a retroactive examination of boys who averaged fourteen years old, had been extensively involved with the court system, and who had been incarcerated in a state facility for an average of over seven months when they participated in the study. How was it possible to tell which

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47 Lukas, “Unraveling Juvenile Delinquency,” 1074.
aspects of the boys’ lives were products of their incarceration and treatment by authorities, and which were innate or predated their contact with the courts? Critics also charged that the Gluecks failed to distinguish causal factors and correlative ones, and that they assigned unproven explanatory weight to arbitrary criteria such as physique and temperament, while summarily discounting others, such as the environment. In the words of Albert J. Reiss, a sociologist trained at the University of Chicago, “The inadequate sociological design of this research does not permit the assessment of social factors as causal factors and/or as limiting conditions.”

Critics especially challenged the credibility of the predictive tables. Several commenters argued that, because the tables were constructed from a very specific sample data set, they were calibrated only to predict rates of delinquency in a similar population—one in which exactly fifty percent of the subjects could be expected to be delinquents, while the other fifty percent could not. In fact, these critics argued, a much more realistic estimate for rates of delinquency among youth (measured by the proxy statistic of having a court record) in the general population was between seven and ten percent. Recalibrating the Gluecks’ tables to account for the much lower incidences of misbehavior resulted in a proportionally lessened number of boys predicted to be potentially delinquent. Using the Gluecks’ original tables and assuming a population delinquency rate of fifty percent, a boy who fell just below the threshold score (meaning he was a potential delinquent) was estimated to have a 63.5 percent chance of delinquency. In contrast, assuming a ten percent base rate of delinquency gave the same boy an estimated 16.2 chance of

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delinquency. Similar critiques could also be made of the tables’ applicability only to white and white ethnic boys, or only to children from “underprivileged high-delinquency” areas, since both categories were artificially selected for in the data set. The Gluecks’ tables thus grossly over-predicted delinquency when used with the general population, as they were intended to be.

Sociologists in particular took issue with the assertion that five subjectively rated family dynamics were a valid proxy for evaluating a given boy’s innate propensity for crime. The assumption, they charged, privileged a psychological diagnosis and failed to account for other environmental and social factors, including potentially multiple previous encounters with law enforcement, which might be equally causally important. “What has been done here,” wrote one reviewer, “has been to translate the data into a generalization which uses only part of the social factors, which uses the effects of environment rather than the environment itself, as if a chemist were to talk only of properties rather than substances.” Despite a close historical relationship between the Chicago School and the culture and personality perspective, deep disciplinary divides remained between sociological and psychological methodologies.

Though members of both disciplines largely agreed with the developing culture of poverty framework, which saw families of color as a social problem, psychologists explained this through individual diagnoses, while sociologists looked to group dynamics. By the 1950s, psychology and sociology represented the two major competing camps in delinquency studies.

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51 According to Eleanor Glueck, “The purpose of the predictive instrument is to distinguish at school entrance those children who are and those who are not in danger of developing into persistent offenders.” Eleanor T. Glueck, “Efforts to Identify Delinquents,” Federal Probation 24, no. 2 (June 1960): 49.

and they were often at odds with each other in criminological journals. Thus, it was not surprising that sociologists were the harshest critics of the Gluecks’ work. “Their thinking is evidently dominated by an explanation of behavior in terms of individual psychology,” wrote Ernest Burgess, one of the founders of the Chicago School. “They look for the basic explanation of delinquency in inherited tendencies and in personality structure that is already formed before the child enters school,” he wrote, both summing up and condemning the fundamental premise of the Gluecks’ approach.53

The Gluecks presented their predictive tables in 1950 at the end of Unraveling with the announcement that “they are ready for experimental application,” and emphasized the potential benefit to be derived from systematic screening of schoolchildren as young as six.54 Then they waited for other researchers to apply the tables to actual populations and report back on the results. By 1960, at least sixteen retrospective studies, which applied the tables to populations—1,600 children in total—that had already demonstrated undesirable behavior in order to see if the method would have predicted their so-called delinquency. The retrospective method had several limitations, including the possibility of unconscious bias by the studies’ raters.55 One commenter

53 Ernse W. Burgess, in “Symposium on the Gluecks’ Latest Research,” Federal Probation, March 1951, 54. Eleanor Glueck, on the other hand, contended that sociology was at fault: “None of the earlier American and English inquiries, for example, had given adequate consideration to a possible biological basis of delinquency. None had made a systematic study of the character structure of delinquents, and there were other gaps in research we sought to fill.” Eleanor T. Glueck, “Predicting Juvenile Delinquency,” British Journal of Delinquency 2, no. 4 (April 1952): 276.

54 Glueck and Glueck, Unraveling Juvenile Delinquency, 267.

noted, “Such studies tend to show that the majority of delinquents would have been rated as potential delinquents by the Glueck system. They do not show whether the majority of boys who would be so rated by that system do in fact become delinquent.”

Though these studies reported mixed results, Eleanor Glueck cited them as evidence that “regardless of ethnic origin, color, religion, intelligence level, residence in urban or rural areas, economic level, or even sex, the predictive cluster is equally potent.”

However, to truly test the validity of the predictive tables, the Gluecks felt, required a prospective study—one in which the subjects were screened upon entrance to school at six years old and followed until they were seventeen, with special behavioral treatment being given to certain students predicted to be potential delinquents.

The Youth Board Pilot Prediction Study

The Gluecks’ interest in New York City began in 1951 when they read an article in The New York Times, which reported that the Youth Board was operating a system of “detection centers” in the Youth Board’s eleven identified “areas of highest delinquency.” These detection centers, officially called referral units, were part of an experimental program began in 1949, which sought “to find children with problems that might lead to delinquency and to obtain treatment for them.” Having just published Unraveling, the Gluecks were looking for other researchers who were attempting to validate the study’s methodology by applying the tables to different populations. Eleanor Glueck wrote to Youth Board Director Whelan, who she knew personally because he had spent two years working as a full-time research assistant on the

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57 Glueck, “Efforts to Identify Delinquents,” 54.

Unraveling study in the early 1940s. Glueck asked Whelan whether he was using the prediction tables, because she and her husband were “tremendously interested to have them validated.”\textsuperscript{59} Whelan replied to say that, while the Youth Board had not, in fact been using the tables, they were “very willing” to implement them and share the data with the Gluecks.\textsuperscript{60} After a few planning meetings with the Gluecks, in 1952 the Youth Board began the first prospective study of the delinquency prediction tables, with Sheldon and Eleanor Glueck serving as consultants to what came to be called the Pilot Prediction Study. This was the first attempt to use the Gluecks’ methods to predict delinquents in real time, rather than retrospectively fitting a table to a record of past behavior. As such, it was of enormous experimental value.

The so-called detection centers that triggered the Gluecks’ interest were part of the Youth Board’s follow-up program to the Bronx Pilot Project. Following the initial Bronx survey, officials decided that what was needed was a screening program “for locating vulnerable children in early stages of behavior problems” in order to intervene as early as possible. That is, children who, because of their family and community circumstances, officials believed were on the path of future crime. To this end, the Youth Board, in partnership with the Department of Education, established a network of “referral units” in each of the eleven Youth Board areas, each meant to be the be the “hub” of service in the area. Each unit consisted of a supervisor and four social workers that sought “to locate problem children who need and are not receiving appropriate treatment and refer them to community resources.”\textsuperscript{61} A disproportionate number of

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\textsuperscript{59} “Children Under 10 to Get Adjustment”; Eleanor Glueck to Ralph Whelan, December 10, 1951, SEG, box 67, folder 5.

\textsuperscript{60} Ralph Whelan to Eleanor Glueck, December 27, 1951, SEG, box 67, folder 5.

\textsuperscript{61} New York City Youth Board, \emph{The Story of the New York City Youth Board: Progress Report} (New York: New York City Youth Board, 1952), NYCML, 6–7.
children known to the referral units were African American and Puerto Rican. Youth Board officials stressed the early detection aspect of the referral units, but remained vague about how exactly “diagnoses” were made in each case and what “appropriate treatment” precisely entailed. Drawing on existing social scientific theories that identified the core problem as one of new migrants’ “maladjustment” to city life and consequent “family disorganization,” Youth Board researchers applied a psychological frame that described maladjustment as a psychiatric disorder. “These were families with a multiplicity of social and psychological problems,” wrote officials. Treatment entailed helping children become “well adjusted” to their circumstances in life.

Youth Board officials developed their own experimental treatment programs for the Bronx children identified as likely future delinquents by opening a series of “special clinics” where children could be referred to receive psychiatric evaluation and intervention. Officially called the Three Schools Project, launched 1949, the Youth Board opened three experimental child guidance clinics in an elementary, middle, and high school in the same identified Bronx neighborhoods in order “to demonstrate the value of full-time child guidance service in the school setting for emotionally disturbed children and their parents in selected areas with a heavy concentration of problems.” Notably, while the children were identified through the schools, the clinics were intended to reach directly into the home and family lives of identified children, from which the alleged emotional disturbances presumably originated. The specific identification

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of African American and Puerto Rican families as “culturally handicapped and economically
disadvantaged” was pervasive.65

Children and parents had little power to determine their participation in the program.
Upon being brought to the attention of a referral unit, a child would interviewed, “repeatedly, if
necessary,” their parents “called into consultation,” and a treatment plan devised. Treatment
plans could include anything from “joining a neighborhood basketball team to intensive mental
hygiene care with psychiatric consultation.”66 Although technically following through with the
plan required parents’ consent, parents were under enormous pressure to do so, and Youth Board
officials developed a partner demonstration project in the New York City Department of Welfare
to work exclusively with families who refused to voluntarily cooperate.67 Yet despite officials’
confidence in their approach, evidence for the effectiveness of such treatment remained vague.
The school clinics were notable for two reasons: they targeted intervention exclusively in racially
diverse Bronx areas, on the basis of such diversity; and they identified and treated children who
had not necessarily broken any law. By acting preventively, Whelan said, “the Youth Board
hopes to have the child under proper treatment for his social ills before the case reaches police
action,” that is, preemptive treatment sought to adjust children before they had actually done
anything wrong.68

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65 According to a mayoral investigation of delinquency prevention in schools, “In recent years this social, cultural,
and moral rootlessness has been greater and more persistent because of the more isolated and deprived backgrounds
of recent arrivals form the rural areas of Puerto Rico and the South…who have not been exposed to the childhood
experiences normal for more advantaged children, where cultural background, manners, and respect for, and
obedience to, law are rooted in the family and reinforced by the neighborhood.” Juvenile Delinquency Evaluation

66 Marguerite Young, “City Starts $2,000,000 Program to Fight Juvenile Delinquency,” New York Times, January
28, 1949.

67 New York City Youth Board, How They Were Reached, 20.

Though the Gluecks were the most important names in delinquency prediction, there was a suite of studies in the 1950s that sought to predict children’s future behavior by using a variety of experimental metrics. Among the first was a 1943 article by H. Ashley Weeks, which identified fourteen social factors such as education of father, length of time in country, and birth order that allegedly differentiated delinquents from non-delinquents and could be used to construct tables of weighted scores to sort those with a greater than 50 percent chance of being delinquents.69 This was followed by the publication of *Unraveling Juvenile Delinquency* in 1950, which used a similar methodology. The following year, Edwin Powers and Helen Witmer published the results from their Cambridge-Somerville Youth Study, which had been in progress since the late 1930s. The study sought to measure the effectiveness of counseling as a treatment for delinquency by following two groups of boys drawn from Massachusetts schools. Half of the boys were given intensive “treatment” by a counselor for between four and six years, while the other half received no additional attention. In the end, the researchers concluded that there was no significant difference in behavior as a result of the treatment program.70 Though the Cambridge-Somerville study did not attempt to predict youth behavior, it served as a major reference point for future studies that sought to develop a program of prevention alongside their experiments in prediction, as the Youth Board did. Two other notable attempts to predict delinquency included Starke Hathaway and Elio Monachesi’s Minnesota Multiphasic Personality Inventory, a screen for delinquent personality types as determined by a self-administered paper

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survey, and William Kvaraceus’ KD Proneness Scale, which used a multiple choice test. Of these predictive methods, the Gluecks’ was the most influential and widely known, with many attempted validation studies including several beyond the United States.

Sheldon and Eleanor Glueck thus stepped into a partnership with the Youth Board in the early 1950s in which Whelan had already laid much of the groundwork for using Bronx schoolchildren and their families as experimental subjects in predicting and treating delinquency in the name of preventing it. Researching “methods for the prevention and control of juvenile delinquency” was, in fact, one of the Youth Board’s three primary charter functions. The Pilot Prediction Study continued to build on this work. Funded in part by a $105,300 Ford Foundation grant, as well as by city taxpayers, the Glueck study was designed to involve all the boys entering first grade in two public elementary schools in the Bronx. The schools were chosen because of the Youth Board’s prior connections in the area. P.S. 42, located on Claremont Parkway and Washington Avenue, had been one of the schools that received a counseling center as part of the Three School Project, which was a main factor in its selection for the Pilot Prediction Study. The other school, P.S. 2, was located four blocks away on Third Avenue in a

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72 The others being planning and coordination of youth services, and allotting funds to agencies. “New York City Youth Board,” in New York City Mayor O’Dwyer, “A Series of Three-Year Reports on City Departments Made Public from Time to Time,” no. 14, September 30, 1949, NYCML, 1.

similar neighborhood. In the first year of the project, 224 five to six year-old boys were included in the study group. The ethnic composition of the boys was markedly different from the Gluecks’ Boston-based study for Unraveling, which had only included boys classified as white, two percent of whom were Jewish. In the Bronx, by contrast, 53 boys (only 24 percent of the total) were designated white, 23 of whom were of Jewish heritage, 131 boys (59 percent) were African American, and 40 (19 percent) were categorized Puerto Rican.

From the beginning, the Youth Board officials defended the study’s research value precisely because of the large proportion of African American and Puerto Rican families. Whelan wrote, “In the choice of schools and neighborhood, the study group, by design, includes high proportions of Negro and Puerto Rican children. The findings in relation to the applicability of the prediction table to different ethnic groups will be one of the most significant results to emerge from the present study.” Youth Board researchers were particularly interested in demonstrating the applicability of the Glueck prediction tables, which had been created based on white boys, to black and Puerto Rican children. A note from one early planning meeting revealed that the “principal purpose” of the meeting was “to give the staff who will participate in the study an understanding of the importance of the project and the implications for future planning of delinquency programs, should the scale be applicable to various racial and ethnic groups.”

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75 Different publications disagree slightly as to this composition. The numbers cited here derive from New York City Youth Board, An Experiment in the Validation of the Glueck Prediction Scale, 9. An earlier publication specifies 51 white boys, 131 black boys, and 41 Puerto Rican boys. Whelan, “An Experiment in Predicting Delinquency,” 438.


77 Maude Craig to Eleanor Glueck, October 21, 1952, SEG, box 67, folder 5.
The Youth Board’s Director of Research, Maude Craig, later said, “If the Social Prediction Scale is validated and we can use it on a large scale in New York City, it will be the greatest boon to crime control we have ever had.”\(^7\)\(^8\) Her statement was notable because, in the eyes of the research team, the biggest question about the predictive tables’ validity was whether it could be transferred to children who weren’t white. As Youth Board officials later wrote, “[I]f the scale is to have general usefulness in a city such as New York, it should be tested on a much more heterogeneous population than that used in the Glueck sample.”\(^7\)\(^9\) For the Gluecks, the Pilot Prediction Study was an attempt to validate their intellectual theory; for Youth Board officials, the study was a way to tailor the predictive method to be applicable to the particular demographics of concern in New York City.

The Youth Board’s continued focus on the South Bronx was notable in this regard. Officials described the “high delinquency” neighborhoods around the two Bronx schools as an area at the heart of the social problems of postwar New York. Wrote Whelan, “Both areas are characterized by declining population and a rapid change in the population composition. Both areas are characterized by a large influx of Negro and Puerto Rican populations. Both areas are considered marginal in that large portions of both are zoned for industry and/or commerce.”\(^8\)\(^0\) Youth Board researchers also noted, “The area is in transition. Twenty years ago it was almost entirely a middle class, self sustaining neighborhood, composed largely of Jewish families.” Yet between 1930 and 1950, the area’s white population had declined, while the population of

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\(^7\)\(^8\) “Report of Conference with Mrs. Craig and Her Staff at the New York City Youth Board, 500 Park Avenue, on Friday, October 30, 1953 at 2:00 P.M.,” SEG, box 67, folder 4, 3.


\(^8\)\(^0\) Whelan, “An Experiment in Predicting Delinquency,” 436.
African Americans and Puerto Ricans rose dramatically. In 1934, there were 39 African American children attending P.S. 42; in 1951 there were over 500. In the health areas around both schools, the “non-white” population increased from between five to seven percent to between 28 and 58 percent, not including the five to ten percent Puerto Ricans, the majority of whom were categorized as white on the 1950 census. The vast bulk of this demographic shift occurred between 1940 and 1950. In 1950, the white population was around half Jews from Russia and Poland, with the remainder comprised of people from Italian, Irish, and German backgrounds. The housing stock was old, living conditions were generally crowded, and more than half of the children at P.S. 42 were receiving some form of public assistance. The areas in question all had above-average borough delinquency rates, as calculated from court and police statistics, including JAB referrals. Researchers concluded, “In summary, the areas in chosen for study are strategic areas for work in delinquency prevention.”

While the large population of color was a primary attraction for the Youth Board researchers, Sheldon and Eleanor Glueck expressed strong reservations about the “cultural” differences between the Bronx study and the population of white Boston boys from whom they had constructed the tables. In several meetings, “Mrs. Glueck again emphasized the fact that the testing of the predictive table is being carried out on a group of children so completely different in cultural background from those on whom the table was constructed that she and Professor Glueck are feeling rather concerned about the validity of the experiment.” Their fears appear to have sprung from a lack of experience in working with communities of color and a belief that deep and essential differences existed—“the problem of the atypicality of the negro and Puerto

81 New York City Youth Board, “Delinquency Prediction Scale (Gluecks’): Analysis of Areas Chosen,” 9, 3, 5-6.

82 “Conference with Mrs. Craig and Mrs. Shute of New York City Youth Board, in connection with pilot prediction project, Thursday, May 21, 1953,” May 26, 1953, SEG, box 67, folder 4, 1.
Rican groups,” as Eleanor Glueck put it—between white and non-white boys that risked undermining the Gluecks’ primary goal of validating their predictive device. Youth Board researchers, however, refused to back away from their emphasis on studying a racially diverse population. Mrs. Haas, a Youth Board consultant to private children’s agencies in the city and a participant in scoring the Bronx cases, replied that she “does not feel that the cultural differences between the negro group and the whites are nearly so great as the rest of us might think who have not had experience working with negros [sic]. She is of the impression that the Prediction Scale will apply just as well to them as it does to the white groups, on whom we [the Gluecks] established the Scale.” 83 In the end, a compromise was reached. On the Gluecks’ insistence, additional boys would be added to study from future incoming classes until an equally large group of white boys, especially non-Jewish whites of Irish and Italian backgrounds, had been found to balance the majority of African American boys in the first year’s sample. 84

The biggest question for the researchers was how to apply the five-factor social prediction scale, which assumed a traditional two-parent nuclear family structure, when many of the boys’ families did not conform to that model. The most important question was how to rate “discipline of father,” “affection of father,” and “family cohesiveness” in the many cases where

83 “Conference with New York City Youth Board on Thursday, June 4, 1953 at 2:00 P.M. on Pilot Prediction Project,” SEG, box 67, folder 4, 2.

84 Puerto Ricans posed a problem of racial categorization that no one seemed especially motivated to deal with. This was complicated by the fact that most Puerto Ricans were categorized as white on the 1950 census, though clearly the Gluecks and Youth Board researchers did not feel the Puerto Rican families were white for the purposes of study. In the decision to add additional white boys to the sample, researchers also agreed that “the Puerto Rican group would be eliminated.” In the end, however, they decided that “the 41 Puerto Ricans who have already been selected will be retained in a separate group, in order to learn from it whatever we can.” “Report of Conference with Mrs. Craig and Her Staff at the New York City Youth Board, 500 Park Avenue, on Friday, October 30, 1953 at 2:00 P.M.,” SEG, box 67, folder 4, 1-2.

The final study included 303 boys: 130 white boys (23 Jewish), 132 black boys (one of the original white boys had been found to have a black grandparent), and 41 Puerto Rican boys (one of the additional white boys was found to be of Puerto Rican parentage). Kindergarteners had to be included in order to find enough non-Jewish white boys. New York City Youth Board, An Experiment in the Validation of the Glueck Prediction Scale, 10, see notes 1-3.
the father was either partially or entirely absent. This had not been an issue in the original Boston study. At first Eleanor Glueck advised simply giving absent fathers the lowest rating for discipline and affection, though that meant those boys, the majority of whom were African American, would be automatically rated as potentially delinquent. Eventually, the Gluecks concluded that the social prediction table was just as effective when only two or three factors were used, rather than all five. In other words, if his father was absent, a boy’s future delinquency could be predicted solely on the basis of his scores for “mother’s supervision” and “family cohesiveness.” After much experimentation and re-rating of previous cases, by 1965 the research team finally settled on using a three-factor scale across the board, which tended to move borderline cases into the non-delinquent category. The fact that the researchers changed the metrics of evaluation partway through a predictive study provoked criticism that the prospective nature of the study was compromised, and the researchers were simply back to their previous practice of constructing tables to fit their data sample without any evidence that the tables could actually predict.

Both the original five-factor and the modified two- and three-factor social prediction tables over-predicted delinquency. African American boys, and to a lesser extent Puerto Rican boys, were significantly more likely to be over-predicted—that is, to be a predicted delinquent

85 “Conference with Mrs. Craig and Mrs. Shute of New York City Youth Board, in connection with pilot prediction project, Thursday, May 21, 1953,” 1; New York City Youth Board, An Experiment in the Validation of the Glueck Prediction Scale, 8–14. This discussion was invariably accompanied by researchers’ emphasis on the supposedly matriarchal nature of black families, based on the research of E. Franklin Frazier and others. See also Glueck, “Efforts to Identify Delinquents.”

86 The three factors used in the final analysis were “supervision of boy by mother,” “discipline of boy by mother” (substituted for father’s discipline), and “family cohesiveness.” Maude M. Craig and Selma J. Glick, “Ten Years’ Experience with the Glueck Social Prediction Table,” Crime & Delinquency 9, no. 3 (July 1963): 249–61.

based on the table, but never to develop persistent delinquent behavior before their seventeenth birthday. Only 17 percent of the white boys were predicted to be delinquent, compared to 24 percent of the Puerto Rican boys and 37 percent of the African American boys. 88 Using only two or three factors instead of all five reduced the number of white and Puerto Rican boys who were predicted to be delinquent but never demonstrated such behavior to a negligible number, but still left over half of the African American boys erroneously predicted to be delinquent. 89 A study by Youth Board researcher Philip W. Furst concluded that this was possibly due to interviewers and raters’ (all of whom were white) failure to accurately assess the positive influence of extended family relationships in the case of African American families, such as the role of a grandmother or other close non-parent caregiver. 90

Youth Board researchers performed a great deal of misleading statistical manipulation in the presentation of their findings. Claims that the revised tables were 97.1 and 84.8 percent accurate at predicting non-delinquents and delinquents, respectively, were derived by calculating success rates within carefully subdivided categories. When total numbers were used, the accuracy rate was 63.6 percent, a number not cited in any publication affiliated with the study. 91 Calculating similar rates for each racial group, white boys were both “successfully predicted” with an accuracy of 87.5 percent, Puerto Rican boys with 71 percent accuracy, and African

88 New York City Youth Board, An Experiment in the Validation of the Glueck Prediction Scale, 31.

89 New York City Youth Board, A Study in Variance from Predicted Delinquency: A Study of 20 Negro Boys Who Were Overpredicted, Youth Board Research Department (New York: New York City Youth Board, 1962), NYCML, 3. This study was conducted by Philip W. Furst, though no author is listed in the published report.

90 Furst also drew on research such as E. Franklin Frazier and emphasized the pathological matriarchal nature of black families due to absent and neglectful fathers. New York City Youth Board, A Study in Variance from Predicted Delinquency, 74–95a, S14.

American boys with 55 percent accuracy—a far cry from the 80 percent claimed by the researchers. In fact, because such a large majority of the total youth was categorized as non-delinquents, the table’s overall predictive capacity was roughly comparable to randomly pulling names out of a hat, and much worse than the 96 percent accuracy that could be achieved by predicting that every boy would be non-delinquent.93

The language associated with the Glueck methodology was extremely unclear about what exactly it meant to determine that a boy was likely to be a delinquent. This ambiguity allowed the Gluecks and others to claim that there was nothing inherently criminalizing or stigmatizing about having such a label applied to oneself. They argued that the designation of potential delinquent was a neutral descriptor about one’s statistical proneness to delinquency, comparable to one’s predisposition to any medical disease, and helpful to the degree that it allowed a benevolent caretaker to take preventive and corrective action before the “outbreak” of harm.94 However, the Gluecks, Youth Board researchers, NYPD officers, and others who used the predictive scale routinely dropped the word “potential” before “delinquent,” thus collapsing the categories and removing the need for boys to have actually performed persistent antisocial acts in order to earn the moniker. To make matters even more confusing, commenters also introduced


94 Eleanor Glueck wrote, “I would like to ask whether, for example, the same argument [of stigmatization] would be leveled against any attempt to discover early in life those children who are prone to poliomyelitis? Suppose, for example, such a test were available and suppose a serum were developed and applied, would not this be accepted as a great boon? This would be true prevention; and the early discovery of proneness to poliomyelitis could not be regarded as a stigma.” Glueck, “Predicting Juvenile Delinquency,” 285.
other poorly-defined modifiers that further removed any reference to the fact that a boy
determined to be potentially delinquent might not, in fact, persistently break the law.

Terms like “pre-delinquent” or “latent delinquency,” which emphasized the inevitability
of inherent delinquency rather than the statistical uncertainty of it, often stood in for “potential
delinquent,” underlying the assumption that it was only matter of time before such a boy
revealed his true colors and proved himself to be a “true delinquent.”95 The Gluecks developed
increasingly elaborate definitional tables to try to categorize types of boys moving between
stages of “pre-delinquency” (showing antisocial personality traits and behavior), “unofficial
delinquency” (involved in “delinquent-like behavior” but without any formal disciplinary
record), and “official delinquency” (persistent law enforcement contacts and/or court adjudicated
delinquency). In a statement illustrative of his belief that statistics could definitively tell the
difference between the two essential categories of criminals and non-criminals, Sheldon Glueck
wrote, “our prediction tables, designed to ‘spot’ probable future delinquents at school entrance,
will be able to differentiate true prospective delinquents showing difficulties of adjustment in the
early years from pseudodelinquents who display similar external behavior but whose future is in
fact more promising.”96 Yet it remained unclear how these terms related to their predictive
scheme except as ways to obscure the fact that, until an actual demonstrated record of bad
behavior, there were no observable differences between boys predicted to be delinquent and non-

95 For some examples see Eleanor T. Glueck, “Toward Improving the Identification of Delinquents,” Journal of
Criminal Law, Criminology and Police Science 53, no. 2 (June 1962): 164; “Conference at New York City Youth
Board, Friday, December 11, 1953 at 9:30 A.M. with Mr. Ralph Whelan, Mrs. Craig and Staff,” SEG, box 67, folder
4, 1-2 (“pre-delinquent”); New York City Youth Board, An Experiment in the Validation of the Glueck Prediction
Scale (“latent” delinquency); New York City Youth Board, Delinquency Prediction: A Progress Report, 13–14
(“delinquents and non-delinquents”). The Youth Board, to further complicate matters, eventually adopted “pre-
delinquent” as an ambiguous third category between “non-delinquent” and “delinquent;” see New York City Youth

Critics of the Gluecks’ Youth Board study questioned whether by labeling boys potential delinquents the study might have in fact *caused* those boys to see and identify themselves as delinquents, while an alternative label of “non-delinquent” might have led them to a different outcome. This charge came from several quarters and was among the most difficult for the Gluecks to deflect. A statement published by the Society for the Psychological Study of Social Issues, a national association of professional psychologists, accused the study of propagating “distorted and extravagant claims made in the name of scientific validity,” writing,

> Among the most disturbing aspects...is the fact that, unless the utmost caution and care are taken, children who are ‘identified’ as labeled as probably future delinquents are likely to be treated and isolated as ‘bad’ children by teachers and others who are now subjected to the virtually hysterical climate of opinion concerning juvenile delinquency. Such treatment is likely to increase the child’s sense of social alienation and, thereby, increase the probability of his becoming delinquent or of developing other forms of psychological maladjustment.\(^97\)

Eleanor Glueck had previously dismissed arguments about the stigma of labeling by comparing the prevention of delinquency to disease prevention. “I would like to ask whether, for example, the same argument would be leveled against any attempt to discover early in life those children who are prone to poliomyelitis?” she wrote. “Suppose, for example, such a test were available and suppose a serum were developed and applied, would not this be accepted as a great boon? This would be true prevention; and the early discovery of *proneness* to poliomyelitis could not be regarded as a stigma.”\(^98\) This argument was unconvincing to the Citizens Committee for Children under the leadership of Alfred Kahn, who also issued a scathing condemnation of the Youth Board study. “Delinquency is not a specific disease or diagnosis,” Kahn wrote. “A child

\(^{97}\) “SPSSI Council Statement Dated January 31, 1960.”

\(^{98}\) Glueck, “Predicting Juvenile Delinquency,” 285.
labeled as potentially delinquent may well suffer consequences in teacher attitude, school program and in his own self-respect which will contribute to maladjustment and delinquency.”

A similar concern was raised by sociologist Don Gibbons, who wrote to the Youth Board’s research director Maude Craig, “It seems to me that we may be creating a ‘self-fulfilling prophecy’ by such actions, in that the fact of being singled out as a potential delinquent may actually produce delinquent reactions in kids who are actually potential non-delinquents.” The Glueck team appeared to dismiss this criticism out of hand. Craig responded by forwarding the letter to Eleanor Glueck with the note, “I am ignoring the gentleman’s letter the same as I ignore the comments of Al Kahn…These people are blinded by biases stemming from hostilities and maybe the hostility of jealousy. Such people will not admit facts so why waste your energy on them.” Eleanor Glueck agreed, responding, “He represents a not inconsiderable, but, we think, unimportant, school of thought, and as far as Professor Glueck and I are concerned we do not choose to argue with these folks. We have long since learned that there is nothing to be gained thereby.”

The Pilot Prediction Study influenced postwar scientific knowledge and ideology about what delinquency was, why it was a problem, and who caused it. The Gluecks’ highly publicized research framed delinquency as an array of psychological personality disorders stemming from so-called maladjustment and family disorganization. This definition further reified the

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100 Don Gibbons to Maude Craig, November 12, 1957, SEG, box 68, folder 1.

101 Maude Craig memo to Eleanor Glueck, November 22, 1957, SEG, box 68, folder 1.

102 Eleanor Glueck to Maude Craig, November 20, 1957, SEG, box 68, folder 1.
underlying assumption that delinquents were identifiable personality types. Through statistics, the Gluecks asserted, delinquents and non-delinquents could be reliably sorted into their respective categories at a very young age, even though no external or behavioral evidence had yet manifested. This framing was present in the Gluecks’ early work as well as their postwar studies, but the changing racial context shifted its implications. Unraveling Juvenile Delinquency, undertaken in the pre-war years despite its publication in 1950, had been based entirely on white boys in Massachusetts. The Pilot Prediction Study, on the other hand, prioritized—at the Youth Board’s own instigation, and over the initial concerns of the Gluecks—producing knowledge about how to predict and control African American and Puerto Rican delinquents. This transformation represented the merging of two important strains of criminological belief: that delinquents were an essential type of person who could be identified thorough statistics alone; and that all of the pathologies associated with African American and Puerto Rican families under the culture of poverty framework were the ultimate source of causing the deviant personalities of “true” delinquents. Together, this postulation was a powerful reformulation of criminological common sense that would guide postwar theory and practice for decades to come: delinquents were a real category and primarily boys of color.

To be sure, the Gluecks’ research did not come close to being the only cause of the shift from locating criminality as a problem of white ethnic families in the 1920s and 1930s, to a problem of families of color in the 1950s. This was a multi-decade trend across social science and policy, which the Gluecks were influenced by as much as they shaped. Nonetheless, New York City was a powerful origin point for the national cultural narrative about the racial dynamics of the changing postwar city, and a primary laboratory for studying Puerto Rican migrants in particular. The knowledge that came out of the Youth Board’s experimentation in
New York had a disproportionate effect on national and international circles. Youth Board directors, for example, were a constant fixture in Congressional hearings about delinquency throughout the 1950s and 1960s, as politicians looked to New York for expertise in shaping national policy.

The Pilot Prediction Study may have seemed provincial within New York, limited as it was to two schools in the Bronx, but on the national stage it had an outsize following. The study’s conclusions, which affirmed the initial premise that the social prediction tables were effective predictors of delinquency across racial lines, both reflected and bolstered a redefinition of delinquency as no longer a problem of white immigrants needing to Americanize, but a problem of disorganized black and Puerto Rican families needing to be “treated.” The Glueck study’s deeper implication, however, was to implicitly define potential delinquents as primarily non-white, through both the makeup of the chosen sample population and through a statistical analysis that over-predicted delinquency among African Americans in particular. From there it was only a short step to regard entire communities as potentially delinquent, and to back up this claim with statistical proof derived from scientific studies. The Pilot Prediction Study ultimately became regarded as yet another neutral, scientific data point that affirmed this new criminological consensus, even as the origins of its knowledge were obscured from view.

Crime Prediction Lives On

The Pilot Prediction Study had a deep influence on policy and theory in both New York City and beyond. Years before the study was concluded, city officials proclaimed that the prediction tables were validated and advocated their wide application as a tool for screening children. In November 1959, Craig and Whelan, in conference with the Gluecks, submitted a
recommendation to Mayor Wagner that the Board of Education, together with the Youth Board, institute “an early detection program” in selected New York City schools to identify “those children entering the first grade who are manifesting problems.” They announced that the Pilot Prediction Study had found the Glueck prediction device “to be highly reliable” as a method to “separate those children most likely to become delinquent and, thus a potential public charge, from those who may have problems but who are unlikely to come to the attention of law enforcement agencies.”

The mayor’s office held a press conference to announce the “[d]evelopment of an accurate, practical device for predicting future delinquency in children under 6,” even while the study was ongoing to determine how many boys had “fulfilled the Youth Board’s prophecy” of becoming delinquent. Sheldon and Eleanor Glueck “congratulated New York City on being the first community to apply this scientific new approach before delinquency occurs.” The mayor’s statement received high-profile press coverage and a significant amount of criticism, including strong statements of concern from the Citizens Committee for Children and the Society for the Psychological Study of Social Issues, both of whom were also critics of the Gluecks’ scientific conclusions.

In the face of public blowback, the Commissioner of Education apparently decided not to implement the Glueck method in schools, though this decision belied the fact that the Department of Education was in fact quietly continuing to develop and implement an extremely


similar early detection program under a different name. In September 1959, over a year before the mayor announced that the Gluecks’ method would be implemented to detect potential delinquents in the first grade, the Board of Education had already initiated an Early Identification and Prevention Program “specifically designed to identify at an early age those children who are handicapped by some disturbing problem or type of maladjustment.” Because these children’s anti-social behavior tended to manifest by the third grade, “intensive screening” was done in the second grade at 48 schools across the city. This screening consisted of a counselor studying the records of all children in the age bracket, identifying some for interviews of the child, parents, and teacher, and then making a decision about referring the case for further treatment. In its methods and justifications, this program was strikingly similar to the Pilot Prediction Project. Counselors’ criteria for making judgments in each individual case were vague and subjective, and the program’s goals specifically “aimed at diagnostic exploration of a more intensive type in which there is a search for the basic causative factors, so that appropriate means are found for helping children and their families”—a criminological motivation that went far beyond the general vocational counseling provided to high schoolers. In the first year of the program, counselors identified 579 children who “otherwise might not have been identified” and referred a total of 3,098 children to further psychiatric or other clinical help. The Early Identification and Prevention Program was never formally associated with the Youth Board or the Glueck method, and did not cease functioning after the mayor’s press conference in 1960.

