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**Californians and others: marginalised  
children and the Golden State during the  
Great Depression.**

Jack David Hodgson

PhD.

August 2021.

Californians and others: marginalised children  
and the Golden State during the Great  
Depression.

Jack David Hodgson

A thesis submitted in fulfilment of the  
requirements of the degree of Doctor of  
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## **Abstract.**

This thesis addresses the marginalisation of children in the state of California during the Great Depression. It argues that there was a culture of ‘Californians and others’ prevalent across the state and its institutions which stemmed from ideas of white Californian superiority. Children who were not white, Protestant, and possessing Californian state residency were perceived to be culturally, intellectually, and at times biologically inferior and this fundamentally shaped their experiences, resulting in their citizenship being actively contested by people and the state. The experiences of Mexican American and white migratory children in California are examined with regard to education, law enforcement, state custody and institutions, legal rights, and access to healthcare and emergency relief. Not only is this a contribution to the historical understanding of the experiences of domestic migrants and Mexican-origin children in California, but it also provides a state-level portrait of the limited impact of the New Deal on working-class children. Additionally, this thesis employs a synthesised approach to researching historical children where source material may be limited. By combining a traditional ‘history of childhood’ approach with aspects of ‘children’s history’ where possible, it is hoped it may provide a framework for others going forward to enable the incorporation of historical children’s ‘voices’ into a discipline that remains dominated by distinctly adult perspectives.

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## List of Abbreviations

- AAA: Agricultural Adjustment Administration
- AAAPSS: *Annals of the American Academy of Political and Social Science*
- AEA: American Education Association
- AFDC: Aid to Families of Dependent Children
- AWHMA: Agricultural Workers Health and Medical Association
- CCC: Civilian Conservation Corps
- CCC-ID: Civilian Conservation Corps Indian Division
- CCLAY: Coordinating Council for Latin American Youth
- CSRA: California State Relief Administration
- CVLG: *Comite de Vecinos de Lemon Grove*
- CWA: Civil Works Administration
- FERA: Federal Emergency Relief Administration
- FLSA: Fair Labor Standards Act
- FSCC: Federal Surplus Commodities Administration
- FSRC: Federal Surplus Relief Administration
- FTS: Federal Transients Service
- FWA: Federal Works Administration
- HOLC: Home Owners' Loan Corporation
- LACC: Los Angeles Coordinating Councils
- LAPD: Los Angeles Police Department
- LULAC: League of United Mexican American Citizens
- NRA: National Recovery Act
- NYA: National Youth Administration
- PWA: Public Works Administration
- SERA: State Emergency Relief Administration (Succeeded by CSRA in 1935)
- SFPD: San Francisco Police Department
- SPD: Sacramento Police Department
- TERA: Temporary Emergency Relief Administration.
- WPA: Works Progress Administration
- YMCA: Young Men's Christian Association
- YWCA: Young Women's Christian Association

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## **Author Declaration**

I declare that the work contained in this thesis has not been submitted for any other award and that it is all my own work. I also confirm that this work fully acknowledges opinions, ideas, and contributions from the work of others.

Any ethical clearance for the research presented in this commentary has been sought and granted through the researcher's submission to Northumbria University's Ethics Online System on 21/12/2018. Furthermore, Eugenic Sterilisation record cards and recommendations have been used in accordance with the regulations set forth by the California committee for the protection of Human Subjects. Approved pseudonyms have been used in accordance with the California State Archives Confidentiality and Identity Protection regulations and California law re: Youth Authority Inmate records.

I declare that the Word Count for this thesis is 89,328 total and 75,344 excluding references.

Name: Jack David Hodgson.

Signature:

Date:

## Map of Californian Counties



### Map of Californian Cities



Fig. 2. Map of Californian Cities, via *Encyclopaedia Britannica*.

## **Californians and others: marginalised children and the Golden State during the Great Depression.**

### **Introduction.**

#### **Girl, 14, Advises Governor on Running Whittier School**

SACRAMENTO, Dec. 12. (AP) – Shirley Abbott, 14, of Bakersfield, thinks she can do a better job of running Whittier State School for Boys than the present Superintendent.

She recommended, however, in a letter to Governor Olson, today, that a “new man” be put in charge and “let the kids themselves have a chance at running it.”

#### **“STILL CHILDREN”**

The school has been the subject of inquiries following the suicides of two inmates. A Committee named by the Governor handed in a report last week urging sweeping changes in the institution.

“Now I don’t know all the facts about this school”, Shirley wrote the Governor, “but I do know something must be wrong or why would the boys commit suicide and run away. If the school was all right the boys would be glad to stay there.”

“After all, those boys are still children; they’re too young to be put in solitary confinement. How would you like to see one of your children treated so cruelly? (If you have any.)”

#### **NO “SMART ALEC”**

“I think it is the job of every American citizen to look out for the youth of America because after all we are the ones who will be running the country in a few years. Why not give those boys a chance in that school? I wouldn’t be surprised if one of them didn’t turn out to be President or something.”

“Don’t think I am a smart alec or anything, but I mean every word I say.”<sup>1</sup>

In December 1940, fourteen-year-old Bakersfield resident Shirley Abbott decided that things needed to change in California and sent her letter to Governor Culbert Olson, a paraphrased version of which appeared in the *Los Angeles Times*. Abbott addresses a local California controversy about Whittier State School but also makes a wider point about what she

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<sup>1</sup> ‘Girl, 14, Advises Governor on Running Whittier School’, *Los Angeles Times*, 13 Dec 1940, p.15.

perceived as a duty for all American citizens to look out for the nation's youth – a duty she clearly felt was being neglected. It would be all too easy to dismiss Abbott's letter as 'childish' or as an example of stereotypical adolescent attitude, holding her to be the 'smart alec' that she insisted she was not. Notwithstanding the authentic immaturity in the construction and phrasing of her letter, Abbott shows political awareness and sophistication, proving her to be well informed of California's pressing political scandal of the day: the deaths of two boys at the Whittier reformatory. The focus should be on the substance of Abbott's message rather than her linguistic choices or punctuation.

As a politically engaged and concerned young citizen, Shirley Abbott took it upon herself to speak up regardless of her place in society as a teenage girl, seeking to advocate for those who could not: two deceased boys Benny Moreno and Edward Levia and the wider population of the Reformatory school around 130 miles away from her Bakersfield home. It is unlikely that Abbott had much in common with the recently deceased Mexican American boys other than her youth. Her sense of solidarity was a generational one and this is demonstrated by the way her letter simultaneously advocates for a greater sense of care to all young Americans. Her letter highlights two distinct but overlapping issues, namely the treatment of Mexican American youths within the state of California and a wider generational discontent with the lot of young people by the end of 1940. Despite the seismic interventionalist shift in American governance that the New Deal had brought in the preceding decade, Abbott clearly felt that not enough was being done to 'look out for the youth of America' by the adults in charge and urged her Governor to do more.

