

■ The Individual Method of Dealing with Girls and Women Awaiting Court Action

Date: 1921

Author: Maude E. Miner

Genre: Speech

Summary Overview

Maude E. Miner's speech to the Congress of the American Prison Association in 1921 is an example of prison and criminal justice reform advocates integrating innovations from various fields of social science such as psychology and sociology into their observations about and suggestions for improvements in the treatment of people entrusted to the criminal justice system. She structures her argument by explaining the current situation in which both teenage and adult women who have been arrested and are awaiting trial are kept. Miner's description is designed to evoke sympathy for some of these women in her listeners and readers. She draws a distinction between first time offenders, runaways, or drug/alcohol-addicted woman and what she describes as hardened, career criminals.

The solution Miner presents focuses on a rethinking of the nature of pre-trial imprisonment that emphasizes the need for an individual approach that ascertains the circumstances of each woman and attempts to determine the best course of action for the accused whether it be punishment, rehabilitation, medical, or psychiatric care.

Defining Moment

Between the 1890s and the 1920s, reformers sought to improve nearly every imaginable social, legal, political, and cultural issue facing the United States. During this time, labeled by historians as the "Progressive Era," reformers argued that government, culture, and society played a major role in shaping the lives of those living in the United States. This was an age of rapid urbanization and industrialization and saw emergence not only of new businesses and technologies but a swiftly changing population as people in rural areas migrated to cities in search of work, as people from the south moved north for those same industrial jobs and—most transforming of

all—millions of new residents from southern and eastern Europe sought new lives and opportunities in the United States. These changes brought problems and reformers were convinced that through careful study, they could improve the lives and material prospects of Americans.

The criminal justice system was one of the areas reformers studied. Reformers came at this topic from a variety of view points and in this speech at the 1921 Congress of the American Prison Association (now known as the American Corrections Association), Maude Miner promoted modern methods of psychological testing, medical examination, and social work as essential tools of ensuring that women taken into police custody and awaiting trial were provided the best opportunity for reform and rehabilitation.

Author Biography

Maude E. Miner (Maude Miner Hadden, after her 1924 marriage to Alexander M. Hadden) was born in Leydon, Massachusetts, in 1880. With family roots that could be traced back to the Pilgrims who arrived on the Mayflower, Miner was an example of the new generation of reform-minded women who were from among the most privileged ranked of American society. Miner earned a bachelor's degree from Smith College and later master's and doctoral degrees from Columbia University. In 1906, she became a probation officer in New York City. Dismayed with the conditions in which women were kept—described in the talk excerpted here—she opened Waverly House in 1908. Waverley House, a detention house, features as an example of her goals in this talk and was funded in part by John D. Rockefeller. Miner's work would, eventually, become part of the broader "American Program" which focused on the confinement and "rehabilitation" of women whose alleged sexual promiscuity was thought to be a public health risk. Miner believed that the "treatment" of immigrant women—particularly

Jewish immigrants—was an urgent problem because, according to historian Scott Stern, she believed them “to be inherently defective.”

Miner’s focus shifted in the 1920s to international peace work through the League of Nations, founding the International Student Union in Switzerland in 1924. Retiring following World War II, she died in 1967 at the age of 86 in Palm Beach, Florida.

HISTORICAL DOCUMENT

The Present Method

Come with me into a jail where girls and women are awaiting trial in one of many cities of our country. Standing behind black iron bars in a dark narrow cell without a window opening to the light of day, we see a girl sixteen years of age. The dim light shining across the corridor which separates the long row of cells from the outside wall of the prison reveals a pale face with sensitive lips and searching eyes. “Oh, what will my mother ever do when she learns that I am a criminal?” said the girl after confessing to me that she had taken two pairs of silk stockings from a counter in the store where she worked. “I was brought up to know better,” she added, “and I have a good, good mother.” Lying on the narrow bed in the same cell is an older woman with a hard face, dyed hair, painted cheeks, and blackened eyebrows. “I tell her she’s a fool to take on like that,” said the older woman. “If she’d been here ten times like me, she’d feel different. Of course she’s only a kid. Still I never had to sit here so long before with no one getting me out on bond. I tell you, someone’s got to suffer for it too, for keeping me sitting in jail.”