The rapidly expanding use of psychiatric counseling in schools as a treatment method to

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“cure” potential delinquents from their inevitable slide into careers of crime was experimental and not supported by contemporary research. Youth Board researchers in the Pilot Prediction Study themselves concluded that there was no significant difference in demonstrated delinquency between boys in the study who had received years of clinical treatment at P.S. 42, and the boys who had not. “This study offers no encouragement for the hope that child guidance therapy offers a means of materially reducing the incidence of serious delinquency in a population of boys selected by the Glueck Social Prediction Table as probable delinquents,” concluded Maude Craig, the Youth Board director of research and head of the Pilot Prediction Project.\(^{109}\) The result concurred with other studies that also found no relationship between clinical treatment and reduced delinquency, including another ambitious experimental application of the Gluecks’ prediction method in the District of Columbia.\(^ {110}\) Craig’s statement undercut the fundamental premise of the project—and of crime prevention in general—which was that children could be helped and delinquency prevented by connecting them with effective treatment early in life. But whether or not that program actually led to better lives for children and youth seemed to be less important to city leaders than categorizing, studying, surveilling, and controlling African American and Puerto Rican boys in the name of preventing crime. When asked what the Youth Board would do once children were identified on a citywide basis, Whelan astoundingly admitted, “we don’t know the best treatment.”

With the Youth Board’s publication of *A Manual of Procedures for Application of the*


\(^{110}\) Powers and Witmer, *An Experiment in the Prevention of Delinquency*. The D.C. study was known as the Maximum Benefit Project, see C. Downing Tait, Jr. and Emory F. Hodges, Jr., *Delinquents: Their Families and the Community* (Springfield, IL: Charles C. Thomas, 1962).

Glueck Prediction Table in 1964, meant to be “a guide to those who wish to experiment” with the method, the research team began wrapping up the decade-long prediction study and made plans for expanding their research and treatment work. At the end of that year, the Gluecks and Youth Board officials announced the launch of a new experimental effort, pending funding, to “make practical use of the Glueck technique” by identifying 300 to 350 seven to nine-year old New York school children and putting them in a treatment program.112 In the end, they were unable to secure funds for the half-million dollar project, and the effort floundered.113 The team was also in contact with a number of other organizations that sought to implement the Glueck method in their own localities, including a project in Puerto Rico to which the Gluecks made at least one consulting visit.114 Officials also expressed interest from places as diverse as Texas, North Carolina, New Orleans, Kansas City, and Manchester.115 As the Gluecks told Whelan at the beginning of the project in 1959, “Mrs. Glueck and I suggested to Mr. Whelan that the Project be envisaged as embracing not merely a more efficient form of social service for pathologic families but also in serving as a pattern or a model for other communities to


113 Ford Foundation to Arthur Rogers, April 30, 1965, SEG, box 68, folder 11.

114 It is unclear whether this effort ever got off the ground. Eleanor Glueck to Maude Craig and Selma Glick, August 26, 1965, and “Conference: Prof. and Mrs. Glueck and Selma Glick, New York City, Sunday, November 22, 1964,” both in SEG, box 68, folder 11; Carlos E. Vazquez and Juan Manuel Romero to New York City Youth Board Director, March 21, 1968, SEG, box 69, folder 2.

follow.” The research team was particularly explicit about the applicability of the prediction tables on non-white populations, writing that the Glueck Social Prediction table “has yielded a sufficient degree of accuracy to warrant its use by those agencies interested in delinquency prevention and control.” With the publication of the *Manual of Procedures* and the declaration that the method had been successfully validated, it was clear that the Youth Board intended the Bronx study to be a model crime prevention program, not just for the rest of New York City, but for communities across the globe.

These grand visions never came to fruition, not for lack of ambition, but because of the election of Robert Lindsay as mayor in 1965. Ralph Whelan had served as director of the Youth Board through three mayoral administrations since Board’s creation in 1947, resigning for health reasons in 1962. He was replaced by Arthur J. Rogers, who had been on Whelan’s staff for at least a decade, and who largely maintained the Youth Board’s programs and direction when he became director. All this changed when Mayor Lindsay appointed Frank Arricale to the Youth Board directorship in 1965. Arricale made it clear that his vision for youth services was at dramatically odds with the way the Board had been functioning, and reorganized the city body to emphasize jobs rather than research and group work. It was clear to the Gluecks and the Youth Board research team that their time in influence at the Board was over. Arricale, “in his eagerness to make a name for himself quickly, appears to be scrapping the old approaches and programs and is focusing on youth programs,” noted Eleanor Glueck in early 1966.

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116 Memo Re: Advice Given to Mr. Ralph Whelan, November 28, 1959, SEG, box 68 folder 2.

117 Craig and Glick, “Application of the Glueck Social Prediction Table on an Ethnic Basis,” 178, 175.


Arricale also represented the installation of a different school of criminology in the seat of power. The Gluecks were associated with an approach that emphasized a psychological understanding of the individual’s personality and personal development. Much of the prediction literature reflected this sensibility. In contrast, the sociological criminology of the same era focused more on community, environment, and group dynamics, and the two perspectives were often in tension with each other. The Gluecks, in particular, were especially critical of Chicago School researchers, who, in turn, were among the harshest critics of the Gluecks. At the same time, while Whelan’s Youth Board had provided particular support to the Gluecks, bolstered by Whelan’s own affinities with their approach, the Youth Board also simultaneously operated a parallel experimental sociological program that involved research and therapeutic intervention with youth groups and so-called gangs.

The two programs, despite significant theoretical disagreements with each other’s priorities and methods, coexisted quite well under the Youth Board as they both ultimately shared a commitment to treating juvenile delinquency as a problem of African American and Puerto Rican boys in the Youth Board’s identified high-delinquency areas. Arricale represented the triumph and influence of one particular group of sociologists associated with Richard Cloward and Lloyd Ohlin, whose specific approach arose out of New York in the early 1960s and came to dominate national policy under Presidents Kennedy and Johnson. Mayor Lindsay’s appointment of Arricale put this perspective in charge of the Youth Board in 1966.120 The Gluecks saw that they had lost their influence with power, as Eleanor Glueck wrote, “There is a real danger therefore that [Arricale] might not wish the Youth Board Research Department to

120 Lindsay, a liberal Republican, had a complicated relationship with the Great Society. For perspectives, see Sam Roberts, ed., America’s Mayor: John V. Lindsay and the Reinvention of New York (New York: Columbia University Press, 2010); Joseph P. Viteritti, ed., Summer in the City: John Lindsay, New York, and the American Dream (Baltimore: Johns Hopkins University Press, 2014).
continue its work in the prediction field and in responding to invitations to speak and in giving direction to establishing prediction units.”121 Sure enough, as Arricale took the Youth Board in a new direction the old research team fell apart, though Selma Glick continued to try to start at least two more projects using the Glueck scale on two and three-year olds.122

Though the Gluecks’ prediction method lost favor by the mid-1960s, the link it provided between crime control and culture of poverty arguments about the source of social pathologies in the black family remained a powerful narrative. At the end of 1965, former Welfare Department investigator Julius Horowitz penned an incendiary feature for The New York Times Magazine titled “The Arithmetic of Delinquency,” which touted the Gluecks’ prediction abilities even at the moment before their decline. “What should society do when it learns it can predict juvenile delinquency with almost mathematical accuracy?” asked the article’s teaser. The answer, Horowitz argued, demanded that the Youth Board fully step into its mandate to coordinate mandatory social services in the name of public safety and racial order. In describing the Gluecks’ success at predicting delinquency in the South Bronx, which Horowitz described as “a slum…a neighborhood where people infect one another with the virus of failure, and where children are infected long before the virus is detected,” Horowitz seamlessly translated the study’s implications into an impassioned plea for eugenic population control among black mothers, who were portrayed as incapable of not getting constantly pregnant with children they could not care for by fathers who immediately disappeared back into the shadows of the

121 “Conference: Ralph Whelan, Prof. and Mrs. Glueck, March 25, 1966,” SEG, box 69, folder 1, 1.

122 One was with the Jewish Board of Guardians, with whom Glick had a long association, see “Conferences in New York, February 2, 1967,” 1; Eleanor Glueck to Selma Glick, January 31, 1968; “Conference with Selma Glick in Cambridge, Election Day, Nov. 5, 1968,” 2; “Visit of Selma Glick, December 1, 1967,” 1, all in SEG, box 69, folder 2. The other was in a Head Start program in a Bronx public school, see “Conference with Selma Glick in Cambridge, May 5, 1969,” and Selma Glick to Eleanor Glueck, May 7, 1969, both in SEG, box 69, folder 2.
streets.\textsuperscript{123}

Pointing to the Gluecks’ statistical findings to support his claim that single-mother households, illegitimacy, family members with criminal records, police contacts, and psychological disorders—all of which were higher in African American and Puerto Rican families—produced delinquents, Horowitz described delinquency as a crisis of epidemic proportions among families of color. Tellingly, he wrote:

We need to penetrate into the home, as though a plague were raging, all the adults dead and the children moaning in their cribs for help. The ‘unavailable mother’—unwed, indigent or surviving on welfare payments, socially deprived, economically deprived, intellectually deprived, often friendless, depressed, mentally disturbed, lonely, frightened, unable to supply the needs of a newborn child, already burdened with children she has rejected—the unavailable mother produces the unreachable child. This is the woman who needs the attention of the social welfare world.

To Horowitz, science had already provided the solution in the form of the Youth Board’s research; all that was needed was the political will to “take the responsibility” for running a massive state program of birth control, reeducation of parents, removal of children to foster homes, and other preemptive intervention into “slum children’s” pathologically destroyed lives. Horowitz’s article, though extreme in its portrayal, merely pushed the Gluecks’ work to its logical policy conclusions. The Youth Board study had indeed insinuated that the family pathologies associated with culture of poverty arguments were primarily, if not solely, a problem of families of color, and that the result of such circumstances was inevitably crime and other psychological disturbances. With delinquency thus linked to life in the slum, the science of predicting delinquency came down to a simple arithmetic in which African American and Puerto Rican boys were equated to future delinquents from the moment of their birth.\textsuperscript{124}


\textsuperscript{124} Horowitz, “The Arithmetic of Delinquency.”
The New York Police Department also saw enormous potential in the Pilot Prediction Study, and adopted the Gluecks’ social prediction table to use in their own delinquency control work well before the study had been concluded. The development came under Police Commissioner Kennedy, who both sought to crack down on delinquency and increase departmental efficiency. As part of this effort, the NYPD’s Youth Division instituted a new system of record keeping in July 1957, which replaced the old JAB 2 cards with two new forms to be completed upon police contact with any person under 21 years old. In minor non-arrest cases, the police officer was to fill out a new form called the JAB 1; in more serious cases requiring investigation of the child’s home, the officer was to complete form JAB 1-A, which was a checklist explicitly derived from the Gluecks’ five factors of social prediction.\textsuperscript{125}

Officers were directed to determine and record the physical condition of the home, supervision of the mother, discipline of the father, family atmosphere, physical and mental capacities of the child, record of school behavior and attendance, as well as the child’s social, recreational and gang associations.\textsuperscript{126} Whereas earlier JAB record keeping had required the laborious task of recording information about a child’s case in narrative format, the switch to the JAB 1-A was meant to cut down clerical work from an hour to ten minutes.\textsuperscript{127} The JAB 1-A, claimed the memo announcing its introduction, “is designed to provide a systematic, easily prepared case record and to eliminate lengthy report writing. It will record clearly and concisely all essential information relating to the significant factors in the child’s life which may have a

\textsuperscript{125} NYPD officers in correspondence with the Gluecks were clear that \textit{Unraveling Juvenile Delinquency} had been the basis for formulating the JAB 1-A form. SEG, box 65, folder 2.

\textsuperscript{126} “JAB Order No. 5, Re: New Procedures for Reporting and Recording,” July 22, 1957, NYPD Collection, Accession #65-036/037, folder “Item #149 Juvenile Delinquency, 1954-57,” NYCMA.

bearing upon his delinquent activity."\textsuperscript{128} The development of the new system was also closely related to concern about gangs, and so-called gang members were highlighted for systematic home visits and investigation.\textsuperscript{129}

Police officials’ enthusiasm for the Gluecks’ social prediction factors came from two impulses: the hope that it would make their job easier and more efficient, and the desire for a clear method of determining at first glance which files merited further attention and which were of lesser concern. On the point of efficiency, the switch from a narrative form of record keeping to a checklist of questions not only allowed information to be recorded, interpreted, and transmitted more quickly, it also allowed for further statistical aggregation and analysis. But by sending youth officers into families’ homes with a list of specific points of evaluation, the adoption of the Glueck criteria also changed the way officers perceived what they encountered. Because they were looking at a situation with the goal of evaluating a family’s collective life according to supervision, discipline, affection, and “moral tone,” officers were encouraged to foreclose other possible interpretations. The new form asked police officers to be complicit in rasterizing the complexity of a community, neighborhood, family, childhood, and their own relationship to those realities into a matrix of discrete data points, in doing so stipulating the ground upon which a child and their family was to be seen and understood by law enforcement. The fact that the Gluecks’ social factors focused on family structure and relations within a normative moral framework that ensured that African American and Puerto Rican families would be evaluated as deficient by definition. Yet once the JAB 1-A had been completed, the information it generated was regarded as objective truth and the basis for future action.

\textsuperscript{128} “JAB Order No. 5,” 2.

The second impulse was a desire for a reliable method of sorting through the overwhelming number of police contacts every day in order to determine which ones needed further attention from the police. The Gluecks’ method was attractive precisely because it promised to provide a scientifically validated algorithm by which officers could assess at a glance and with a high degree of confidence whether or not an individual child was of concern. This “rough rule of thumb” would then inform their course of action—whether closing the case, or determining that further investigation, surveillance, or court involvement was necessary.\textsuperscript{130} Though NYPD officers voiced explicit aspirations to experiment with the predictive abilities of their new system, in practice their lack of staff in the 1950s foreclosed this option.\textsuperscript{131} Not until the advent of computers would the NYPD be logistically able to shape policing strategies based on statistical crime prediction, though the police department’s earlier interest in the prospect reveals the deep roots of such intentions.

Instead, the NYPD’s goal in the 1950s was less predictive than pragmatic, seeking to use the Gluecks’ statistics to guide immediate action, rather than shape future behavior. “I must confess that our basic purpose in using your criteria has been to help us in evaluating more adequately the individual cases which we handle. It is upon such evaluations that our workers become capable of making appropriate disposition decisions for each case,” wrote the head of the Youth Division.\textsuperscript{132} Boys who were judged potential delinquents were thus singled out for further police scrutiny and intervention solely on the basis of a statistical score based on an officer’s evaluation of their family structure and quality. This dynamic, together with the

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\textsuperscript{130} Alexander Aldrich to Eleanor Glueck, April 9, 1958, SEG, box 65 folder 2.
\textsuperscript{131} Stephen Kennedy to Eleanor Glueck, April 10, 1957, and Robert Magnum to Eleanor Glueck, April 16, 1957, both in SEG, box 65, folder 2.
\textsuperscript{132} Robert Magnum to Eleanor Glueck, April 16, 1958, SEG, box 65, folder 2.
\end{flushright}
NYPD’s simultaneous commitment to heightened policing in identified “high-delinquency” precincts, led police to focus more on African American and Puerto Rican youth, therefore raising the number of arrests in such areas and thus the proxy measure of crime rates. This was precisely the outcome that critics of the Gluecks’ research had sought to avoid by pointing out the danger of the metric becoming a self-fulfilling prophecy.\[133\]

The shift in record keeping was also part of a larger moment in which Commissioner Kennedy sought to transform the NYPD’s youth policies from emphasizing social work to law enforcement. Implementing an “evidence-based” metric of sorting potential delinquents, which also happened to target youth of color, thus mapped onto a parallel policy of cracking down on youth violence and anti-social behavior. The Gluecks provided an attractive tool that was in alignment with these priorities. “I should say,” Sheldon Glueck wrote to Commissioner Kennedy, “that you have an excellent opportunity to make a basic contribution to one of the most difficult of all practical problems in the administration of the juvenile court law; namely, the ‘intake’ problem, that is, the development of sound principles for determining policies at the police and at the court levels, covering the selection of youngsters whom it would be sound to dispose of through referral to social agencies without taking formal legal action.”\[134\] The social prediction tables therefore became another way that the NYPD officers calibrated the level of their response to the individual child in question. In some sense, this was a clear continuity from the two-tiered rehabilitative carceral system of the 1930s, which disproportionately applied the benefits of leniency and informality to white children while African American children did not receive comparable treatment. Yet it was also a departure, in the sense that the Gluecks’ social

\[133\] Harcourt, “Risk as a Proxy for Race.”

\[134\] Sheldon Glueck to Alexander Aldrich, October 7, 1958, SEG, box 65, folder 2.
prediction tables promised to be a revolutionary new way to statistically sort children on the basis of proxy social factors at the moment of police contact. The fact that the Gluecks’ statistics were based on input and analysis that synonymized potential delinquents with youth of color did not register.

**Conclusion**

The dynamics of postwar New York City provided both an example of and catalyst for new discourses of urban demographic change, which stressed the dangers of what commenters framed as growing poverty-stricken slums inhabited by migrants from the U.S. South and Puerto Rico who were matriarchal, sexually promiscuous, and unadjusted to life in the city. In the same way, the work of Sheldon and Eleanor Glueck both represented and deepened the parallel shift in criminological interest from white ethnics to African Americans and Puerto Ricans. The trajectory of their research career, which studied exclusively white and Jewish boys in Boston in the 1930s and 1940s, to the Youth Board study’s focus on African American and Puerto Rican families in the South Bronx in the 1950s is a perfect example of this dynamic. Despite the Gluecks’ initial concerns about the applicability of their previous findings to non-white research subjects, the Gluecks followed Youth Board officials’ urging. Eventually the most touted product of the study was the publication of prediction tables that had been revised for accurate use in the African American and Puerto Rican neighborhoods of New York.

Youth Board officials were active participants in deciding to focus attention on studying and devising experimental delinquency control programs exclusively in neighborhoods identified because of their racial and ethnic diversity. The Youth Board’s very first action was to draw borders around eleven allegedly high-delinquency areas of the city, identified on the basis of
Police Department records. Though these records claimed to be based on areas with the highest delinquency rates, in reality this statistic reflected those areas where police had the highest number of contacts with youth, which was affected by a variety of factors including bias and the circular logic which led police to allocate more officers in places already believed to have higher crime rates, therefore leading to more arrests and higher crime statistics.

At the same time, the 1947 Puerto Rican scare contributed to a surge in studying Puerto Ricans in New York, in which the Youth Board was an active participant. By highlighting the areas of greatest concern, the Youth Board areas were extremely significant in shaping cross-agency crime control policies for decades to come. The areas covered the overwhelming majority of New York’s African American and Puerto Rican neighborhoods, as well as several historically working-class white neighborhoods. However, the persistent fact that neighborhoods with significant populations of color such as the South Bronx were selected as the pilot locations for experimental crime control programs indicated deeper underlying motivations. The Youth Board’s decision to focus on communities of color reinforced a larger shift towards culture of poverty theories, which located delinquency and other social problems in families of color, as well as ensured that future data reflected the outsize criminality of youth of color because of the sampling focus.

Into this vortex, the Gluecks’ Youth Board study linked potential criminals to blackness via the pathological African American and Puerto Rican family. In the process, they provided a neutral scientific statistical argument that, in its simplest form, equated black and Puerto Rican youth with potential criminals. Maude Craig put it most clearly when she wrote, "We suggest that those interested should experiment with the Table as a means of spotting pathogenic family patterns early and gearing their treatment to counteract and deflect them. The ultimate goal
would be to dissipate these pathogenic influences before the children exposed have undergone immutable and ineradicable changes and deviations. If we are to reduce juvenile delinquency, all approaches much include the basic sociological unit—the family.”

The Youth Board Pilot Prediction Project was an early experiment in the development of predictive crime control as the idea that it is possible to accurately predict the future based on statistical modeling. Through the Youth Board, Department of Education, and Police Department’s adoption of the Gluecks’ predictive tools, the ideology of pathological blackness came to be represented in the very structure of statistical knowledge. Officials’ dreams of being able to put every child in the city into the boxes of citizen or criminal seemed realizable with the Glueck method. These fantasies depended upon obscuring the ways that investigators were always already implicated in the knowledge they produced. In this context, the earlier discourse of prevention was recast as a discourse of treatment, which sought to “adjust” the attitudes, behavior, and personalities of youth and parents of color via psychoanalysis, reeducation, birth control, and other methods in an effort to cure their pathologies.

The Gluecks provide an evocative case study for the redefinition of the delinquency discourse over the 1940s and 1950s. Though the existing language of crime prevention did not appear to change on the surface, the underlying social meanings and significance of the term dramatically changed between the 1930s and 1950s. Populations of criminogenic concern slowly transformed from white ethnic to African American and Puerto Rican alongside a growing culture of poverty discourse that identified the source of poverty (and therefore crime) as racial pathology. Building on this new theoretical base, both psychologists and sociologists sought to design an effective form of intervention that could prevent the development of normal children

into delinquents. Though psychological and sociological approaches often butted heads in academic journals, they both happily co-existed within the Youth Board’s overriding priority to create an experimental crime control program for New York City that was custom-fit to the city’s particular racial and ethnic populations. This harmony of approaches was facilitated by a shared framework of black and Puerto Rican pathology, in which largely white officials sought to control, if not cure, the fundamental criminality of families of color.
Chapter 4

Gang Control
Early in the morning on August 14, 1956, after several days of mediated meetings in the Trinity Protestant Episcopal Parish on the Lower East Side, leaders of three youth groups called the Dragons, the Enchanters, and the Sportsmen—referred to as “street clubs” or “gangs” by the press—signed a truce to call a temporary end to fighting between them after two boys were shot. The meetings had been called and facilitated by a coalition of local clergy and youth workers, including Reverend C. Kilmer Myers of St. Augustine’s Chapel, the Lower East Side Neighborhoods Association, with whom Reverend Myers was affiliated, and the New York City Youth Board. The Dragons were made up mostly of Puerto Rican boys, but with some African American members, and their rivals, the Enchanters and the Sportsmen, were composed predominantly of African Americans, but with some Puerto Ricans. A fourth group, called the Mayrose and composed mostly of Irish and Italian boys, also later joined mediation sessions after a disagreement its membership had with the Dragons. The groups all agreed to a three-week cooling off period during which no “rumbles” or “packing” would be tolerated, no groups of three or more boys would enter another group’s territory, the groups would form grievance committees to resolve problems, and everyone would take a bus trip and picnic together to prove the agreement was “in the heart.”

Almost immediately, the New York Police Department’s highest leadership condemned the truce as a concession to regard the so-called gangs “as sovereign powers with dominion or jurisdiction over certain areas.” Police Commissioner Stephen P. Kennedy, speaking at a police promotion ceremony, bluntly ordered new officers to treat gang members with strict and forceful application of police power. “You shall not enter into treaties, concordats, compacts or agreements of appeasement,” with the gangs, Commission Kennedy ordered, “because of such

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are storm troopers made,” he said, alluding that gang members were an anti-American element seeking to subvert the institutions of democratic justice. “You shall meet violence with sufficient force, legally applied, to bring violators to justice swiftly,” he continued. “Mob rule and mob violence is an evil thing. We cannot compromise with evil. You must enforce the law,” he declared. Commissioner Kennedy’s hard-line response was part of a larger attempt by senior NYPD officials to crack down on delinquency and youth violence and to reorient the police department’s juvenile division from emphasizing social work to law enforcement.

Commissioner Kennedy’s directive was immediately felt by the community on the Lower East Side as an aggressive shift in policing. Shortly after the Police Commissioner’s announcement, Reverend Myers reported, “The attitude of even patrolmen on the beat has changed in the last few days,” noting that police had quickly become less friendly to children and youth workers, and stating that “our youth work has been hampered” by the tough new attitude. The Dragons, Enchanters, and Sportsmen, whose picnic together was a success, claimed their own grievances with the police. “The only place we can go is the vacant lot next door,” said one member of the Dragons in an interview with a press reporter. The statement was quickly amended by another member, who added, “If we hang around there the cops arrest us for unlawful assembly.” The reporter noted that the police “harry the gangs, arrest their members for unlawful assembly whenever they can and hope that the Army will draft them.” Reverend Myers tried to change the public narrative by noting that the Commissioner Kennedy’s view of gangs as unmitigated threats to society was an oversimplification of the complex ways that gangs were part of the community, social fabric, and group identity. “The Dragons—and this the police don’t

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seem to realize,” he said, “have become a symbol of Puerto Rican solidarity; the Enchanters and Sportsmen a symbol of the Negro group.” Instead, Reverend Myers bolstered a different narrative, claiming that the boys felt despised and rejected by the area’s more established Jewish, Italian, and Eastern European populations—a tension made stronger by growing numbers of African American and Puerto Rican families in the neighborhood. In some regards, the situation seemed like a real-life episode of *West Side Story*, set amid the streets of the Lower East Side.

The public disagreement between the NYPD and the coalition of youth agencies including the Youth Board represented a significant moment in a pivotal decade of changing attitudes towards juvenile crime control. While the NYPD and Youth Board had previously taken relatively separate tracks in their responses to the so-called gang problem, after the incident in 1956 they began to increasingly collaborate, marking a progressive abandonment of their professed adherence to the rehabilitative ideal. Indeed, while scholars often trace the demise of rehabilitative ideal as a guiding principle to the 1970s, officials began making a shift away nearly two decades earlier in response to perceptions of an unparalleled crisis of gang warfare after World War II. To be sure, much of the youth violence was real. But the way that the situation came to be framed as a problem of gangs—newly defined as dangerous, psychopathic, roving bands of armed and organized boys engaged in quasi-racial warfare for control of the city’s changing neighborhoods—was a product of contingent historical forces rather than an objective description of reality. The gang discourse, which defined delinquency policy in the 1950s, came to be a central arena in which officials shifted their crime control focus from predominantly white youth to African American and Puerto Rican youth through developments in sociology and police science.

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While one Youth Board cadre of psychological criminologists sought to treat delinquents in the South Bronx through individual psychotherapy, a second major Youth Board initiative drew on sociological criminology to address delinquency on the level of social groups. This second initiative, which was framed as a response to the so-called gang problem, constituted an important transition period between sociological theories of the 1930s, primarily arising from the Chicago School, and the culture of poverty theories of the 1960s. This intermediate moment was characterized by the development of a criminological literature that understood gangs both as a product of ethnic conflict in neighborhoods that were in transition, as well as a distinctive social pathology of the lower class that resided in such areas.

Importantly, the gang discourse was a central arena in which theorists developed culture of poverty frameworks, and New York City was a central laboratory in which sociologists conducted their research to that end. Concurrently, as press reporters and academics increasingly portrayed the gang problem as one of African Americans and Puerto Ricans, Youth Board and NYPD officials developed and targeted their gang control efforts in neighborhoods in which those demographics predominated. And, as the focus on African American and Puerto Rican communities intensified, officials’ loosened their commitment to rehabilitative and non-punitive measures. In particular, concern about youth and gangs were at the heart of a revolutionary shift in the NYPD’s method of allocating the police force across the city in the 1950s, as the traditional form of assigning police officers to precincts based on a fixed rate gave way to “saturating” neighborhoods of color with police on the basis of purportedly scientific risk evaluations. The decade continued to reveal how liberal commitments to social science as a tool of state-sanctioned social engineering were intimately linked to the expansion of carceral power and the impulse to control.
The Gang Problem

The primary problem of youth in the 1940s and 1950s, if one believed the news coverage, statistical reports, and academic papers of the era, was the problem of gangs. While no one seemed to agree about precisely what constituted a “gang,” everyone seemed to concur that it was an organized group of two or more boys who were up to no good, whether that entailed lounging on street corners, being truant from school, using drugs, getting into violent fights or “rumbles” with other gangs, engaging in petty criminal mischief, or preying on innocent citizens through armed robbery, rape, assault, or murder. Beginning during World War II, newspaper headlines used bold typefaces to proclaim, “Brooklyn ‘kids’ wage gang war,” “Juvenile gangs terrorize Harlem,” and “Teen-agers plot murder, mayhem.” J. Edgar Hoover routinely reported that the FBI’s crime statistics showed an alarming and unprecedented rise of crime among boys and girl under 21 years old, which he attributed to “broken homes and irresponsible parents.” In addition, periodic reports of “crime waves” and “muggings,” which were usually attributed to


gangs of criminal youth, sparked cycles of panic among civilians and city officials alike.\(^7\) Furthermore, there was a subtle but pervasive under-narrative that associated gang violence with struggles over the city’s racial landscape and portrayed gangs as primarily a problem of African American and Puerto Rican neighborhoods. Police enforcement and Youth Board programs reinforced these assumptions, targeting their efforts in those same areas. The city’s conversation about gangs was therefore hugely important, perhaps definitive, for understanding how New Yorkers came to understand delinquency during this era. In particular, this all-consuming postwar concern with youth gangs was a significant new development. Collectively, media reporters, police officers, criminologists, Youth Board workers, and ordinary citizens redefined gangs during this era as violent, criminal organizations of pathological boys who were increasingly associated with blackness (even in the case of Puerto Ricans).

On Saturday night, November 1, 1941, a fifteen-year-old white boy named James O’Connell was fatally stabbed in an attempted robbery at the intersection of Fifth Avenue and 99\(^{th}\) Street. Three black boys—ages fifteen, sixteen, and twelve—were quickly arrested for the murder. Five days later, on Thursday morning, the strangled body of Joseph Keelan, a laundry worker, was found in Harlem’s Morningside Park, for which three more young black men—ages seventeen, eighteen, and 21—were arrested, two of whom were eventually executed for the

murder. The two deaths were not connected. However, on Thursday afternoon, Mayor La Guardia made a speech in which he declared that the “situation” in Harlem was “a bad one,” made all the more difficult by the fact “that the crimes are committed by young hoodlums in their teens, from 12 to 16 years.” On Friday, the front page of The New York Times reported a major “crime outbreak in Harlem,” citing the deaths of O’Connell and Keelan, as well as a number of other recent racially charged incidents, including the arrest of two African American and Puerto Rican teenagers for allegedly raping and robbing a white woman in Central Park, as well as the reported fact that “[i]n many instances Negro women have decoyed white men, who are slugged, robbed and sometimes killed when they accompany prostitutes.” The Times also reported a similar dynamic in the Brooklyn neighbored of Bedford-Stuyvesant, as well as further incidents involving black assailants throughout the month. Police Commissioner Valentine characterized the problem as caused by “bands of marauding Negro boys” armed with switch-blades, and added 250 more police to Harlem despite declaring, “Up in Harlem even my own men are not safe.”

The November 1941 episode was a significant early example of what became a media pattern of reporting on what journalists called crime waves of muggings in Harlem. The media

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9 “Crime Outbreak in Harlem Spurs Drive by Police.”


12 Scholars have characterized the development of a crime wave as a particular social phenomenon, sometimes using the term “moral panic” to emphasize the role of the press in creating a sense of public danger. See Stanley
archetype featured incidents in which groups of two or three African American or Puerto Ricans youth—or “mugged”—a white victim. As sociologist Stuart Hall has argued, the power of the term “mugging” lay not in its description of a novel type of assault, since mugging was a colloquial rather than a legal term and what precisely constituted a mugging was ambiguous, but in its utility as a social referent connoting white fears of black violence through the language of crime. The notion of mugging as a particular type of crime originated in this period and New York City appears to be the point of origin for the trope, with the first apparent use in 1939 also involving an attack by African American youth on a white man in Harlem. The 1941 episode was therefore especially significant in shaping the mugging trope’s development, specifically the connection between violent attacks on white citizens by groups of young African American men. The imagery of muggings and so-called gangs of youth were closely related. According to The New York Times, the definition of mugging was a group act, in which “One member of a gang ‘mugs’ the victim by stealing up behind him, throwing an arm around his neck and holding a


For instance “Crime Outbreak in Harlem Spurs Drive by Police.”

Stuart Hall focuses on the explosion of the mugging discourse in the 1970s, however the term’s origins in the United States, and especially in New York, reveal similar dynamics in a much earlier period. Hall et al., Policing the Crisis, 13, 19–20. See also Johnson, Street Justice, 196–97. Gunner Myrdal is an interesting example of an early articulation of the racial dynamics of muggings, as he wrote in 1944, “The revenge motive may also lead to a cold and calculating crime: it is said by many Negro social scientists that “mugging”—the robbing and beating of a victim in a certain way by a group of three or four petty professional criminals—was originally practiced only in Negro neighborhoods on white men who were thought to be searching for Negro prostitutes.” Gunner Myrdal, An American Dilemma: The Negro Problem and Modern Democracy (New York: Harper & Brothers, 1944), 975.

“Arrest Waiter in ‘Mugging’ of Man,” Amsterdam News, August 5, 1939; “Two accused of ‘mugging’ man,” Amsterdam News, December 23, 1939. I have not performed an exhaustive newspaper survey, but certainly New York City is the main locus of early press reports of this kind. Stuart Hall also traces the origin of “mugging” to the United States in the 1940s. Hall et al., Policing the Crisis, 19.
knee in his back. As the helpless man is choked and bent backward, other members of the gang
turn his pockets inside out and sometimes steal his clothing as well.”

Crime wave articles often linked the alleged uptick in crime to the large number of
African American and Puerto Rican migrants from the US South and Caribbean, citing the old sociological argument that they were culturally unadjusted to life in the city. For example, a Kings County judge was quoted as saying, “the crime wave involving Negroes” was attributable to those “who have come up in recent years from the South seeking to go on relief,” while a Brooklyn reverend “said an influx of Negroes in the neighborhood caused a general feeling of
timidity among white persons.” With heightened press awareness of Puerto Rican migration to the city in 1947, a New York Times article titled “Crime increasing in ‘Little Spain’” alleged that “boy gangs roam [the] streets” in East Harlem engaging in “stickups” and robberies with improvised guns. In a later interview with Oscar Handlin, author of the 1959 book The Newcomers, Handlin argued “that there have been successive waves of trouble as successive waves of immigrants have come to the city,” however, “the more recent newcomers to the city, the Southern Negroes and the Puerto Ricans and others from Latin America,” were in a different position from that of the Irish and Italians because “there is the added problem of color.”

African American commenters pushed back on the crime wave narrative. The director of the New York Urban League denied that assigning additional police to Harlem was a real

16 “Crime Outbreak in Harlem Spurs Drive by Police.”


solution, and called for improving African Americans’ economic and social situation.20 The Amsterdam News, one of New York’s African American newspapers, was particularly outraged by what it characterized as an “all-out attack on Harlem by several daily newspapers whose editors invented a “Crime Wave in Harlem” which in fact, does not exist.” While not denying the reality of crime in Harlem, Amsterdam News editors accused the white press of selectively covering incidents involving white victims as part of an effort to “seize every opportunity to brand the community as crime-ridden and the people as savages and criminals.” In contrast to the Urban League, the editors did echo the general call for more police in Harlem, but paired it with the demand for more black police and for urgent action against discrimination in jobs, housing, schools, and recreational facilities.21 As the white press continued to report violent muggings of white victims into the 1950s, the Amsterdam News maintained a steady counter-narrative denouncing the coverage of muggings and crime waves as a racist and entirely fictitious invention of the media, calling instead for an end to discrimination and lack of resources in black neighborhoods.22

The crime wave press coverage created a strong public narrative that mugging and juvenile delinquency were problems of African American neighborhoods, yet this claim was not factually accurate. As Amsterdam News editors pointed out, there were more cases of

20 “250 More Police in Harlem to Stamp out Crime Wave.”

21 “Blitzkrieg on Harlem,” Amsterdam News, November 15, 1941.

delinquency among white children than black ones, and that the number of robberies in Harlem was lower than in all-white areas of the city. This observation was backed up by the Mayor’s Committee on Juvenile Delinquency, which in 1943 published a study of juvenile court statistics that concluded that there was no increase in juvenile crime occurring. “There never was a crime wave anyhow,” said a Harlem-based detective in 1945. “The downtown papers have decided that we [the police] need some more help, so I guess they figure that’s the best way to get it.” Thus, the coverage of mugging and crime waves by the media in the early 1940s powerfully associated violent racially-charged assaults, rape, and murder with criminal gangs of African American youth, particularly in Harlem, despite the fact that the notion of “mugging” itself was a construct of the same media reports, and the fact that numerous commenters agreed there was no factual evidence for the supposed phenomenon in the first place. Nonetheless, this dynamic primed New Yorkers to believe that the city was beset by an urgent crisis of armed and dangerous young African American and Puerto Rican criminals.