Shirley Abbott, the 'Bakersfield Little Miss' as the *Times* patronisingly dubbed her, was not alone in expressing concern for the nation's youth during the Great Depression. Even First Lady Eleanor Roosevelt took to writing in various popular magazines and academic journals to express concern for the plight of youth, urging action to 'safeguard the future of

America.’<sup>2</sup> Mrs Roosevelt played her part in selling New Deal policies to the American people, drumming up support for initiatives, some of which she herself fronted, but the concerns she raised in doing that were genuine. The impact of unprecedented economic crisis combined with an environmental catastrophe in parts of the country had been severe on young people. The author and academic Harlan Hatcher echoed similar sentiments to the First Lady, warning of a ‘second lost generation’ in an emotive comparison with the impact of the Great War on the nation’s youth.<sup>3</sup> Hatcher, Mrs Roosevelt, and young Ms Abbott had strong justification to raise concerns about the circumstances of the nation’s youth. School terms were shortened in a quarter of American cities and by 1933 a quarter of a million rural youths were left without a school due to closures. For the first time in the twentieth century College admission rates would fall, indicating a failure to preserve opportunities for wealthy or middle-class families, never mind assist the most vulnerable.<sup>4</sup>

Shirley Abbott was therefore not a lone voice in discussing what became known as the Depression’s ‘youth problem’ but her letter is a rare example of a child’s direct intervention in a discussion that was dominated by adults and often deviated into identifying problems or ‘defects’ in younger generations rather than doing more to improve their material circumstances. In many instances, rising rates of child homelessness, growing numbers of juvenile convictions for crimes of condition such as vagrancy, loitering, and the petty theft of food were taken as signs of a defective individual rather than attributed to wider

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<sup>2</sup> Eleanor Roosevelt, ‘Youth Facing the Future’, *Woman's Home Companion*, (May 1934), p.4; ‘Children’, *Hearst's International Cosmopolitan*, (January 1935), pp.24-27; ‘Facing the Problems of Youth’, *National Parent-Teacher*, (February 1935), p.29; ‘Facing the Problems of Youth’, *Journal of Social Hygiene*, 21 (October, 1935), pp.393-394; ‘Safeguard the Children’, *American Child*, 18, (January 1936), p.1.

<sup>3</sup> Harlan Hatcher, ‘The Second Lost Generation’, *The English Journal*, 25:8, (1936), p.621.

<sup>4</sup> Erol Lincoln Uys, *Riding the Rails, Teenagers on the Move in the Great Depression*, (Boston, T.E Winters & Son, 2014), p.14; T. D. Snyder, *120 Years of American Education: A Statistical Portrait*, (Washington D.C., United States Department for Education, Office for Education Statistics, 1993), p.63.

circumstances. Examples of this attitude can be found in numerous academic studies commissioned to ‘understand problem children’ or the ‘youth problem’, which took transiency, running away from home, and petty crime as signs of a fundamentally defective child. Similarly, declining engagement with Christianity was also often cited as a concrete indicator in the moral degradation of younger generations. Though contested in places a dominant narrative posited that rather than victims of ‘temporary’ circumstances this was a problem of character, and thus initiatives to aid struggling children and adolescents were hamstrung by a common assumption that their circumstances were attributable to defects in their composition. Causative factors of petty crime or running away from home such as hunger or abuse were not always looked for in a society that viewed delinquency as clinically diagnosable.<sup>5</sup>

Panicked comparisons were made between the number of transient young Americans – there were estimated to be a quarter of a million riding the rails at the height of the Depression – and the *Bezprizorni*, gangs of wandering youths that had engaged in organised

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<sup>5</sup> The following studies view transiency or behaviour issues as a ‘defect’ within the characters of young people with some even conducting medical examinations of children who had run away from home in an attempt to identify a common, potential causative health defect: Horace Victor Pike, ‘The Public School and the Mentally Defective Adolescent’, *Annals of the American Academy of Political and Social Science* (hereafter *AAAPSS*), 149:3 (1930), pp.146-150; Florence Giplin, ‘The Runaway Child: A Case Study’, *AAAPSS*, 149:3, (1930), pp.47-58; Robert Jaudon Ball, ‘Clinical Psychology in the Treatment and Diagnosis of Delinquents’, *AAAPSS*, 175:4, (1934), pp.224-228; Ellen C. Potter, ‘The Problem of the Transient’, *AAAPSS*, 176:1, (1934), pp.66-73. Rainey theorises that the ‘American youth problem’ is not one of recent origin such as the economic crisis but more ‘long-range’ such as the ‘character’ of young people who were failing to ‘adjust to their places in contemporary life’: Homer P. Rainey, ‘What is the American Youth Problem?’, *AAAPSS*, 194:1, (1937), pp.18-24. Abrams links young people’s declining engagement with ‘the Church’ as an indicator of declining morality: Ray H. Abrams, ‘The Prospect for Youth and the Church’, *AAAPSS*, 194:1, (1937), pp.48-58. A theme that runs through the following chapters is religion. Contrary to Abrams’s suggestions, some marginalised youths turned to churches and religious organisations for immediate material assistance and to help challenge authorities’ decisions on occasion. Of course, the Catholic Church that challenged sterilisation, the Jewish temples that fed young Jewish transients, and the Pentecostal Church that a significant proportion of Great Plains migrants identified with were likely to be considered the ‘wrong’ type of Church in this context.

robbery in the aftermath of the Russian Revolution. Moral handwringing did not translate to practical actions to help homeless youths. The 1930s became known as a period of crisis for the American orphanage. The peak national capacity of approximately 140,000 accounted for less than half of the overall demand at a time where the majority of orphanage residents had a living parent, reflecting the difficulty people had in providing for their children. By the passage of the 1935 Social Security Act 8 million people aged under sixteen were on the national relief roll, accounting for forty percent of the whole figure.<sup>6</sup> Yet there were no New Deal agencies that were genuinely for children. Both the National Youth Administration (NYA) and Civilian Conservation Corps (CCC) were only intended to work with older teenagers. Of course, New Deal agencies did work with children's families and children did benefit from non-youth-specific programs. However, during a large-scale 'youth crisis' that even the First Lady expressed fear of, the lack of child-tailored support stands out as a significant policy deficit. As Alice Kessler-Harris details the New Deal effort was one of 'gendered imagination.' Relief was designed around an envisaged ideal patriarchal family headed by a male breadwinner.<sup>7</sup> Kessler-Harris explains how this denied women economic citizenship and as a result political power. This relief structure also disadvantaged children who were not part of a family of that idealised structure. Children whose fathers were absent