In the same prison we may find twenty or more girls and women sixteen years of age and over, girls charged with incorrigibility or running away from home, with shoplifting or forgery or soliciting on the streets, women who are keepers of houses of prostitution or who have been associated with hold-up men, women addicted to drink or drugs who would sell their souls for a glass of whiskey or a “sniff of cocaine.” We still find herded together in many jails young and old, first offenders and hardened women, diseased and clean, colored and white, convicted and unconvicted, and at times girls not charged with any crime who are held as witnesses against men who have wronged them. There is little or no segregation, occupation or recreation, and nothing to lift the individ-

ual out of the sordid, wretched surroundings. In some jails there is not even a woman matron on duty during the day or at night. Is it any wonder that the time spent together in the same detention pen or cell, or around the wooden table where meals are served, is filled with tales of past lives, with exploits in stealing and prostitution, and with vile, wretched stories? Is it a wonder that there is resort to degenerate practices or immoral exhibitions? Is it a wonder that the atmosphere becomes so thoroughly poisoned that it vitiates the minds of young girls, some of whom are mere children, embitters respectable women and causes offenders who are immigrants to distrust the democratic institutions of free America?

As we follow the procession of girls and women through jails and courts and back again into jails and prisons, we marvel at the stupidity of society which is responsible for this mass treatment of human beings. Each individual has had a different background and environment, each has a different personality, each presents a different problem, and yet all are dealt with in the same way. To be sure some have friends who furnish professional bondsmen to bail them out or “shyster” lawyers to plead their cause before the court, and a few are more successful in getting officers to modify evidence or complainants to withdraw charges against them. Yet the mill grinds in the usual way for most offenders, with little consideration as to how they are being embittered or harmed by their prison experience or what can be done to help them or prevent them from further violating the law.

And the responsibility for this irrational treatment of girls and Women awaiting trial rests upon you and me. If we care enough and work hard enough and proclaim the truth loudly enough, eventually this condition will be changed.

Study of the Individual

What is a better way? It is an individual method of dealing with girls and women understanding each person as an individual and seeking to discover the best means of helping her in the future.

This is the method which for many years the New York Probation and Protective Association has been using at Waverley House as a means of aiding girls sent by police, courts, or district attorney for observation and study. The taking of the girl's statement comes first. A sympathetic woman listens to the story of the girl as she explains how she has come into her present difficulty, why she has run away from her home, or how she has been tempted to steal from her employer or to take the first downward step. The girl tells simply who she is and where her parents or relatives live, and often begs that the truth shall not be told to them. In the course of this interview much is learned about the girl's family history, her personal and alien history, and the causes that lie back of her anti-social behavior or delinquency.

Next comes the complete physical examination, with inspection of heart, lungs, nose, throat, eyes, ears, etc., and tests to show the presence or absence of venereal disease. This *physical examination* is always voluntary and seldom does a girl refuse to have it when its purpose is explained. If the girl is under eighteen years of age, the written consent of her parents is secured for this examination.

The mental examination of each girl is made by a skilled psychiatrist and a psychologist. The psychologist tests the girl by the Terman revision of the Binet-Simon scale and grades her according to her mental age. The psychiatrist determines whether or not there is mental disease or defect, epilepsy or psychopathic tendencies, and discovers the outstanding personality traits. In planning for the future of the girl it is most important to know about her traits of character, such as instability, stubbornness, suggestibility, impulsiveness, and so forth; and also whether the individual is sufficiently defective to make commitment to an institution for the feeble-minded necessary. Observation by workers in Waverley House as to the girl's adaptation to the environment there, her habits of industry, power of application, willingness and co-operation, etc., aids in arriving at the best recommendations to make for her future.