Connected with the crime wave coverage in the early 1940s, a new phenomenon occurred in the press as reporters began covering what they called gang wars, again nearly always in Harlem and Bedford-Stuyvesant. Like the term mugging, the phrase “gang war” was a new


24 Mayor’s Committee on Juvenile Delinquency, “First Interim Report: Analysis of the Statistics of the Children’s Court,” (1943), FHLSF, box 3601, folder 10, reel 112, frames 770-829, LWA.

25 Lawrence, “Cops Say No Crime Wave Here.”

term coined by the press in the 1940s, constituting a novel category of crime with a specific set of connotations that functioned as a coded discourse for fears of racial violence. The media archetype for gang wars, or “rumbles” as they were colloquially called, involved descriptions of violent public fights between rival groups of boys, typically between twelve and seventeen years old. The combatants were often armed with knives, bats, and improvised firearms such as zip guns, resulting in casualties ranging from injury to death. At the end of 1944, a feature in The New York Times claimed that there were more than 500 conflict gangs in New York City, all of which were, by definition, allegedly formed for the purpose of fighting other groups.27

Portrayals of gangs and gang wars often carried a racial aspect to the stories. On the one hand, for the same reason that the crime wave dynamic and mugging narrative created an image of the black criminal by selectively reporting incidents with offenders and victims that fit the profile, extensive reporting on gangs in Harlem and Bedford-Stuyvesant created a story about gangs being a problem of black youth. On the other hand, concern about gang fighting was also about interracial violence, especially in neighborhoods where white families were leaving and families of color were moving in. “Today,” wrote Bradford Chambers in The New York Times, gangs “are inspired to some degree by racial and religious hatred, a manifestation of two of our most pressing social problems, juvenile delinquency and racial antagonism.” Drawing on sociological theories that saw crime as endemic in areas in transition, he continued, “The ganglands I have come to know are in the borderland districts—neighborhoods situated between segregated communities of different race, creed, or nationality.”28 In a similar vein, one police


28 Chambers, “Boy Gangs of New York: 500 Fighting Units.”
official described the gangs on the Upper West Side as originally “formed as neighborhood athletic units, but whose original purposes had been perverted by racial tensions.” Reverend Myers, the youth worker who helped adjudicate the gang truce on the Lower East Side, also wrote, “racial tension is often the cause for the rise of conflict groups among young people.” The scenario on the Lower East Side was particularly fraught, as African American and Puerto Rican families moved in next to older Jewish, Italian, and Irish residents creating a situation in which, as Myers claimed, “Negro families were thrown into a life of close-quarter living in the low cost housing projects with whites who did not always welcome with open arms their new darker-skinned neighbors—especially on the teenage level.

African American reporters also contributed to the media frenzy about gangs. The Amsterdam News, for example, despite publishing scathing critiques of other newspapers’ crime wave stories, also carried their own sensational coverage of gang wars in upper Manhattan, Brooklyn, and the Bronx. “Juvenile gangs have taken over in Harlem and the police department seems powerless to check the spread of gang wars,” read one headline, describing “a wave of terror” caused by “mobs of kid gangsters.” Made up of teenage boys, the article claimed, “These cells of Hoodlums masquerade under the names of clubs and athletic organizations and carry on constant internecine warfare with baseball bats, switchblade knives, bottles and even guns.”

The racial content of this youth violence was especially highlighted, as the paper reported that


30 C. Kilmer Myers, Light the Dark Streets (Greenwich, CT: Seabury Press, 1957), 123, 25. Youth Board analysts also agreed with this framing, writing, “Much conflict becomes centered around ethnic differences. That is to say, the groups verbalize the reasons for their conflict activities as being those of ethnic difference. This is particularly a problem in those areas undergoing rapid shift in population with new minorities entering older, stable areas.” New York City Youth Board, Reaching the Fighting Gang (New York: New York City Youth Board, 1960), 30. See also New York City Youth Board, Reaching the Group: An Analysis of Group Work Methods Used With Teen-Agers, Youth Board Monograph 4 (New York: New York City Youth Board, 1956), 73.

“race gangs” had invaded Brooklyn. “A group of white hoodlums entered the Bedford sector on Saturday evening determined to wipe out what they termed ‘a nigger gang,’” claimed a reporter in 1944.\textsuperscript{32} A separate incident began when “more than 100 white youths armed with baseball bats, clubs, and a number of other weapons” attacked African Americans in Brooklyn’s Fort Greene Park, “showing and swearing at Negroes in hopes of instigating brawls and probably starting a race riot.” The article reported that they were eventually met by a group of African American boys, also armed with baseball bats, who “battled them for 25 minutes.”\textsuperscript{33} Between 1943 and 1946, there was a significant amount of press coverage of violent incidents attributed to conflicts between organized youth groups, including the Sabers and Slicksters in Harlem, Chancellors in the Bronx, and the Bishops and Robins in Brooklyn.\textsuperscript{34}

However, not everyone agreed that gang wars were best understood as the product of racial conflict over control of changing neighborhoods. James E. McCarthy, deputy executive director of the Youth Board, claimed that not more than ten out of around fifty serious youth fights that year had been caused by racial antagonism. “The boy gang is a neighborhood club, organized among the kids who live on a certain block,” he said. “If the street is tenanted by Negroes, the boy gang is Negro; if Puerto Rican, the gang is Puerto Rican and so on.” Despite press reports, “Ninety percent of the gang fights are between like ethnic groups,” McCarthy claimed, stating that the gang fights between different races occurred “mostly on the boundary

\textsuperscript{32} “Race Gangs Terrorize Borough,” \textit{Amsterdam News}, January 15, 1944.

\textsuperscript{33} “Armed Gang Battles Negroes,” \textit{Amsterdam News}, June 24, 1944.

line between segregated neighborhoods.”\footnote{Ira Henry Freeman, “Few Gang Battles Laid to Race Bias,” \textit{New York Times}, August 19, 1956.} Kenneth Marshall, a Youth Board social worker who worked with gangs in the 1950s and later helped design War on Poverty programs in Harlem, testified before the Senate that most fights occurred between groups of the same race or ethnicity, and were provoked on the basis of geographic proximity rather than because of racial or ethnic tensions.\footnote{U.S. Senate Subcommittee to Investigate Juvenile Delinquency, \textit{Juvenile Delinquency (National, Federal, and Youth-Serving Agencies). Hearings before the Subcommittee}, 83d Cong, 1st sess., November 19, 20, 23, and 24, 1953 (Washington, DC: Government Printing Office, 1954), 141.} Furthermore, while youth groups that engaged in street fighting were a multi-racial phenomenon in the 1940s and 1950s, as evidenced by the Youth Board’s eventual establishment of gang outreach programs in white neighborhoods such as Williamsburg and Red Hook, the fact that newspaper coverage disproportionately reported gang conflicts in African American neighborhoods further skewed public perceptions that so-called fighting gangs were a problem of areas with African Americans and Puerto Ricans.\footnote{See earlier footnotes for newspaper coverage of gang activities.}

\textbf{Gangs, Delinquency, and Civil Rights}

The creation of the mugging narrative also unfolded in the context of a major disturbance in Harlem on the nights of August 1 and 2, 1943, which further contributed to associations between black youth and the threat of racial uprising. Immediately dubbed a riot by the press, the events included widespread property destruction and looting of mostly white-owned businesses after a white police officer shot and wounded a black soldier named Robert Bandy, and rumors spread that Bandy had been killed. Authorities and the white press blamed the unrest on organized black youth. “Gangs of young hoodlums formed in the streets,” \textit{The New York Times}
wrote, “running wild in an orgy of smashing windows, robbing and setting fires to stores, overturning and burning automobiles, attacking policemen, street fighting, stabbings and shootings. Many of the rioters were in their late ‘teens or early twenties, and some wore zoot suits. They appeared to be organized in gangs ranging in size up to forty or fifty persons, some of which included young girls and children.” Valentine was even more explicit in attributing vandalism “to the youthful members of Harlem social clubs, which have been under observation as crime breeders.” Shortly after the incident, Valentine also reported that detectives of the NYPD’s Sabotage Squad were investigating reports “that organized gangs of hoodlums from certain Southern cities had been sent here to cause trouble and had been filtering into Harlem for some time.”

The City Council was at a loss. Perceiving the incident as an outbreak of delinquency, they resorted to the only solution they knew—opening more recreation facilities for unsupervised children. The whole event served to further cement the association in the public mind between black youth allegedly organized in gangs and incipient property destruction and racial violence.

The increase in public concern about black crime in the early 1940s was also in part the result of an organized campaign by civil rights leaders to focus attention on and address discrimination and a lack of resources in black neighborhoods. Prominent black leaders used publicity related to the crime wave debate, together with statistics emphasizing high crime rates


40 “Harlem is Orderly with Heavy Guard Ready for Trouble.”

in Harlem, to make a case for state aid and investment. On November 12, less than two weeks after the arrest of three black boys in connection with the fatal stabbing of 15 year-old James O’Donnell became the catalyst for the “crime wave,” more than 200 people filled the Harlem courthouse for an “emergency meeting” called by the Social Service Bureau of the Magistrate’s Court about the Harlem crime situation. A range of Harlemites shared their perspectives, many expressing anger about the lack of jobs and services due to racial discrimination and attributing crime to Harlem’s economic plight. “The home relief people do not understand that colored people have to eat the same as white people do,” said Harold Burton, a local black Republican. “If you knew the budget home relief grants these people—whole families trying to live on $10 and $12 a week—you would know why young people commit crimes in order to get a few cents for themselves.” Vivian Mason, also black and a director in the Welfare Department, blamed discriminatory real estate interests, saying, “It isn’t the relief budget that is a fault. It is the fact that the living expenses of people in Harlem are out of all proportion to those of people elsewhere.” The meeting adjourned with the decision to create what would eventually become the City-Wide Committee on Harlem.

Three weeks after the Harlem courthouse meeting, twenty-five civic leaders held the first committee meeting. The City-Wide Committee on Harlem was an interracial all-star organization co-chaired by Rev. Adam Clayton Powell, Jr., who had been recently elected to the City Council. Other members included Lester Granger of the Urban League and Walter White of the NAACP among the vice-chairmen, as well as A. Philip Randolph and several prominent magistrates on the Board of Directors, including Anna Kross, who had called the original


43 “Whites Join Harlemites in Fight on Local Conditions,” Amsterdam News, December 6, 1941.
courthouse meeting. Kross, who was born in Russia but grown up in New York, had been at the forefront of advocating a non-criminalizing social uplift approach to Women’s and Children’s Court reform since the 1930s, when she had become only the second woman appointed as a judge in New York City. In 1941, she was serving in the Magistrates’ Court in Harlem, and “felt that the number and kinds of cases coming before her were symptomatic of a dangerous social situation.” In particular, Kross and the City-Wide Committee expressed concern about the large numbers of African Americans in the court and prison systems. Though they denounced the media’s crime wave narrative as a sensational fabrication, they nonetheless emphasized that the city’s many “Harlems” were sites of continuously high crime and delinquency rates, which they argued were the result of discrimination and disinvestment in black neighborhoods.

Civil rights leaders used the City-Wide Committee on Harlem to draw on existing arguments for social uplift programs and city resources under the framing of crime prevention. Whereas city leaders had previously allocated park development, recreation programming, and public-private partnerships between the police and court systems and settlement houses in predominantly white and European immigrant neighborhoods because of allegedly high delinquency rates, the City-Wide Committee sought to make the same case for the city’s black neighborhoods. To make this argument, they emphasized statistics that showed a high crime rate among black youth. “Poverty plus discrimination plus crowding equal crime!” they wrote in a report on delinquency, citing that there were five times as many black versus white youth arraigned in Children’s Courts, relative to population size, with a 32 percent increase in black delinquency in Manhattan in 1941. The disproportionate numbers of African American youth in the courts for delinquency and neglect had been persistent since 1920. The report also balanced

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44 City-Wide Citizens’ Committee on Harlem, *Story of the City-Wide Citizens’ Committee on Harlem* (New York, 1943), NYPL, 3.
these statistics with an acknowledgement that numbers did not tell the whole story, citing studies that showed the disproportionate representation of African Americans in the court and penal systems to be the result of harsher treatment at every stage of the process, as well as fewer resources for bail and legal defense.\textsuperscript{45}

The City-Wide Committee used delinquency statistics as part of a larger campaign against anti-black discrimination in employment, housing, healthcare, education, and criminal sentencing. While they cited high crime rates, they used the numbers to make a political and economic critique of African Americans’ predicament, rather than reinforcing the white press’s association of black crime as a racial characteristic. “The same factors which create criminals among white people operate with more deadly effect among Negro people because the poverty, crowding and underprivileged of the Negro community are more pronounced,” the City-Wide Committee reported. To address the “Harlem problem,” the Committee held a series of annual “City-Wide Harlem Weeks” in the early 1940s, and achieved successes in appointing African Americans to housing, school, and hospital positions, as well as fighting more broadly against housing and employment discrimination, and segregation in the armed forces.\textsuperscript{46} “A Negro boy may become a burglar because his mother is working every afternoon and evening and must leave him neglected,” wrote the City-Wide Committee, “and the mother may be compelled to work because some white employers discriminate against the boy’s father by refusing to employ

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\item New York City’s black population increased 114 percent between 1920 and 1930, while the number of neglect and delinquency cases of black children in Children’s Court increased 241 percent between 1920 and 1933. In 1941 the number of white youth brought to court in Manhattan declined, and the total number of black youth brought to court was actually greater than the total number of white youth, despite the borough’s much larger white population. City-Wide Citizens’ Committee on Harlem, \textit{Report of the Sub-Committee on Crime and Delinquency} (New York, 1942), NYPL, 2–4. The study cited for disproportionate representation was Jess Spirer, \textit{Negro Crime} (Baltimore: Johns Hopkins Press, 1940).
\item City-Wide Citizens’ Committee on Harlem, \textit{Story of the City-Wide Citizens’ Committee on Harlem}, 1, 5–6; City-Wide Citizens’ Committee on Harlem, “Origin, Gains and Goals,” 1945, SPC, box 59, folder “Race Discrimination Amendment,” 4-10.
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Negroes.” Reduction of employment discrimination was the Committee’s number-one recommendation for crime prevention.⁴⁷ “I hope the city will realize that crime has been committed against Harlem as well as in Harlem,” said Borough President and City-Wide Committee vice-chairman Stanley Isaacs.⁴⁸

But though civil rights leaders advanced a nuanced critique of the ways that systemic discrimination produced high rates of poverty, crowding, and health crisis in black communities—harm that led to desperation, anger, and violence—they nonetheless adopted uncritically the lens that such acts should be understood as crime. This framework of seeing social harm as crime was not only non-partisan, it was multi-racial, and it ultimately limited the scope of the structural critiques that civil rights leaders could make. Crime, however social an analysis of the cause, ultimately led the accused to court, where they were judged and sentenced based on the individual merits of the criminal case. Thus, an abstract critique of the forces that led black folks in aggregate to the court system did not translate into a change in their treatment as criminals once involved with the system. Furthermore, black leaders, in an attempt to mitigate the worst discrimination within the court and penal systems, advocated for equal opportunity incarceration, demanding an expansion of carceral institutions to better serve black people.

Among the demands of the City-Wide Citizens’ Committee for Harlem were calls for increased policing, surveillance, and expanded penal institutions. Recommendations of the City-Wide Committee to reduce delinquency and crime included providing additional social services for African American children such as family case work, foster homes and institutions for “problem children,” more probationary and psychiatric care in the courts and schools for African people.

⁴⁷ City-Wide Citizens’ Committee on Harlem, Report of the Sub-Committee on Crime and Delinquency, 1, 9.

American children “at the beginning of their delinquency careers,” a commitment to keep Harlem playgrounds, parks, and community centers open during the war, “a new type of correctional institution for first-offender adolescent girls” to be operated without race discrimination, and an increased police force in Central Park and Harlem, as well as a larger police force overall. They also called for closer cooperation between the police and school authorities “in matters of theft and violence in the schools.” These demands were tempered by a historical awareness that police in Harlem had also been a source of violence, and the City-Wide Committee’s demands were balanced by statements that also called for an end to discriminatory policing. Leaders “pointed out that the police force was responsible for two inconsistent policies in Harlem,” one of “neglect and passing over of disorder and lawlessness which would normally be dealt with in other neighborhoods,” while at the same time pursuing “the kind of law enforcement which disregards the Negroes’ civil rights, which arrests and searches without warrants and is guilty of violence against persons and property of Negroes before they are given an opportunity for trial to prove their innocence or guilt.”

Among the most-touted achievements of the City-Wide Committee was securing passage of the Race Discrimination Amendment by the New York City Board of Estimate in 1942. The amendment, which was written by the City-Wide Committee’s Sub-committee on Crime and Delinquency, banned the policy of providing city funding on a per-capita basis to private religious and charitable institutions for neglected and delinquent children that refused to accept African American children. Until this point, the city had relied upon a publicly funded network of private institutions to provide compulsory detention and care of children and youth committed

49 City-Wide Citizens’ Committee on Harlem, Report of the Sub-Committee on Crime and Delinquency, 9; City-Wide Citizens’ Committee on Harlem, Story of the City-Wide Citizens’ Committee on Harlem, 9.

50 City-Wide Citizens’ Committee on Harlem, Story of the City-Wide Citizens’ Committee on Harlem, 9.
by the Department of Welfare or the courts. As the City-Wide Committee highlighted, very few of these institutions accepted African Americans—especially teenage girls—which led to the routine commitment of black children to city jails or state reformatories, where there were the harshest conditions.\(^{51}\) However, enforcing this amendment was another matter, as several institutions continued to discriminate and the crisis in placing black court-ordered children remained acute.\(^{52}\) Indeed, everyone agreed that overcrowding in the state’s youth facilities was a crisis, leading to an expansion of the state youth correctional institutions and the establishment of two year-round work camps in the mid-1950s.\(^{53}\)

Civil rights leaders had to navigate a complicated racial terrain in which they were forced to engage with the public’s narratives of black delinquency and gang-related disorder, but also sought to draw attention to the effects of racial discrimination and disinvestment. They did not take a unified perspective in response to the so-called problem of youth crime in Harlem. Many decried the racist distortions and factual falsities of press stories about crime waves, yet also pointed to statistics about the allegedly disproportionate criminality of African American youth as evidence of the harmful effects of racism. This was a difficult line to walk. On one hand, African American leaders were surely legitimately concerned about the social harms associated


with the perpetuation of violence among youth in the community, whether that violence was understood as a result of racism or not. On the other hand, the same leaders also often called for increased carceral resources in Harlem, bolstering a narrative in which Harlem’s lack of sufficient crime control and the inadequacies of detention facilities were yet more examples of discrimination that needed to be rectified. Whatever their intentions, while many African American leaders sought equal access to the levels of rehabilitative treatment that had been created for white youth, that discourse very closely mapped onto growing liberal impulses to put Harlem at the center of “treating” crime.

The Sociology of Group Deviance

It is necessary and yet difficult to distinguish between what was actually happening in New York City in this period and the interpretive stories by which people described and understood what was happening. The latter is directly discernible through the archival record, while the former must necessarily remain provisionally inferred by reading between the lines. Within these epistemological limitations, it seems clear that youth street violence was a real phenomenon that appears to have increased during the 1940s and 1950s. Boys and young men were actually injured and killed in such conflicts. Youth culture was also rapidly changing during this time, and young adults formed clubs and associations in order to meet diverse social and organizational needs, including for self-defense. The question of gangs’ existence and nature is more complicated, since the word gang simultaneously carries several layers of hermeneutical meaning: as a referent to actual associational groups formed by youth, whether or

not they referred to themselves as a gang; as an interpretive category composed by adults through social scientific theories and other methods that looked at youth groups and understood them as gangs, thus projecting all of the definitions and connotations of that category onto perceived reality; and a product of complex historical processes by which present-day commenters can understand the term only by way of the intervening years between the term’s origin in the 1940s and the present. As the criminologist David C. Brotherton has argued, “without the historical lens, we will reproduce representations of the gang that serve the hegemony rather than a critical reading or deconstruction of the phenomenon that allows us to see how that hegemony is achieved in the first place.” For the purposes of this chapter, I focus on the second meaning, since it is the most directly relevant to understanding the construction of criminality as a socially constructed category that was believed to represent objective reality.

55 A handful of historians have approached questions of youth street organizations from the angle of class, race, and identity formation but looked less at the role of the carceral state in this process, for instance Diamond, Mean Streets; Kelley, Race Rebels; Charles R. Acland, Youth, Murder, Spectacle: The Cultural Politics of “Youth in Crisis” (Boulder: Westview Press, 1995); Gilbert, A Cycle of Outrage; Will Cooley, “‘Stones Run It’: Taking Back Control of Organized Crime in Chicago, 1940-1975,” Journal of Urban History 37, no. 6 (November 2011): 911–932; Megan Stubbendeck, “‘This Wrong Being Done to My People’: Street Gangs, Historical Agency, and Crime Politics in Postwar America” (PhD diss., University of Virginia, 2013); Agee, The Streets of San Francisco, 141–84.


56 David C. Brotherton, Youth Street Gangs: A Critical Appraisal (New York: Taylor and Francis, 2015), 9. With the exception of Brotherton, criminologists have largely failed to historicize the very concept of gangs as a theoretical category, uncritically using the term as an ahistorical description of reality. As Brotherton goes on to write, “And so it goes with most studies of gangs, whose premises are simply taken as given, with gangs usually defined and discovered by legitimated social control agencies and their broad ranks of affiliated ‘experts,’ most often drawn from the police, the criminal justice system or the correctional industry. Thus it is rare for researchers,
The word gang, as used to denote a youth street organization, acquired new meanings and connotations of criminality, pathology, violence, and blackness during the 1940s and 1950s as a result of biased media reporting, new criminological theories, selective policing and social work programs, and a public discourse of racial fear. This development both reflected and encouraged a gradual shift among officials and academics towards viewing families of color as the locus of the so-called problem of crime. In particular, in the 1950s sociological criminologists identified the gang as a primary unit for research and experimentation, producing an explosion of criminology theories that defined gangs as pathological “sub-cultures.” Furthermore, in contrast to earlier theories which viewed gangs as normal forms of boyish social organizations whose members may or may not engage in antisocial activities, gang research and policy in the postwar era defined gangs as inherently criminal and antisocial organizations that existed for the sole purpose of creating violence, destruction, and disorder in society. Youth gangs, therefore, acquired a strong stigma of presumed, or at the very least potential, criminality, which was reinforced by researchers, social workers, and police officers’ use of geographically and culturally coded proxies for race and class. Gangs, to the degree that the word represented a concept and category created by criminologists, police, and other adults to theorize and explain the youth organizations they encountered, was a social construct fundamentally shaped by historical dynamics of power.\textsuperscript{57}

\textsuperscript{57} By this statement, I do not mean to discount or discredit the degree to which youth themselves were an intrinsic part of the process of creating and defining what gangs and gang membership meant. That question is beyond the scope of this chapter; for further commentary, see the previous footnotes. Rather, I seek to focus on the ways that the redefinition of gangs was part of a liberal carceral project rooted in the production of criminological knowledge, culture of poverty theories, and targeted surveillance and policing.
The question of what to call the youth groups that were apparently proliferating in the years following World War II was an old and thorny one to which there was no clear answer. At the heart of the problem was the issue of what, precisely, was the nature of the groups in question? Were they primarily social groups, which sometimes got up to trouble, or were they primarily groups bound together by pathology for which antisocial, violent, and criminal behavior was the driving motive? Two terms that came into circulation around the end of the war were the “street club” and the “conflict” or “fighting” gang. The former may have been closer, at least in spirit, to the way that youth themselves originally described their own groups. According to one Youth Board publication, “teenagers never refer to themselves as a ‘gang.’ It’s not in their vocabulary. ‘Gang’ is an adult word…young people call their groups clubs, cliques or crews.”

Some boys explained the origins of their groups as self-defensive responses to violence, discrimination, and difficult neighborhood environments. Critics of the term wanted a way to further specify that, while boys might naturally form many types of “normal” social and athletic clubs, the groups at the heart of the gang problem were an exceptional category defined by their violence and extreme antisocial behavior. Thus, by 1945, some commenters preferred the term

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58 New York City Youth Board, Teenage Gangs (New York: New York City Youth Board, 1957), NYCML, 9; see also New York City Youth Board, Reaching the Fighting Gang, 22.

59 One member described the beginning of his “club” as a defensive response to aggression from other local boys, saying, “The Rompers used to come around here and just pick on us, punch us in the mouth, and we just would go home and cry. If they told us to do something, we just hand to do it. They knifed us in the behind and everything. They come down and get anything they wanted from the girls around here, too, and the fellows didn’t do anything about it. We had a small club and there was one in the next block. We used to fight each other all the time. But we finally decided it was no use fighting between us when the Rompers were coming around and beating us all the time and doing everything they wanted. We decided to get together. When they picked on anybody we just protected them.” Paul L. Crawford, Daniel I. Malamud, and James R. Dumpson, Working with Teen-Age Gangs, A Report on the Central Harlem Street Clubs Project (New York: Welfare Council of New York City, 1950), 10.

Andrew Diamond argues that youths’ “fighting-gang subcultures served as conduits into the political sphere for an increasing number of the youths on both sides of the color line—not because of the activities of formal political organizations to radicalize them, but rather because they served to magnify racial injustices in the field of everyday life, as well as to articulate and reify ethnic and racial bonds that came to constitute the bases for grassroots mobilization.” Andrew J. Diamond, “Hoodlums, Rebels, and Vice Lords: Street Gangs, Youth Subcultures, and Race in Chicago, 1919-1968” (PhD diss., University of Michigan, 2004), 12.
conflict gangs or fighting gangs to specify that the groups who formed the real problem had violence as their core motive. Nonetheless, drawing the line between social clubs and antisocial gangs remained a deeply subjective endeavor.\textsuperscript{60}

The term conflict gang, which was adopted by the Youth Board and other youth agencies in the 1940s and 1950s as well as widely used in social scientific literature and the press, marked an important shift in both the definition of youth gangs and in how civic leaders understood to the problem of delinquency more generally. This marked a change from seeing gangs as natural and spontaneous formations out of boys’ play groups, into seeing them as manifestations of unequivocally antisocial behavior with a particular emphasis on extreme violence and aggression. The roots of the conflict gang as a theoretical concept originated together with the Chicago School of sociology, and in particular with Frederic Thrasher’s publication of The Gang in 1927. Thrasher’s study was the first major sociological study of the gang as a group phenomenon, and provided the first major template for a notion of gangs that referred to a street organization of children or youth, rather than a group of adults who where also popularly characterized as gangsters, mobsters, political muscle, racketeers, or criminal syndicates.\textsuperscript{61}

\textsuperscript{60} One mayoral report on the subject noted, “There is no hard and fast line distinguishing a conflict gang…only a difference of degree.” Juvenile Delinquency Evaluation Project, \textit{Dealing with the Conflict Gang in New York City}, Interim Report No. 14, 1960, 14, 2.

Thrasher defined a gang, at its most basic level, as “an interstitial group originally formed spontaneously, and then integrated through conflict.”\(^{62}\) This definition emphasized the gang’s origins in the disorganized life of the city’s zones of transition, but also stressed that gangs were natural social phenomena that were not necessarily criminal in nature. By his theory, conflict was a necessary though not exclusive component in transforming ordinary play groups into gangs. This conflict could be as little as a rivalry with another sports team or being regarded with suspicion by parents or neighbors, but it had the effect, Thrasher argued, of drawing boys together into a cohesive “conflict group.”\(^{63}\) Group violence and unlawful activities were included within this definition, but not essential to it—gangs could also be indistinguishable from social and athletic clubs. Thrasher was careful to note, “It must not be concluded from the fact that most of the groups in the case-studies exhibit delinquencies, that the gang is inherently evil.”\(^{64}\)

While Thrasher’s theory of gangs was deeply embedded in an urban development framework that saw them as produced by social disorganization in impoverished slums, by and large his attitude towards gangs themselves was relatively in line with a rehabilitative emphasis that the boys were not inherently bad. This pattern was generally true of other gang research of the

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By World War II, however, the influence of the culture and personality school pushed criminologists to explain gangs in terms of group psychology, personality traits, and pathological “subcultures.” In influencing this shift, the work of Albert Cohen and Walter B. Miller was particularly influential. Cohen, a sociologist who had studied under Robert Merton at Harvard, published *Delinquent Boys: The Culture of the Gang* in 1955. He argued that juvenile delinquency was a pathological subculture, “a way of life that has somehow become traditional among certain groups in American society” and that could be “acquired only by interaction with those who already share and embody” the ‘culture pattern.’ According to Cohen, the delinquent subculture, with which gangs were ambiguously synonymous, was “overwhelmingly concentrated in the male, working-class sector of the juvenile population,” an argument controversial enough at the time to warrant a long discussion of arrest statistics.

The reason, Cohen argued, why the delinquent subculture (i.e. gangs) existed only in poor urban communities, was because working-class boys valued middle-class status, but were “handicapped” in attaining it because of the ways in which their families socialized them. This created a “problem of adjustment,” to which the delinquent subculture represented a solution “by providing a criteria of status which these children can meet.” Gangs were thus explicitly delinquent by definition, creating their values by inverting the norms of middle-class society and adopting an attitude of deliberate and “malicious” subversion, “active spite and malice, contempt

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67 Cohen, *Delinquent Boys*, 36–44.
and ridicule, challenge and defiance” and being “just plain mean.”\textsuperscript{68} Though Cohen positioned himself within the prewar tradition of Thrasher, his analysis was in fact a significant departure in its attitude towards group psychology. The gang was no longer a natural and spontaneous social formation that emerged out of boyhood play, but was a “negativistic” social disease that persisted in working-class urban communities because of the culture of the community itself. Cohen defined gangs as delinquency, and as located uniquely within working-class urban communities precisely because they were urban and working-class. Cohen’s work created the basic template that guided gang research and sociological delinquency theory for the coming decades.

Walter B. Miller, a product of the University of Chicago’s anthropology department who also ended up at Harvard, took Cohen’s theories a step further to explicitly equate gang delinquency with the so-called pathologies of lower-class “matriarchal” culture associated with African American families. In particular, Miller defined delinquency as a direct product of the “lower class,” arguing, “In the case of ‘gang’ delinquency, the cultural system which exerts the most direct influence on behavior is that of the lower class community itself,” rather than conflict with middle-class values. Miller argued that “lower class culture” was identifiable and unique by a number of measures, but its features were ultimately “defined primarily by its use of the ‘female-based’ household as the basic form of child-rearing unit and of the ‘serial monogamy’ mating pattern as the primary form of marriage,” employing a racist trope that functioned as a coded reference to African Americans. Miller went so far as to argue that criminality and gang delinquency were direct and perhaps inevitable cultural products of so-called lower-class matriarchal (read: black) families. Miller’s theory, which was highly influential, therefore placed

gangs at the heart of an explanation that cast families of color, and particularly their sons, as both essentially and irredeemably criminal, and yet also responsible and punishable for their crimes.69

This emerging criminology of gangs created a new theoretical concept in the 1940s and 1950s: a definition of gangs that were violent, criminal, pathological, and indelibly associated with a culture of poverty in which the delinquency subculture was believed to be endemic. While Thrasher had associated gangs with neighborhoods in transition, these areas had been populated by majority European immigrants in the 1930s; by the 1950s the racial meaning of “neighborhoods in transition” had transformed to connote areas where African American and Puerto Rican populations were large or growing. Postwar criminologists such as Cohen and Miller reframed gangs as the quintessential manifestation of the delinquency and crime produced by the so-called cultural pathologies they believed characterized such areas and their residents. Gangs became the evidence to which social scientists, law enforcement officers, and public officials could point when they wanted to discuss the problem of crime in the urban ghetto. Gangs also functioned as a codeword for the criminality of the culture of poverty, and by extension, of the culture’s “carriers.” And New York City was a main laboratory in which Youth Board acted upon and further cemented the association between gangs and blackness.

The Youth Board Street Club Project

The so-called gang problem was at the center of postwar conversations about race, crime, and urban development. This was indicated by the fact that Youth Board officials made outreach to gangs a central priority from the agency’s creation in 1947. Youth Board efforts to work with youth gangs occupied a substantial part of the organization’s efforts throughout the 1950s, even

as Youth Board officials worked to expand their gang work from the program’s humble beginnings. While social scientific theories about the pathologies, subcultures, and origins of gangs were developed in academic circles—and while these theories profoundly influenced Youth Board policy makers—the ground-level decisions about the actual gang control programs and priorities in New York further strengthened ideologies that increasingly located crime’s origins in the so-called pathologies of blackness. These developments took place in the arenas of both social science and law enforcement, creating a new normative ground in which both the definition of gangs as a problem of the ghetto and the solution of heightened policing there slowly transformed from experimental theories to common sense.

The shape of Youth Board officials’ philosophy and initiatives with regard to “group work” with youth gangs changed over time. Between the 1940s and the end of the 1950s, the Youth Board’s responses to so-called gangs in the city shifted from an initial eclectic, decentralized approach that emphasized experimentation, embraced the normality of youthful associations, and took a non-criminal view of gangs, to a centralized and standardized program that increasingly cooperated with police and explained antisocial behavior and violence as the result of pathological family structures and cultural formations. Though so-called conflict gangs were a multi-racial phenomenon in the 1940s and 1950s, the Youth Board selectively focused on “high hazard neighborhoods” that disproportionally targeted young men of color.

The roots of the Youth Board’s gang control efforts actually began with the experiments of private social service organizations during World War II. As the war was ending in Europe, civic leaders in New York began crafting an organized response to the “most urgent problem” of youth violence. In October 1945, the Welfare Council of New York City, a longstanding social philanthropist organization, created a Committee on Street Clubs to study and make
recommendations about “the gang problem in New York City.”\textsuperscript{70} The impetus for this committee’s creation came from the Prison Association of New York, whose treasurer also led the project’s initial fundraising efforts to respond to this “violent inter-club warfare.”\textsuperscript{71} The Committee on Street Clubs eventually recommended a three-year experimental project, and in early 1947 the Welfare Council provided funding for a director and a small handful of trained social workers to launch the Central Harlem Street Club Project, which began field operations that July.

Though originally planned to operate in the two neighborhoods cited most frequently in the news for youth violence, Harlem and “one in Brooklyn,” there was only enough funding for one location, which ended up being Harlem.\textsuperscript{72} Project proponents argued that neither of the two prevailing approaches to youth outreach—providing recreation and leisure time programming, or taking a punitive approach—had not been successful in reducing youth violence. These strategies had either failed to reach antisocial groups, or police aggression had only added to the levels of conflict in a given situation. Instead, the Street Club Project’s leadership sought to actively reach out to selected youth groups in order to redirect their energies toward less antisocial ends. The Street Club Project’s director was clear that the effort was not an attempt to “break up gangs or smash heads.”\textsuperscript{73} Instead, this was to be an experimental new approach to New York’s youth rooted in rehabilitative ideals of understanding and sympathy.

\textsuperscript{70} Crawford, Malamud, and Dumpson, \textit{Working with Teen-Age Gangs}, 151, iii.


\textsuperscript{72} Crawford, Malamud, and Dumpson, \textit{Working with Teen-Age Gangs}, 5.

The Central Harlem Street Clubs Project began from the premise that participation in street clubs, as the project referred to them, “represents a natural tendency of most adolescents of any social strata to join autonomous groups of their contemporaries.” Nevertheless, project officials were concerned that “an increasing number of street clubs have become involved in antisocial behavior,” especially the “an aggressive violent type of gang activity involving warfare between groups.” Project workers began by inquiring and making contacts with four youth groups in Harlem that were regarded as the most aggressive, antisocial, and conflictual in the area. Reflecting project leaders’ awareness of a need to establish close, trusting relationships with youth, four out of the five project workers were African Americans who had either lived in Harlem or were well acquainted with the community. Though the initial workers were all men, a fact that reflected the project’s primary concern with the behavior of boys, a woman was eventually added to organize the neighborhood’s girls. However, girls were primarily regarded as a problem only to the extent that they facilitated, supported, and were objects of conflict for male antisocial behavior.74

The Central Harlem Street Clubs Project adopted an “area project” approach to youth engagement, which was deeply informed by the research and sociological approaches of the Chicago School.75 This framework continued to define New York City’s group work programs once the Youth Board took over, as well as providing an early prototype for the community engagement models of the War on Poverty. In contrast to recreational or punitive approaches, the

74 Crawford, Malamud, and Dumpson, Working with Teen-Age Gangs, 151–52, 9, 7, 106.

75 The area project model was based on the Chicago Area Project, an experimental program in several “high delinquency” neighborhoods developed in the early 1930s by University of Chicago sociologist Clifford Shaw and his associates. The Chicago Area Project sought “the development of a program for the neighborhood as a whole, as against a circumscribed institutional setup,” drawing from local leadership and organizations rather than professional workers. See Kobrin, “The Chicago Area Project: A 25-Year Assessment,” 19–29; Steven Schlossman and Michael Sedlak, “The Chicago Area Project Revisited,” Crime & Delinquency 29, no. 3 (July 1983): 398–462; Wolcott, Cops and Kids, 137–38.
area approach was described as one in which “trained persons try to help residents of a local area to take action in their own behalf in meeting their local needs and in solving neighborhood problems.” This framework sought to be one of empowerment. It “assumed that persons living within an area are not indifferent to local problems. They want to do something about this problems and, with help and guidance, they can.” Though the Central Harlem Street Club Project’s attempts to build substantial community engagement were largely unsuccessful, the underlying aspiration sought to build community action to redress “those factors in neighborhood life which are inimical to the full development of a wholesome, secure, democratic way of life for all people in the neighborhood.”