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<sup>6</sup> Erol Lincoln Uys, *Riding the Rails, Teenagers on the Move During the Great Depression*, (T.E. Winter & Sons, Boston, 2014), 9,11,21, details young people 'riding the rails' whilst Marshall B. Jones, 'Crisis of the American Orphanage, 1931-1940', *Social Service Review*, 63:4, (1989), pp.613-629 analyses the problems facing American orphanages during the Great Depression. Evidence of concern about youth on the streets or the railways can be seen in testimony given to the LaFollette-Costigan Senate Committee in January 1933, where Senator Bronson M. Cutting expressed alarm when C.C. Carstens, Director of the Child Welfare League of America testified it was impossible to know the true number of 'drifting' children. See: C.C. Carstens, Statement on Federal Aid for Unemployment Relief, *Hearings Before a Subcommittee of the Committee on Manufacturers on S5125*, United States Senate, 72nd Cong., 2 sess. (Government Printing Office, Washington D.C., 1933). Relief roll statistics at the time of the Social Security Act via: Joseph M. Hawes, *Childhood between the Wars, American Childhood, 1920-1940*, (Twayne Publishers, New York, 1997), p.122.

<sup>7</sup> Alice Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20<sup>th</sup> Century America*, (New York, Oxford University Press, 2001).

from the family home were disadvantaged. They and children who had left home could not access relief systemically directed through adult male workers. Shirley Abbott's call for every American citizen to look out for youth in late 1940 represents a valid criticism of the fact that there was no tangible New Deal directly for young people.

### **Literature Review**

New Deal historiography, for the most part, fails to adequately deal with the relationship between children and the New Deal and this failing can be attributed to several factors. The first is the historical ignorance of children in professional history writing. Many older works reflect older societal ideals including the notion that children should be seen and not heard or that by virtue of their youthfulness, children's experiences were entirely unimportant compared to those of adults. Furthermore, Dean Kotlowski has written of the process of 'ratifying the greatness' of President Franklin D. Roosevelt that was undertaken in film, theatre, and television.<sup>8</sup> There is a case to be made that historical profession has engaged in similar practice. Many scholars will have felt a need to emphasise the benefits of interventionist policy at various times when the approach has been subject to intense political or ideological opposition. During the presidency of Richard Nixon John Salmond, for instance, ended one short study with the declarative: 'Franklin D. Roosevelt did not fail.'<sup>9</sup> This trend of pointing to the New Deal during perceived times of crisis or Conservative ascendancy has continued through to the 2020s, exemplified by Eric Rauchway's *Why the New Deal Matters* (2021), a book which is both a history and a reaction to the rise of Donald Trump.<sup>10</sup>

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<sup>8</sup> Dean Kotlowski, 'Ratifying Greatness: Franklin D. Roosevelt in Film and Television', *Journal of American Studies*, 53:1, (2019), pp.252-279.

<sup>9</sup> John A. Salmond, *The New Deal*, (Frederick Wayne & Co., New York, 1970), p.43.

<sup>10</sup> Eric Rauchway, *Why the New Deal Matters*, (Yale University Press, New Haven, CT, 2021).

Canonical New Deal studies by William E. Leuchtenberg and Anthony J. Badger remain authoritative, detailing the development of the New Deal and comprehensively distilling the complex politics of its implementation.<sup>11</sup> It is necessary to situate children's experiences at a grassroots level alongside that overarching national narrative. A similar observation can be made of the most prominent regional histories of the Great Depression. William H. Mullins's *The Depression and the Urban West Coast, 1929-1933* and Kevin Starr's *Endangered Dreams*, both offer in-depth histories of regional economies and high politics but the impact of the Depression on young residents is rarely analysed in any great depth.<sup>12</sup> Arguably this reflects the New Deal's lack of attention to children but given that youth is such a significant proportion of the population it is important that they are considered. Mason B. Williams's recent historiographical survey of the Great Depression and New Deal details many different approaches historians have tackled the period with. Williams points to the development of different economic and social approaches, highlighting the impact of analysing the New Deal through the lenses of race or gender. Children, childhood, and more broadly age, are all absent.<sup>13</sup> This is not a reflection of Williams but instead is a reflection of the historiographical landscape which he surveys.

Despite that there are several historical studies which consider the New Deal's relationship with youth. When subject to scrutiny, these studies primarily tackle the topic from the perspective of adults. One example is Joseph Hawes's *Children Between the Wars*,

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<sup>11</sup> William E. Leuchtenberg, *Franklin D. Roosevelt and the New Deal, 1932-1940*, (Harper & Row, New York, 1963); Anthony J. Badger, *The New Deal, The Depression Years, 1933-1940*, (Palgrave Macmillan, London & New York, 1989).

<sup>12</sup> William H. Mullins, *The Depression and the Urban West Coast, 1929-1933, Los Angeles, San Francisco, Seattle, and Portland*, (Indiana University Press, Bloomington & Indianapolis, 1991); Kevin Starr, *Endangered Dreams, The Great Depression In California*, (Oxford University Press, New York, 1996).

<sup>13</sup> Mason B. Williams, 'The Great Depression and the New Deal – A Historiographical Survey', in Jerald Podair and Darren Dochuk, eds., *The Routledge History of the Twentieth-Century United States*, (Routledge, Abingdon, 2018).

*American Childhood, 1920-1940*. Hawes details changing adult perceptions of what American childhood should entail and the resulting structural changes to society including the rise of ‘experts’, developments at the Federal Children’s Bureau, and the rise of various concepts including ‘teenagers’ and ‘youth culture.’<sup>14</sup> At its core this is a thorough analysis of an adult-controlled social construct which details the policies which adults imposed on children. The perceptions of children themselves concerning those policies are neither sought nor considered. Richard Reiman’s *The New Deal & American Youth* is similarly limited, revealing much more about New Dealers’ perceptions of youth than it does of historical children’s actual lived experiences of the Great Depression.<sup>15</sup> Reiman’s analysis is centred heavily around the NYA, which is shown to have been a springboard for the careers of many a liberal administrator and Democratic politician including Aubrey Willis Williams and future President Lyndon Baines Johnson. Reiman’s choice of subtitle, ‘Ideas & Ideals in a Depression decade’ is both apt and telling: this history of one is primarily one of a political administration. The impact of the NYA on the limited number of young people who were able to engage with its programs is at times only a subplot. There is also the obvious caveat that the vast majority of young Americans were never involved with the NYA. Similar observations can be made of Kriste Lindenmeyer’s *The Greatest Generation Grows Up*.<sup>16</sup> Lindenmeyer focuses more on adolescence and later childhood and provides a summary of broad national changes in several thematic areas but rarely interrogates children’s experiences. Furthermore, some of her broad generalizations do not reflect what happened in

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<sup>14</sup> Joseph M. Hawes, *Children Between the Wars, American Childhood, 1920-1940*, (Twayne Publishers, New York, 1997). For more on the Children’s Bureau, see: Kriste Lindenmeyer, “A Right to Childhood”, *The U.S. Children’s Bureau and Child Welfare, 1912-1946*, (University of Illinois Press, Chicago, 1997).