The complete investigation which reaches back into the girl's home, the furnished room, the school, one or more places of employment, institutions where she has lived as a child or to which she has been committed previously by a court, and which verifies her age by a birth certificate or her marriage from the public records, helps us to know whether or not the girl is telling the truth and also brings us in touch with those most interested in helping her in the future.

Having the girl's statement, the report of her physical and mental examination, the result of the complete investigation, and the report of her power of adaptation from workers who have supervised her while in Waverley House, we are in position to arrive at a recommendation for her. We understand the girl sufficiently well as an individual to judge something about her chances of getting on in society under supervision, or whether she needs to be committed to a correctional or custodial institution.

A Municipal House of Detention

The application of this individual method of work to girls arrested for various offenses requires a municipal House of Detention for Women, with provision for adequate segregation of different classes of offenders and with provision for scientific examination and observation of the individual. For such a place of detention we have been working a long time in New York City and confidently expect that it will soon be a reality.

I will describe the general plan of a building which seems to be most feasible for a city like New York, sketches of which have been drawn. The combined House of Detention and Women's Court includes on one floor a court room which is small so as to admit only those directly concerned with the immediate trial, a large waiting room for relatives and friends of prisoners and others having business in the court, and necessary offices for judges, clerks, probation officers, and fingerprint expert. On another floor are receiving rooms and offices of the superintendent, assistant superintendent, psychiatrist, psychologist, and physician. Above these floors are the divisions for the care of girls and women: first, two reception divisions where each girl brought by the police is placed at once in a separate room; next, two separate floors each with two divisions for colored women

and white women who are awaiting trial or remanded for sentence; a division for drug addicts and women charged with intoxication, a separate division for material witnesses, and a hospital division for those in need of medical care while awaiting trial or sentence. A single room with an outside window sufficiently high to prevent communication with the street is provided for every woman; a combined recreation and dining room serves each division of fifteen women. The food is prepared in a central kitchen and conveyed by a dumb-waiter to each floor. The dishes are kept on each floor and washed by the women in the division. A matron is assigned to each division and responsible for her group of ten or fifteen girls. A fumigating plant makes it possible for clothing and blankets to be cleansed. Provision is made for the different divisions to use the roof for exercise at different times of the day.

Of greater importance than a fine building with perfect equipment is a staff of splendid women in charge of the work. The ultimate success of houses of detention, where effort is made to understand individuals as a basis for helping them in the future, will depend upon the fitness of the women entrusted with this important

work. Greater efforts should be made to train women and to draw them to this particular field, to secure more adequate salaries for them, and to make their conditions for work more possible through freedom from political interference.

The condition in many jails is deplorable, with influences present there which demoralize our girls and women. By a more rational method of treatment much can be done to obtain adequate help for individuals, to save them from wretched lives in the future, or to secure permanent care for them. Application of this individual method requires a place where the work may be done, women competent to do the work, and a public so alive to the needs of these girls and the importance of dealing wisely with them that officials will provide the necessary funds and secure competent workers. Is it not our responsibility to grapple with this difficult problem and to help create the kind of public opinion which demands greater justice for our girls and women?

Source: Proceedings of the Annual Congress of the American Prison Association. *New York: Wyncoop, Hallenbeck, Crawford, 1921, 333-338.*

GLOSSARY

incorrigibility: thought to be unable to improve or be reformed and, thus, turned over by parents or guardians to the police

matron: a woman whose job it is to oversee female inmates

shyster: a lawyer who relies on fraud and deception

vitiates: the act of ruining the quality or potential of something

Document Analysis and Themes

Maude Miner begins with a section titled “The Present Method” and sets the scene inside a jail. Specifying that the “girls and women” we see are awaiting trial—that is to say, accused but not convicted of any crime—the cells are dark, harsh, and closed to the outside world. Miner then focuses the reader’s attention on a teenage girl; Miner crafts her description to evoke sympathy from the reader. The inmate is pale—from illness or fear, we aren’t told—and worried about what her mother will think of her arrest. Miner then reveals her role in the story, explaining that the girl had confessed to stealing from her workplace but was remorseful. Miner contrasts her with an inmate who, in contrast to the teenage girl is older and was a multiple-time offender; her attitude toward the girl’s contrition is derisive. In Miner’s telling of this story, the dismissive nature of the older inmate is connected with her long criminal history (“If she’d been here ten times like me, she’d feel different.”)