Compared to later evolutions of the program, the early efforts of the Central Harlem Street Club Project appear remarkably committed to a rehabilitative model.

The project’s involved sending trained “area workers” into a neighborhood to gain the “acceptance and confidence” of antisocial gang members, and then to use those relationships to influence the boys in constructive ways. Reports claimed that workers “would not come to the gang with predetermined ideas and suggestions,” but would make suggestions about resources or services only when the group expressed need for them. Area workers tried especially to serve as strong role models, helping boys learn to take responsibility for their actions. Above all, this work depended upon the development of deep trust, requiring the area worker to “respect the intimate relationship between himself and the club member. He must honor the confidential nature of the information which the boys might share with him,” especially about behavior and incidents that were regarded as illegal. Maintaining a relationship that protected boys from the

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76 For the lackluster community building, see Crawford, Malamud, and Dumpson, Working with Teen-Age Gangs, 114, 142–44.

77 Crawford, Malamud, and Dumpson, Working with Teen-Age Gangs, 4–5.
police was an essential piece of the Central Harlem Street Clubs Project’s model, though not one which would last.

The leadership of the Central Harlem Street Club Project was explicit in affirming that “a punitive approach is unsound in principle” and declaring that “punitive methods have not been successful in controlling the street club situation. Rather, such methods have tended to heighten existing tensions and to increase hostile activity.” This belief was rooted in area workers’ firsthand experience of the reasons why boys avoided the police in Harlem. One project report noted, “Policemen were the most widely hated authority-figures. According to the boys, the cops chased them from the streets in which they played, picked them up without reason, and subjected them to humiliating verbal abuse and brutal beatings. (On several occasions the workers observed actual instances of mistreatment on the part of the police.)” On another occasion, a Neighborhood Council of adults organized by project workers met with the local precinct captain to discuss complaints by a large number of boys in so-called gangs that “the police frequently mistreated them.” Despite this outreach effort, area workers noted that “no action was taken” by the police in response. One boy said, “The only difference between a gangster and most policemen is that the policemen are allowed to carry a gun and get away with what they are doing much easier. They rob, take money from people, they sell dope, they do everything, but they can get away with it.”

In contrast to later Youth Board policies that adopted the area approach model, workers in the Central Harlem Street Club Project do not appear to have reported any unlawful activity to the police, instead opting to resolve tense situations by stalling or de-escalating. In one incident, two boys reportedly rushed up to their area worker, whose name was Howard, saying that two

other local groups were preparing to “got to war” and that one member named Jerry possessed a hand grenade and was threatening to use it. Upon investigation, Howard found that Jerry was drunk and did have a grenade, but Howard “told him to go home and get some sleep,” which “he did, sheepishly.” Then Howard had a conversation with the other boys, who still wanted to get some weapons to fight the other group, in which Howard shared his own grisly experience with grenades during his service in the army. In response to Howard’s story, one boy replied, “You know that is some bad s— man…” and the group called off the fight. This non-law enforcement approach to conflict resolution was a remarkable aspect of the Central Harlem Street Club Project, and a testament to its area workers’ commitment to changing boys’ perspectives without involving the police. This early non-punitive attitude was confirmed in the senate testimony of area worker Kenneth Marshall. In response to a question about whether he ever called the police in, Marshall replied with a clear negative, reporting that his work was based on trust and “The boys fully understand that…[at] no time will I say anything,” even in extraordinary circumstances.

The project reported great success at reducing the amount of violence between groups. Workers said that they did this through a combination of modeling mature responses to disagreements, and by facilitating inter-group relationships by building shared programming such as dances, athletics, and camping trips that brought different groups in friendly contact with each other. The Street Club Project claimed that there had not been a single “war” involving the project’s groups during the period of engagement. According to project workers, the boys themselves didn’t seem to like fighting, but they felt that they were forced to in certain situations.


80 U.S. Senate Subcommittee to Investigate Juvenile Delinquency, Juvenile Delinquency (National, Federal, and Youth-Serving Agencies), 142.
Under the guidance of project workers, boys took active steps to reduce violence, including ceasing to carry weapons and abolishing the office of War Counselor. One group, called the Gay Blades, moved their headquarters in order to avoid ‘rumbles’ with the neighboring Politicos. By the end of the Project, one member remarked on this transformation, saying, “Yeah, [in the beginning] if somebody would yell at me, you know, what they hell are they yelling at, and if they answer I’m ready to fight. Now, if somebody yell we laugh about it and say I was just kidding and we have a nice time about it.” Several boys also remarked on the difference in the ways they saw themselves and were seen by the community after “people have stopped calling us hoodlums.”

Though the Central Harlem Street Club Project was an independent effort, the Youth Board quickly moved to support and then to absorb its activities, using the Harlem project as a model for a proliferation of similar efforts across the city. In 1948 the Youth Board provided funding to the Central Harlem Street Club Project, and then in 1949 extended funding to seven different private agencies in designated high-delinquency areas of the city to create their own “detached worker” programs modeled on the area approach used in Harlem. The detached worker method was another related social work strategy that “detached” social workers from existing agencies by reassigning them to work with local youth groups. After a year, it became clear that there were high levels of variation in the methods and quality of these programs, and Youth Board officials ended the private contracts to set up a gang control program under the direct management of the Youth Board in December 1950. That was the same year that the Central Harlem Street Club Project wrapped up its operations.

The Youth Board’s gang control efforts were targeted to the same “high delinquency”

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areas that the Youth Board had been developing based on police data and crime statistics. Youth Board justifications for focusing on these “high hazard neighborhoods” were drawn directly from sociology understood gangs as a problem of localized subcultures produced by poverty and associated with minorities. “Negative socio-economic environmental influences, such as overcrowded and inadequate housing, slum dwellings, economic deprivation, lack of adequate housing, slum dwellings, economic deprivation, lack of adequate recreational facilities, discriminatory practices, parental rejection, adult hostility, community and neighborhood rejection, family and personal disorganization, do much to cause aggressive, hostile behavior on the part of the street club member. He lives in a sub-culture which evidences violence day in and day out,” Youth Board officials wrote, describing the dynamics of the high-hazard neighborhood. Youth Board descriptions of the areas where gangs originated, and therefore officials’ justifications for focusing crime control efforts in these places, drew particular attention to the racial status of residents as a factor in perpetuating social pathologies. “The neighborhoods in which these boys grow up are those where not only is adult crime prevalent, but delinquency is presented very early as a norm,” wrote Youth Board researchers. “They are, in many instances, neighborhoods where these patterns have been handed down from generation to generation. Likewise these are the neighborhoods that, in addition to being mobile with diverse ethnic composition, have become economically depressed and subject to great and serious change.”82 In a perverse mix of systemic factors and psychological reasoning, historical oppression was used to blame its victims for what was then constructed as their own pathological response.

To be sure, so-called gangs of white youth were also prevalent in New York at this time,

82 New York City Youth Board, Reaching the Fighting Gang, 17.
but white youth received sympathetic treatment by the media in a way that black youth were not, revealing the double standard of the rehabilitative ideal. In 1954, for example, four white teenagers were arrested in connection with a series of violent attacks and murders, including beating a homeless black man named Willard Menter, burning him with a cigarette, and pushing him into the river, where he died. Media coverage focused on the “bookish” nature of the boys, who, according to police, were “neat, well-mannered, and with one exception, liked by neighbors,” and driven to delinquency by boredom and societal neglect.\(^{83}\) Around the same time, a shocking “stomp killing” by another white gang in Brooklyn sparked a similar public frenzy about how four boys from “good, middle-class families” could have possibly been responsible.\(^{84}\) This contrasted sharply with reports that Bedford-Stuyvesant was being treated as a “‘scapegoat’ area” because it “is now predominantly inhabited by Negroes.” \textit{The Amsterdam News} complained that youth violence in white Brooklyn neighborhoods was not given nearly the same coverage as in Bedford-Stuyvesant. “But what of the ‘Lily White’ gangs that prevail in the other sections,” asked the paper. “We should also keep in mind the fact that these gangs do not confine their activities to their own neighborhoods, and because of this, the residents of [Bedford-Stuyvesant] are blamed for the criminal acts.”\(^ {85}\) While criminology looked for ways in which “society was to blame for the crime” of white offenders, the same social science increasingly


\(^{84}\) Mariah Adin, \textit{The Brooklyn Thrill-Kill Gang and the Great Comic Book Scare of the 1950s} (Santa Barbara: Praeger, 2015), 34–37. “In some inexplicable manner,” reported \textit{The Brooklyn Eagle}, the jury found Thomas Wysokowski, one of the defendants, “guilty of the next to the lightest charge on which he could have been convicted—first-degree manslaughter. It’s no wonder that Judge Leibowitz declared that the youngster ‘was fortunate to escape the electric chair.’” “Light Penalty in ‘Stomp’ Killing Very Difficult to Understand,” \textit{Brooklyn Eagle}, September 22, 1954.

\(^{85}\) “Bedford-Stuyvesant Area Called ‘Hot Bed’ of Youthful Crimes.”
concentrated on the black areas of the city.  

The first locations of the Youth Board’s new gang control program were located in Bedford-Stuyvesant and in South Brooklyn (comprising present day Gowanus, Red Hook, Park Slope, Carroll Gardens, Cobble Hill, and Boerum Hill), in both of which there had been highly publicized gang violence in May 1950. The Youth Board’s “Brooklyn Detached Worker Project” initially employed one coordinator, one supervisor—both of whom had previously worked on the Central Harlem Street Club Project—and nineteen street club workers between the two Brooklyn areas. The program was intended to “saturate” the areas, meaning every known fighting gang in a neighborhood was to be worked with simultaneously. The program grew rapidly. In July 1951, the Youth Board added a third unit in East Harlem and renamed the program the Council of Social and Athletic Clubs, which remained under direct operation of the Youth Board though it continued to be unofficially known as the Street Club Project in homage to its origins. Between 1955 and 1957, the Youth Board added seven more units, located in Mott Haven-Longwood and Morrisania-Belmont in the Bronx; the Lower East Side, Washington Heights, and East Harlem in Manhattan; Corona-Long Island City in Queens; and Williamsburg in Brooklyn. These neighborhoods were synonymous with the Youth Board’s designated high-delinquency areas. The Council of Social and Athletic Clubs also opened three “lounges” in East Harlem, Bedford-Stuyvesant, and the South Bronx, which provided general-purpose meeting spaces for youth groups to play games and hold dances. The Youth Board expanded the number

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87 There was also strong pressure for a municipal response coming from the Kings County District Attorney’s office as well as the Brooklyn Council of Social Planning, which had been experimenting with its own Tompkins Square Project, another area approach program.

of program supervisors to ten, and hired sixty additional street workers. In just three years
between 1955 and 1958, the Council’s budget increased from $188,000 to $694,000, and by
1960 the Council estimated that it was in contact with 60 conflict gangs, or about half the
number estimated to exist in the city.89

Thus, beginning in 1950, the Youth Board consolidated and centralized control of the
city’s gang outreach programming by absorbing the personnel and experience from at least nine
different independent organizations that had taken diverse, though related, approaches to meeting
youth where they lived. In the process, the guiding philosophies also changed, and cooperation
increased with the Police Department. The Central Harlem Street Club Project had emphasized
the need to engage the community as a whole, clearly stated that punitive police interactions
were harmful, and articulated a non-criminal and generally non-pathological understanding
“[t]hat participation in street clubs represents a natural tendency of most adolescents of any
social strata to join autonomous groups of their contemporaries.”90 In contrast, the Youth
Board’s Council of Social and Athletic Clubs saw gangs and their communities as separate, was
initially ambivalent about the role of the police in minority communities and over time actively
cooperated with the Police Department, and inserted an explicitly pathological explanatory
framework.

The relationship between the Council of Social and Athletic Clubs and the NYPD
changed in part as a result of the Lower East Side gang truce incident in August 1956. Together
with community partners, the Youth Board had been involved in facilitating the mediations
between the Dragons, Enchanters, and Sportsmen, which Police Commissioner Kennedy

89 Juvenile Delinquency Evaluation Project, Dealing with the Conflict Gang in New York City, 14, 19, 24.
90 Crawford, Malamud, and Dumpson, Working with Teen-Age Gangs, 151.
publicly criticized as a strategy. In response to Kennedy’s criticism, Youth Board officials increased their cooperation and communication with the NYPD, especially by reversing their longstanding policy of not reporting illegal activity to the police. A mayoral report noted that “harmony” between the Youth Board and Police Department “subsequently underwent a marked improvement” once the Council of Social and Athletic Clubs issued a directive requiring workers to immediately report to the police all instances of possession of banned weapons, narcotics use, and potential fights that they encountered in the course of their work.91 Looking back over the development of the Council of Social and Athletic Clubs, Youth Board Director Ralph Whelan commented that one of the biggest changes in the program’s trajectory was placing “more emphasis…on a well-defined channeling of information within the Council structure itself and between the Council and other concerned groups—particularly, the law-enforcement authorities.”92 Following the Lower East Side incident, Youth Board area workers effectively transformed from confidential social workers to informal plainclothes agents of surveillance embedded in youth’s communities.

In practice, this policy change meant that Youth Board workers were now compelled to call the police whenever they observed an instance of law breaking, as well as when they had reason to think that a fight might be imminent. The official logic was to use Youth Board workers’ “confidences regarding potentially serious gang activity [to] enable the worker to prevent serious incidents…by immediately instituting direct police action as a strong deterrent to brewing rumbles or other anti-social acts.”93 In one recorded example, a boy named Jerry


approached his Youth Board worker and reportedly said, “Al, all the Wildcats are planning on going down on the Commanders. They got a carload of guns and ‘Molotov cocktails’ and what-have-you and I’m afraid someone is going to get hurt.” Al and Jerry drove to the location where several boys were gathered. As Al later reported, he told them,

I was going to call the law and, believe me, there was going to be law all over the neighborhood and if they rode into Commander territory acting up like this they would be busted. Upon hearing this, all the fellows came pouring out of the cars heaping abuse upon me. I felt that it was really a very dangerous situation. I left with Jerry to go around the corner to call the law. When the police arrived on the scene, many of the fellows had cut out. Those who were apparently not packing [weapons] joined us at the candy store and I was given the silent treatment for the rest of the evening.  

In comparison to the incident in which the Central Harlem Street Club Project worker Howard defused a similar situation involving a boy with a grenade without involving the police, this example illustrates how, in contrast, Youth Board workers were directed to invoke the police as part of their work. In this situation, Al appears to have seen the police as a form of backup in attempting to control the boys, first by persuasion, and then by forcible compulsion.

In fact, the NYPD frequently raided “potential” or “impending” fights from the early 1950s, whether on the basis of Youth Board intelligence, anonymous tips, or simply on the basis of observing a gathering of young men in public. When officers couldn’t charge youth with illegal weapons or narcotics possessions, they charged them with vagrancy or unlawful assembly if they were over 16, or juvenile delinquency if they were underage. Youths’ complaints about being persistently bothered by police for hanging out in a group were backed up by news reports, which revealed a pattern of aggressive action by police to break up youth gatherings.  

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94 New York City Youth Board, *Reaching the Fighting Gang*, 203.

NYPD captain called the Police Department’s preemptive policy of dispersing and taking youth into custody in advance of any alleged future disturbance a policy of “timely restraint.” “When we get information, we pick them up and slow them up,” he said.\(^{96}\) Beginning during World War II the NYPD developed a dedicated Youth Squad especially for this purpose. This was part of a comprehensive NYPD policy of using blanket arrests and extra surveillance of youth as means to control boys’ activities through both direct and indirect ways.

Once youth were arrested, they entered the NYPD Juvenile Aid Bureau system of JAB-1 cards, investigation, indefinite supervision, and potential referral to other organizations. “When many of the boys who belong to gangs are on record with the Juvenile Aid Bureau, visits are made to the parents of the participants informing them of the fact that a rumble is impending, that it is believed that their sons plan to be involved, and enlisting the parents’ aid in keeping them off the street or from becoming involved in such activity,” noted a Youth Board report. “Finally, there is the activity of the [NYPD] Youth Squad which, when alerted to gang fighting or boys on the move, though its mobile units can move in very rapidly to disperse groups, make arrests, and make whatever referrals indicated.”\(^{97}\) While the Youth Board had always relied on the NYPD for information—the Youth Board’s high delinquency areas were originally designed from precinct arrest statistics—after the Lower East Side incident the information increasingly flowed in both directions. “Close working relationships between the project and the official law enforcement agencies, particularly the police department, have proven not only essential to the effective operation of the project but also, we believe, mutually helpful to all of the official

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\(^{97}\) New York City Youth Board, *Reaching the Fighting Gang*, 99–100.
agencies concerned with the prevention and control of gang conflicts,” read the new Youth
Board policy regarding cooperation with law enforcement agencies.98

By integrating themselves in youth groups, Youth Board area workers effectively
functioned as undercover operatives for the Police Department, as well as for District Attorneys
and probation and parole departments. Not only did Youth Board area workers use their
privileged position to call the police and have boys arrested, but they also provided “active
cooperation” with court and prison officials, which Youth Board leadership deemed “essential in
tightening authoritative controls on leaders and members of conflict gangs.” Besides assisting the
NYPD in directly arresting youths, this cooperation included giving information to district
attorneys to make indictments, notifying probation and parole officers “regarding dangerous
situations,” and liaising with probation officers “so that closer checks can be kept on youths
discharged from the courts.” In addition, Youth Board officials on occasion unilaterally sought to
extend the incarceration of certain youth by giving “pertinent information about the homes or
community situations of gang members who are being considered for parole or discharge from
correctional institutions.” Area workers may have been necessitated to tell boys that they were
obligated to report all weapons, drugs, and potential fights to the police, but it is unlikely that
youths understood the full range of surveillance that Youth Board workers were actually
performing through their participation in boys’ group meetings and personal conversations.99

Youth Board officials designed their gang control efforts in the 1940s and 1950s based on
a sociology of pathological subcultures by youth understood to be deviant, rebellious, malicious,
and violent as a systemic result of their upbringing in areas allegedly plagued by crime,

98 New York City Youth Board, Reaching the Fighting Gang, 255–56.

99 See New York City Youth Board, Reaching the Fighting Gang, 255–57, 134–35.
disorganization, and broken families. Youth Board officials explicitly targeted these “high hazard areas” as the source of the real problem, disproportionately affecting the communities of color who resided in them. At the same time, officials responsible for the Youth Board’s Street Club Project slowly moved away from the initiative’s origins as a decentralized, community-based social work effort that took a non-punitive approach to meeting youth where they were and refrained from involving the police. By the latter 1950s, the program had transformed into a highly centralized city-run effort that closely cooperated with the NYPD.

**Policing the Postwar City**

Alongside the Youth Board, the other city agency primarily responsible for responding to the so-called gang crisis after the end of the war was the New York Police Department. Over the course of the 1940s and 1950s, the two agencies took different approaches to delinquency control, in which the Youth Board attempted to redirect youths’ energies through individual and group intervention, while the NYPD applied a “‘break ‘em up’ by force approach.”100 To anyone familiar with the history of the NYPD’s prewar Juvenile Aid Bureau, however, the police department’s turn away from the social work approach that the JAB had pioneered in the 1930s was a sharp break with past precedent. Indeed, as the Youth Board increasingly emphasized its role in coordinating the provision of social services to youth and families beginning in 1947, the JAB underwent a crisis of identity as both internal and external experts questioned whether the police department was really the right agency to be training officers as social workers.101

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100 Juvenile Delinquency Evaluation Project, *Dealing with the Conflict Gang in New York City*, 8.

Beginning in the early 1950s, two consecutive police commissioners—Francis W.H. Adams and his successor Stephen P. Kennedy—led the NYPD’s youth division in making a clear shift away from its earlier emphasis on social aid and toward a more explicit role as law enforcement that did not “coddle” the “young hooligans.”¹⁰² Yet while the Youth Board and NYPD sometimes disagreed about delinquency control strategy, as evidenced by Kennedy’s public condemnation of the Lower East Side gang truce in 1956, it was not possible to speak of the city’s response to juvenile delinquency or gangs without speaking of both agencies. Though they had different styles, both the Youth Board and NYPD were carceral institutions that used a framework of crime to expand state power to control the behavior of youth.

In addition to shifting the NYPD’s attitude from portraying its youth branch as softhearted social workers to hard-fisted law enforcement, Commissioners Adams and Kennedy also instituted a larger organizational overhaul of the NYPD in order to increase operational efficiency. Posed initially as a series of “experimental” increases in police patrols in neighborhoods selected because of their racial and ethnic diversity, by the late 1950s the reallocation of the police force to these neighborhoods was permanent and comprehensive across all five boroughs. It was coupled with an intensive and successful political campaign to expand the funding and size of the NYPD overall, justified in part to deal with the perceived threat of gangs to the social order. But the lynchpin of the reorganization was a program to rate every precinct with a quantitative “hazard factor” derived from area demographic and crime statistics, which would be the basis for the newly differential reallocation of police across the postwar city’s neighborhoods.

These changes went far beyond just policing youth, but nonetheless were intimately

related to the ongoing issues of gangs and delinquency in the city’s conversation about crime. Both developments, including a newly aggressive approach to youth crime and the addition of additional police officers to identified high crime precincts, coincided with and were defended in terms of the coded shift in focus to delinquency as a problem of African American and Puerto Rican families. While the Youth Board contributed more to the social science of this shift, the NYPD’s changing attitude toward youth as criminals rather than victims heralded an erosion as early as the beginning of the 1950s in the rehabilitative ideology—however two-faced it had been—that had previously characterized the police department’s juvenile policy.

Though the NYPD had a long history with the city’s so-called gangs dating to the nineteenth century, the Police Department’s concern with the particular dynamics of conflict and fighting gangs began in the winter of 1943-1944. In response to the highly publicized accounts of organized youth violence in Harlem the police commissioner ordered a complete survey of the area to find out how many so-called gangs existed there, marking the beginning of a systematic NYPD program for tracking alleged gang membership.\textsuperscript{103} This new focus on youth gangs continued after the end of the war, when the commissioner ordered all JAB units to make a complete search of their records for all children under sixteen who “are members of or associate with gangs,” as well as to make note of gang membership or association on all future youth arrest forms.\textsuperscript{104} This was a remarkable development in terms of legal interpretation. At the time, it was not illegal to belong to or to associate with a group of one’s peers, regardless of whether that

\textsuperscript{103} William M. Kent, “Juvenile Delinquency and Crime Prevention,” \textit{Spring 3100} 14, no. 12 (February 1944): 5.

\textsuperscript{104} Martin J. Brown, Memo for All Commands, November 20, 1946, NYPD Collection, Accession #09-26, folder “Juvenile Delinquency 1947,” NYCMA.
group was termed a gang by the authorities.\textsuperscript{105} Until California’s designation of membership in “criminal street gangs” as a criminal offense in 1988, followed other states and a federal version, gangs themselves were a colloquial category rather than a legal one. The NYPD’s decision in the 1940s to track and take police action based on alleged gang association was therefore a radical and legally dubious development that drew an equivalency between membership or association in a gang and being a criminal.\textsuperscript{106}

Police officials seemed to acknowledge the thorny gap between legal association and alleged criminal gang membership. In 1957 another department order sought to justify the NYPD’s tracking of alleged gang members by devising an internal definition of gangs that clearly criminalized them. For the first time, the order defined a “youth gang” as “a combination of individuals, any of whom are under 21 years, organized to accomplish an unlawful end, or even a lawful objective by unlawful means. In short, a youth gang is a group that includes minors, any of whose proximate or remote purposes is unlawful.” This definition, the order continued, empowered the police to take a number of steps to “invoke all necessary law-enforcement measures in advance of the actual infliction of harm, or even before assembly to inflict such harm.” These steps included mandatory investigation of every alleged gang member, warning identified youth and their parents of their legal responsibilities (including the criminal

\textsuperscript{105} Notable exceptions to this rule were if the group was the Communist Party or a “criminal syndicate”—both organizations that raised legal questions very similar to those involved in gang laws.

\textsuperscript{106} California’s 1988 Street Terrorism Enforcement and Prevention (STEP) Act defined “criminal street gang” as 1) a group of three or more people, 2) having as one of its primary activities the commission of criminal acts, 3) having a name or identifying sign, and 4) having members who individually or collectively engage in or have engaged in a pattern of criminal gang activity. President Clinton’s 1994 Violent Crime Control and Law Enforcement Act used a similar definition.

liability of guardians for contributing to delinquency), notifying any probation or parole officers of the “unlawful association” of the youth, and the systematic arrest and prosecution of publicly gathered groups of minors under laws governing unlawful assembly, disorderly conduct, possession of weapons, and criminal conspiracy. 107 This directive was issued just one month after the NYPD’s previous order to implement a revised JAB reporting form system using the modified Gluecks’ social prediction factors, which also included a field for noting gang membership, and was related in the sense that both were part of a concerted drive to streamline data collection and analysis. 108 Importantly, youth and their families had no way of knowing or contesting the NYPD’s determination of gang membership, since the unilateral decision of which groups constituted gangs and who was a member were entirely internal police matters. The NYPD’s formal criminalization of gang membership was a landmark development in tracing the department’s changing attitudes toward youth.

At the same time as the Police Department was honing its focus on gangs and introducing a streamlined record keeping system, the Juvenile Aid Bureau also underwent a substantial reorganization. In March 1957, the JAB was subsumed under a new NYPD Youth Division, which brought the JAB and an administratively separate group of Youth Squads (previously run by the Detective Division) under one central leadership structure. The Youth Squads, first organized in 1944, were the force primarily responsible for the aggressive implementation of the preemptive dispersal and harassment policy in the 1950s. While JAB officers had been

107 Frederick J. Ludwig, Memo to Unit Supervisors and Personnel, JAB, re: Prevention of unlawful gang activity before it occurs, August 16, 1957, NYPD Collection, Accession #65-037 Police Department, folder “Item #146 - Youth Gangs 1956-62,” NYCMA.

108 The directives were linked in the sense that both were part of a concerted drive to streamline data collection and analysis. “Case Investigation Report (JAB 1A),” NYPD Collection, Accession #65-037, folder “Item #149 - Juvenile Delinquency, 1954-57,” NYCMA.
embedded in a division that still largely emphasized a rehabilitative approach, the Youth Squads came from a different internal police culture of the Detective Division and took a harder-line attitude. In the words of one police officer, Youth Squads “fine-combed” areas where youth tended to gather “for larvae of juvenile delinquency and adult lice who live off vice on their premises.”

In contrast to the regular uniformed force, Youth Squad officers “dress to fit the neighborhood, chameleon-like, and work on tips filtered through shadows,” described another NYPD insider. “In the surveillance of teen-age hotshots, the youth cops move in—fast,” continued the report, giving a sense of the attitude of the Youth Squads. “Keeping young felons off balance is a constant, demanding task….Any letup by the police on youthful marauding would mean a distinct victory for the young jungle war lords.”

With the creation of the Youth Division in 1957, the Youth Squads were reinforced by nearly 75 percent and more flexibly assigned on a borough basis, rather than by precinct.

These developments were in part the result of an early 1950s effort to reform the NYPD’s posture towards youth crime by moving away from the social service model and towards a stance that the primary role of police was to maintain “law and order.” Tensions between the roles of social worker and police officer had been present within the JAB since the 1930s, especially as the unit expanded and professionalized its many functions of identifying, investigating, referring, and potentially treating children and youth who police identified as either delinquents or “potentials.” By the 1950s, two separate external reviews of the police department recommended

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111 “Youth Division Formed,” *Spring 3100* 28, no. 5 (May 1957): 14. In 1959, the Youth Squads and JAB were consolidated, creating a Youth Division with three sections: the Patrol Section, which combined the former Youth Squads and the JAB gang task force; the Investigative Section, and the Service Section. “Youth Squads and J.A.B. Task Force Consolidated,” *Spring 3100* 30, no. 6 (June 1959): 7.
that the continued function of the police as social workers was both undesirable from an
efficiency point of view as well as legally untenable. One report advised that the JAB’s service
unit should cease its long-term treatment of cases in favor of prioritizing a more traditional law
enforcement function. “The police role is dominant and will continue to predominate so far as
the youthful offender of lengthening criminal record and vicious associations is concerned,”
noted the report. “Here the police position is unassailable and nothing should be allowed to
obscure the fact that JAB, the youth squads of the detective division, and the youth patrolmen
now operating in the police precincts, are first and foremost the agents of law enforcement.”

Another external report advised the complete abolition of the service unit along with the
recommendation “that the police should not undertake a treatment program” because of serious
constitutional and ethical concerns. The report argued, “the long-time treatment relationship
between a worker and a parent and child requires an outlook which cannot be part of a police
structure because of the nature of police responsibility. Furthermore, if the Service Unit’s current
function is considered not as treatment but as informal probation, we maintain along with others
that the maintenance of such relationships is outside of the legal right of police where there has
been no court adjudication.” This was a damning condemnation of the unit that most
represented the JAB’s early efforts to design a police response to delinquency that was in line
with rehabilitative emphases on social work, personal discretion in individualized cases, informal
treatment rather than mandatory court appearances, and a treatment model based on sociological
and psychological research. While the JAB’s Service Unit model had been deeply carceral in its
emphasis on coercive control—whether that was achieved through formal or informal


113 Emphasis in original. Kahn, Police and Children, 54. See chapter two of this dissertation for the development of
this police function.
supervision—the 1950s critique of the JAB resulted in reforms that led to the abandonment of the rehabilitative model altogether. This dynamic presaged the later and more total disintegration of the rehabilitative ideal in the court system based on similar critiques that its informality led to the violation of children’s constitutional rights.

This criticism dovetailed with Commissioners Adams and Kennedy’s predispositions to treat the so-called gang problem with force rather than social science. Together with their records of using the Youth Squads to disperse and arrest congregations of youth, both men made clear statements about their intentions to redirect police energy. Commissioner Adams told a room of boys that the policeman should be a professional peace officer, not “a social worker, a psychiatrist, minister, priest or rabbi.” Commissioner Kennedy, his successor, was even clearer. “My aim is to re-define the police role in youth crime in realistic terms. Our function, as I see it, is to prevent crime as a policeman does it. Not as a doctor, not as a clergymen, not as a teacher, not as a social worker—but as a police officer,” Kennedy declared, going on to say, “In my viewpoint, we are not to act as a rehabilitative agency….We are a regulatory agency.” In a separate speech, Kennedy said, “The police should be either policemen—a job for which they were hired and trained—or social workers. They are not equipped to be both.” Kennedy’s declaration was clear: as far as the NYPD was concerned, the rehabilitative ideal was dead.

Commissioners Adams and Kennedy led a comprehensive campaign to overhaul and reform the NYPD’s operations between 1954 and 1960, especially as they pertained to delinquency control. These included the reorganization of the JAB into the Youth Division; the


116 New York Police Department, “Law Enforcement and Youth Crime: The Role of the Police,” NYPD Collection, Accession #65-037, folder “Youth Gangs,” NYCMA.
integration and expansion of the Youth Squads; implementing a policy of preemptively dispersing and arresting groups of youth through laws governing the public order; the systematic identification of alleged gang membership and association, as well as extending warnings and intimidation to families; and the implementation of new reporting forms for more streamlined record keeping. Gangs and gang wars, which dominated the public crime narrative during the decade, were a persistent theme in the commissioners’ statements about getting tough on crime. The development of the NYPD’s “‘break ‘em up’ by force approach” to youth gangs in the 1950s was intertwined the development of a new and experimental method for allocating police force across the city. Though this strategy was pioneered and honed in New York’s neighborhoods of color beginning in Harlem, it eventually became a model to transform the way policing was structured in New York City and across the nation. Delinquency and gang control were central motifs in explaining and justifying the expansion of police power over the decade.

At eight a.m. on the morning of September 1, 1954, the New York Police Department began a three month project that it called “an experiment in adequate policing” in Manhattan’s 25th Precinct, an area enclosing most of East Harlem north of 110th Street and east of 5th Avenue. Dubbed “Operation 25,” the experiment had three stated goals: to determine “precisely what would constitute adequate policing”; “to demonstrate to the public what adequate police service and protection could mean in terms of reduced crime and swifter and more effective apprehension of criminals”; and “to devise some method of testing new police techniques and methods.” The operation involved the “saturation” of the precinct with significantly higher numbers of police officers in the belief that more police would mean less crime. Though it was sometimes framed as an experiment, Operation 25 was also described as a demonstration of what

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NYPD officials had already determined to be “ideal policing.”

East Harlem was chosen because not only was it “one of the most lawless areas of the city,” but its “mixed population”—about equal thirds white, black, and Puerto Rican—together with its housing projects, crowded living conditions, and busy commercial streets all made it, in the eyes of Commissioner Adams, “an almost perfect laboratory for a police experiment.” Once the NYPD had deemed Operation 25 a success, the police department quickly implemented the model of differential policing in other neighborhoods with significant populations of color.

The NYPD’s determination of the number of police necessary for the adequate policing of Harlem was significantly higher than the existing number. Before the operation’s commencement, the 25th Precinct was assigned a total detail of 188 patrolmen, 33 detectives, and a handful of officers and traffic police. On any given shift, the area was covered by about fifteen patrolmen on foot, aided by twelve more officers in six radio patrol cars, for a total of 27 patrolmen on the street at one time. On the first day of Operation 25, 99 patrolmen were turned out for duty, over three and a half times the previous number. Besides sheer numeric coverage, the increased numbers also allowed for a reorganization of foot post assignments to significantly increase the level of constant surveillance provided by any one officer. This was done by reallocating patrolmen’s beats to “straight posts” that did not bend around corners, so that a whole street could be under supervision at once. Overall, 252 new patrolmen were assigned to the precinct, which constituted the entire probationary graduating class of the Police Academy. This brought the number of patrolmen in the precinct up to 440, an increase of 134 percent.

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addition, 21 reinforcements were added to the precinct’s existing detective squad, thirteen officers formed a new narcotics detective squad, thirteen plainclothes personnel were added to a new plainclothes unit, and seventeen officers established a new special unit of the Juvenile Aid Bureau in the precinct, which had previously shared JAB coverage with a neighboring area. Overall, with the addition of extra commanding officers, the total number of all police assigned to the precinct was brought up to 613. This represented an increase of over two and a half times the original assignment of 241 men.\footnote{New York Police Department, \textit{Operation 25}, 4–7.}

Though police and news officials touted Operation 25 as an unqualified success even before the three month program ended on December 31, 1954, not everyone in East Harlem agreed with this assessment. One month into the operation, Commissioner Adams reported that the incidence of major crime in the precinct had been reduced by nearly 50 percent, a result “directly attributable to the presence on the street of a sufficient number of properly supervised police officers,” according to him. “Today,” said the Commissioner, “this is one of the quietest precincts in the city.”\footnote{New York Police Department, “Remarks of Police Commissioner F.W.H. Adams,” 3, 2.} East Harlemites agreed the neighborhood was unusually quiet, though they questioned the Commissioner’s explanation as to why. “A good many people, aware of the dangers of police brutality and instances of shakedowns by cops, now remain at home after dark,” reported the \textit{Amsterdam News}. “There have been complaints that the policemen from the 25th Precinct have dispersed ‘orderly’ gatherings, searched ‘innocent people’ and infuriated a great many by their get-tough attitude.” Residents reportedly found the “zealous attitude of many of the rookie cops” particularly objectionable, and noted that many officers—including the
Commissioner himself—seemed to be primarily concerned with boosting their arrest rates.”