<sup>15</sup> Richard A. Reiman, *The New Deal & American Youth, Ideas & Ideals in a Depression decade*, (University of Georgia Press, Athens GA, 1992).

<sup>16</sup> Kriste Lindenmeyer, *The Greatest Generation Grows Up, American Childhood in the 1930s*, (Chicago, Ivan R. Dee, 2005).

individual states, as Pamela Riney-Kehrberg argues by pointing out Iowa's incompatibility with the national narratives surrounding education and agriculture.<sup>17</sup>

In order to make a case that the New Deal catered for people younger than those eligible for the CCC and NYA's primarily High School and College-based programs, historians have pointed to two rather niche programs: the playground-building initiatives of the Works Progress Administration (WPA) and the Aid to Families of Dependent Children scheme (AFDC). Playgrounds were certainly a symbol of concern and reflected a belief that constructive, 'character building' leisure activities for children were key to producing good young citizens. However, the main aim of these programs was to provide employment for adult workers. The immediate significance of the playgrounds themselves has almost certainly been dramatically exaggerated within a context of American children being left without schools, evicted from family homes, and struggling to access basic healthcare and nutrition. The installation of monkey bars in middle-class suburbia was of no relevance to the historical children this thesis aims to consider. As for AFDC, it represented a more child-centred approach and was an initiative with great promise, but that was a promise that ultimately went unfulfilled. During the Depression-era the scheme had limited impact and was beset with problems as Leroy Ashby concludes, it 'tended to be permissive rather than mandatory, miniscule in coverage, and at the mercy of local politics.'<sup>18</sup>

James N. Gregory's *American Exodus* is the major historiographical consideration of Depression-era migration to California and details the development of what Gregory

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<sup>17</sup> Pamela Riney Kehrberg, Review: 'The Greatest Generation Grows Up: American Childhood in the 1930s', *The Annals of Iowa*, 65:1, (2006), pp.82-83.

<sup>18</sup> For WPA playgrounds: Robert D. Leighninger, Jr, 'Cultural Infrastructure: The Legacy of the New Deal in Public Space', *Journal of Architectural Education*, 49:4, (1996), pp.226-236. For AFDC see: Leroy Ashby, 'The Depression and World War II', in Joseph M. Hawes & Ray N. Hiner, eds., *American Childhood, A Research Guide and Historical Handbook*, (Greenwood Press, Westport CT., 1985), pp.499-500.

considers a definite ‘Okie’ identity and subculture within the Golden State.<sup>19</sup> Given the familial nature of that migration, the scant attention afforded to children is both surprising and disappointing. Children would have been central to the concerns of many, perhaps being the primary motivator for parents to choose the path they did. Gregory also offers an insight into a predominantly white, cultural group, originating from the Great Plains. There is value to investigating the experiences of that community. Yet the narrative offered by Gregory at best fails to contend with and at worst exacerbates common misconceptions of the era which Charles J. Shindo refers to as the ‘Dust Bowl myths.’<sup>20</sup> Even when employing a generously broad definition only a third of Depression-era migrants to California originated from Dust Bowl States and half of them were destined for the Golden State’s cities rather than the areas of rural agriculture which Gregory focuses on. From *American Exodus* it is unclear how this narrow agricultural subset of a specific cultural group existed within a broader socioeconomic class of ethnically diverse migratory families or how the marginalisation of the ‘Okie’ relates to the experiences of other marginalised persons in California. *American Exodus*, by focusing on its mainly white cultural group, has the unintended but detrimental effect of ‘whitewashing’ a hugely important part of Californian and American history.

The overarching summaries of Depression-era histories are nothing short of a jarring juxtaposition when compared with the findings of historians who specialise in youth across the broader twentieth century. It appears inconceivable that the New Deal could be the success it is held up to be if the broader century is sometimes judged harshly enough to be termed the ‘failed century of the child’ by specialists like Judith Sealander.<sup>21</sup> Further intervention is clearly required to square what appear to be two incompatible narratives: one

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<sup>19</sup> James N. Gregory, *American Exodus, The Dust Bowl Migration and Okie Culture in California*, (Oxford University Press, New York, 1989).

<sup>20</sup> Charles J. Shindo, ‘The Dust Bowl Myth’, *The Wilson Quarterly*, 24:4, (2000), pp.25-30.

<sup>21</sup> Judith Sealander, *The Failed Century of the Child, Governing America’s Young in the Twentieth Century*, (Cambridge University Press, Cambridge, 2003).

of an abject failure towards the nation's most vulnerable, which can be supplemented by the testimony of young people like Shirley Abbott, and the other of unparalleled success of innovative interventionist policy. However keen the profession may be to eulogise President Roosevelt, young people's experiences of the Depression-era should be considered. The fact that two of the most significant works that privilege young people's experiences at the centre of a Depression-era narrative were not even written by historians is perhaps the best summary of the discipline's lacking efforts thus far. Sociologist, Glen H. Elder Jr's *Children of the Great Depression* tracked the lives of 167 people born in Oakland between 1920-21.<sup>22</sup> Elder detailed the long-lasting impact of the economic crisis on those Californians through to the 1960s and his study demonstrates the need for a greater consideration of the impact of the Great Depression on children beyond those select individuals in Oakland. The power and insight of a child-centred focus is demonstrated by documentary filmmaker and journalist Errol Lincoln Uys's *Riding the Rails*, a book stemming from a PBS television documentary.<sup>23</sup> Uys uses original documents and oral history interviews with survivors to chart the experiences of some of the quarter-of-a-million minors who rode the rails at the height of the Depression. This provides unique insight into the impact of transiency on a child. Uys also points to the very different recollections of events by participants compared to official records of railway companies and law enforcement. The New Deal is also suspiciously absent from many of the lives Uys considered, suggesting that this great success of interventionist policy did not actually enjoy great success in reaching migratory children, though how sincere an effort was made to reach migratory children is also a valid question.