Miner then moves the reader (or listener, in the case of her original address) deeper into the jail, describing other inmates. Miner describes these inmates as being in the facility for a wide variety of reasons. These reasons not only include criminal activities such as theft, soliciting, running brothels or being involved in fraud and grifting (by being “associated with hold-up men”) but also a range of non-criminal reasons such as drug or alcohol addiction and being runaways. As Martha Platt Falconer did, Miner expresses concern about the combination of women being held in jails, with multiple offenders housed in the same cell as a drug addict. Miner also notes the co-habitation of “diseased and clean” inmates and includes racial integration of the cells as a concern. One particular issue Miner raises is the housing in these jails of “girls not charged with any crime who are held as witnesses against men who have wronged them”—basically, victims of crime are thrown in with suspected criminals simply because they are all women.

In addition to what Miner sees as an unsuitable mix of people, she rails against the monotony of the pre-trial jail experience; the inmates are confined with no relief or recreation in, as Miner puts it, “sordid, wretched surroundings,” often without supervision. This unmonitored congregation of everyone from innocent girls to career criminals, Miner asserts, not only results in “degenerate

practices” and “immoral exhibitions” but actively corrupts the youngest, most vulnerable and innocent girls in the facility. Interestingly, Miner also expresses concern that criminals holding court in such situations may cause newly arrived residents of the United States to become cynical about “the democratic institutions of free America.” Miner brings this section of her talk to a close by blaming “the stupidity of society” at least partially for the recidivism and criminality of those who move through the criminal justice system. True to the prevailing ethos of Progressive era social movements, Miner calls on the audience—and the citizenry as a whole—to take responsibility for the condition, the “irrational treatment” of women in these jails awaiting their day in court. She confidently predicts that if enough people work at the issue and spread awareness of it, then “eventually this condition will be changed.”

In the next section, “Study of the Individual,” Miner recounts the efforts of institutions like the Waverley House to address the individual needs of young women offender. These include what today would be considered “intake interviews,” discussions of family and social history. This is followed by a voluntary physical examination for venereal diseases and overall health and psychological examination and testing. The language used here, determining if the girl is “defective” in terms of “feeble-mindedness” are common in the era and represents an effort to distinguish between a need for imprisonment versus a need for treatment of underlying psychological disorders. All of these efforts, Miner explains, are aimed at ensuring that the woman receives the most appropriate outcome in terms of treatment, rehabilitation, or imprisonment.

In the final section, “A Municipal House of Detention,” Miner calls for an integrated facility that would serve as an integrated site for intake, evaluation, housing, and, eventually, trial. Miner felt that there should be racial segregation in place and a staff large enough and sufficiently trained to handle the tasks and duties necessary. She concludes by explaining that given the “deplorable” conditions of jails and the negative effect they have on the women housed there, the Municipal House of Detention is the best way forward to provide true “justice for our girls and women.”

—Aaron Gulyas

Bibliography and Additional Reading

- Belknap, Joanne. *The Invisible Woman: Gender, Crime, and Justice*. Belmont, California: Wadsworth, 1996.
- Carlen, Pat. *Women's Imprisonment: A Study in Social Control*. London: Routledge & Kegan Paul, 1983.
- Dodge, L. Mara. *"Whores and Thieves of the Worst Kind": A Study of Women, Crime, and Prisons, 1835-2000*. Dekalb, Illinois: Northern Illinois University Press, 2002.
- Stern, Scott Wassermann. *The Trials of Nina McCall: Sex, Surveillance, and the Decades-Long Government Plan to Imprison "Promiscuous" Women*. Boston: Beacon Press, 2018.