Indeed, the number of arrests for disorderly conduct during Operation 25 was 130 percent higher than the same period the previous year. Narcotics misdemeanors rose 188 percent, offenses for possession of a dangerous weapon rose 107 percent, and liquor law violations rose 333 percent. Commissioner Adams noted in that the increased number of arrests and citations for low-level offenses meant “that we are able to make an effective attack upon those violations of law which breed other and more serious violations,” despite the lack of any evidence that disorderly conduct violations were related to felony offenses.

The figures for juvenile delinquency during Operation 25 were particularly remarkable. Officers made 372 referrals of delinquent children in Harlem, compared to 135 during the similar period in 1953, a 142 percent increase. The largest portion of these new offenses were for disorderly behavior—90 cases, compared with only five the year previously. Especially notable was a marked increase not just in the number of youth contacts by police, but the degree of police response. Sixty-one arrests were made for juvenile delinquency during Operation 25, compared with none the year previously. Of the close to 400 minors who acquired new police records during the three month sweep, almost one third were referred to courts and social agencies, with the remaining cases “put under continued service” by the NYPD’s Juvenile Aid Bureau. The increase in the numbers of police officers, together with the apparent pressure on them to show results, resulted in much higher numbers of contact between youth and police, and,

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consequently, higher calculated delinquency rates and more children from Harlem who entered the juvenile carceral system.

Operation 25 represented nothing less than a revolution in policing. Police had previously been assigned to precincts across the city on the flat-rate basis of four patrolmen per foot post, with the number of posts determined by precinct commanders. In contrast, by deliberately assigning more officers to certain neighborhoods such as East Harlem based on the justification of higher crime there, NYPD officials initiated a monumental shift in how the Department policed the city. The ramifications of such a shift extended far beyond New York, as police officials were well aware. “Operation 25—to the best of our knowledge—represents the first time that an urban Police Department has ever tried in this way to determine precisely what constitutes adequate policing,” stated Commissioner Adams. “The experiment is—we believe—therefore significant, not only to the City of New York, but to cities everywhere in this country.” Over the following years, the precedent set by Operation 25 came to govern the policing of many more neighborhoods across New York.

But Operation 25 and the model of maximal policing it represented were not just about increasing the number of police on the streets at any given time. It was also a model that emphasized more punitive police attitudes, tighter direct surveillance on a neighborhood’s population, and an overall increased percentage of residents with official police files, which would follow them for the rest of their lives. In the case of youth, a JAB record meant potential investigation by police officers, including home interviews with other family members.


Depending on an officer’s individual judgment, these investigations could result in the youth’s case being referred to the court system or to another social service organization, potentially for psychiatric evaluation and treatment. In most cases, however, the records remained on active file with the JAB, to be referenced and followed up in the case of another incident between the child and a police officer. Increasing the number of police on the streets also directly increased both the depth and breadth of police knowledge and surveillance of East Harlem’s families. As Commissioner Adams put it, “We have shown that we can establish what Mayor Wagner has so clearly described as a climate of law and order—the kind of climate without which we can never hope to solve such complex problems as juvenile delinquency and similar social ills.”

To be sure, both the justifications for and the impact of Operation 25 extended far beyond youth crime as a single issue. Nonetheless, there were deep connections between the police initiative and the politics of delinquency. In this regard, the selection of East Harlem as the initial testing ground was particularly revealing, given the context of the conversation about crime happening in the city at the time. First, Harlem and East Harlem were at the center of the social discourse that increasingly understood crime as a product of cultural pathology associated with blackness, and crime by children was a primary example of the perpetuation of this pathology. Second, the ongoing media coverage of crime waves, muggings, and gang violence—all of which was associated with young men—had been particularly tied to Harlem and East Harlem since at least the 1940s. The press also reported on Operation 25 as a delinquency-control program. For example, the New York Herald-Tribune published an editorial on September 2, the second day of the operation, touting the initiative as an important attack on crime and delinquency, arguing that to properly fight youth crime, “What is needed is a hard and specific

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plan of action, something as definite as Operation 25. And the sooner it is put into force the better." Third, the alleged success of Operation 25 in reducing delinquency was highlighted as a major accomplishment by Commissioner Adams, as discussed above. Finally, and most importantly, delinquency and gang control became much larger themes as NYPD leaders sought to expand the lessons of Operation 25 to other precincts.

A month before Operation 25 was even formally concluded in Harlem, NYPD officials extended the model to two more neighborhoods. These included the 73rd Precinct in Brownsville, Brooklyn, and the 103rd in Jamaica, Queens. “We’re not conducting an experiment any more,” announced Commissioner Adams at the commencement of “Operation 73” and “Operation 103” on December 1, 1954. “This has become a policy now, with many advantages.” Brownsville got 153 rookie patrolmen straight from the academy, which more than doubled the normal force of 123 patrolmen. The precinct also received a large complement of detectives, narcotics detectives, plainclothesmen, motorcycle patrols, and a new temporary unit of the JAB. Jamaica got 86 rookie patrolmen, together with an assortment of other reinforcements. These precincts both corresponded to areas that the Youth Board had designated as high delinquency areas. The 73rd Precinct in Brownsville covered an area with “mixed population.” The precinct itself was majority white with a sizable black minority, but also neighbored Bedford-Stuyvesant, which contained the borough’s largest African American community. The 103rd Jamaica Precinct contained the vast majority of the borough’s black population, including the only

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majority black health area in Queens. Figure 3 shows the approximate boundaries of these precinct lines overlaid on a map of population. The fact that the NYPD focused on neighborhoods with both significant black and white populations suggested the department was interested in policing places where racial mixing occurred, rather than focusing on Bedford-Stuyvesant, for example, which was overwhelmingly black.

\[131\] Health areas were statistical areas used for population tracking similar to census tracts, but unique to New York City’s history of public health. These numbers are based on 1950 census data reported in New York City Youth Board, *Juvenile Delinquency Rates: 1953*. 
Figure 3: Approximate Precinct Boundaries and Area Population, by Borough and Health Area, 1950. Base maps and population data from New York City Youth Board, Juvenile Delinquency Rates: 1953. Colored data visualization by Ella Antell.
Six months later the NYPD also initiated Operation 42 in the 42nd Precinct, which covered the South Bronx neighborhood of Morrisania. Operation 42 was slightly different from its predecessors in that the explicit focus was youth crime control, and the reinforcements assigned to the 42nd Precinct consisted entirely of seventeen officers detailed to delinquency control. “The parks and lots were a battleground of gangs, including girl gangs, divided on ethnic lines—Negro, Puerto Rican, Irish, Italian,” reported The New York Times, citing police reports that the gangs had disappeared since Operation 42 began. The police particularly emphasized patrolling public places such as bars, dance halls, and cabarets where minors were prohibited. Upon finding a youth there, the police reported, “We took the boy or girl straight home in the police car and asked the parents what they were going to do about it. After that, we got the whole family under the care of a social agency, because it’s as much the fault of the parents as the kids, you know.” Such language evoked normative assumptions about the moral quality of parents, who needed to be given social treatment as much as their children in order to educate them about proper child rearing. The racial dynamics of the precinct, which included Puerto Rican, African American, and white residents, were also evident. “Why, in the past ten years, a white person was afraid to walk through some streets here, even in daylight,” said Miss Elizabeth Murrell, acting executive director of a settlement house in the area. “It’s not ideal yet,” she said, “but reasonably safe and getting better.”

Reflecting on Operation 42 a year after its initiation, Police Commissioner Kennedy highlighted its connections with the NYPD’s spree of precinct-based interventions over the previous two years. “We have learned from this operation in juvenile delinquency much that had been demonstrated already in our full-scale department operation in the Twenty-fifth Precinct,”

Kennedy said about the NYPD’s activities in the South Bronx. The lessons the NYPD wished to draw from these public demonstrations in neighborhoods with large communities of color were clear. As the Commissioner put it to an audience, “We have learned that there is no substitute for the assignment of adequate personnel to cope with crime among youth in high-hazard areas,” he said, repeating this sentence again slowly, for emphasis.133

Alongside their experimentation with the precinct-based deployment strategy, NYPD officials sought to systematize the rationale for permanently allocating greater numbers of police to certain precincts. The method they came up with involved calculating an area’s “hazard” or “risk factor.” The idea of devising a statistical way to allocate police force differentially across the city originated with Assistant Chief Inspector James McElroy, department chief of staff, who developed an experimental rating system that was first implemented in Jamaica as part of Operation 103 in 1954.134 McElroy’s formula involved rating each precinct a “Police Hazard” score, which was intended “[t]o equitably apportion a police force to posts, precincts, districts, or divisions” on the basis of “a more scientific approach to the problem of distribution.”135 The computation of a precinct’s Police Hazard Factor was based the total score of several weighted categories that included arrest rates for major crimes, numbers of police contacts for juvenile delinquency, and the number of businesses, bars, schools, and parks. It also included a subjective “population” category that reflected the precinct’s density, income levels, and transient daytime populations, all of which was understood to contribute to delinquency, “racial antagonism,” and


crime. Presumably the presence of housing projects, while not specifically mentioned in early calculations of hazard factor scores, would also have been considered under the “area” category, which was another subjective way to include judgments about the relative hazards of a precinct’s “type of occupancies” and modes of transportation.  

By 1955, the NYPD designated 22 (later increased to 25) precincts as high-hazard areas, representing the next step in making the experiment of “saturation” policing in Operation 25 a permanent fixture in the city. From this moment on, the NYPD allocated higher concentrations of police to these areas on a systematic and allegedly evidence-based statistical metric, rather than the ad-hoc method of selecting individual precincts for the implementation of Operations 25, 73, 103, and 42. The high-hazard area precincts, as shown in Figure 4, covered almost identical neighborhoods as the Youth Board’s areas: all of upper Manhattan, as well as Chelsea and the Lower East Side; Brownsville, Bedford-Stuyvesant, and central Brooklyn generally; Jamaica and Corona in Queens; and the South Bronx. They also encompassed the majority of the city’s African American and Puerto Rican populations. This marked a permanent change in the NYPD’s strategy for policing the city. It also reinforced racial disparities in policing and arrests. Relative to population sizes, black youth were arrested 5.6 times more than white youth across all of New York City in 1959, and Puerto Rican youth were arrested 3.6 times more. Among adults the disparity was even larger, with black arrests close to seven times that of whites.

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Figure 4: New York Police Department High-Hazard Area Precincts, 1955. The NYPD noted, "These precincts were selected for reinforcements as being most undermanned in relation to the volume of crime and other police conditions." New York Police Department, Annual Report, 1955, 4.
The hazard factor system, concern about gangs and juvenile delinquency, and calls for the expansion of the police force all came together in the late 1950s. The summer after the Lower East Side incident, NYPD officials made the “unprecedented move” of pulling 536 rookie recruits—an entire class—from the Police Academy in order to assign them to full-time night foot patrol in the high-hazard precincts. The decision was justified to combat a “recent outbreak of crime by youths.” Addressing the recruits, Commissioner Kennedy told them, “There has been a recent upsurge of violence by a small group of young punks and hoodlums in this city.” Kennedy was direct in making clear that youth were the targets of the campaign. “Gang violence and the unlawful use of force will not be tolerated. It will be met by force, legally applied,” he said. “Use your nightsticks when necessary.”\footnote{Robert Alden, “600 Rookie Police to Patrol in War on Youth Gangs,” \textit{New York Times}, August 6, 1957; Emanuel Perlmutter, “Police Rookies Go On Night Patrols to Fight Gangs,” \textit{New York Times}, August 7, 1957; Milton Lewis, “Meet Force with Force, Rookies Told,” \textit{New York Herald Tribune}, August 7, 1957; New York Police Department, “Law Enforcement and Youth Crime: The Role of the Police,” NYPD Collection, Accession #65-037, folder “Youth Gangs,” NYCMA.}

Kennedy continued to view gangs as a primary issue of concern, establishing a special gang task force the following year to confront his prediction that the summer would bring “more frequent, greater, and bloodier youth gang wars.” On that occasions, Kennedy declared, “Our prime function is the protection of life and property and the maintenance of law and order, and this function will be carried out against any persons, regardless of age, who willfully and maliciously thumb their noses at law and order and who persist in thinking that the laws of the jungle can be transplanted to the streets of New York.”\footnote{“New Police Task Force to Police Youth Gangs,” \textit{Spring 3100} 29, no. 6 (June 1958): 4.}

The implementation of the hazard factor system coincided with an aggressive and largely successful campaign by the Police Commissioner to increase the city’s quota governing the maximum number of police officers on the force. In a statement related to Operation 25,
Commissioner Adams had declared that the demonstration’s success proved that the lack of law and order in New York City was attributable to a shortage of police. “What remains now,” he said, “is for all New Yorkers to face the fact that—if they are willing to pay for it—they can have peace and security.” Commissioner Kennedy, appointed in 1955, took up this call from his predecessor with a multi-year campaign to increase the quota by 5,000 foot patrol officers, an unprecedented number. “There are areas where none of us would think of walking at night. Each one of us and every member of our families are less safe today because our police strength is inadequate,” Commissioner Kennedy told a reporter. “I will keep saying it until my hope is realized,” Kennedy said. “We need more policemen. We must have more policemen.” Though Kennedy never got quite as many officers as he asked for, nevertheless the size of the force was substantively enlarged for the first time in decades.

Between 1930 and 1950, the authorized quota had remained a flat line between around 18,500 and 19,500 officers. Due to training lag, retirements, deaths, dismissals, and other factors, the actual number of officers in the force at any given time during those years hovered between a few hundred and a thousand short of the full quota. 1950 marked the highest quota level since 1938. Beginning in 1951 city officials began to steadily increase the quota each year, though the actual number of officers remained well over a thousand under the limit. In 1953 the force reached its highest membership since 1931. But the most significant turning point came in 1955, after which the rate of quota expansion began to increase at a faster rate, the gap between quota and actual officers shrank, and the size of the police force reached record levels almost every

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Alongside the Youth Board’s Street Club Program, which responded to public outcry about the so-called gang problem in the 1950s by sending social workers into identified delinquency areas across the city, the NYPD responded to youth crime by doubling down on a new commitment to law enforcement, rather than social work. Successive police commissioners reoriented the efforts of the Juvenile Aid Bureau away from treatment and towards gathering intelligence on alleged gang members, breaking up groups of youth, and heightened police

143 These numbers come from the New York Police Department annual report every year.
patrols in selected neighborhoods. Commissioner Kennedy in particular was emphatic about communicating that gangs would not be tolerated by the police. Like the Youth Board, the NYPD conducted experimental demonstration projects for increased policing in communities of color, using the touted success as the model to replicate similar initiatives across the city. These dynamics are often discussed in the context of the war on crime of the 1970s, the development of computerized crime mapping in the 1980s, or the broken windows policing of the 1990s. However, the direct roots of these later policies lay in the 1950s, when the NYPD was pioneering methods of using arrest statistics to allocated higher concentrations of police to certain precincts in a way that disproportionately exposed neighborhoods of color, and especially youth of color, to heightened police attention.

Conclusion

During and after World War II a moral panic about an alleged crime wave of juvenile delinquency dominated public discourse. In particular, media coverage helped create and define two new categories of crime, both of which carried strong connotations of being offenses committed by African American or Puerto Rican young men. These were muggings and gang wars. Through selective and biased reporting, the press associated both as particular problems of Harlem and Bedford-Stuyvesant. The media narratives of both muggings and gang wars carried strong undertones that these were crimes of racial violence, especially understood in the context of neighborhoods undergoing racial or ethnic transition. At the same time, during the 1940s and 1950s, sociologists were developing theories of gangs that explained them in terms of the culture of poverty, a development that defined gangs more explicitly as a problem of pathological African American and Puerto Rican families.
The response of New York City, through both the Youth Board and the NYPD, further reinforced the belief that gangs and delinquency were primarily problems of certain geographic areas of the city defined by metrics of poverty that closely correlated with race. The Youth Board developed the Street Club Project, which was grounded in cutting-edge criminological sociology and sent social workers to redirect gang members’ energies away from antisocial activities. While the Street Club Project began as an independent effort to build relationships with individual youth in “street clubs,” taking a strong stance that the groups were not inherently criminal and eschewing contacts with the police, over time the project grew increasingly centralized and Youth Board workers became mandated to report illegal activity to the police. The NYPD, over the same period, moved away from its prewar emphasis on social work and the rehabilitative ideal and towards placing new weight on officers’ primary role as law enforcement. With youth crime and especially gang violence as a primary justification, NYPD officials reorganized the way they policed the city, now allocating higher concentrations of officers in designated high hazard precincts that were also disproportionately neighborhoods of color. One result of this differential surveillance and policing was that more youth came into contact with law enforcement in areas with higher police presence.

These developments reveal how the culture of poverty framework was developed out of the language delinquency, and work-shopped in the laboratory of New York City’s so-called high-hazard precincts. In particular, the criminology of gangs was a main avenue through which sociologists theorized and explained the pathologies of poverty and racial discrimination. The development of experimental gang control efforts in New York reflected existing social science, but also this poverty knowledge was in significant part a result of the choices, theories, and crime control programs devised in postwar New York. Put another way, in the 1940s and 1950s the
language of the liberal rehabilitative ideal was co-opted into the language of the culture of poverty; however, the racial politics of delinquency were very different in the 1950s than they had been in the 1930s. While officials still spoke of juvenile delinquency in much the same way as they had before, it meant one thing to “treat” delinquency when the offender and their family were white in the prewar era, versus when they were black or Puerto Rican in the postwar era. Though the rehabilitative ideal still technically reigned supreme in governing delinquency policy, several cracks were beginning to form. These were evident in the waning commitment of the police department to social work, and in the shift of criminological focus to families of color, who had never received equal rehabilitative treatment even in the 1930s. These cracks continued to deepen into the 1960s, especially as the civil rights movement and urban crisis put racial tension, unrest, and youth violence at the center of public attention.
Chapter 5

From the War on Crime to the War on Poverty
On May 11, 1961, President Kennedy signed an executive order establishing the
President’s Committee on Juvenile Delinquency and Youth Crime. The committee was
designated to coordinate federal activities, promote experimentation, encourage information
sharing, and make recommendations on more effective measures for the prevention, treatment,
and control of delinquency and youth crime at the federal level. The convening of this
committee, which was officially chaired by Attorney General Robert F. Kennedy, but
functionally managed by David L. Hackett, a political insider and former campaign aide, was the
first step in the Kennedy administration’s plan to correct what one briefing called the
“Eisenhower Errors.” These were characterized as the previous administration’s “usual chief
bugaboos: (a) Don’t bust the budget, and (b) Don’t do what the states are not doing because they
are supposed to do it.” In contrast, the Kennedy administration emphasized the need for
proactive federal action and funding to promote domestic welfare on a range of social issues,
especially juvenile crime control. Shortly after the creation of the new President’s Committee on
Juvenile Delinquency (PCJD), Congress passed the Juvenile Delinquency and Youth Offenses
Control Act of 1961, which gave funding to the PCJD to cultivate a variety of experimental anti-
delinquency programs in cities across the nation.

This moment marked a new chapter in delinquency policy. For the first time the federal
government became a major player in the field of delinquency control, an arena previously
dominated by state, local, and private actors. But the politics of delinquency in the 1960s were

1 Executive Order, May 11, 1961, Papers of John F. Kennedy (hereafter JFKP), Presidential Papers, President's
Office Files, Departments and Agencies, folder “Justice, 1961,” JFKL.

2 “Juvenile Delinquency,” JFKP, Pre-Presidential Papers, Presidential Campaign Files, 1960, Issues, Position and
Briefing Papers, 1960, folder “Briefing Papers: Government Information, Health, Housing, Indians, Inflation,
Juvenile Delinquency, Monetary Policy, NDEA and Disclaimer,” JFKL.

fraught, as social movements and domestic protest swept America’s cities. Amid what the
Kennedy administration perceived as a dire social situation among urban African Americans,
with high unemployment, racial discrimination, and a reportedly unprecedented youth crime rate,
the new president and his staff felt an urgent need to take decisive action to help a demographic
that had been central to his electoral victory. At the same time, advocates behind years of failed
efforts to pass a federal anti-delinquency bill had laid the groundwork for initiatives that targeted
what they described as a pressing need for federal action on the so-called problem of youth
crime. The Kennedy administration therefore framed what was in ambition an urban antipoverty
program—designed to channel federal money into inner city African American neighborhoods—as
an anti-delinquency program. Yet because of the sociological theories upon which the
Kennedy and later Johnson administrations based these programs, which identified poverty as a
key causal factor in delinquency and urban communities of color as key targets for intervention,
poverty and racialized crime remained deeply fused in both theory and legislation.

The 1960s, on the whole, were a decade in which the work of social scientists and
municipal planners over the previous five decades culminated in unprecedented levels of local
activity, funding, and national attention around delinquency control. The federal government’s
emphasis on poverty, together with a series of federal crime control laws, were new and
important developments in shaping local policies, which gained in centrality and power as the
decade drew on. Yet the federal government in the early 1960s was a new player on the field,
entirely reliant on experts who had made their names in building municipal and theoretical
responses to delinquency for decades. New York City in particular, as a longtime laboratory for
developing experimental knowledge about the modern American city and its ethnic and racial
residents, was an influential example to national policymakers, who continued to view the city as
both an experiment and model example. The Kennedy and Johnson administrations’ interlinked wars on poverty and crime therefore represented a new federal reframing of a much longer war on crime that had been smoldering in the front lines of the nation’s major cities since the early twentieth century.

The developments of the 1960s laid bare the fractures within the rehabilitative ideal’s commitment to framing delinquency as both anti-poverty and anti-crime, with all of the attendant racial dynamics of that divide. By the end of the decade it was clear that both definitions could no longer feasibly coexist within the dominant discourse of white liberalism, leading to an abandonment of anti-poverty and a reaffirmation of anti-crime amid the full-scale embrace of a view of black youth as the nation’s most serious threat to social order. The nation’s juvenile carceral system had been built on the premise of protecting white youth from the most naked coercive mechanisms of state power, even while African Americans struggled for equal access to resources and leniency but largely failed to achieve them at levels comparable with white youth.

As officials and experts began to shift their criminological focus to African American and Latino families after World War II, they brought the question of the ideal treatment for black children to the forefront, framed in terms of personality disorders, pathological families, and group maladjustment. Out of the Youth Board’s experiments of the 1950s in Harlem, Bedford-Stuyvesant, and the South Bronx, one branch of sociology emerged triumphant as two of its main proponents, Richard Cloward and Lloyd Ohlin, positioned themselves in control of massive new amounts of federal funding under the Juvenile Delinquency and Youth Offenses Control Act, which they channeled towards projects in line with their own theoretical predilections.

This funding environment opened the door for a flood of new experimental programs, all of which had to be framed as anti-delinquency efforts in order to receive federal support. The
results were complex. In New York, the Kennedy and, later, Johnson administrations’ willingness to support heterogeneous local experiments allowed a space for new and existing organizations such as Mobilization for Youth, Harlem Youth Opportunities Unlimited, Inc. (HARYOU), and others to develop an eclectic range of programming as part of what became the War on Poverty. On one hand, this provided an opportunity for African American leaders to attempt to truly design and implement a rehabilitative response to delinquency and poverty in their own communities, in ways reminiscent of what white officials had been able to accomplish in the 1930s. In this sense, the programs of the 1960s were an exuberant, prophetic, ambitious expression of the rehabilitative ideal in its purest form, as HARYOU’s leaders sought to bring the promise of comprehensive social uplift to African American communities for the first time, and as disfranchised grassroots community members also seized opportunities to organize themselves and protest inequality.

Yet on another hand, the 1960s revealed the profound limitations of white liberals’ commitment to black uplift. The decade’s most radical programs were never fully funded or implemented, and Mobilization for Youth, the federal government’s flagship program, was founded on social science that pathologized poor communities and communities of color.\(^4\) Ultimately, as the anti-delinquency programs fell apart because of a lack of real political backing, as the urban crisis deepened, and as civil rights and Black Power movements organized

young people of color, the political establishment came to an agreement by the end of the decade that America’s youth problem could not be solved through “soft” rehabilitative methods. As the sense of crisis deepened, instead of bolstering the beleaguered programs, white officials abandoned them in favor of recasting black youth as criminals rather than victims. The 1960s thus represented the culmination of the rehabilitative ideal in a double sense: the decade was at once the ideal’s most ambitious expression to date, even as it was the turning point beyond which white liberals could no longer back such efforts, marking the beginning of their abandonment of the ideology.

The profound irony of the rehabilitative ideal was that, from its very origins, officials built a juvenile system that emphasized rehabilitation—and, for some, did provide much needed aid and uplift—yet did so through creating deeply carceral institutions of surveillance and control as the mechanisms of addressing harm. In this effort, social programs and crime control programs were mutually constitutive. As historian Elizabeth Hinton argues in *From the War on Poverty to the War on Crime*, War on Poverty programs in the 1960s were no exception to this trend as they brought police in ever closer contact with minority youth through schools, housing projects, and other social programs.\(^5\) This chapter reverses the title, from the War on Crime to the War on Poverty, not out of disagreement with Hinton’s argument or because one statement is more causally accurate than the other, but to playfully emphasize that the wars on crime and poverty were conjoined long before the 1960s. To turn the proverbial coin and foreground the development of the state’s carceral face rather than its welfare face is to emphasize that crime control had long been as driving of an impulse as welfare provision, and that the 1960s represented the continued expression of this trend rather than its beginning.

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\(^5\) Hinton, *From the War on Poverty to the War on Crime*, 13–14, 45–47.
Building a Federal Delinquency Agenda

On the eve of Kennedy’s election, delinquency was an emerging federal issue. The so-called gang crisis had been well publicized in the nation’s newspapers for over a decade. The FBI’s Uniform Crime Report for 1960 claimed that arrests of youth under eighteen had more than doubled since 1950, despite the fact that the youth population had increased by less than half. The same report also claimed that “serious crimes” in the entire population had increased by an “astounding” 98 percent over the previous decade. In fact, due to changes and variations in the ways that crime data was collected, compiled, and reported on both the local and national levels, crime rates were difficult to interpret. Rising arrest rates reflected the NYPD’s heightened attention and emphasis on youth, as well as concerted efforts to record and report more incidents of youth crime over the course of the 1950s, with similar patterns occurring nationally. As Daniel Patrick Moynihan wrote in 1968, “Whether there was in fact any more juvenile crime committed during this period than in the past is difficult to say. Probably there was not.”

Regardless of the reality, press reports about increasing crime rates coincided with ongoing media coverage of sensational stories about youth gangs, muggings, and juvenile violence, conveying the impression of a national crisis in the nation’s cities.

Despite years of mounting attempts and lobbying efforts by municipal leaders, there had never been a federal anti-delinquency program. Until the early 1960s, the federal government had remained largely hands-off regarding national delinquency policy, leaving states and municipalities to study and design youth crime control programs on their own. Prior to 1960, the federal government had passed two previous laws regarding the juvenile justice system, but both

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had been limited in scope did not seek to shape state policy in the aggressive way that the 1961 act did. The Federal Juvenile Delinquency Act of 1938 had first defined juvenile delinquency in federal law, allowing U.S. district courts to try youth under eighteen accused of breaking federal laws as juveniles rather than adults, while the Federal Youth Corrections Act of 1950 prescribed standard rehabilitative treatment for youth convicted of delinquency in federal courts. Both laws were significantly behind the curve of the legal and penal innovations in delinquency control that were being designed by the states, and neither constituted the kind of proactive federal approach to shaping state policies and capacities in the way that the Juvenile Delinquency and Youth Offenses Control Act attempted to do.\(^7\)

Yet while federal policymakers could not manage to enact a comprehensive federal anti-delinquency plan until after Kennedy’s election, the previous decade had nonetheless witnessed a series of influential efforts to address the issue on the federal level. Among these was an increasing interest in juvenile delinquency within the Children’s Bureau, which had been in existence since 1912. In the 1950s the Children’s Bureau stepped up its research, convened a number of conferences on juvenile delinquency, and established a Juvenile Delinquency Service to make policy recommendations for the states. Yet while these measures demonstrated increasing federal interest in delinquency control, they did not constitute a clear and prescriptive policy program.\(^8\)


In addition, the Senate formed a Subcommittee to Investigate Juvenile Delinquency, which began to hold hearings in 1953 and continued for nearly two decades. Because the members of the Senate Subcommittee understood that the nation’s experts on juvenile delinquency were located in the nation’s cities, the subcommittee members traveled across the country to gather testimony from the nation’s leading academic and municipal experts as to the state of, origins, and responses to delinquency in America, as well as the potential role of the federal government.9 The Subcommittee to Investigate Juvenile Delinquency pursued a broad portfolio, ranging from adoption practices and teenage drug addiction to the exploitation of minors by interstate criminal enterprises. Perhaps the highest-profile event was the investigation of the role of comic books, television programs, and other cultural representations of violence and crime as potential causes of delinquency, which led to the creation of the Comics Code Authority in 1954 to self-regulate the comic book industry.10 Yet while the Senate Subcommittee may have raised the national profile of concern about delinquency, it did not manage to directly translate its findings into a clear federal policy agenda.

Nonetheless, the Subcommittee to Investigate Juvenile Delinquency’s two-decade fact-finding mission did have lasting significance in laying the groundwork for an eventual federal move on the issue. Experts from New York City were particularly prominent in this process. By the late 1950s, under chairmen Thomas C. Hennings and Thomas J. Dodd, the Senate Subcommittee committed to a multi-year series of hearings that toured the country to better understand, among other things, how major cities were already responding to delinquency, and

9 Drs. Sheldon and Eleanor Glueck notably testified at the Subcommittee’s first hearing. U.S. Senate Subcommittee to Investigate Juvenile Delinquency, Juvenile Delinquency (National, Federal, and Youth-Serving Agencies), Hearings before the Subcommittee, 83d Cong, 1st sess., November 19, 20, 23, and 24, 1953.

10 U.S. Senate Subcommittee to Investigate Juvenile Delinquency, Juvenile Delinquency (Comic Books), Hearings before the Subcommittee, 83d Cong, 2d sess., April 21, 22, and June 4, 1954.
how the federal government could help. The senators returned to New York on multiple occasions to hear from the city’s homegrown youth experts, including Ralph Whelan and Arthur J. Rogers of the Youth Board, various members of the Youth Board’s Street Club Project, Police Commissioner Stephen P. Kennedy, Mayor Robert F. Wagner, and numerous legislative, judicial, and social service dignitaries. In particular, Senate Subcommittee members were especially interested in New York’s groundbreaking gang control efforts, which were the subject of two days of hearings in the Foley Square Courthouse in 1959.\(^\text{11}\) In fact, Mayor Wagner testified so often before the Senate body that one Washington insider reportedly said, “Delinquency was like sin, always good for a hearing….Mayor Wagner would bring down his suitcase full of knives and things—I think he just left the suitcase here each year and opened it up at the hearings.”\(^\text{12}\) Certainly the mayor had his own reasons for lobbying federal attention on the issue, as the potential for federal funding was an attractive lure.

The Senate Subcommittee returned again to New York in 1961 to ask more pointedly how the federal government could best support the city’s already robust anti-delinquency efforts. At the time, New York City was spending more than $61 million annually for the prevention and control of delinquency. Mayor Wagner did not beat around the bush about the fact that he had been testifying before the Subcommittee for the previous seven years about the “urgent necessity for Federal action to check the shocking rise of juvenile delinquency and youth crime,” only to


see every proposed bill die along the way.\textsuperscript{13} What New York needed from the federal government, he argued, while holding aloft an arsenal of switchblades and other lethal weaponry confiscated from local youth, was more aggressive funding and regulations. These included stronger federal controls on weapons and narcotics, but also the provision of expanded funding for local training initiatives to increase the number of qualified youth specialists including probation officers and street club workers, as well as the need to fund local demonstration projects. “I cannot stress strongly enough how important such pilot and demonstration projects have been to us in New York City in evolving our present program,” Wagner said, referring to the past decade of experimental work by the Youth Board and NYPD. “There is an urgent need to explore, on a research and demonstration basis, many additional fields of concern.”\textsuperscript{14}

Yet despite simmering efforts by federal officials in the 1950s to consolidate support behind a national anti-delinquency program, their goal remained out of reach. This was largely a matter of politics rather than lack of interest. Several bills had in fact been proposed between 1956 and 1959 in both the House and Senate to provide federal funding for states and agencies to pursue anti-delinquency training, technical assistance, and demonstration projects, yet none passed into law. Nonetheless, the structure of these earlier bills, which grew in large part out of the expertise collected from the nation’s delinquency experts in cities like New York, prefigured the shape of the Juvenile Delinquency and Youth Offenses Control Act, which was eventually enacted under Kennedy. Key reasons for the stagnation of federal anti-delinquency efforts in the

\textsuperscript{13} U.S. Senate Subcommittee to Investigate Juvenile Delinquency, \textit{Juvenile Delinquency, Hearings before the Subcommittee}, Part 9, Role of the Federal Government in Combatting the Juvenile Delinquency Problem, 87th Cong, 1st sess., March 9-10, 1961, 1488.

1950s were political. President Eisenhower, for one thing, did not favor what he viewed as excessive federal spending on social programs, which his administration believed were best left to the states. In addition, as the political analyst John Moore noted, there was a strong perception that money earmarked for anti-delinquency programs “was viewed, especially by southern congressmen, as being both urban-oriented and Negro-oriented” in its targeted districts, which was a fatal political stumbling block in the 1950s.\textsuperscript{15}

President Kennedy’s election marked a turning point. Though Kennedy had not made delinquency a central theme of his campaign, upon entering office he stepped into a political world of lobbyists who saw a new opening for finally achieving a federal anti-delinquency bill. Among these advocates were major private donors and philanthropic organizations such as the Ford Foundation, which had been funding delinquency prevention programs and experimental studies in the nation’s major urban centers for the past decade. The Ford Foundation had financed Sheldon and Eleanor Gluck’s work on predicting delinquents in New York, as well as the research of sociologists Richard Cloward and Lloyd Ohlin at the New York School of Social Work of Columbia University, which became the basis for their landmark book, \textit{Delinquency and Opportunity}, published in 1960. Cloward and Ohlin’s “opportunity theory” came to constitute a central paradigm for both Ford Foundation reformers and officials in the Kennedy and Johnson administrations.\textsuperscript{16} At the close of the 1950s, Ford Foundation officials were still building their dossier of projects in the nation’s economically depressed inner cities, and actively looking for ways to solicit federal cooperation. Ohlin recalled, for example, that President


Kennedy’s sister, who had chaired a committee on delinquency prevention in the 1950s, was visited by program officer David Hunter of the Ford Foundation shortly after the 1960 election. In the meeting, Hunter urged her to persuade her brother to pursue federal anti-delinquency legislation. Kennedy also had none of his predecessor’s reticence about federal spending, especially if it might benefit African American voters, who had overwhelmingly voted for Kennedy and provided the winning margin in several states. Whatever the origin of his decision, President Kennedy gave an order before his inauguration to get campaign aide David Hackett to “do something about delinquency.”