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<sup>22</sup> Glen H. Elder Jr., *Children of the Great Depression, Social Change of Life Experience*, (University of Chicago Press, Chicago, 1974).

<sup>23</sup> Errol Lincoln Uys, *Riding the Rails, Teenagers on the Move During the Great Depression*, (2<sup>nd</sup> Ed, T.E. Winter & Sons, Boston MA, 2014).

### *Californians and others as an analytical framework*

Shirley Abbott made a general plea for all American adults to look out for the nation's youth but most of her letter is centred on her state, California, and her strongest criticisms are reserved for the Governor and his subordinates. Abbott made a particular plea on behalf of the inmates at the Whittier State School, one of three state reformatories in the state, emphasising that the inmates were 'still children' and rallying against the inhumane practice of solitary confinement. Her letter followed and discusses the deaths of two inmates, Benjamin 'Benny' Moreno and Edward Levia who were both found hung in Whittier's ominous sounding 'Lost Privileges Cottage.' The state of California adjudged the deaths suicides and much of the subsequent investigations focused on defects within the constitutions of the deceased, their ethnicity, and their family backgrounds rather than the juvenile justice system or even the institution where they died. Historians, Miroslava Chavez-Garcia, Daniel Macalair, and Kathleen W. Jones have focused on the conditions inmates faced at Californian state institutions including Whittier but all continue to repeat the state claim of suicide.<sup>24</sup> This thesis challenges that judgement, contending it is one that privileges the official record presented by a eugenicist director of state institutions over other evidence for no good reason.<sup>25</sup> Photographic evidence proves various aspects of the official narrative of Moreno's death scientifically impossible. Numerous inmates spoke out to the *Los Angeles Examiner* alleging foul play. At best the circumstances can be considered not proven though the weight of evidence leans towards there having been a cover-up. Even at the time members

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<sup>24</sup> Miroslava Chavez-Garcia, *States of Delinquency, Race and Science in the Making of California's Juvenile Justice System*, (University of California Press, Berkeley & Los Angeles, 2012); Daniel E. Macalair, *After the Doors Were Locked, A History of Youth Corrections in California and the Origins of Twenty-First Century Reform*, (Rowman & Littlefield, Boulder & New York, 2013); Kathleen W. Jones, 'Two Deaths at Whittier State School: The Meanings of Youth Suicide, 1939-1940', *The Journal of the History of Childhood and Youth*, 8:3, (2015), pp.403-425.

<sup>25</sup> This is not a characterisation of the Director, Aaron Rosonoff, but a statement of fact as he was a member and former president of the American Eugenics Society.

of the public like young Shirley Abbott found the official state narrative that the problem was within the boys and not the system entirely unconvincing. It is rare that so many historical children's voices are there to be heard on a single issue. Historians would do well to listen to them.

The deaths of Moreno and Levia were tragedies in their own right but also have a much wider historical significance. The number of inmates that spoke out following their deaths despite being put under significant duress show that Moreno's and Levia's experiences were not isolated incidents but likely indicative of the wider conditions in the state's juvenile justice system. The treatment of Moreno and Levia in both life and death highlight the position of many Mexican American children in the state of California. They were U.S. citizens who were viewed as inferior by much of the state's European American population and often saw their citizenship contested by the state and its institutions.<sup>26</sup> This notion of the contested young citizen can be found in a vein of scholarship which considers the treatment

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<sup>26</sup> It is acknowledged that Children's citizenship is a complex construction. Certainly, in the United States, children's citizenship and their Constitutional rights have been consistently contested and undermined, whilst they have been subject to the supervision and control of the state and their adult guardians. Much of this has been due to educational or safeguarding concerns. However, prior to the *In Re Gault* (1967) and *Tinker v. Des Moines* (1969) supreme court cases, it had not been ruled declaratively that children possessed the same constitutional rights as adults – these particular cases being about the 14<sup>th</sup> Amendment right to Due process in a juvenile court, and 1<sup>st</sup> Amendment right to peacefully protest the Vietnam War at school. See: Janet Friedman Stansby, 'In Re Gault: Children are People', *California Law Review*, 55:4, (1967), pp.1204-1218; Rita G. Koman, 'The Supreme Court Speaks on Children's Rights', *OAH Magazine of History*, 13:1, (1998), pp.50-55; Felton Earls, 'Introduction: Children: From Rights to Citizenship', *AAAPSS*, 633, (2011), pp.6-16; Allison James, 'To Be (Come) or Not to Be (Come): Understanding Children's Citizenship', *AAAPSS*, 633 (2011), pp.167-179; David S. Tanehaus, *The Constitutional Rights of Children: In re Gault and Juvenile Justice*, (Lawrence, University of Kansas Press, 2017). However, the rulings of the court did not magically grant children such rights in those cases. They ruled that the law, as written, had never excluded children those guarantees. It is therefore appropriate to use Constitutional rights and the rights of Citizenship as a barometer to judge the historical treatment of children. This is further strengthened by various legal cases considered in this research where the court clearly considered the Constitutionality of children's treatment prior, over three decades prior to those Supreme Court cases. In short, this remains an imperfect barometer, but it is the only practical one.

of domestic white migrants and Mexican Americans in California's Depression-era schools. Kathleen Weiler describes the culture within schools as one of 'Californians and others' where despite theoretical legal equality Anglo-Californian children received differing educational experiences to migrants from the Great Plains and Mexican Americans. These findings are supported by the work of Ruben Donato and Paul Theobald, whilst Donato together with Jarod Hanson expands this into a discussion of *de jure* and *de facto* discrimination, in turn building on the older work of Gilbert Gonzalez who details the development of segregationist practices outside of the state law from the start of twentieth century.<sup>27</sup>

This thesis lifts the concept of 'Californians and others' and applies it beyond the classroom. Children's living conditions, healthcare, treatment by law enforcement, treatment by state institutions, and treatment by New Deal relief agencies are all taken into account. As a result, the thesis argues that the culture of 'Californians and others' was not limited to schools but instead shaped the wider historical experiences of non-white-Californian children, particularly in any dealings with the state. Over the course of this, the complex relationship between the New Deal and marginalised children becomes clearer. It remains true that there was no substantive New Deal for children and that State and County level government often worked to their own agendas. However, a willingness of agencies and

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<sup>27</sup> Kathleen Weiler, 'Schooling Migrant Children: California, 1920-1940', *History Workshop Journal*, 37:1, (1994), pp.117-142; Paul Theobald & Ruben Donato, 'Ethnicity and Class: The Schooling of Dust Bowl and Mexican Migrants During the Depression era', *Educational Horizons*, 71:3, (1993), pp.142-149; Ruben Donato & Jarod S. Hanson, 'Legally white, Socially Mexican: The Politics of *De Jure* and *De Facto* school segregation in the American Southwest', *Harvard Educational Review*, 82:2 (2012), pp.202-226; David Torres-Rouff, 'Becoming Mexican: segregated schools and social scientists in Southern California, 1913-1946', *Southern California Quarterly*, 94:1, (2012), pp.91-127; Gilbert G. Gonzalez, 'Segregation of Mexican children in a Southern California City: The Legacy of Expansionism and the American Southwest', *Western Historical Quarterly*, 16:1, (1985), pp.55-76.

officials to react to obvious need and stretch far beyond their official remit presents a much more nuanced picture, rather than one of either abject failure or unparalleled success.