Hackett was neither a social scientist nor a bureaucrat, but he was a political insider with close connections to the Kennedy family. He began his new anti-delinquency assignment by visiting existing institutions in Washington to discover what officials were already doing in the realm of countering delinquency. Through these conversations, he made connections to the Ford Foundation and, in particular, to Lloyd Ohlin, whom everyone recommended as a leading expert. Hackett offered Ohlin a job, and after some hesitation because of his ongoing work with Mobilization for Youth, an experimental anti-delinquency program on the Lower East Side, Ohlin left New York to join Hackett in Washington. This plan grew into the President’s Committee on Juvenile Delinquency and Youth Crime, which was established by executive order in May 1961. The same day that he created the President’s Committee, Kennedy also requested Congress to pass legislation to provide funding through federal grants for demonstration and evaluation projects, training youth services professionals, and technical assistance, all of which had been components of the previous failed Congressional bills. Hackett was appointed

executive director of the PCJD, and Ohlin was given a proxy seat on the Committee.\textsuperscript{18}

In September of that year, Congress passed the Juvenile Delinquency and Youth Offenses Control Act. Represented as part of the Kennedy administration’s attacks on both poverty and youth crime, the Act marked the beginning of a new era of federal involvement in delinquency control. The Juvenile Delinquency and Youth Offenses Control Act provided $10 million a year for three years (extended for three more years in 1964) to states, cities, and organizations for demonstration and evaluation projects in new methods of youth crime control, the training of specialized youth-serving personnel, and technical assistance services including the publication of research derived from the federally-funded projects. In its structure, the Act echoed earlier calls for federal intervention, including the failed Dodd and Hennings bills, as well as the recommendations of an influential 1960 Report to the Congress on Juvenile Delinquency written jointly by the Children’s Bureau and the National Institute of Mental Health, which had also stressed the need for pilot and demonstration projects, personnel training, and research, and criticized the lack of a coordinated federal policy.\textsuperscript{19}

From a political standpoint, President Kennedy used the delinquency issue as evidence of his efforts to stimulate the nation’s economy and tackle racial inequality, both of which were pressing issues. Two recessions in 1953-1954 and 1957-1958 had left one in fourteen Americans unemployed in 1958, and one in eight African Americans. The racial wealth gap grew throughout the decade, as the incomes of white Americans grew faster than that of African Americans, spurred by both discrimination in hiring and a battery of federal housing policies that

\textsuperscript{18} White and Radin, “Youth and Opportunity,” 47-52.

disproportionately enabled wealth creation for white Americans through subsidized homeownership. Across racial categories, young people bore the brunt of economic hardship. In April 1959, nearly one third of the nation’s unemployed workforce were under twenty-five years old, and one quarter of African American teenagers were unemployed nationwide. Rates of unemployment among black youth were much higher in urban centers.20 As a presidential candidate, Kennedy had pledged to “get America moving again,” by jumpstarting the nation’s economy.

Consistent with his messaging around the economy, President Kennedy framed the issue of delinquency as one of macroeconomics and employment, rather than of crime. As the baby boom generation became teenagers, the real looming demographic specter, as Kennedy described it, was not one of a growing army of dangerous young criminals but the prospect of an entire generation without the skills or education needed by an increasingly technological American economy that demanded a highly trained workforce.21 The Kennedy administration saw a situation in which the number of young people entering the labor market was expected to increase by 40 percent over the 1960s, with unemployment rates for these young people about twice as high as for the general populations.22 Dropout rates in 1962 were between 30 to 40 percent nationwide, but as high as 75 percent in underprivileged urban “slum areas,” where the unemployment rate for dropouts was three to four times the national average.23 The Kennedy


22 JFKP, Presidential Papers, President’s Office Files, Speech Files, folder “Remarks on report of President's Committee on Juvenile Delinquency and Youth Crime, May 21, 1962,” JFKL.

23 JFKP, Presidential Papers, President’s Office Files, Speech Files, folder “Remarks on report of President's Committee on Juvenile Delinquency and Youth Crime, May 31, 1962,” JFKL, 1.
administration thus initially framed the problem as an impending demographic workforce crisis as much as an issue of crime, though the two were connected to the extent that idle and unemployed youth were allegedly more likely to become delinquents, and in the fact that the administration focused on inner city “slum areas” as the heart of both problems. This attention to education and employment allowed Kennedy to allocate federal funding to urban African American constituencies, spend money in a Keynesian economic stimulus plan, and respond to pressure for a federal response to youth crime.

The Kennedy administration’s analysis was deeply informed by the opportunity theory of Lloyd Ohlin and his research partner Richard Cloward. In a telling public statement, President Kennedy told the members of PCJD in the White House rose garden that juvenile delinquency was “perhaps not the most descriptive phrase” for the actual problem at hand, which was “really a question of young people and their opportunity.” Ohlin and Cloward had both come out of New York, where they had conducted a study of boys incarcerated in New York state training schools that became the basis for their seminal 1960 publication *Delinquency and Opportunity: A Theory of Delinquent Gangs*. As they were working on the manuscript, both sociologists were also involved in planning and implementing a demonstration project on the Lower East Side based on opportunity theory, called Mobilization For Youth. Through Cloward’s pivotal involvement as the chief theoretical architect of the PCJD—and, therefore, of the Kennedy administration’s anti-delinquency policy—the two sociologists ensured that opportunity theory became the overriding paradigm for understanding youth crime in the 1960s.

Cloward and Ohlin were products of a social scientific lineage that was rooted in the Chicago School of sociology and influenced by the culture and personality school and culture of

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24 JFKP, Presidential Papers, President’s Office Files, Speech Files, folder “Remarks on report of President's Committee on Juvenile Delinquency and Youth Crime, May 31, 1962,” JFKL, 2.
poverty frameworks of the postwar era. Their influence was directly responsible for shaping the Kennedy administration’s emphasis on the perceived linkage between delinquency and low-income urban neighborhoods of color.\textsuperscript{25} Delinquency and Opportunity, which grew directly out of the gang studies by Albert Cohen and Walter B. Miller in the 1950s, further elaborated on a sociological model in which the explanatory weight shifted from individual psychology or individual delinquent acts, to group culture and delinquent norms.\textsuperscript{26} Opportunity theory focused on “delinquent subcultures,” which Cloward and Ohlin identified as being “typically found among adolescent males in lower-class areas of large urban centers.”\textsuperscript{27} These subcultures were conceived as lower-class adaptations to a society in which avenues towards conventional middle-class success were limited, and therefore members of the lower-class developed alternative means to achieve social recognition through crime, delinquency, violence, and other deviant behavior. Adolescent boys, in particular, where singled out as the primary constituents of delinquent subcultures.

Notably, Cloward and Ohlin argued that, for the purposes of social remediation, the only delinquent subcultures worth focusing on were those located in lower-class urban slums. The authors acknowledged that the difficulties in interpreting crime statistics made it impossible to differentiate between higher crime rates in poorer neighborhoods and between law enforcement’s tendency to disproportionately arrest lower-class residents, yet they argued nonetheless that delinquent subcultures—i.e. collective, rather than individual motivations for delinquency—were

\textsuperscript{25} O‘Connor, Poverty Knowledge, 199–123.

\textsuperscript{26} Cloward and Ohlin can be understood as within the diaspora of the Chicago School. Particularly influential to mid-century theories of cultures of delinquency were Albert K. Cohen, Delinquent Boys and Walter B. Miller, “Lower Class Culture as a Generating Milieu of Gang Delinquency.” This literature drew, in turn, on the larger sociological corpus, including Shaw and McKay, Sutherland, Whyte, and Thorsten Sellin, as well as Robert K. Merton’s Social Theory and Social Structure.

\textsuperscript{27} Cloward and Ohlin, Delinquency and Opportunity, 1.
primarily a lower-class urban phenomenon.\textsuperscript{28} Because of this assertion, they believed it was reasonable to assume that “lower-class delinquency involves greater long-run social costs,” since such delinquency was entrenched in deep collective cultural structures in slum communities, while “the middle-class offender, whether alone or involved with a group, is more amenable to the various individualized forms of control and therapy which parents or the community can provide.” Their ultimate conclusion, which came to guide federal policy, was that the focus of delinquency control and prevention must be on lower-class urban populations.\textsuperscript{29}

Cloward and Ohlin, together with the federal policymakers their work informed, were ambivalent about how to address what opportunity theory understood as the root cause of lower-class delinquent subcultures, and thus youth crime. Delinquency, they argued, was ultimately the result of barriers to conventional success and social mobility, which was also seen to be why minority community communities had such high crime rates. They highlighted access to education as the primary route to opportunity. Rather than focus on “structural barriers” to opportunities, Cloward and Ohlin focused on “cultural barriers,” viewing delinquent subcultures as a problem of lower-class neighborhood disorganization and cultural maladaptation.\textsuperscript{30} For example, rather than explain disparate access to education in terms of financial resources, they claimed lower-class families did not value education.\textsuperscript{31} Cloward and Ohlin’s policy diagnosis therefore focused on “re-organizing” so-called slum communities, rather than substantively addressing the underlying causes of inequality.

\textsuperscript{28} Cloward and Ohlin, \textit{Delinquency and Opportunity}, 12.

\textsuperscript{29} Cloward and Ohlin, \textit{Delinquency and Opportunity}, 28.

\textsuperscript{30} Cloward and Ohlin, \textit{Delinquency and Opportunity}, 193–211.

\textsuperscript{31} Cloward and Ohlin, \textit{Delinquency and Opportunity}, 97–103.
New York was at the center of an emerging liberal ideology that linked African American and Puerto Rican pathology, crime, welfare, and so-called slum life together in a way that extended well beyond the work of Cloward and Ohlin. The early 1960s produced a pantheon of authors that articulated a spatial argument that linked the intransigence of New York’s “problem families” to an emerging image of the “ghetto.” Building on postwar literature such as Oscar Lewis that first sketched the “culture of poverty” paradigm, journalists and sociologists elaborated on the model. In 1962, Michael Harrington published *The Other America*, which exposed what Harrington described as a growing gulf between affluent white suburbs and impoverished black slums where a permanent “underclass” was mired in crime and misery, based in Harrington’s experience in Harlem and the Bowery. Building on this narrative, the sociologists Nathan Glazier and Daniel Patrick Moynihan collaborated to publish *Beyond the Melting Pot* in 1963, which argued that New York’s African American and Puerto Rican migrants were categorically different from European immigrants and posed a serious threat to the welfare state. The year 1965 saw both Moynihan’s infamous report on “The Negro Family: A Case for National Action,” which described black families as beset by a “tangle of pathology,” but also the New York Herald Tribune’s publication of *New York City in Crisis: A Study in Depth of Urban Sickness*, which elaborated on a new trope of black and Puerto Rican welfare “dependency.” Together with other scholars such as Kenneth Clark and Gilbert Osofsky, who argued that Harlem constituted a ghetto, the literature of the 1960s defined a new framework that understood the ghetto as the source of urban crisis.\(^{32}\)

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If the reasons why the Eisenhower administration had been reluctant to support a federal anti-delinquency program in the 1950s had been related to a lack of enthusiasm for federal social spending, especially for African Americans, then these were the same reasons why proponents were able to persuade Kennedy to support such a measure—to get federal money to a key political constituency. The framework that linked poverty and delinquency was provided by sociology. This linkage was a double-edged sword: it ensured that funding could be channeled to low-income urban areas, even as it required local agents to frame their grant requests as crime control initiatives. It also provided training and technical assistance to bolster law enforcement institutions. Yet the federal government did not directly control the projects that it funded under the Juvenile Delinquency and Youth Offenses Control Act, or, later, through the War on Poverty. The availability of federal money promoted a variety of heterogeneous approaches and experimentation to grow at the local level. As the historian Noel Cazenave has argued, programs such as Mobilization for Youth and HARYOU opened the door to a style of community organizing that significantly expanded the involvement of low-income people of color in community decision-making.

Ultimately, the way that poverty and delinquency were linked in federal policy in the 1960s had two important effects with regard to the carceral state. The first was that it required anti-poverty programs to justify their existence in the language of anti-crime, ensuring a

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33 Cazenave argues, “The growing national concern with the problem of juvenile delinquency provided the Kennedy administration with an opportunity to initiate reforms in city government that appealed to the strategically located African American voters without directly confronting racial oppression. Within this political environment the PCJD-funded projects became one of the earliest of a series of programs that provided the Democratic Party with a way out of its civil rights versus segregationists constituencies dilemma.” Impossible Democracy, 50.

34 Cazenave, Impossible Democracy, 47–48.
persistent focus on crime control that was targeted to low-income communities of color, and youth in particular. This, in effect, criminalized the residents of these areas in the same act as it sought to aid them. The second was that it tied the political fortunes of sociological criminology—and its emphasis on rehabilitation—to what became the War on Poverty. While this sociological ethos was deeply invested in views of black pathology, it also enabled the ascendance of African American organizers like Clark who appropriated similar social science to bring money and resources to Harlem, to promote grassroots mobilization, and to articulate and alternate views of delinquency that saw black youth as victims more than criminals.

A National Laboratory on the Lower East Side

While New York had been an important source of experts on gangs and delinquency throughout the 1950s, the city truly became the birthplace of federal youth crime policy in the early 1960s. Cloward and Ohlin’s early research had been incubated in the city, where they had also been intimately involved in establishing Mobilization for Youth before becoming federal advisors. But their success in making the jump to the federal level did not mean that they forgot New York; rather, the infrastructure they helped establish in Washington channeled more funding back to New York and other cities to establish a battery of new programs modeled on and inspired by Mobilization for Youth. In doing so, they represented the triumph of a particular sociological approach, which emphasized collective over individual treatment, and a cultural pathology that was explicitly associated with life in the so-called ghetto. This new policy environment, in which projects that conformed to such paradigms received funding, created complex incentives for local actors. On one hand, the influence of the President’s Committee on Juvenile Delinquency further reinforced accepted knowledge that the source of the social
problem was the pathological culture of lower class African American and Latino urban communities. By tying funding to crime control, the PCJD also reinforced carceral logics. On the other hand, the funding available through the PCJD created openings for resourceful and creative African Americans to organize and advocate for increased resources and social equity. Mobilization for Youth and HARYOU, which later joined with another agency called Associated Community Teams to become HARYOU-ACT, were the ground for this struggle in New York, reflecting the opportunities and limitations of the interlinked wars on poverty and crime.

PCJD officials understood their work as marking a departure from mainstream anti-delinquency frameworks by helping shift the emphasis from individual psychology to social and economic conditions. For instance, the PCJD’s guide for groups developing funding proposals claimed “that the bulk of our Nation’s delinquency efforts have been focused on effecting changes in individual personality structure,” which were inadequate in the eyes of the new policymakers. While it was true that psychologists had been extremely influential in professional criminology networks throughout the 1950s, sociologists had hardly been downtrodden. To the extent that PCJD officials reflected a sociological bias through the guidance of Cloward and Ohlin, sociologists might be seen as having temporarily won the disciplinary battles of the previous decade. Sociologists in the PCJD used their new power to fund projects “aimed primarily at changes in social arrangements affecting target area youth rather than changes in the personality of the individual delinquent.”

The victory of midcentury sociology was significant because it came with a stated narrowing of focus to urban populations of color, especially African Americans. For example, after rejecting individual personality adjustment as a salient lens, the PCJD funding guide

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continued by stating, “However, in surveying those areas of our cities which reflect the greatest incidence of delinquency, it becomes apparent that intervention aimed at the social situation of youth is more strategic. In these areas, populated largely by lower economic, minority group youth, even the healthiest personalities can be overwhelmed by delinquency patterns which are environmentally supported.”

This statement, and the culture of poverty theories it represented, cemented the federal government’s commitment to focusing on inner city African American and Latino families as the primary origin and location of social problems and disorder, including crime. This was not done through euphemism. In a section titled “Location of the Problem,” the PCJD’s funding guide clearly stated, “Behavior which is adjudicated as delinquent is found in every segment of our society. However, that delinquent behavior which is believed most amenable to a strategy of social intervention has its locus in the decaying inner core of our cities….These are the sections of our cities frequently populated by Negroes and other low-income minority groups.”

With the creation of the PCJD and the ascendancy of a criminology honed in New York’s neighborhoods of color since World War II, the new federal delinquency control agenda sealed the shift that had been happening since the 1940s towards seeing African American and Latino youth as the real social problem.

The social context of the civil rights movement could also hardly be ignored in the Kennedy administration’s dual focus on controlling disorder and alleviating poverty in urban African American communities. With the urban uprisings of the later 1960s still yet to come, federal officials were already thinking about the “explosive situation” building in the nation’s


inner cities. In a 1962 report on the objectives and operation of the federal delinquency program, officials wrote that “the slum areas of the large metropolitan centers” were the places “that converging social and economic pressures are building up to what Dr. James B. Conant fittingly calls ‘social dynamite’.” Delinquency prevention, with its emphasis on pacifying youth, thus also offered an attractive way of addressing what were thinly veiled concerns about racial uprisings. This logic relied on the familiar assertion that all minority youth were potential criminals—or, in this case, potential revolutionaries. Either way, prevention was touted as the answer. The PCJD interpreted its primary concern with the “prevention and control of juvenile delinquency” as permission to blanket target minority communities. Rather than narrowly focusing on youth that had been adjudged delinquent by a court, PCJD officials declared that federal policy would “support programs whose potential target is all youth in these most vulnerable areas of our cities.” In the case of New York City, the projects funded by the PCJD were Mobilization for Youth on the Lower East Side and HARYOU-ACT in central Harlem.

Mobilization for Youth was, in many ways, the iconic example of the PCJD’s agenda. This was not surprising, given that it was designed in part by the same men who advised the President’s Committee on Juvenile Delinquency. Nonetheless, as the recipient of nearly $2 million in the first action grant funded by the PCJD in 1962, Mobilization for Youth had perhaps the single largest influence of any program on the War on Poverty Community Action

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Program.\textsuperscript{40} Planned by Cloward and Ohlin as a practical implementation of opportunity theory before the PCJD was yet conceived, Mobilization for Youth was rooted in the prevailing sociology and so-called gang crisis of the 1950s. Program leaders understood themselves as experimental innovators in developing methods to reduce racially charged violence and crime by groups of youth in a racially and ethnically diverse neighborhood. Their programs expanded, however, to encompass a broad portfolio of community organizing and uplift among low-income residents. While Mobilization for Youth exemplified a top-down technocratic approach that was fundamentally premised on a frame of cultural pathology, nonetheless grassroots residents seized the resources and opportunities the program brought to the Lower East Side to use for their own purposes. Their arguable success in doing so became a large part of the reason for unsettled officials’ decision to end Mobilization for Youth, as it threatened to upset power dynamics in the city.

Mobilization for Youth was born out of the dramatic media attention given to so-called muggings and violent gang conflict on the Lower East Side in the late 1950s. A year after the controversial gang truce incident involving the Dragons, Enchanters, and Sportsmen in 1956, the board of the Henry Street Settlement, a longstanding settlement house in the area, started an initiative to combat gangs and delinquency. In making the case for federal funding, the Mobilization for Youth proposal focused heavily on the need to prevent what was portrayed as ongoing gang activity, violent muggings, thefts, attacks on police, and narcotics use by young people, especially young Puerto Ricans. While there was probably some truth to reports of youth violence, biased newspaper coverage was cited as the factual evidence for why Mobilization for Youth should receive federal funding to implement delinquency control programs among

minority youth. For example, the proposal focused on the prevalence of gangs, noting that all of
the local delinquencies reported by The New York Times between May and September 1961 were
perpetrated by groups of youth. This was a loose claim, since once incident involved bricks
being thrown off a rooftop by two boys—hardly a gang by itself—and another article was a
general report of an increase in “mob attacks” on police in “slum areas” across New York.41
Regardless of what may have actually happened in these cases, the atmosphere of high public
concern about gangs and muggings in 1950s New York played clearly into the justifications for
federal aid.

From the beginning, Mobilization for Youth was closely aligned with sociological
approaches and conceived as an experimental project. It received its first large grant from the
National Institute of Mental Health (NIMH), which, according to Francis Fox Piven, was
“looking for a ‘community laboratory’ to serve as a testing ground for its new sociological
perspective on delinquency.”42 The chairman of the NIMH’s delinquency review panel was Dr.
Leonard S. Cottrell, Jr., who was deeply immersed in the Chicago School, having been a student
of E.W. Burgess and a collaborator with Clifford R. Shaw. Under Cottrell, the NIMH required
that Mobilization for Youth include a research and evaluation component as a prerequisite for
funding in 1959. This mandate led the organization to reach out to Ohlin, then director at the
Columbia School of Social Work Research Center, who joined the project together with his
colleague Cloward, who continued to serve as research director for the project after Ohlin left for

41 Mobilization for Youth, A Proposal for the Prevention and Control of Delinquency by Expanding Opportunities

42 Frances Fox Piven, “Federal Intervention in the Cities: The New Urban Programs as Political Strategy,” in Erwin
Washington. The pair exerted a determinative influence on the program’s theoretical framing in opportunity theory, as evidenced by the title of Mobilization for Youth’s proposal for PCJD funding, which was called “A Proposal for the Prevention and Control of Delinquency by Expanding Opportunities.” The proposal also reaffirmed the project’s primary purpose as “a project of social experimentation and investigation, using as its laboratory an urban residential area with a high delinquency rate, large and diverse enough in population to be representative of problem areas in many communities but small enough geographically to permit the operation of intensive programs of action and research.”

In line with its social scientific lineage, Mobilization for Youth was built on an understanding that the root of the problem on the Lower East Side was a cultural deficiency. Citing the work of towering sociologists including Robert Merton, Clifford Shaw, Henry McKay, and Edwin Sutherland, Mobilization for Youth articulated a treatment program derived from Cloward and Ohlin’s diagnosis that “lower class people” turned to delinquency because of impeded opportunities for legitimate social advancement. Rather than identify structural remedies, the project sought cultural education and “resocialization.” Mobilization for Youth officials argued that because of factors such as discrimination, low educational attainment, and female-dominated households, lower class families created “self-defeating adaptations” that manifested as a cultural de-prioritization of education, productivity, and other values deemed necessary for conventional success. These alleged cultural preferences were understood to pass from parents to children. “The adaptation becomes elaborated and refined as a way of life into which people are directly socialized from birth. Hence the young become carriers of the cultural


44 Mobilization for Youth, A Proposal for the Prevention and Control of Delinquency by Expanding Opportunities, iv.
system,” wrote Mobilization for Youth officials. The solution to this heritable culture of underachievement, project leaders therefore argued, was “to institute programs which will permit the effective resocialization of such youth—effective in the sense that these programs will enable young people to acquire traits useful in the exploitation of new opportunities.”

Mobilization for Youth’s strategy for achieving this goal was, like all projects funded by the PCJD, designed to be “comprehensive,” targeting many aspects of social life. Broken into five main categories, the first two focused on employment through jobs placement, training, and an urban youth service corps, and on education, through teacher training, curriculum improvement, guidance services, and expanded preschool and elementary programs. The third focused on community organizing, including efforts to “organize the unaffiliated” through neighborhood councils and tenants’ groups. The fourth and fifth consisted of more traditional specialized social services to individuals and families through outreach centers and narcotics programs, and to groups of youth, which included continued a detached worker program as well as a scout-like “adventure corps” and the operation of supervised coffee shops. Many of these programs focused on youth, but several of them were also aimed at parents and other adults.

Despite a paternalistic attitude towards the people that Mobilization organizers sought to reeducate and resocialize, many residents took full advantage of the resources available through the project, whether in the form of childcare, legal advice, vocational training, or grassroots

45 Mobilization for Youth, *A Proposal for the Prevention and Control of Delinquency by Expanding Opportunities*, 53–62. As scholars have noted, while Mobilization for Youth claimed to make sweeping changes to the roots of inequality, in fact the specific programs undertaken focused largely on skills development and was not inconsistent with the culture of poverty perspective. As Cazenave argues, “The real policy focus of opportunity theory was the development of the human capital of the individual area residents through education and job training programs so that they could take advantage of existing opportunities, not the actual expansion of economic opportunities available to them within their community.” Cazenave, *Impossible Democracy*, 66–67.


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organizing. In fact, Mobilization for Youth’s enthusiasm for developing “indigenous” leadership by encouraging community organizing became the project’s most controversial aspect. Relatively quickly, neighborhood groups began to organize militant local campaigns, which provoked backlash from city officials and others threatened by the movements. City officials questioned whether a government-funded organization ought to be, as they put it, organizing against local government. Mobilization leaders defended the initiatives as genuinely community-led, not directed by the organization. One early conflict began in 1963, when a group of low-income Puerto Rican mothers organized by Mobilization for Youth, called Mobilization of Mothers, demanded accountability for improved school quality from local principals. The same year, Mobilization for Youth also began organizing tenant groups to engage in legal rent strikes, and in 1964 sued the city welfare commissioner for inequitable distribution of welfare benefits.

These conflicts contributed to a political backlash against Mobilization for Youth, which ultimately led to the organization’s downfall. Perhaps most significantly in this regard, Mobilization for Youth provoked the hostility of the New York Police Department and conservative white activists by joining a broader call for the establishment of a civilian review board, as well as broaching the topic of police brutality in a community survey. The Daily News—a conservative newspaper with a reputation for supporting the police—printed a series of vitriolic front-page attacks on Mobilization for Youth, alleging with scant evidence that anti-police brutality posters had been printed in a Mobilization shop, and that Mobilization’s staff had been infiltrated by Communists. These allegations, together with the organization’s past friction with city government, led to a series of investigations by City Council President Paul Screvane,

47 Cazenave, Impossible Democracy, 75–76.
at the direction of the mayor, and by the FBI.\textsuperscript{48} Mobilization leaders responded by charging that these attacks were part of a national conservative resistance to antipoverty initiatives, but ultimately the controversy led to the stepping down of key top leadership in 1964, including Richard Cloward, and the installation of leaders who were friendly with the mayor’s office. Mayor Wagner had in fact developed his own Anti-Poverty Operations Board, and sought to bring competing semi-independent organizations, including Mobilization and HARYOU-ACT, under city control and eventually phase them out by 1967.\textsuperscript{49}

Mobilization for Youth was the culmination of sociologists’ dream social program since at least the 1930s, but with a 1960s flair. While Cloward and Ohlin claimed that foregrounding collective social transformation rather than individual treatment was a revolutionary development, the sociology upon which the project was founded had a pure Chicago School pedigree and was solidly in line with mainstream attitudes stretching back before World War II. While Mobilization for Youth’s community organizing activities drew the most public controversy, the vast majority of the projects’ youth services were well-established strategies that had been staples of delinquency prevention efforts for half a century.\textsuperscript{50} What was new in the 1960s was that, because of federal funding, one agency could now command enough funding to attempt it on a scale previously unknown. In addition, the true theoretical innovation of Cloward and Ohlin—via their influence on the PCJD—was a strong and explicit policy commitment to focusing exhaustively on lower-class minority youth in urban “slums.” While a generation of social scientists had been gradually paving the way for this turn through their research in New


\textsuperscript{49} Cazenave, \textit{Impossible Democracy}, 122, 129–32.

\textsuperscript{50} Piven, “Federal Intervention in the Cities,” 598.
York’s so-called high-risk areas since the 1940s, Cloward and Ohlin emerged as the sociologists who took that knowledge to Washington and made it federal policy.

**A Comprehensive Program for Harlem**

While Mobilization for Youth was the poster child of the PCJD and often got the spotlight as New York’s most touted demonstration project, it was not the only program in town. In Harlem, a small but ambitious team also won federal funding to design and implement a sweeping community development program called Harlem Youth Opportunities Unlimited. While HARYOU was, in many ways, modeled on Mobilization for Youth’s example, there were significant differences, not least of which was the fact that HARYOU was conceived and run by African Americans. Though HARYOU was forced to frame its plan as an anti-delinquency program in order to receive PCJD funding, the program’s leaders were clear that HARYOU sought comprehensive social uplift for the entire community. And though HARYOU’s chief architect, the child psychologist Dr. Kenneth Clark, articulated a theoretical underpinning for the program that was grounded in a language of culture and personality, he used HARYOU to pioneer a subversive understanding of the harm experienced by African American youth as a result of white supremacy.

HARYOU was nothing less than a sweeping plan to bring millions of dollars of federal aid into a systemically under-resourced community, to restructure Harlem’s schools in order to better serve African American students, to revitalize the local economy, and to organize neighborhood residents to build real political power and control over their own lives. In this sense, HARYOU sought to bring comprehensive social aid to Harlem in a way that echoed the resources made available to European immigrants in the earlier twentieth century. Because
African Americans had been left out the first time, Clark argued, HARYOU was urgently needed to fill the need born from decades of neglect by a racist society. HARYOU therefore defended itself as the highest expression of a tradition of crime prevention begun by white reformers in the 1920s.

To some degree, Clark and HARYOU were successful in leveraging the funding available in the 1960s to bring resources and social aid to Harlem in unprecedented levels. As with Mobilization for Youth, grassroots residents and local youth made use of the program to suit their own ends, deriving benefits that may or may not have been originally intended. Understood within the context of the long politics of delinquency, HARYOU tried to realize the long-betrayed promise of what actual rehabilitative efforts could look like in Harlem. Clark and his compatriots were the black child savers of the 1960s, seeking to muster resources in order to prioritize the welfare, health, and happiness of African American youth as the future of the community. Yet ultimately, HARYOU fell apart because of a lack of political backing in either Washington or New York City. Clark’s vision for HARYOU was a threatening specter of black self-sufficiency and self-government that failed to muster the organizing power needed to protect its success. Instead of giving HARYOU the resources and support necessary to fully implement its vision, white liberals increasingly declared that being “soft” on African American and Latino youth was not working, and withdrew their support for social spending. The shift to crime and delinquency being seen as a problem of the ghetto rather than white youth went hand in hand with white liberals’ abandonment of their commitment to the rehabilitative ideal.

Like Mobilization for Youth, HARYOU’s origins also lay in the gang crisis. In the summer of 1961, the Youth Board announced the introduction of a new program to launch “patrols” by a team of psychiatric workers in Harlem and areas of the Bronx. This “psychiatric
team” was composed of psychiatrists, a psychologist, psychiatric social workers, an anthropologist, and a research assistant who were all drawn from the staff of the Jewish Board of Guardians, an organization that had ties to the Youth Board through Sheldon and Eleanor Gluck’s contemporaneous psychological research project on predicting future delinquency in South Bronx schools. According to the Youth Board plan, these experts—funded by $94,433 of taxpayer money—were to be introduced to gang members by Youth Board area workers in order to attempt “to help the gang member work out his immediate problems and then persuade him to undergo extended treatment by an individual psychiatrist or in an institution.” Despite the fact that the Youth Board had in fact been operating a much larger program with similar goals in South Bronx schools for several years, the news coverage of the psychiatric patrol sparked public outrage.

African American leaders reacted to this plan to subject Harlem’s black youth to patrols by white “psychiatric squads” with anger, frustration, and pain. The editorial board of the Amsterdam News penned a scathing condemnation of the proposed program, declaring that Harlem parents would not allow any white “‘board of guardians’ experiment without permission on the minds of their children as if they are white mice or guinea pigs.” The editorial continued with a series of sharp rhetorical questions asking why black youth were the focus of anthropological research, why Harlem was always the first area to be discussed in any conversation about crime, and why Harlem should not also be first in receiving new funding for schools, housing, hospitals, and social services. Shortly later, Harlem minister Reverend Eugene Laymond Robinson, “Psychiatric Unit to Watch Gangs,” New York Times, May 15, 1961.

51 Interestingly, the proposed neighborhoods for this psychiatric patrol in the Bronx were Claremont and Fordham, two areas bordering the Glueck’s research project there. While I have not found evidence that the proposed patrols were directly connected to the Glueck project, it seems probable that the patrols were conceived and facilitated by connections and conversations related to the Gluecks.

S. Callender delivered a sermon accusing the Youth Board of practicing “social welfare colonialism” that was “imposed from above” without being in conversation with any existing community agencies, none of whom had known about the initiative before the news announcement of its introduction. Several Harlem community agencies submitted a formal protest to Mayor Wagner, who requested that those agencies draw up their own plan for Harlem’s youth.

Out of that request, Harlem Neighborhoods Association (HANA), a local private social welfare organization, presented a plan to the mayor in October 1961 to establish a Harlem youth council that would create neighborhood organizations as a way to facilitate grassroots community led youth services. The city gave HANA a $25,000 planning grant, out of which HANA created HARYOU as the proposed youth service provider and coordinator. HARYOU’s chairman and chief architect was Dr. Kenneth Clark, an African American psychologist and professor at City College of New York, most well known along with his wife Mamie Clark for their research and testimony in Brown v. Board of Education about the psychological harm of segregation on black children based on doll experiments. The couple had long been invested in


bringing high-quality social services to African American children, having founded the Northside Center for Child Development in 1946, at that time the first full-time child psychology center in Harlem. After receiving the HANA grant, Dr. Kenneth Clark, together with HARYOU’s program director Kenneth Marshall, who had worked as a Youth Board gang worker in the 1950s before earning masters degrees in psychology and social work, together began the project of designing an ambitious comprehensive youth and community services program in Harlem. Marshall was also connected to Mobilization for Youth as a research associate. In May 1962 HARYOU submitted a funding request to the PCJD and received an eighteen-month planning grant of $230,000 to put together a proposal for a major youth demonstration program, which was supplemented by an additional $100,000 from the City of New York. 58

Clark and Marshall’s plan, laid out in the 600-page planning report *Youth in the Ghetto: A Study of the Consequences of Powerlessness and a Blueprint for Change*, presented an ambitious outline for Harlem. Many programs resembled those of Mobilization for Youth, though the structure differed as they were all planned to operate around a core of hyper-local Neighborhood Boards. These boards were to be composed of a “broad cross-section of the Harlem population” who lived or worked in that neighborhood, from doctors and lawyers to union shop stewards, teachers, ministers, housewives, and young people. Each board would be empowered to hire its own staff and to make substantial decisions about how best “to insure the maximum growth and development of the children and youth of its community.” To support the

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neighborhood boards in this work, HARYOU leaders designed a suite of modular programs that could be implemented on a neighborhood basis at the recommendation of the local boards. The boards were intended to be as independent as possible, with the goal of providing supportive containers for cultivating “indigenous” leadership and “autonomous community social action.”

HARYOU’s programs placed a primary emphasis on education, practical skills training, and “socialization.” Proposed programs included preschools and primary schools for both children and their parents, a HARYOU Cadet Corps comparable to the Boy Scouts, residential “academies” for youth on probation or returning from incarceration, and a drug use research and rehabilitation center. All of these programs were meant to provide intensive remedial education in literacy and other areas in which Harlem’s schools were especially deficient. Under a program called Neighborhood Enterprises Unlimited, HARYOU sought to directly operate local businesses to provide employment and job training to youth. In addition, there were to be a swath of classes, workshops, and training programs in leadership, arts and culture, domestic and work skills, and other practical and remedial topics held at the same Community Board Centers that housed the local neighborhood board. Throughout all of these programs, HARYOU leaders emphasized the importance of celebrating black culture and history, which they argued had been systematically erased by white teachers and other leaders.

Though HARYOU drew direct inspiration from Mobilization for Youth, it was not simply a carbon copy of Mobilization adapted for Harlem. First, while Mobilization for Youth grew out of a primary concern about delinquency and gang activities, and continued to defend its activities in the Lower East Side on that basis, HARYOU claimed to focus on Harlem not

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60 HARYOU, “Paper #1: Program Plans, Part II,” 7; see generally HARYOU, Youth in the Ghetto,
because of crime but because of systemic racism. Its leadership paid lip service to the language of delinquency required by federal funders, but were clear that their driving interest was in putting resources and skills back into a community that had been gravely harmed by a history of systemic discrimination and federal neglect. Second, related to this commitment of racial uplift, HARYOU’s leadership were clear that HARYOU was to be led, run, and staffed by African Americans. One early conversation about this ended with an agreement that, “the Whites shall act only in a technical capacity, remaining in the background and never appearing as part of the public image.”61 Finally, HARYOU’s chief architect Dr. Kenneth Clark articulated a particular theoretical grounding for the initiative that differed from opportunity theory in its view that pervasive ongoing historical racial discrimination was the primary “root” of social pathology in Harlem. While HARYOU was not more successful than Mobilization for Youth in altering underlying structural causes of inequality, Clark’s analysis led him to make pointed racial critiques of case-work methods that saw individual psychological adjustments as the solution. Though Clark’s own analysis was also psychological and identified acculturation as a primary pathology, he was sharply critical of the way this had historically constituted “social work colonialism” in Harlem.62

Though HARYOU was funded by a federal grant from the Juvenile Delinquency and Youth Offenses Control Act, delinquency control was not a primary goal of the HARYOU program. This was a result of Clark’s particular understanding that Harlem’s core problem was not one of poverty or criminality per se, but rather that violence, delinquency, unemployment,


truancy, high mortality rates, and other indices of social dysfunction were the symptoms produced by pervasive systemic inequity and racism. In Clark’s view, youth who turned to antisocial or aggressive behavior, gangs, or drug use were doing so as the result of psychological harm caused by a racially discriminatory society. In fact, he argued, it was an encouraging sign that Harlem’s youth still exhibited anger and outward frustration, and had not yet given into what Clark regarded as the worse fate of apathy and despair. “In a very curious way the delinquent’s behavior is healthy,” Clark wrote, “for, at the least, it asserts that he still has sufficient strength to rebel and has not yet given in to defeat.”

With regard to delinquency as the justification for seeking funding, *Youth in the Ghetto* stated, “It would be easy to state the objectives of this program primarily, if not exclusively, in terms of delinquency prevention or other overt problems of youth. The delinquency, however, must be viewed merely as an anguished symptom of more basic and systemic social pathology.” HARYOU stated “candidly and repeatedly, in spite of the fact that the law under which [HARYOU] was seeking its planning grant was directed specifically to the problem of juvenile delinquency, that the problem of juvenile delinquency cannot be solved or ameliorated in isolation from the general problems of youth and must be understood in terms of the realities and problems of the total community.”