### *Categorising marginalised young citizens*

When considering youth there is a need to define the parameters as umbrella terms including youth, childhood, and adolescence are commonly understood but have different meanings to different people in both historical and contemporary senses. In this work it is factual legal minority that determines if a person is a young citizen and a child. Throughout this period, legal majority was attained at twenty-one and anyone younger was therefore a minor. Of course, there were fundamentally different expectations of and experiences for a young child and an older teenager. But in terms of legal rights, juvenile court jurisdiction, etc., it is that legal category that defined somebody as adult or child. This does not preclude somebody from taking on ‘adult’ roles such as being a parent, looking after younger children, or going to work. But for the purposes of this research, anyone aged twenty or under shall be considered a youth, reflecting their legal minority and a need for a definite cut-off point.

The aforementioned work of Donato, Theobald, Weiler, and Hanson analysed the different educational experiences of white Californians with those of a marginalised ethnic group and a marginalised socioeconomic group, namely Mexican Americans and transient, domestic migrants.<sup>28</sup> Clearly those groups are not mutually exclusive, however much of the focus is on the Steinbeckian domestic white migrant, something which is challenged at points

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<sup>28</sup> Kathleen Weiler, ‘Schooling Migrant Children: California, 1920-1940’, *History Workshop Journal*, 37:1, (1994), pp.117-142; Paul Theobald & Ruben Donato, ‘Ethnicity and Class: The Schooling of Dust Bowl and Mexican Migrants During the Depression era’, *Educational Horizons*, 71:3, (1993), pp.142-149; Ruben Donato & Jarod S. Hanson, ‘Legally white, Socially Mexican: The Politics of *De Jure* and *De Facto* school segregation in the American Southwest’, *Harvard Educational Review*, 82:2 (2012), pp.202-226. The term ‘Anglo-Californian’ is used in this thesis to refer to people either born in the State of California or with Californian state residency who also have white, European, ethnic heritage.

in this thesis. The thesis does, however, focus on those same two groups or marginalised young citizens. This is because of that base of schooling-focused literature, and the significance of Great Plains migrants and Mexican Americans in California history. Furthermore, it is also recognised that there is room to explore the connections between the treatment of Mexican American children in the Depression era and the blossoming of a wider Mexican American Civil Rights movement, with the Lemon Grove Incident occasionally referenced as a potential starting point in many legal history law articles on school desegregation.<sup>29</sup>

The framework of ‘Californians and others’ could and perhaps should be expanded further in the future. The histories of African Americans, Native Americans, and Asian Americans, all of whom suffered *de jure* school segregation, are complimentary to the concept which stems from overarching ideals of Anglo-Californian superiority. Only so much can be considered in any single project. The experiences of some Black, Native American, and Asian American youths are considered, primarily because children of all ethnicities were transients, however there is room beyond this thesis to consider those historical children in greater depth in histories that focus intently on those communities. Furthermore, as becomes evident in the thesis, children could be ‘othered’ due to various other aspects of their identity including but not limited to disability, sexuality, living conditions, and religion. Again, these are considered but within the focus of Mexican-origin, and migratory children, with U.S. citizenship in California.

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<sup>29</sup> Robert R. Alvarez Jr., ‘The Lemon Grove Incident: The Nation’s First Successful Desegregation Court Case’, *The Journal of San Diego History*, 32:2, (1986); Vicki L. Ruiz, ‘South by Southwest: Mexican Americans and Segregated Schooling, 1900-1950’, *OAH Magazine of History*, 15:2, (2001), pp. 23-27; Kristi L. Bowman, ‘The New Face of School Desegregation’, *Duke Law Journal*, 50 (2001), pp.1751-1808; Kristi L. Bowman, ‘A different shade of Brown: Latinos and school segregation’, *Judicature*, 88:2, (2004), pp.85-90.

### **Methodology: Accessing children's historical experiences**

The lack of acknowledgement of children in the New Deal and in subsequent scholarship can both be partly attributed to beliefs that children mattered less than adults. In historical research children have often been omitted as autonomous actors due to what Brian Sutton-Smith terms a 'triviality barrier.' Sutton-Smith argues that adult experiences and opinions are privileged opposed to those of children whose experiences are devalued as less important and their testimony less reliable, whilst childhood itself has been reduced to the status of a necessary biological phase before the adult life that 'really counts.'<sup>30</sup> In recent decades, both wider society and the historical profession have taken children and their perspectives more seriously, though this is still very much a work in progress. Children are important as human beings in their own right and despite the overarching power structure of age seek to both understand and influence the world around them. A willingness to take children seriously does not automatically lead to their voices being incorporated into historical narratives. Indeed, this work was always willing to do that but finding testimonies was consistently challenging. There is a 'source problem' in children's history which stems in part from lower historical literacy levels. This is a factor exacerbated in this project as it is an examination of children and childhood from working-class and immigrant backgrounds. Furthermore, literate children do not produce the same kinds or quantities of sources as adults and what they do produce has historically been unlikely to be prioritised for archival preservation.<sup>31</sup>

The result of the 'source problem' in children's history is that the majority of historical works considering young people in the past can be more accurately termed studies

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<sup>30</sup> Brian Sutton-Smith, 'Psychology of Childlore: The Triviality Barrier', *Western Folklore*, 29, (1970), pp.1-8.

<sup>31</sup> Mary Jo Maynes, 'Age as a category of historical analysis: History, agency, and narratives of childhood', *Journal of the History of Childhood and Youth*, 1:1, (2008), pp.114-124; Mona Gleason, 'Avoiding the agency trap: caveats for historians of children, youth, and education,' *History of Education*, 45:4, (2016), pp.446-459.

of childhood, not children. As histories of childhood, they are accounts that are built on records of what adults said, thought, and imposed on children. Histories of childhood are hugely valuable. They are greatly revealing of the expectations placed on youth, and the environment they lived in, whilst one should also be mindful that the ideal of childhood also exists in the minds of children themselves. But they are not the same as children's histories which privilege the perspectives of actual historical children. The upshot of this, however, is that children are widely seen in historical narratives, but it is much rarer that they actually 'speak' within the narrative. This saturation of the history of youth with distinctly adult voices means Jay Mechling's 1989 statement that children are 'the last underclass to have history written from their point of view' remains accurate in some areas of history.<sup>32</sup> One of the strongest examples of the distorted historical narrative that results from a failure to consult children's voices is the almost unqualified praise found in some New Deal scholarship, apparently ignorant of the lack of substantive measures taken to tackle the Depression-era youth crisis.

Source material remains the currency of historians and it is only possible to incorporate the testimony of historical children into research where they can be accessed. For example, children's drawings can be greatly revealing and contain children's perspectives of events. Alas, in this case research did not turn up any children's drawings other than ones sent from Spain to California depicting the Spanish Civil War. They made a journal article of their own but were of no help to this thesis.<sup>33</sup> Joseph M. Hawes and N. Ray Hiner have compared the task faced by researchers to finding the titular character in the *Where's Waldo* series of puzzle books, suggesting that the task is difficult, sometimes frustrating and often

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<sup>32</sup> Jay Mechling, 'Oral Evidence and the History of American Children's Lives', *The Journal of American History*, 74:2, (1987), pp.579-581.

<sup>33</sup> Jack Hodgson, "Accessing children's historical experiences through their art: four drawings of aerial warfare from the Spanish Civil War", *Rethinking History*, 25:2, (2021): 145-165.

time-consuming.<sup>34</sup> I did not find as many ‘Waldos’ as I originally hoped to but have placed those ‘Waldos’ where possible in a wider discussion.

The original hope for this research was that it could be a true children’s history. But, especially in the unexpected circumstances of the time, this proved an insurmountable task. Children’s history and the history of childhood have previously been written of in relatively adversarial terms, almost as if they represent two rival schools competing to be *the* way to consider children in the past. The two cannot be truly separated from one another. Karen Sanchez-Eppler is correct to declare that the distinction drawn between the two, whilst defining research methods, is a false dualism.<sup>35</sup> What this research can do is to help establish an innovative synthesised approach that combines the two. It was driven by a desire to incorporate marginalised children’s voices into the narrative of California’s Great Depression. However, material was and always would be limited in the extreme. Then global circumstances precluded the possibility of subsequent research trips. This is a history of childhood, but it is one that has been granted authenticity and authority by the incorporation of children’s voices wherever possible. This thesis presents a way forward by incorporating children’s voices into research that does not strictly qualify as children’s history as a viable

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<sup>34</sup> Joseph M. Hawes & N. Ray Hiner, ‘Looking for Waldo: Reflections on the History of Children and Childhood in the Progressive Era’, Paper presented at the History of Childhood in America Conference, Washington, DC., August 5-6, 2000 via: Anya Jabour, ed., *Major Problems in the History of American Families and Children*, (Wadsworth, London, 2005). For a debate on the nature and extent of the ‘source problem’ in children’s history see Maza and Mintz: Sarah Maza, ‘The Kids aren’t All Right: Historians and the Problem of Childhood’, *The American Historical Review*, 125:1, (2020), pp.1261-1285; Steven Mintz, ‘Children’s History Matters’, *The American Historical Review*, 125:1, (2020), pp.1286-1292.

<sup>35</sup> Karen Sanchez-Eppler, *Dependent States: The Child’s Part in Nineteenth-Century American Culture*, (University of Chicago Press, Urbana, 2005). See also: Julia Grant, ‘Children versus Childhood: Writing Children into the Historical Record, or Reflections on Paula Fass’s Encyclopaedia of Children and Childhood in History and Society’, *History of Education Quarterly*, 45:3, (2005), pp.468-490.

route to increasing our understanding of young people in the past and incorporating more children's voices in the historical narrative.

The practice of children's history both generally and in this thesis specifically is part of a wider trend towards critical analysis of the child across the Humanities and social sciences. For instance, one of the strongest articulations of the difference between the child and childhood can be found in the work of Harry Hendrick, a sociologist.<sup>36</sup> Understanding children's experiences, their place in the world, and their influence on wider society is not purely an historical endeavour. Scholarship from various other subfields and disciplines can help including but not limited to Childhood Studies, Sociology, and Child Psychology. It is difficult for an unqualified historian to engage fully in these specialist and at times clinical disciplines. But owing to practitioners often working with children in the present, urgent safeguarding and ethical concerns mean they have developed robust research practices which can aid an historian in their conceptualization of the child and interpretation of fragments of children's voices.<sup>37</sup>

Literary and cultural studies are also a part of this trend. As Caroline Levander and Carol Singler argue, 'representations of children and childhood are not isolated artifacts but cultural productions that in turn affect the social climates.'<sup>38</sup> Representations and particularly common tropes of children and childhood are historical sources which indicate societal perceptions of that stage of the life cycle at any given time. Literary studies of the fictional or Queer child can also be revealing especially as trends and tropes change over time. In James

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<sup>36</sup> Harry Hendrick, *Images of Youth, Age, Class, and the Male Youth Problem*, (Clarendon, Oxford, 1990).

<sup>37</sup> Jonathan Scourfield, Bella Dicks, Mark Drakeford, & Andrew Davies, *Children, Place and Identity: Nation and Locality in middle childhood*, (Routledge, London, 2006); Pia Christensen & Allison James, eds., *Research with Children, Perspectives and Practices*, (Routledge, New York, 3<sup>rd</sup> Edition, 2017).

<sup>38</sup> Caroline F. Levander & Carol J. Singler, *The American Child: A Cultural Studies Reader*, (Rutgers University Press, New Brunswick, 2003).

R. Kincaid's *Child-Loving: The Erotic Child and Victorian Culture* the child is described as a 'Gothic figure of prelapsarian innocence', a literary observation which is of obvious relevance to historical constructions of childhood innocence and vulnerability.<sup>39</sup> Kathryn Bond Stockton's *The Queer Child, or Growing up Sideways in the Twentieth Century* exemplifies the growing relationship between Queer theory and the histories of children and childhood.<sup>40</sup> This is a vital development due to the simple fact that there have been many historical Queer childhoods, whilst some contend that childhood of non-Queer people can be somewhat Queer. This history is notoriously difficult to access. The so-called 'source problem' of children's history is further exacerbated due to the taboo nature of non-cisgender and non-heteronormative identities. In this thesis, for example, the only direct primary evidence relating to these children and childhoods are records of oppression – the involuntary sterilization of minors deemed to be a 'homosexual problem' by California's state institutions. Nevertheless, the acknowledgement of LGBTQ+ childhoods in the past is important and something which mainstream histories of youth have often shied away from historically.