Clark’s analysis and methodology had a clear antiracist dimension that was unique among the programs funded by the PCJD. As Clark wrote about at length in his 1965 book, *Dark Ghetto: Dilemmas of Social Power*, the dire situation of African Americans in America’s cities was the result of white supremacy. “The dark ghetto’s invisible walls have been erected by white

63 Clark, *Dark Ghetto*, 88.

64 HARYOU, *Youth in the Ghetto*, 35-36.

society, by those who have power, both to confine those who have no power and to perpetuate their powerlessness,” Clark wrote. “Their inhabitants are subject peoples, victims of the greed, cruelty, insensitivity, guilt, and fear of their masters.”

Raised within this environment, young African Americans had two avenues: the privileged and persistent few could struggle against the barriers to success and perhaps succeed in escaping the ghetto’s pull; alternatively, youth could “resolve the conflict negatively—in either a passive or defiant way” through dropping out of school, using narcotics, aggressiveness, or other self-destructive behavior. While Cloward and Ohlin had acknowledged that racism was a factor in limiting opportunities for poor youth of color, their analysis *Delinquency and Opportunity* was positioned as a universalist theory that foregrounded class as the primary analytic. This created a dynamic in which the PCJD explicitly targeted inner-city neighborhoods of color, yet was supported by a theoretical justification that claimed to be color blind and acting solely on account of the overlap between African American and Latino areas and lower-class ones, as well as the correlated high delinquency rates in those areas. Clark, in contrast, was persistently clear throughout his career that racism was the real factor to be addressed.

Clark’s theory of the pathology of the ghetto also differed from contemporaneous culture of poverty ideas, which identified single-mother families as the primary and inescapable factor in producing social ills. In contrast, Clark saw violence and despair in underprivileged black urban communities as symptoms of a larger social disease rather than the causes themselves.

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66 Clark, *Dark Ghetto*, 11.


Though he did see family pathology as a secondary cause of dysfunction, in Clark’s eyes the fact that “The dark ghettos are social, political, educational, and—above all—economic colonies” was the primary root of social disease.⁶⁹ Eradicating this disease, Clark argued, similar to controlling a public health epidemic, could not be done by individual treatments. “The problem of controlling crime in the ghetto is primarily one of changing the conditions which tend to breed widespread violence rather than one of reforming the individual criminal…. Yet the tendency has been, in terms of ghetto crimes, to concentrate on imprisonment of individuals rather than seek to destroy the community roots of crime itself,” Clark wrote in 1965. To truly cure Harlem, Clark believed, “Nothing short of a concerted and massive attack on the social, political, economic, and cultural roots of the pathology is required if anything more than daubing or a displacement of the symptoms is to be achieved.”⁷⁰ In this analysis, there was no ambiguity about the fact that black youth and their families were casualties, in Clark’s words, rather than causes of social violence. As one press release declared, “HARYOU is dedicated to the proposition that the young people of Harlem are not expendable.”⁷¹

One of Clark’s theoretical innovations was an expansive notion about what therapeutic interventions might be appropriate to treat the disease of America’s racial and economic disparities.⁷² HARYOU’s comprehensive programming was designed to be just such this treatment. Skeptical of individual Freudian psychological methods, Clark wrote that, for HARYOU, “It is not the primary objective of these programs to bring ‘underachieving,’

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⁶⁹ Clark, Dark Ghetto, 11; Matlin, On the Corner, 63–69.

⁷⁰ Clark, Dark Ghetto, 109, 107.


⁷² Matlin, On the Corner, 44, 84–92; O’Connor, Poverty Knowledge, 201–2.
delinquent or ‘delinquency-prone’ youngsters into a ‘helping relationship’ with a caseworker, group worker or remedial specialist. Rather, the primary objective is to immerse them in a subculture possessing all the codes, insignia, slogans, rituals, performance standards, esprit de corps, and so on calculated to build a tradition of effective social participation.” Similarly, a press release written by Clark declared, “HARYOU is not wedded to the situation of service approach as a solution to the problems of youth in Harlem,” in contrast to the approach of Mobilization for Youth. The goal was to reorganize community life with emphasis on a “restructured culture as the source of new motives, rather than on the ‘therapeutic’ problem-solving oriented relationship with a “helping person.” Harlem’s youth were central to HARYOU’s vision and plan. Families were important mainly insofar as they were seen to incubate further despair, anger, and poor conditions affecting youth in Harlem generally. Youth were the key to curing the whole community. To achieve this end, they had to be organized and given a meaningful democratic voice in making real decisions in their neighborhoods. “We’re not talking about treating a few symptoms here and there, nor about helping people merely to survive in the sickness, but about the creation of health,” Clark wrote in a publicity comic book for the program. “Our weapon will be Harlem’s most valuable resource—it’s young people. If they succeed, the result will not just be a Negro revolution, the result will be an American renaissance!”

Clark articulated a vision in keeping with a long tradition of social work that sought to uplift struggling communities in the nation’s cities by saving the children. In Clark’s eyes,

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73 Clark, “Profile of HARYOU,” 5.


75 HARYOU, Youth in the Ghetto and a Blueprint for Change: The Voice of Harlem Youth Unlimited, (New York: Custom Comics, Inc., June 1964), KMP, box 2.
Harlem was long overdue for equal treatment in this regard. According to him, the dire situation in Harlem was the result of decades of historical neglect and exploitation by white Americans. Any program for reform, he argued, had to grapple with “the fact that past patterns of prejudice, discrimination, and segregation have had known detrimental consequences for their victims, and that these consequences of social injustice are reflected in the Negro community in many complex ways.”

The very fact that African American children and youth had been abandoned and condemned as criminals for so long, he argued, was the central reason why they now needed a genuine commitment to recognizing and reversing these historical harms. Healing could only come through a real, substantive affirmation of the value of black life. This, above all else, was HARYOU’s goal. “The inviolable, unbreakable theme of HARYOU is that the youth of Harlem are not expendable,” Clark wrote. “The inherent dignity, worth, and humanity of each young person must be respected and reinforced by the realities of his experiences.”

White children had received plentiful social aid in the early twentieth century under the rubric of rehabilitative crime prevention, while black children had been shut out. Clark hoped to make HARYOU the vehicle for rectifying this long-overdue inequality.

Clark was not a radical, despite his unconventional psychological theories; he was a middle-class social scientist and staunch integrationist who believed that a properly educated liberal administration could enact meaningful reform. This partially explains his eagerness to partner with the Kennedy administration to enact HARYOU’s program, as well as his level of disillusionment with liberal policymakers as his plan for HARYOU was hamstrung before his

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76 HARYOU, *Youth in the Ghetto*, 10; on the historical lack of services in Harlem, see also pp. 22-24, 73.

77 Emphasis in original. HARYOU, *Youth in the Ghetto*, 41.
eyes. In fact, Clark was criticized by Ralph Ellison and other black intellectuals for the degree to which his theories resembled a culture of poverty approach, and accused of being a whitewashed and out of touch elitist that condemned the black experience as a “tangle of pathology”—a phrase that Moynihan in fact borrowed from Clark’s earlier use. Indeed, Clark’s vision of HARYOU was a fundamentally technocratic model imbued with a certain amount of elitist remove from the experience of those Harlemites that the program sought to uplift. Despite many hundreds of pages of claims about the need for grassroots mobilization, empowerment, and true self-determination, Clark conceived the HARYOU program as something scaffolded by experts for the “indigenous” community to help develop local leadership skills.

HARYOU’s leadership aspired to transcend the class, cultural, and generational divides that often existed between social work professionals and the populations they sought to serve, but had a mixed record in practice. This was particularly clear in the case of organizing and engaging Harlem’s youth, which both Clark and Marshall, the program director, prioritized from the beginning as “an integral and probably unique fact about the HARYOU method and process.” Difficulties quickly emerged as HARYOU staffers sought to conduct initial surveys of Harlem’s youth groups in an effort to make contact with local youth and discover what they cared about. Marshall, who had been a street club worker with the Youth Board in the 1950s and had experience working with street groups, perhaps influenced this strategy. When a HARYOU staffer began approaching youth groups on the street, however, information was not forthcoming.

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79 Matlin writes that Clark’s strongest critic was Albert Murray, a literary critic and friend of Ellison. Matlin, *On the Corner*, 57-59, 70-71. Clark used the phrase “tangle of pathology” on page 156 of *Youth in the Ghetto*, which was published in 1964. It also appears in *Dark Ghetto*, 106. Matlin, *On the Corner*, 67.

80 HARYOU, *Youth in the Ghetto*, 81.
The staffer reported, “they thought that we, you know, were going to send the names to the cops or something, and they didn’t want to give out any information and what not, and then when I tried to convince them and we got their key men, they said, oh, there’s no leader, we don’t have no leader, we’re only a bunch of people, all the same, and we don’t have any leaders.”

Deterred by the difficulties of engaging “these traumatized, highly sensitive and suspicious young people” in the work of planning HARYOU’s programming, staffers reached out to other social circles. More privileged, economically affluent, and well-educated youth proved more willing to engage with HARYOU, but while “initially they were able to verbalize a concern for the welfare of the masses of less privileged young people in Harlem and express their desire to help, they seemed unable to sustain high motivation or to translate their verbal concern into a pattern of sustained action.”

HARYOU’s leadership, while committed in principle to youth involvement in the planning process, was at a great loss about how to make this happen.

What eventually developed, and what may have been HARYOU’s greatest organizing success, was a youth cadre called the HARYOU Associates. The idea of having a youth branch called the Associates was originally conceived at an abstract theoretical level by the agency’s adult leadership, but they struggled to connect with a motivated youthful population. In a moment of sheer luck for Clark and Marshall, the answer came literally knocking at their door. Two sixteen and seventeen year-old young men, the president and vice-president of a recently organized boys’ group who called themselves the Chessmen Fraternity, had been referred to HARYOU by the Youth Board, to which they had gone seeking help in achieving the Chessmen’s aim “to improve the community in which we live and better the responsibilities of

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82 HARYOU, Youth in the Ghetto, 85, 84.
our youngsters, you know, fifteen to sixteen.” Though the Chessmen had no interest in organizing girls and had to be patiently persuaded into aligning themselves with HARYOU’s nascent organization, eventually they agreed the become the first HARYOU Associates.

Eventually, HARYOU claimed that the Associates grew to include over 200 youth between the ages of 14 and 21. From this beginning, HARYOU staff began formally engaging the Associates to help with the work of community organizing and planning.

Working with the Associates was rewarding, but also continued to create significant challenges. On one hand, the youth were genuinely involved in HARYOU’s daily organizing work, and derived enough value from their participation to continue showing up. In Clark’s estimation, “the overriding factor which made it possible to organize and sustain the Associates was the opportunity which the organization provided these young people to be involved in real and serious dialogues concerning their own future.” On the other hand, working with teenagers presented unique challenges. The Associates were somewhat cliquish, making it difficult to attract and integrate new and more disadvantaged youth into the group. More significantly, the Associates’ enthusiasm created high frustrations among the professional staff, as the youth invited themselves into, “took over,” and created “chaos” in HARYOU’s limited office space on weekdays as well as weekends. The fact that the staff was so annoyed by the presence of energetic adolescents—the very population, after all, they were seeking to engage—represented a moment of confrontation between the theoretical principles of the professional staff and the nature of teenagers. In the end, the Associates prevailed in becoming a permanent office fixture.

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84 HARYOU, Youth in the Ghetto, 91-92.
and voice in HARYOU’s planning.\textsuperscript{85}

HARYOU organizers spent considerable effort developing leadership skills among the teenagers, with mixed success. On one group trip, a staffer wrote that the Associates were “less controllable and restless than ever before,” noting, “This concept—of commitment seems to be something foreign to them—in free time, they could certainly not be expected to work too!” On further reflection, the staffer wrote, “They had become so involved in blaming the adult staff and the mystical ‘program’ for their inability to perform that it is perhaps appropriate to ask them to look at their own part within the entire spectrum.” Her comments in summation were bleak: “The natives are restless, frustrated, and morale is low….”\textsuperscript{86} Nevertheless, the Associates formed a group of core ambassadors of HARYOU’s public image. They wore HARYOU buttons on their jackets and explained HARYOU’s mission to their classes at school.\textsuperscript{87} They spoke at community organizing meetings.\textsuperscript{88} And they featured prominently in all of HARYOU’s publicity materials and reports. The Associates gave HARYOU credibility as an organization that could claim to represent the Harlem community and its youth in particular, and HARYOU gave the Associates training, experience, and a stake in the program.

Ultimately, however, beyond a few isolated programs, the comprehensive vision for HARYOU that Clark elaborated in \textit{Youth in the Ghetto} never came to reality. After receiving the initial planning grant from the federal government in the summer of 1962, HARYOU began

\textsuperscript{85} HARYOU, \textit{Youth in the Ghetto}, 92-93.

\textsuperscript{86} Laura Pires, Memorandum to Jim Jones and Kenneth Marshall, re: Notes on LTW, August 2, 1963; Laura Pires, Memorandum to Jim Jones and Kenneth Marshall, re: Notes on Leadership Training, August 5, 1963, both in KMP, box 2, folder “Haryou Leadership Training Workshop.”

\textsuperscript{87} Laura Pires, Memorandum to Jim Jones and Kenneth Marshall, re: Notes on Post-LTW, September 23, 1963, KMP, box 2, folder “Haryou Leadership Training Workshop.”

\textsuperscript{88} HARYOU, “Social Action Discussion About Coffee Shop,” n.d., KMP, box 5, 8.
researching the community’s needs and designing the organization’s proposed plan of
intervention. Concurrently, Congressman Adam Clayton Powell, Harlem’s representative in the
House of Representatives, with an eye on the impending passage of the Economic Opportunity
Act, instigated the creation of another Harlem-based agency called Associated Community
Teams, Inc. (ACT). ACT remained closely associated with Powell, as it was headed by
Livingston L. Wingate, Powell’s former special assistant, and its office adjoined the Adam
Clayton Powell Community Center. ACT had also received a large grant under the Juvenile
Delinquency and Youth Offenses Control Act to develop direct service programming in Harlem.
Both HARYOU and ACT were planning to apply for demonstration project funds at the end of
the eighteen-month period. The PCJD had made it clear that they would only fund one Harlem
agency and did not want to be forced to choose between HARYOU and ACT; therefore,
everyone agreed that a merger was the only solution. The key question of the merger was who
would lead the combined organization — Wingate, or a professional social worker?89

The dispute over the leadership of HARYOU-ACT represented a contest over two
different visions of social service in Harlem. HARYOU proposed an ambitious overhaul of
Harlem’s educational, vocational, and cultural structure, managed by trained professionals but
aimed at catalyzing a self-sustaining community organization and grassroots leadership.
HARYOU’s leaders were clear that the entire project needed be carried out by black personnel.90
ACT, on the other hand, was conceived and controlled by a politician, and articulated a much
narrower vision. ACT’s main program was a direct service model called “Domestic Peace
Corps,” which recruited black and white young people from outside of New York, gave them a

89 Tyson, Power and Politics in Central Harlem, 6-10; R.W. Apple, “HARYOU and ACT: Merger Problem,” New

crash course of training, and sent them to assist in Harlem’s schools, hospitals, and block associations.\(^91\) HARYOU’s leaders saw ACT as an attempt by Powell to take over control of the federal funds destined for Harlem. Clark was outspoken about his belief that ACT represented business as usual in Harlem of treating the symptoms, while real change at the root required an independent, scientific evaluation and plan. “I see political considerations as death to any serious program in Harlem,” Clark told a reporter for *The Nation.* “This is a struggle over whether the program will be on solid, professional grounds or in the image of a political operation.” If Wingate assumed leadership of HARYOU-ACT, Clark believed, that would send HARYOU’s carefully constructed plan “down the drain” in the service of Powell’s “political pork barrel.”\(^92\)

In the end, Clark lost the political struggle for control. Wingate was appointed president and eventually executive director of HARYOU-ACT in 1964, and Clark resigned, severing all connections with the organization. At the time, HARYOU was operating scattered pilot programs, including operating a coffee shop and youth leadership training program, the Cadet Corps, and an Arts and Culture program that ran workshops in theater, dance, music, and visual arts.\(^93\) HARYOU had not organized any of its flagship programs, including the schools and neighborhood boards that were at the center of the proposed plan. The neighborhood boards, in particular, were understood to be “the one thing” that separated HARYOU’s plan from “just social services.” In 1965, the boards still had not been organized, and a reporter noted that, “Some critics and neutral observers say they feel the boards may not develop properly because the boards, by definition, will provide political power bases for the community that might offend,

\(^{91}\) HARYOU, *Youth in the Ghetto*, 515-519.


\(^{93}\) Tyson, *Power and Politics in Central Harlem*, 222, 243, 233.
or even unseat, politicians.” A year after the change in leadership, Clark said that there had been an inundation by “politics as usual, by the pathology [HARYOU] was seeking to cure becoming itself a part of the operation.” He added, “These are not the people I consider as models for the fundamental restructuring of Harlem’s youth. They’re just more of the same.”

HARYOU-ACT raised different hackles than Mobilization for Youth, but neither program survived the 1960s. While Mobilization was dismantled by city lawmakers because of the threat that its grassroots organizing posed to entrenched political structures, HARYOU-ACT was declawed because of a power struggle over control of the massive federal resources the organization sought to command, as well as Clark’s threat to local political patronage networks within Harlem. Clark’s optimism notwithstanding, there was never a realistic possibility that HARYOU would manage to secure the resources and build the organizing power necessary to implement his articulated vision. The federal government, though willing to give HARYOU a planning grant to develop a theoretical strategy, never backed Clark completely, and in fact was the party responsible for demanding the merger with ACT as a prerequisite for further funding. Clark, for his part, was not able to develop the political connections or grassroots power necessary to ensure HARYOU’s survival as an independent entity. While parts of HARYOU’s plan were implemented in some form, and certainly benefitted many local people, *Youth in the Ghetto* was of more impact as a manifesto of an alternative orientation towards aiding Harlem’s youth than as a realistic action plan.

After the merger of HARYOU and ACT, the new organization continued to run a large portfolio of direct service programs for several years but was plagued with constant fiscal and

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administrative crises. Youth remained an important target population for the agency’s programs, but were no longer described as the central praxis of community transformation. In 1966, HARYOU-ACT did finally hold elections to create five Neighborhood Boards, and though these boards organized their own community programs for several years, they never held the definitive sovereignty over HARYOU-ACT that Clark had envisioned.

Following a number of administrative scandals, in 1967 HARYOU-ACT ceased to exist as an independent entity, transforming from a direct service provider into a quasi-municipal Community Corporation, responsible solely for disbursing funding for all of Harlem’s smaller anti-poverty agencies under the city’s Council Against Poverty. As part of this transition, HARYOU-ACT spun off its programs from direct management into subsidiary organizations. Among those spun off were the Neighborhood Boards, which continued to operate into the early 1970s by organizing independent local initiatives similar to other neighborhood associations, but lacking the institutional power and access to resources that had defined Clark’s original intention for the Neighborhood Boards. This was precisely the outcome that Clark had tried to avoid.


As an umbrella disbursement agency, HARYOU-ACT continued to manage a large anti-poverty budget through 1969, after which falling federal anti-poverty funding was compounded when the City of New York also substantially cut the agency’s earmarked funds in 1970.\textsuperscript{99} In 1968, HARYOU-ACT had spent between $10 and $11 million, and the neighborhood boards alone had sought $25 million more in funding for the following year. In 1970, the agency’s budget was a modest $4.5 million, which it distributed among 23 delegate agencies.\textsuperscript{100} As budget cuts deepened amid the fiscal crisis of the 1970s, HARYOU-ACT announced it was cutting all of its remaining youth programs in 1975, and though the agency held on in name, the final knell came in 1979 when Mayor Koch restructured the city’s anti-poverty system, removing direct budgetary powers from the remaining community agencies.\textsuperscript{101} “The effect has been devastating,” said HARYOU-ACT’s executive director at the time. “With poverty intensifying, they should be trying to get more money to the communities instead of taking it away,” added a HARYOU-ACT program planner. “It seems as if the people up here are just being forgotten by the city.”\textsuperscript{102} The statement was indicative of the agency’s entire existence. From the beginning Clark had sought to bring unprecedented resources to Harlem’s long-neglected and exploited population, yet had never managed to secure the financial support or political power necessary to carry out his vision in the face of indifferent and entrenched majority-white lawmakers.


\textsuperscript{100} George Barner, “HARYOU Defends Record,” \textit{Amsterdam News}, March 2, 1968; Severo, “Haryou-Act Expected to Lose Control of Head Start Program.”


\textsuperscript{102} Rule, “For City Antipoverty Effort, a New Era.”
The War on Crime and the War on Poverty

While initial funding for both Mobilization for Youth and HARYOU came from the Juvenile Delinquency and Youth Offenses Control Act, after 1964 both programs became major recipients of Economic Opportunity Act funding as part of the War on Poverty. For both organizations, the link between the Kennedy administration’s anti-delinquency program and the Johnson administration’s anti-poverty program was seamless. This was because crime and poverty had never been separate in planners’ minds. To the extent that delinquency control had been a political cover story for federal aid to inner-city African American communities in the early 1960s, the programs designed under the PCJD had prioritized “attacking the roots” of delinquency through community organizing, acculturation initiatives, education and jobs placement. After 1964, these same programs that had been the model examples of federal anti-delinquency efforts were re-branded as the poster children of the War on Poverty. On the other hand, to the extent that anti-poverty efforts had originated as crime control measures, the programs that constituted the War on Poverty targeted inner-city neighborhoods of color—and especially the youth within them—as the most important demographic of concern with regard to delinquency, destruction of property, disregard for law, and potential insurgency. This predilection continued and was reinforced, even as lawmakers’ waning commitment to social funding for minority demographics brought the War on Poverty to an end.

By 1967 this transition was already well in motion. Although the Economic Opportunity Act appeared to shed the delinquency control provisions of the Kennedy era, in fact the Johnson administration dramatically expanded federal anti-crime and anti-delinquency measures in their own right. In March 1965, the same month he sent the Voting Rights Act to Congress, Johnson called for a federal “war on crime,” and promoted a new piece of legislation called the Law
Enforcement Assistance Act. This law, subsequently passed, created a new federal agency, the Office of Law Enforcement Assistance (OLEA), which provided federal funding for training programs, equipment, and capacity expansion in the nation’s police departments.103 In July 1965, Johnson also created his own Crime Commission, known officially as the National Commission on Law Enforcement and Administration of Justice, which operated in relationship to the OLEA. Both offices functioned on the same assumptions about race, crime, and poverty as undergirded the War on Poverty, ensuring that black urban neighborhoods continued to be seen as the heart of the problem. The continuities between the JDEP and President Johnson’s new Crime Commission were remarkable. The President’s Committee on Juvenile Delinquency, for example, disbanded in 1965 at the very moment that the OLEA was created and inherited the PCJD’s responsibilities, and the associate director of the President’s Crime Commission was none other than Lloyd Ohlin.104

Although the OLEA and President’s Crime Commission were framed as combating crime in general rather than delinquency in particular, urban youth of color remained the central demographic of concern. In 1967, the Crime Commission issued a major report that reiterated statistical demographic arguments placing young black men at the center of the so-called crime problem. “America’s best hope for reducing crime is to reduce juvenile delinquency and youth crime,” the commissioners wrote, building on the argument that youth committed a disproportionate number of crimes, that the number of young people in the country was growing at a faster rate than the total population, and that young black men in cities between the ages of

103 Hinton, *From the War on Poverty to the War on Crime*, 27, 56–57.
104 Hinton, *From the War on Poverty to the War on Crime*, 82.
11 and 24 were, statistically speaking, the worst offenders. A typical delinquent, as characterized by the commissioners, was “a child of the slums,” a fifteen- or sixteen-year old young man who was “one of numerous children—perhaps representing several different fathers—who live with their mother in a home that the sociologists call female-centered,” and who likely dropped out of school and joined a gang. While the commissioners were careful to use race-neutral language regarding low-income residents of inner cities, it was clear the subjects in mind were black. The President’s Commission’s argument for focusing crime control efforts on black youth was summed up in one apparently benign statement: “Negroes, who live in disproportionate numbers in slum neighborhoods, account for a disproportionate number of arrests.”

At the forefront of the national consciousness on this issue were the growing numbers of so-called urban riots, including a week of disorder in Harlem in 1964 after a NYPD officer murdered a fifteen year-old James Powell, and the Watts uprising the following summer. Johnson called for a war on crime eight months after Harlem erupted, and signed the Law Enforcement Assistance Act into law about a month after Watts. Collectively, the urban unrest sewed doubt among liberals about the methods and efficacy of the War on Poverty, even as it lent support to calls for greater law enforcement presence in the same inner-city neighborhoods. The Crime Commission, continuing largely on the same theoretical course

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106 President’s Commission, The Challenge of Crime in a Free Society, 60, 57.

charted by opportunity theory under the PCJD, reiterated more strongly a view that causally conflated crime, inner-city poverty, and rage born of racial subjugation. “The ghetto riots of 1964, 1965, and 1966 were crime in its most aggravated form,” the commissioners wrote in their final report.\textsuperscript{108} The Crime Commission could make this claim precisely because, in the eyes of its members, the urban crisis, the crime crisis, and the race crisis were all the same problem; the difference was merely one of policy emphasis. Poverty could be understood as crime when convenient to do so, and crime could be understood as the “social dynamite” within America’s racial ghettos.

The summer of 1964 marked an important moment for shifting attitudes toward crime control in Harlem. Months before, Governor Rockefeller had passed an aggressive suite of state anti-crime legislation, including the nation’s first “stop-and-frisk” and “no-knock” laws, which allowed police to detain and search anyone on “reasonable” suspicion, as well as to enter a residence with a warrant but without having to give notification. The legislature passed both laws over vociferous protest by Harlem residents and civil rights groups, who opposed the bills on the understanding that African Americans would bear the brunt of expanded police power. Around the same time, the New York press began reporting on a new so-called crime wave in Harlem in a way that equated black gangs with subversion, revolution, and race war. The episode began with an incident in April dubbed the “Fruit Riot,” in which black and Puerto Rican teenagers knocked over a fruit stand and were beaten by NYPD officers.

The \textit{New York Times} reported that the fruit stand incident “set the stage for the expansion of anti-white youth gangs” that allegedly trained in karate and judo and espoused an “anti-white

\textsuperscript{108} President’s Commission, \textit{The Challenge of Crime in a Free Society}, 37.
philosophy” connected with Malcolm X. A separate article expanded on this story, claiming, “A
gang of about 60 young Negroes who call themselves ‘Blood Brothers’ is roaming the streets of
Harlem with the avowed intention of attacking white people.” The article drew on established
gang tropes to argue that the Blood Brothers were a new and dangerous phenomenon that
merged violent street gangs with extremist black nationalism. “The Blood Brothers are making
traditional street warfare in Harlem obsolete,” claimed the Times. “The members are recruited
from the ranks of the old-line gangs, with the blessings of their leaders. The new gang has no
turf—no territory—to protect, and its target knows no geographical limitations: it is the white
man.” In response, Mayor Wagner allocated an additional $5 million to policing as part of what
the Washington Post called an “all-out war on roving Negro terrorist gangs.”

While programs like HARYOU and Mobilization for Youth that had been established
under the purview of the PCJD prioritized anti-poverty efforts under the justification of anti-
delinquency, under the Crime Commission and OLEA this relationship was reversed. Anti-crime
efforts became the priority, while anti-poverty commitments were reduced to a rhetorical tool.
As Elizabeth Hinton has argued, “Convinced that poverty was the root cause of crime and that
community behavior was the root cause of poverty, policymakers turned to crime control to
manage the symptoms of Moynihan’s ‘tangle of pathology’ while they worked to resolve the
socioeconomic problems facing low-income Americans with social welfare programs.” The
Office of Law Enforcement Assistance used its $22 million initial budget to make grants to local
police departments, encouraging training, professionalization, equipment upgrades, surveillance

The Harlem Six case was unfolding concurrently. See Carl Suddler, “The Color of Justice without Prejudice:
technology, and capacity building; to universities to develop crime research and training programs; to police organizations; to think tanks like the National Institute for Crime and Delinquency; and to weapons development. The OLEA was given another $15 million for 1966 and $30 million for 1967.110

Johnson’s capstone crime control legislation was the 1968 Omnibus Crime Control and Safe Streets Act, which dramatically expanded funding available to law enforcement even as Congress cut social funding available through the Economic Opportunity Act. The new crime control law only tightened the focus on African American youth in America’s cities as a demographic of blanket concern, extending law enforcement presence more deeply into minority neighborhoods. For example, the Safe Streets Act, on the recommendation of the President’s Crime Commission, encouraged cities to develop Youth Service Bureaus in low-income neighborhoods to target the “hard-core youth” who would not seek out other community programs.111 This strategy represented the consummation of earlier efforts pioneered under the gang control area approach of the 1950s, but now standardized as federal policy. The New York City Youth Board, through its relationships to private researchers as well as the NYPD’s Youth Division, had been putting law enforcement officers, social workers obligated to report observances of unlawful activity, and social scientists researching the criminality of inner-city youth in the neighborhoods, clubhouses, schools, and hangouts of New York’s African American and Latino communities since the Youth Board’s creation. The criminological knowledge produced by the Youth Board’s two decades of experiments in reaching so-called hard-core youth through drop-in centers, detached workers, psychiatric evaluation, centralized referrals,

110 Hinton, From the War on Poverty to the War on Crime, 93–94, 87–95.

111 Hinton, “Creating Crime.”
and school counselors thus found its expression through replication in cities across the nation.

By 1968, African American and Latino youth in America’s so-called ghettos had been solidly branded potential criminals, whether that judgment was justified in terms of poverty, race, cultural pathology, or segregated geography. One month after the Safe Streets Act, Congress passed another bill called the Juvenile Delinquency Prevention and Control Act, which extended federal grants for states to develop expanded youth crime control measures. The law defined its target not just as “youths who are delinquent” but also youths who were “in danger of becoming delinquent,” thus reprising the key tool of crime prevention to focus on those whom officials determined were likely to become future criminals. But while the language of crime prevention was old, its context had changed. In the intervening years between World War II and the late 1960s, a generation of social scientists, elected officials, law enforcement officers, policymakers, media reporters, and concerned citizens had crafted a body of knowledge that understood the population most in danger of becoming delinquent as the children of segregated urban poverty.

Conclusion

The war on crime was born and waged in America’s cities, not in the federal government. While federal officials and lobbyists had been making motions toward developing a federal anti-delinquency program since the early 1950s, it wasn’t until John F. Kennedy’s election that the partisan political landscape allowed those dreams to become reality. Even so, when the federal government entered the anti-delinquency arena, officials based that policy upon the received knowledge and theoretical frameworks developed by social scientists, law enforcement, and city

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policymakers over the past half-century. In particular, postwar social scientists’ growing belief that crime and delinquency were the products of segregated poverty reproduced in pathological black and Latino families came to dominate policy at all levels of government. This development was not happenstance, but rather deeply rooted in the disciplinary struggles between social scientists competing for dominance with their experiments in New York’s neighborhoods of color. In this regard, the War on Poverty was built on the back of delinquency and gang control efforts that had been pioneered by city officials since at least the Second World War.

The entrance of the federal government onto the anti-delinquency scene and the shift towards focusing on minority youth opened new doors, even as they closed others. While programs like Mobilization for Youth developed and reinforced a view that saw low-income residents as culturally deficient, disorganized, and needing to be re-socialized in line with middle-class white values, nonetheless Mobilization brought real resources to the Lower East Side and some residents seized the chance to organize grassroots initiatives. The federal funding available under the Juvenile Delinquency and Youth Offenses Control Act also allowed Kenneth Clark and his associates at HARYOU to attempt to build a comprehensive social uplift plan for Harlem, paid for by the federal government. Clark used the language of ghettos and pathology to develop a critical analysis of African American dispossession in Harlem, and to argue that real anti-delinquency policy meant actually repairing the harm born from racism, exploitation, and violence through material aid, political self-determination, and the conference of psychological dignity and respect. While the radial potentials of both Mobilization for Youth or HARYOU fell casualty to powerful existing political networks, nonetheless the vehemence with which they were dismantled points toward the reality of the threat that both programs posed.

Amidst the turmoil of the 1960s, especially urban unrest and militant organizing by civil
rights and Black Power leaders, federal and state lawmakers abandoned their commitment to social spending even as they increased funding for crime control. Yet even amid the decade’s waning years, it was not predestined that punitive policy would come to replace rehabilitative priorities. Despite the Juvenile Delinquency Prevention and Control Act’s commitment to expanding carceral power across the nation, its language also put substantial emphasis on promoting rehabilitative efforts. However, the racial double standard of access to the promise of rehabilitation also still persisted. For example, as historian Matthew Lassiter has shown, white suburban youth benefitted from the decriminalization and medicalization of drug policies, as well as expanded access to therapeutic treatment, while black youth were disproportionately arrested and incarcerated.113 Similarly, as Julilly Kohler-Hausmann has argued, “the political and programmatic efficacy of ‘getting tough’ was neither assured nor assumed” in the early 1970s.114 Nonetheless, the near-total condemnation of African American and Latino youth as potential criminals, gang members, and domestic terrorists in the 1960s paved the way for lawmakers to favor punitive policy over social aid as the political climate shifted.

Yet the intertwined long wars on crime and poverty are not so neatly subdivided into carceral and welfare aspects, and it would be an oversimplification to state that welfare commitment waned and carceral measures increased. In fact, the deeper history shows that welfare was always a carceral project, premised on the expansion of state capacity to measure, interpret, surveil, and control its citizen-subjects in pursuit of an ideal socially engineered society. Within this effort, delinquency prevention and control were key tools of state agents’ efforts to know and discipline the basic reproductive units of society: children and the family.


114 Kohler-Hausmann, Getting Tough, 4.
Policymakers in the 1970s inherited a system that presupposed a certain way of thinking about delinquency, certain institutional mechanisms for social control, and certain established patterns of selective surveillance and enforcement based in part on racist statistical assumptions that dated to the nineteenth century. This carceral state—comprised of the institutions, personnel, technical capacity, and justifications for coercive domestic control—which had been substantively built in the prewar era and vastly expanded in the decades after World War II, remained the foundation of state efforts to maintain a regime in which people stayed in the proper social positions dictated by patriarchy, white supremacy, and capitalist labor relations. Amid the context of the 1970s, as ever larger numbers of African American and Latino youth came into contact with police and the court system as a result of the disproportionate presence of law enforcement in their neighborhoods that had grown in the preceding decades, New York’s policy makers and electorate saw little incentive to give youth arrested for delinquency a lenient hand up; indeed exactly the opposite became the case.
Epilogue
The New York State Crime Commission proved to be more prescient than the commissioners could have known in 1930, when they wrote, “The work unit under a county or municipal crime prevention program must be large enough to include the life of a social group or economic class, and small enough to deal with the forces that are primary in character formation. That unit is the *neighborhood.*” Despite the fact that political commitment to the rehabilitative myth began to erode in the 1970s, crime prevention remained a central motif in justifying ongoing youth crime control initiatives at the level of the neighborhood. At the same time, the racial politics of delinquency hardened around identifying the “social group or economic class” of the potential delinquent as youth of color in segregated urban centers. In fact, echoes of the Crime Commission’s 1930 report reverberated through the NYPD’s announcement of a new neighborhood-based youth crime prevention program in January 2020, which is intended to put more than 300 new Youth Coordination Officers in precincts across the city. The new YCOs are expected to coordinate with the city’s 5,500 school safety officers and “parse detailed statistical analyses of crimes committed by youths, in an effort modeled after the department's CompStat crime-analysis system, to effectively deploy crime-fighting resources where needed.”

The NYPD’s new program perpetuates a nearly century-old model of using police crime prevention officers as front-line agents of diagnosing cases of potential future delinquency, providing referral services modeled on social work paradigms, working closely with the schools to identify and intervene in children’s family lives, and tracking and monitoring potential delinquents over time. In a statement evocative of history, Police Commissioner Dermot Shea said, of the 2020 program, “We can identify these kids in the system early,” said Shea. “We have

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the services. By and large we don’t have to reinvent programs to reach and to engage young. But we have to connect the programs better than we did previously. With the kids that really need them.” Commissioner Shea’s statement was straight out of the playbook of crime prevention: identity the potential delinquents and somehow treat their criminal disease. If history is any example, his plan to use police officers to do this will bring minority families into ever-closer contact with the carceral state. Likewise, officials have a long tradition of insisting that the provision of social services cannot possibly be coercive, even when the agents are the police.

This way of thinking is not new; in fact the history of crime prevention reveals its deeper roots as a project of social control. The construction of a new kind of carceral state for controlling youth and families in the 1930s was based on a larger ideology of crime, which held that criminals were a real, if invisible, category of people, and that they could be prevented from developing through scientific identification and treatment. Crime prevention purported to be an objective way to preemptively stop future criminals in childhood. This idea reduced an action (breaking a law) to an identity (a criminal), even while failing to develop any reliable basis to definitively ascertain whether a given individual was a member of the purported criminal class. The category of potential criminality was even murkier for children and youth, as the word “delinquent” comprised a range of behavior in both legal and colloquial parlance. Definitions of delinquency included actions that would have been a crime if committed by an adult, as well as juvenile-centric behavior such as breaking curfew, being truant, or using obscene language.

The ideology of crime led to the development of statistical tools to identify potential criminals on the basis of social factors that served as proxies for scientists’ inability to directly measure crime or criminality. Crime prevention efforts therefore led to the profiling of immigrant, minority, and working-class neighborhoods as the “breeding grounds” of potential
criminals—an identification that largely narrowed to black and Latino areas following World War II. Public discourses about and responses to gang wars, muggings, and violent crimes by groups of youth in the 1940s and 1950s further served to redefine the problem of delinquency as an issue of public safety against angry, violent, and pathological urban youth of color. As long as crime prevention had primarily been a project of making good citizens out of white and white ethnic children, lawmakers and civic leaders were committed to providing social resources and judicial compassion in the name of rehabilitation. As crime became increasingly framed as a problem of the so-called ghetto, officials shifted to a more repressive and punitive response. In the 1970s, lawmakers abandoned their commitment to sustaining the rehabilitative myth in favor of embracing the inequality that had always been hidden at its heart.

The historian Khalil Muhammad argues that African Americans were categorically condemned as potential criminals through the racist use of statistics and law enforcement in the late nineteenth and early twentieth centuries. However, a second condemnation of blackness occurred in the postwar era, and its consequences were evident by the 1970s. The result was a series of decisions to institutionally bifurcate the welfare and penal functions of the so-called rehabilitative system, preserving avenues of salvation for white children while treating children of color more like criminals than ever. These developments unfolded through a range of reforms and initiatives between the 1970s and 2010s, all of which contributed to the fact that by 2014, African American and Latino youth constituted over 95 percent of sixteen- and seventeen-year olds serving prison sentences in New York. Yet while in many ways the punitive turn marked

\[2\] Muhammad, *The Condemnation of Blackness*.  
\[3\] Governor’s Commission on Youth, Public Safety and Justice, “Recommendations for Juvenile Justice Reform in New York State,” Final Report, 2014, 78. In 2007, 93.5 percent of youth in custody in New York City were children of color; see Task Force on Transforming Juvenile Justice, “Charting a New Course: A Blueprint for Transforming Juvenile Justice in New York State” (Vera Institute of Justice, December 2009), 27. Racial disparities were evident
an important point of departure from past practice, there were also deep continuities that pointed
to durable logics of crime and carcerality throughout the twentieth century. This epilogue will
trace three key areas of change that defined the post-1970s carceral landscape in the context of
the history of juvenile delinquency control. These included significant reforms to federal and
state laws as well as the juvenile court system, which further removed white youth from the
system; the adoption of aggressive attitudes towards gangs and gang policing, and a near-total
association of gang members with people of color; and the creation of powerful computer
systems for mapping and forecasting crime based on historical statistics in order to
disproportionately police so-called high crime areas.

In the 1960s and 1970s, lawmakers significantly restructured the juvenile legal system in
response to a public narrative that further emphasized the violence and public danger of youth of
color. These changes to laws and juvenile courts also reflected reformers’ attempts to grapple
with the civil liberties implications of a system that had been intentionally designed to give law
enforcement officers maximum informal flexibility, individual discretion, and capacious
jurisdiction. This informality and flexibility, which had originally constituted the defining feature
of the rehabilitative approach, also meant that officials in the juvenile system wielded, in some
ways, more carceral power than in the adult criminal system. Yet reforms that abolished these
special provisions by formalizing court practices and narrowing the legal definitions of
delinquency also threatened to erase the founding reasoning behind creating a separate system
that protected children from being treated like criminals in the first place.

On one level, these changes could be understood as part of an abandonment of
rehabilitative thinking in favor of punitiveness. But the matter was more nuanced. Even at the

peak of the rehabilitative era of the 1930s, critics had argued that simply declaring that juvenile
delinquency was a civil rather than criminal offense did not mitigate the “quasi-criminal” nature
of the juvenile carceral system. White youth may have been spared the most overtly “criminal”
treatment of the system, but they were also the primary subjects of the sweeping and arguably
extra-legal reach of juvenile police and courts. Officials resolved these longstanding tensions in
the 1960s and 1970s by breaking the system into two parts: one to remain rehabilitative in
orientation but now largely removed from association with the juvenile courts, and the other to
be more fully criminal, freed from the burden of seeking to rehabilitate. Lawmakers did this
through decriminalizing many behaviors, while redefining delinquency as a serious offense and
making delinquency proceedings more clearly criminal in nature. White youth largely benefitted
from the decriminalization and deinstitutionalization of these measures, while youth of color
were further concentrated in a system that no longer sought to rehabilitate.

These policy adjustments occurred slowly over the course of a decade and a half between
the 1960s and 1970s. In 1962, New York State passed the Family Court Act, which marked the
beginning of a total overhaul of a juvenile system that had not substantively changed since 1933.
The existing system had been notable for the way that it substituted non-criminal juvenile
delinquency charges (for those under sixteen years old) or wayward minor charges (for those
between sixteen and twenty-one) for children and youth who might have been charged with a
crime if they were an adult. However, an individual could be charged as a delinquent or wayward
minor for a wide range of behavior beyond acts that would be crimes if they were committed by
an adult, including actions such incorrigibility and disobedience, truancy, running away, begging
for money, or endangering public morals. The Family Court Act stripped out these provisions,
limiting the definition of juvenile delinquency to any person between seven and sixteen years old
who performed an act which would be a crime if done by an adult. In replacement, it created a
new separate category of a “person in need of supervision” (PINS) to cover those “status
offenses” (laws that applied only to minors) of truancy, incorrigibility, ungovernability, and
disobedience. Delinquency was therefore narrowed in definition to a juvenile version of adult
crime, while status offenses were downgraded to less-serious PINS status. For the moment,
however, this new legal distinction remained pro forma, as delinquency and PINS petitions
remained interchangeable and the same court still retained umbrella jurisdiction over
proceedings for delinquency, PINS, and neglect.4

Children’s Courts across the nation were further reshaped by the 1967 Supreme Court
decision In re Gault, which held that a minor was entitled to counsel in delinquency proceedings
that might result in commitment to an institution. This was a significant development, because
counsel had never been systematically provided in Children’s Court proceedings, and had in fact
been strongly de-emphasized in order to make proceedings less court-like. While In re Gault
reshaped juvenile courts across the nation, New York had actually anticipated this development,
as the Family Court Act had required the provision of counsel to a minor appearing before the
court at their request. However, further legal challenges throughout the following decade to the
informal proceedings of children’s courts continued to provoke the deep restructuring of a
system that had been founded on the ideal of informality. Several influential cases in the 1970s
required juvenile courts to respect other due process rights, including proof beyond a reasonable
doubt and protection from double jeopardy. The cumulative impact of these decisions was to
further remove the distinctions between criminal and juvenile courts that had been established in

These changes were mirrored at the level of the federal government, which increasingly set the standard for nationwide anti-delinquency policy and substantively created the juvenile justice system as it exists today. The 1974 Juvenile Justice and Delinquency Prevention Act resolved any remaining ambiguity about whether delinquency should be regarded as an issue of social welfare or crime control by placing responsibility for overseeing the act’s implementation within the Department of Justice, rather than the Department of Health, Education, and Welfare, which had directed federal anti-delinquency efforts since the Kennedy administration. The act also created a new agency called the Enforcement Assistance Administration (LEAA) within the Department of Justice, with broad powers to allocate federal funding and guide policy. Beyond creating the LEAA, the 1974 act allocated an unprecedented $600 million in block grants for states to develop youth crime control capacity and specialized police units, with greater amounts of funding going to states with higher poverty rates. In continuation of past practice emphasizing the prevention of juvenile delinquency, the act specifically mentioned “youth who are in danger of becoming delinquent” as key targets, thus ensuring continued law enforcement in segregated and low-income urban areas. Similar to New York’s Family Court Act, the federal law also decriminalized status offenses such as truancy and running away, and encouraged the diversion of youth convicted of minor or nonviolent offenses to community-based supervision such as group homes, rehabilitation centers, and foster care.6

The separation of status offenses and juvenile delinquency was a coded way of

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implementing a new form of racial sorting that had previously been left to the individual
discretion of law enforcement and court officers. The policy justifications for separating
“troubled but noncriminal juveniles” and “the serious juvenile offender” focused around
officials’ concerns that too many good white children were being swept up in a juvenile system
and treated the same as “hard-core” delinquents, for whom rehabilitation was increasingly
described as a lost cause. New York State led the way in removing PINS from incarceration in
state training schools and locked facilities and placing them in community services and foster
care in the early and mid 1970s. For PINS, the language of rehabilitation remained the reason for
their specialized treatment. As Peter Edelman, the Director of New York State’s Division for
Youth, testified about the state’s system in 1977, “If you were to ask me what is the model or
what is the secret for status offenders I would say that it is an individualized response.” Yet in
practice, these alternative facilities were disproportionately developed in white suburban areas,
while African American and Latino youth, especially boys and young men, were consigned to
the traditional justice system at far higher rates. Between 1975 and 1977, white youth constituted
70 percent of those given treatment as status offenders. These racial disparities were exacerbated
by targeted policing, which led to rising rates of juvenile arrests of African American youth in
the 1970s. The combined effect of these federal and state policies was to formally remove those
PINS marked for rehabilitative treatment—disproportionately white—from the juvenile justice
system, while simultaneously “throwing the book” at the remaining delinquents.7

Alongside rescuing status offenders from stigmatizing treatment as delinquents in the
1970s, New York also passed a number of laws that led the way in establishing stricter and more

7 Senate Committee on the Judiciary, Implementation of the Juvenile Justice and Delinquency Prevention Act of
1974, Hearings before the Subcommittee to Investigate Juvenile Delinquency, 95th Cong., 1st sess. (September 27-
28 and October 25, 1977), 54-63; Hinton, From the War on Poverty to the War on Crime, 232, 220–22. For the
decriminalization of white youth, see Lassiter, “Impossible Criminals.”
punitive sentencing for “serious” youth offenders.\textsuperscript{8} This was part of a broader movement in the early 1970s, including the Rockefeller Drug Laws, to increase punitive criminal treatment in a way that had uneven racial consequences.\textsuperscript{9} With regard to delinquency laws, after a number of failed bills in the early 1970s the New York legislature passed the Juvenile Justice Reform Act of 1976, which was primarily concerned with establishing more punitive responses to the “seriously violent juvenile.” To do this, the act created a new category of delinquency called a “designated felony act” (DFA), defined as an act committed by a fourteen or fifteen year old, which if done by an adult would constitute murder, attempted murder, manslaughter, robbery, kidnapping, arson, burglary, assault, rape, or sodomy. New, longer sentences were attached to DFAs—though still not over a maximum of five years—with mandatory minimum periods in secure facilities. Significantly, for the first time the law directed the judge to consider “the need for protection of the community” in making sentencing decisions, marking an important shift toward a position in which punishment and public safety were touted as the primary goals of juvenile justice proceedings, rather than the treatment and rehabilitation of the minor. An amendment in 1978 expanded the list of offenses that constituted a DFA to include thirteen year olds in some circumstances, and less serious acts (including nonviolent ones) if the minor had prior convictions.\textsuperscript{10}


In 1978, following a number of highly publicized murders in New York City by a fifteen-year-old named Willie Bosket, Jr., the governor called a special emergency session and the legislature passed the Juvenile Offender Act (or the “JO Law”) without public hearings or the invitation of public participation. This law created another new category of delinquency called the “Juvenile Offender,” which lowered the age of criminal responsibility from sixteen to fourteen for a number of serious crimes, and to thirteen in the case of murder. It also mandated that defendants in such cases be treated as adults in criminal court, including the use of bail and public hearings. Sentences for juvenile offender convictions were longer than for DFAs, required placement in secure juvenile facilities, and allowed for transfer to adult prisons if the term had not been served by the time the youth turned 21. The Juvenile Offender Act also removed the court’s discretion to substitute juvenile proceedings for criminal ones for the first time since 1824, moving New York fully into a system that emphasized criminal liability, punishment, and community safety over the goals of protecting and rehabilitating children through paternal oversight that had defined the separate children’s court movement from its beginnings.

The Juvenile Offender Act was characterized at the time as the most punitive delinquency law in the nation. One study found that, statistically speaking, in the first six months of the law’s existence “The typical Juvenile Offender is a fifteen year old black male who lives with at least one parent.” All minors who were charged as Juvenile Offenders were held in jail (most on


Rikers Island) until after arraignment, when they could be remanded or given the opportunity for cash bail. The Department of Corrections reported that 76 percent of those held in jails under the JO Law were black, 21 percent had Spanish surnames, and 3 percent were white. This disparity was partially explained by the fact that a large percentage of white youth were released on recognizance, as compared to non-white youth. In addition, aggressive police enforcement of the law was not matched to equivalent convictions in court. Of the 754 youth arrested as Juvenile Offenders in the first six months, the majority of cases were not prosecuted, or were removed or dismissed, leaving only 38 percent in the criminal court system—meaning that large numbers of minors were exposed to the adult criminal and penal system simply for being charged with a particular crime that was never, in many cases, even prosecuted. A 1988 study found that the Juvenile Offender Act, despite being nationally unique in the number of offenses it excluded from the jurisdiction of juvenile court, did not reduce levels of crime.

Concurrently, journalists, politicians, and criminologists began to report what they described as a “resurgence” of youth gang activity beginning in the early 1970s. Contemporary experts claimed that the gang violence of the 1950s had dwindled by the mid-1960s under the combined effects of increased law enforcement and drug addiction. Beginning in 1971, however, news headlines again proclaimed “Gangs Spread Terror in the South Bronx” and “Black Gangs Back!!” News reporting claimed that there was a new outbreak of street violence by youth gangs in the South Bronx with names like the Black Spades, Seven Immortals, Savage Nomads, Ghetto Brothers, and Dirty Dozen. Commenters made the case that, while there were...

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14 Citizens’ Committee for Children of New York, In Search of Juvenile Justice, 6, 11–12, 14.


similarities to the earlier postwar gang crisis, the 1970s resurgence came with a number of important differences as well.

Among these claims were assertions that, while white gangs had been a large presence in the 1950s, by the 1970s the overwhelming majority of gang members were reported to be “Black, Puerto Rican, and male,” and concentrated in the South Bronx and parts of Brooklyn. Compared with the postwar decade, officials noted that the new gangs were overall better organized, armed with semiautomatics and mortars rather than zip guns, and had adopted a “socially conscious, militant rhetoric of such groups as the Young Lords and the Black Panthers.” NYPD officers told legislative investigators, “the Black Liberation Army, Black Mafia, Puerto Rican Socialist Party, M.I.R.A. (Armed Revolutionary Independence Movement) and others are alleged to have been meeting with youth gangs in an apparent attempt to exploit and utilize the potential force and power of the cliques.” Most public figures agreed that while conflict in the 1950s had focused on inter-group “rumbles,” gangs’ focus in the 1970s had allegedly “changed completely” to robbery, muggings, racially-motivated attacks on white youth, and random acts of extreme violence directed at the community rather than other gangs. By 1974, officials claimed that the number of gang members in New York City was around 20,000, the highest number of any city in the United States.


If the media portrayal and criminological research of the 1950s had produced a new public definition of gangs as ethnic groups of delinquent boys battling for control over New York’s neighborhoods in transition, then the 1970s refined that image into one of well-armed, well-organized, politically-conscious militias of young black and Latino men that were unafraid to attack white businesses and community members. The image could hardly have been better contrived to stoke white fears of race war and insurrection. In a 1974 report titled “Armies of the Streets,” a state legislative body characterized gang members as cool, detached killers with a tendency towards sociopathy. Evoking the feeling of horror portrayed in Stanley Kubrick’s 1971 film *A Clockwork Orange*, the report cited an example in which a New York judge “asked a kid one day how he felt about beating an 80 year old woman so badly that she was dying. The kid just stared at him and said: ‘So what, let the old biddy die.’”

The clearest and most influential indication of hardening attitudes towards gang members as pathologically violent and lethally-armed came in the form of a 1975 study by Harvard criminologist Walter B. Miller, which was conducted under the Office of Juvenile Justice and Delinquency Prevention as the first nationwide gang survey. Miller concluded that all evidence supported the conclusion “that contemporary youth gangs pose a greater threat to the public order, and greater danger to the safety of the citizenry, than at any time during the past.” Miller claimed that, in contrast with earlier tendencies for gangs to fight among themselves, by the 1970s there appeared “to be a definite trend toward increasing victimization of adults and


children, particularly in ethnic largest cities.” This statement was followed a paragraph later by the claim, “Probably the single most significant development affecting gang-member violence during the present period is an extraordinary increase in the availability and use of firearms to effect violent crimes.”

Though race-neutral on their face, these statements conveyed a dimension of racial threat, which Miller made clear through a demographic analysis based on the claim that “members of gangs and law violating youth groups are drawn disproportionately from male central city populations of ‘minority’ (Asian, African, Hispanic origins) status.” Because, Miller wrote, the number of black and Latino adolescents was projected to grow faster than white teenagers, Miller argued that a “new wave” of gang problems seemed likely to worsen the problem of gang violence over the coming decade. This style of demographic arguments directly conflated race and criminality in the assertion that more youth of color in the population statistically meant more crime. The “super-predator” narrative of the 1990s was built on an identical argument that higher rates of reproduction among families of color was producing a wave of dangerous teenage criminals.

Many people, especially youth themselves, contested the dominant narrative of the 1970s that condemned gang members as violent antisocial psychopaths who exhibited a malicious antipathy towards society. The National Urban League condemned Miller’s conclusions, charging that the study had been done “without talking to a single gang member.” Robert Woodson, director of the Urban League’s administration of justice division, echoed criticisms

21 Miller, Violence by Youth Gangs, 76.

22 Miller, Violence by Youth Gangs, 44, 70–72.

23 Bennett, DiIulio, and Walters, Body Count. For another historical take on the salience of controlling the sexuality of women of color as an imperial project of racial production, eugenics, and social control, see Briggs, Reproducing Empire.
from a decade earlier when he said, “The Harvards of this country can never solve the problems of the Harlems of this country.” He criticized gang control policies as “an excuse” to lock up black and Latino youth for longer periods, adding, “Blacks and minorities are identified as the perpetrators, but when allocations are made for research, it goes to the white institutions.”

Meanwhile, despite a dominant discourse that condemned gang membership as defined by criminality, youth themselves lived in a more complicated reality. Many members of so-called gangs in the South Bronx described themselves as providing service to their communities by helping people in the midst of the catastrophic destruction by fires and abandonment by city services in the 1970s, denying that a desire for violence and crime were primary reasons for their self-organization. Members conducted voter registration drives, cleaned up their neighborhoods, discouraged drug use, and even volunteered to scrub graffiti off of subway trains. “I like a clean New York. I guess I’m just a clean outlaw,” said Emanuel Rodriguez, vice president of the Savage Skulls. In 1976, a former leader of the Blackstone Rangers in Chicago spearheaded the creation in New York of the Inner City Roundtable for Youth, which organized local gang leaders representing 14,000 members in order to provide escorts for elderly community members, renovate abandoned buildings in the Bronx, register voters, and develop a graffiti art design business. The Roundtable sought city funds to help finance these projects, but the city refused in favor of allocating public money to policing and crime control. “Mayoral policy on dealing with youth gangs is fixed,” read a letter from the Youth Board to the Roundtable. “This

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city will not lend itself to any effort involving organized antisocial structures.”

Instead, New York Police Department, like police departments in major cities across the country, responded to the alleged resurgence of gang violence in the early 1970s by establishing Street Gang Task Force units, increasing arrests, and gathering secret intelligence about suspected gang membership. In 1972, Bronx Borough President Robert Abrams called for a special task force to counter the “reign of terror” by youth gangs armed with “automatic rifles, dynamite, grenades.” In 1975, the NYPD arrested nearly 4,700 alleged gang members, while the department’s gang intelligence units continued adding names of alleged gang members to the police department’s secret files, which had originated in the 1940s. New York was not unique in this regard, though Miller claimed that while gang violence was on the rise across the nation, New York and Los Angeles were outliers in gang attacks against non-gang community members and children.

While the use of specialized gang units proliferated in police departments in the 1970s, California became the origin point for a number of aggressive new tactics in the 1980s, which eventually served a federal model for the whole country. These strategies included the use of civil gang injunctions, enhanced sentencing measures, and the Street Terrorism Enforcement and Prevention (STEP) Act, which made participation in a “criminal street gang” a crime punishable by imprisonment up to three years. President Clinton’s 1994 Violent Crime Control and Law Enforcement Act largely replicated STEP Act at the federal level, and the NYPD adopted the


STEP Act’s definition of gangs as criminal organizations.  

A multitude of studies have demonstrated how gang databases which were developed during this period to track and identify alleged gang members, such as California’s CalGang database, continue to function as tools of racial profiling that enable the further imposition of heightened sentencing, surveillance, and mobility restrictions on people of color. In 2003, for example, nearly half of African American men between the ages of 21 and 24 in Los Angeles County had been flagged as gang members in the CalGang database, often on the basis of evidence such as clothing style, tattoos, and networks of social association.

In New York, the NYPD continues to actively maintain its own secret gang database and to conduct mass arrests on the basis of this information, even in the face of substantial evidence that many in the database are not gang members. “There is absolutely no protection from false accusations of gang membership; there’s no criminality required, no notice required, no review, no audit, no assurance that that label means anything,” said CUNY law professor Babe Howell. Her statement was part of an interview about her study of the NYPD’s use of this information in 2016 to arrest 120 people on gang-related charges in the Bronx as part of what prosecutors called

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28 The NYPD defined gangs in 2019 as “Any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities, the commission of one or more criminal acts (including drug dealing), having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.” NYPD Patrol Guide, “Reporting Gang-Related Criminal Activity,” issued March 18, 2019, https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide2.pdf, cited in Nick Pinto, “NYPD Added Nearly 2,500 New People to Its Gang Database in the Last Year,” The Intercept, June 28, 2019, https://theintercept.com/2019/06/28/nypd-gang-database-additions/.

“largest gang takedown in New York City history.” The use of gang databases has not declined since the 1990s; in fact the number of people in the NYPD’s gang database increased by 70 percent under Mayor de Blasio. As of June 2019, an NYPD spokesperson reported that 98.9 percent of those in the database are people of color, of whom 66 percent are black and 31.7 percent Latino, while just 1.1 percent are white.30

The continued use of alleged gang membership as a justification for the social control of communities of color through targeted policing, heightened sentencing, and coercive use of plea bargains, as well as all of the subsidiary effects that come with having a felony record, is the direct historical consequence of the ideology of crime. This logic maintains that criminals are an actually-existing class of people, and that certain people—because of mysterious but definitely existing natural laws—are future criminals. Because of the limits of human knowledge, these future criminals can only be identified statistically, as probable potential criminals on the basis of proxy factors believed to be correlated with crime, most significantly one’s residence in a low-income urban neighborhood. In the mid-twentieth century, these communities came to be definitively associated with blackness, and gangs came to be the medium by which the supposed criminality of the community was translated into concrete strategies of policing, surveilling, incarcerating, and other collateral carceral ways of coercing and controlling populations of color. Gang control was one arena through which the criminalization of entire communities as potential criminals was made manifest. This became evident through the interaction of laws such as the

STEP Act and gang databases, which made mere alleged membership in a gang an effective crime, even as the functional definition of gang membership became nearly exclusively limited to men of color. These laws are particularly striking in their significance because they moved alleged gang affiliation from being a proxy for crime, to literally constituting the crime itself.

The criminological knowledge that gang members are black and Latino cannot be understood apart from the history that produced such knowledge, including the decisions by NYPD officers, Youth Board officials, social scientists, and others to study and police communities of color in the 1940s and 1950s. The belief that gangs are dangerous, violent, criminal, and predominantly made up of young black and Latino men was a product of historical forces shaped by white fears of race war and racial insurrection in the mid-twentieth century. Certainly white officials were not the only agents of that history, as youth themselves were active co-producers of what so-called gangs were and what it meant to be a gang member—and yet the overwhelming power that state agents wielded to produce dominant discourses of statistical and scientific truth should not be underestimated. Walter Miller’s assertion in 1975 that “members of gangs and law violating youth groups are drawn disproportionately from male central city populations of ‘minority’ (Asian, African, Hispanic origins) status” was a criminological argument, not a historically neutral fact about crime.\(^{31}\) Gang control policies, likewise, cannot be understood apart from the historical power relations that produced them. It was not a historical accident that the use of three-strikes laws, enhanced sentencing, and RICO charges to prosecute alleged gang members directly contributed to the vast overrepresentation of people of color in the carceral system; this consequence was contained within the premise of racial control in those policies’ very origins. The long history of gang control suggests that these effects were in fact

\(^{31}\) Miller, *Violence by Youth Gangs*, 70.
the primary goal.

Finally, these developments cannot be understood apart from the consolidation of what scholars call “the new penology,” a crime control outlook that supposedly replaced the rehabilitative ideal as the orienting principle of criminal justice policy and theory between the 1980s and 2010s. According to criminologists Malcolm Feeley and Jonathan Simon, who coined the term in 1992, “the new penology is markedly less concerned with responsibly, fault, moral sensibility, diagnosis, or intervention and treatment of the individual offender.” Rather, the focus is on scientific and administrative techniques to identify and manage “groupings sorted by dangerousness.” As Feeley and Simon put it, “A central feature of the new discourse is the replacement of a moral or clinical description of the individual with an actuarial language of probabilistic calculations and statistical distributions applied to populations.”32 Others have characterized this development as a turn towards “proactive policing,” “evidence-based policing,” or “intelligence-driven policing,” and the common thread remains the identification of a shift to using actuarial methods to target so-called high-risk areas and groups in order to increase police efficiency in fighting crime.33 Bernard Harcourt defines actuarial as “The use of statistical rather than clinical methods on large datasets to determine different levels of criminal offending associated with one or more group traits, in order (i) to predict past, present or future


33 Weisburd and Majmundar, Proactive Policing; Sherman, “The Rise of Evidence-Based Policing.” Garland calls this a “culture of control.”
criminal behavior and (2) to administer a criminal justice outcome.”

Taken as a whole, the new penology describes a shift in orientation in which crime control becomes a problem of permanent management of the criminal population. But though there may have been a shift in discourse toward foregrounding actuarial management as the primary orientation of law enforcement, in fact the actuarial tools and their deeper primacy are not new at all.

On the level of police practice, this purported turn has manifested as the widespread embrace of tools designed to allocate police force to targeted areas on the basis of real-time statistical risk assessments. Often described as proactive or predictive policing, the general practice encompasses a range of methods and theories, including hot spots policing, problem-oriented policing, stop and frisk, community-oriented policing. Broken windows policing may also be considered under the umbrella of future-oriented attempts to prevent crime by targeting law enforcement presence to high-crime areas. All of these, however, rely on probabilistic methods for determining risk, which of necessity rely on proxy methods to measure and evaluate likelihood of criminality among a defined population. If this premise sounds historically familiar, that’s because it is. The use of spot maps and statistical risk assessments, made on the basis of social factors such as class, race, nativity, and neighborhood, as tools to focus the attention of police officers and other carceral agents had been pioneered decades before.

Contemporary tools of predictive policing are more sophisticated than ever in claiming to be race-neutral, yet continue to disproportionately allocate law enforcement presence to neighborhoods of color on the basis of statistical calculations. CompStat, a computer system introduced by the NYPD in 1994 and subsequently adopted by police departments across the

34 Harcourt, Against Prediction, 1.

35 Weisburd and Majmundar, Proactive Policing, 70–73.
globe, was the first effort to use modern computers to map crime statistics as the basis for allocating police officers in closer to real time than ever before. By the first two decades of the twenty-first century, CompStat was replaced by much more powerful privately developed software such as HunchLab and PredPol, which not only provides real-time crime mapping to mobile police units, but uses proprietary algorithms to direct and manage individual officers’ patrol duties on the basis of maximally-calculated policing efficiency.36 Similar software is in use to calculate and grant bail, sentencing, and parole based on statistical predictions of risk, which are closely correlated with race. While the origin of proactive or predictive policing is commonly traced to the development and introduction of CompStat in New York in the 1980s and 1990s, in fact the ideas at the heart of CompStat were much older, even if the technical capability of advanced computing was new. What actually changed in that era was a revolutionary increase in computing power that enabled law enforcement officers to more fully implement a predictive dream of total control that had been at the heart of crime prevention since the early twentieth century.37

Such contemporary methods are subject to critiques of racial profiling and algorithmic bias, which argue that reliance on historical crime statistics to predict future crime creates a feedback loop in which already-targeted populations are further targeted.38 As Harcourt argues,

36 Willis and Mastrofski, “Compstat and the New Penology: A Paradigm Shift in Policing?”

37 For example, Weisburd and Majmundar, Proactive Policing, opens with the statement, “Proactive policing, as a strategic approach used by police agencies to prevent crime, is a relatively new phenomenon in the United States. It developed from a crisis in confidence in policing that began to emerge in the 1960s because of social unrest, rising crime rates, and growing skepticism regarding the effectiveness of standard approaches to policing,” 1.

reliance on prior criminal history has come to function as a primary indicator of future
dangerousness. “The fact is,” he writes, “risk today has collapsed into prior criminal history, and
prior criminal history has become a proxy for race. The combination of these two trends means
that using risk-assessment tools is going to significantly exacerbate the unacceptable racial
disparities in our criminal justice system.” Again, there is nothing new about this development.
The very notion of statistical prediction, and consequently crime prevention, has been premised
on the use of race as a proxy for crime since the origin of American criminology itself.39

The development of powerful and mobile computers over the last 40 years has given law
enforcement agents the ability to turn huge datasets into real-time spatial and managerial tools
that delegate the prohibitively labor-intensive work of analyzing data associated with past crimes
to machine learning algorithms. Yet pen-and-paper calculations done by the officials who made
spot maps in the 1920s, who calculated the Glueck social prediction tables, and who reallocated
NYPD officers to “high hazard” precincts on the basis of “police hazard” scores following
Operation 25 in the 1950s were aimed at a fundamentally similar goal of maintaining social
order in designated places. This project has been associated with racial control from the
beginning. Early models of crime causation and prediction, including those of Ernest Burgess
and the Chicago School, explicitly used race and ethnicity as the basis of spatially mapping
criminality to low-income urban neighborhoods inhabited by white ethnic immigrants and people
of color. By the 1950s there was an emerging sophistication in using coded language of family
structure, gang membership, and geographic referents as close proxies for racial criminality,
especially as focus shifted towards African American and Latino communities, yet the
underlying project of crime control as the control of potential criminals remained largely defined

by race and class. In fact, the salience of race as a predictor of one’s outcome in the carceral system has only sharpened since the 1950s, as white youth were systematically removed from the criminal system while black and Latino youth received more punitive treatment than ever.

The history of juvenile delinquency and crime control in New York can be understood on a number of levels. It is a story about the carceral aspect of Americanization and the production of whiteness, and about the exclusion of African Americans from that project. It is about the creation and expansion of a powerful system of police, courts, probation, and penal institutions in the 1930s that still largely continues to operate today. It is about a language of rehabilitation that proffered social aid, but did so through state methods of supervision, intimidation, and coercion. It is about the criminalization of African American and Latino families through biased statistics, research, theories of social pathology and cultures of poverty, identification of gangs with racial conflict and ghetto neighborhoods, and targeted policing. And it is about the ways that social ideas about crime and delinquency were constructed over time and constituted a belief that crime was literally real, rather than a theoretical category shaped by power.

In contemporary conversations about reducing the impact of mass incarceration and reforming the juvenile system, it may be tempting to look with nostalgia on the era of the rehabilitative ideal. Yet the long history of the last century suggests that the rehabilitative myth should be regarded with caution, even in contrast to the tough on crime years that followed. Certainly there were real and substantive differences between the two systems that should not be minimized. The difference between understanding a child’s behavior as a call for help or as a crime translated into different material treatment by police and court officers, as well as access to social resources and preferential facilities. These differences mattered in real children’s lives. Yet the rehabilitative myth was always a lie in the extent to which it claimed that such treatment
and resources were available to everyone. In reality, the rehabilitative system strove to rescue white children from what were regarded as the worst institutions, while consigning black children there at far disproportionate rates. Even at the height of its power, the juvenile system built on the rehabilitative myth never truly proffered what it professed, and crumbled under the weight of its own contradictions.

In addition, viewing the story of inducting generations of European immigrants into a national ethno-project of white citizenship as a sweeping carceral state project has significant implications for a contemporary liberal regime that continues to define itself by the success of that effort. The civil rights movement may have succeeded in creating a multicultural narrative that people of color are no longer consigned to permanent second-class citizenship, however the reality of that claim remains arguable. Nonetheless, the fact that the history of crime prevention and control before World War II was primarily a project of disciplining white and provisionally white families requires a deeper confrontation with the ways that whiteness and citizenship were both created and enforced through a coercive process of state police power. Touted as “social engineering,” this project required European ethnics to be “engineered” into white American citizens through state supervision and coercion. Crime prevention and control was certainly implicated in the construction and condemnation of blackness, but it was just as deeply involved in shaping and producing whiteness. The reason it is difficult to see this aspect is because the ongoing success of that national project requires not acknowledging the violence of it. To reckon with white Americanism as a carceral project is a destabilizing proposition.

At the end of the day, the power of understanding that crime is a historical idea opens the doors to imagining other possible ways of framing and responding to harm, violence, and

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40 Michelle Alexander in *The New Jim Crow*, for instance, draws attention to the ways that twentieth-century carceral regimes function to create a new kind of second-class citizenship for people of color.
conflict. Alternative strategies such as restorative justice have the potential to reframe the need for intervention around the complexity of violence and social harm, recognizing that many people who cause harm in one situation are also recipients of harm in other contexts. Trauma models offer another potential non-criminal lens. Both extend the possibility of recognizing that a crime-centric approach limits our collective language for understanding harm to so-called criminal acts while simultaneously ignoring other forms of structural and state-based harm, such as economic inequality, insecure housing, environmental pollution, and lack of medical care, among others. One could add crime control to this list of state violence, as coercion and control are inherently violent in nature, even if the use physical force remains only a threat. Because of historical factors including racism, those most vulnerable to experiencing these forms of harm and violence are disproportionately people of color and other marginalized groups. However, because of the history of social science, these are the same groups that are targeted and policed as the source of the problem of violence in society. As Danielle Sered, a proponent of restorative approaches to violence resolution, writes in Until We Reckon, “This means that the core national violence prevention strategy relies on a tool that has as its basis the central drivers of violence.”

The history of juvenile delinquency, crime prevention and the rehabilitative myth is fundamentally a story about whom civic leaders believed deserved salvation, and who was irredeemable. People in the former category were recognized as deserving of care, compassion, and forgiveness, even if they made mistakes. People in the latter category have been consigned to condemnation as innately bad, permanent criminals for whom there is no clear path to redemption. The ideology of crime reinforces this way of thinking. Reality, however, is far more messy. As Sered writes, “just as it would be wrong to excuse people’s actions simply because

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they were previously victimized, it is also wrong to ignore someone’s victimization because the person previously broke a law or committed harm. Such a response to violence reinforces the notion that some people deserve to be hurt: the exact thinking about violence that we have to uproot if we are to end it."42 In the end, understanding the historical construction of crime and the inequalities it produces is only the first step; and recognizing the ongoing violence of history is not the same as reckoning with it.

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42 Sered, *Until We Reckon*, 5.
Abbreviations

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