Where possible this thesis uses child-authored sources such as letters or reformatory school work. Historical children's speech also exists in fragmentary form in many sources commissioned by adults to record their utterances. Such reported speech can be found in newspaper articles, court or police records, and the paperwork of professionals such as school administrators or social workers, all of which come with their own caveats and concerns. A particularly useful source in this research has been adult recollections of childhood made in oral history projects. Participants are often asked about their school experience and early

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<sup>39</sup> James R. Kincaid, *Child-Loving: The Erotic Child and Victorian Culture*, (Routledge, New York, 1992).

<sup>40</sup> Kathryn Bond Stockton, *The Queer Child, or Growing up Sideways in the Twentieth Century*, (Duke University Press, Durham, NC, 2009).

family life as a way to ease them into projects with other priorities. Of course, these are memories and come with the usual caveats of oral history evidence, providing echoes of historical children's experience as opposed to an unfiltered clear 'voice.' However, there are benefits to their consideration that go beyond expanding a limited source base. Adults tend to reconsider and reflect on their childhood experiences. This is not the challenge to authenticity it may appear to be. In cases of abuse and mistreatment, victims often do not speak of those traumatic experiences until later life. Historical allegations of child abuse are not delegitimised by the passage of time and sometimes can only be made with a typically adult understanding of life. A similar principle should be taken with this type of historical evidence. For instance, after experiencing the varieties of adult life something may stand out in childhood memories as unusual in retrospect despite seeming normal at the time. Reconsideration and re-evaluation of childhood memories are not necessarily the historian's enemy. As they are in a court of law, testimonies of childhood memories are still valid evidential testimonies that are worth listening to.

A significant source base for this research has been the records of California's long-running sterilisation program, particularly relating to the involuntary sterilisation of children and how sterilisation disproportionately targeted Hispanics. Of course, this is a sensitive topic and comes with additional ethical and legal considerations concerning the juvenile crime records and medical records of potentially still-living subjects.<sup>41</sup> Ethnic bias in the sterilisation program is an allegation that fits with the historical context of the state, however

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<sup>41</sup> Eugenic Sterilization Record Cards and Recommendations have been used in accordance with the regulations set forth by the California Committee for the Protection of Human Subjects. Approved pseudonyms have been used in accordance with the California State Archives Confidentiality and Identity Protection Regulations, as per Californian law pertinent to the use of the California Youth Authority Inmate records. As such, the names of some people have been changed. Where the use of a pseudonym has been required this has been indicated via footnotes.

quantifying it proves a challenge with researchers only having the names in many cases of the program's victims. Quantifying Mexican Americans, for example, in an era when the Census recorded them as 'white' can only rely on an imprecise estimate. Specifically for sterilisation records, this research utilises the data from studies where Spanish surnames were used to determine the ethnicity of victims. An analysis of the 1950 census, the first to record Latinos separately, shows the approach then would have had an 88 percent accuracy rate.<sup>42</sup> In short, it

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<sup>42</sup> Using surnames as an indicator of ethnicity is clearly imprecise, however it remains the most viable research method used to consider the impact of the state sterilisation program on minorities. Whilst imperfect, it is regarded by Novak *et al* as being 'high sensitivity.' During this period, the Census recorded Latinos as white, rendering their presence invisible in many official records. Surnames are the imperfect solution to that. Novak *et al*'s characterisation seems accurate. This method has been praised in *The American Archivist* for revealing what was 'lost' to history by making the very most of the limited data that was present in records: people's names. A 1950 Census Bureau report estimated that 88% of those in California with a Spanish surname were of Mexican origin. This research collates several at scale studies of sterilisation in California, highlighting data relevant to children, particularly Mexican American or Latino children. In restating that research, it is admitted that the limitations are also restated. The disparity between those considered as Latino based on the surname qualification, compared to white Americans is so stark, that the admitted inaccuracies may make findings 'imprecise', but it is beyond doubt that California sterilised Latinos at a much higher rate than whites. Those findings are also highly logical, when considered alongside knowledge of Depression-era eugenics, and attitudes towards race. The following relevant articles use this methodology, in respectable peer-reviewed publications from a variety of disciplines: Alexandra Minna Stern, 'Sterilized in the Name of Public Health', *American Journal of Public Health*, 95:7, (2005), pp.1128-1138; Natalie Lira & Alexandra Minna Stern, 'Mexican Americans and Eugenic Sterilization: Resisting Reproductive Injustice in California, 1920-1950', *Aztlán: A Journal of Chicano Studies*, 39:2, (2014), pp.9-34; Alexandra Minna Stern, 'Eugenics, Sterilization, and historical memory in the United States', *Historica, Ciências, Suode-Manguinhos*, 23:1, (2016); Alexandra Minna Stern, Nicole L. Novak, Natalie Lira, Kate O'Connor, Siobán Harlow, & Sharon Kardia, 'California's Sterilization Survivors. An Estimate and Call for Redress', *American Journal of Public Health*, 107:1, (2017), pp.50-54; Nicole L. Novak, Natalie Lira, Kate E. O'Connor, Siobán Harlow, Sharon L. R. Kardia, & Alexandra Minna Stern, 'Disproportionate Sterilization of Latinos Under California's Sterilization Program, 1920-1945', *American Journal of Public Health*, 108:5, (2018), pp.611-613; Maija Anderson, 'The Eugenic Rubicon: California's Sterilization Stories', *The American Archivist*, 82:1, (2019), pp.225-229. See also the Census Report from 1950: *Persons of Spanish Surname*, (Washington D.C., 1950, United States Census of Population, U.S. Dept. of Commerce, Bureau of the Census, Special Report P-E-

is the best one can do to examine the impact of California state policy on a group that is hidden within official records, however the impreciseness of this needs to be acknowledged. In other cases, such as police records, where officers recorded the ethnicity of an arrested person, findings come with greater levels of statistical accuracy.

The thesis also makes use of the work of John Steinbeck, particularly his journalistic endeavours. A legitimate question is why would a historical thesis at times set itself up against Steinbeck, a Nobel laureate for literature? One good reason is historical memory; whilst they may not like to admit it Steinbeck has had a greater impact on popular perceptions of Depression-era California than any professional historian. He along with Upton Sinclair and Carey McWilliams shaped the historical narratives that the thesis engages with. Secondly, Sinclair, McWilliams, and Steinbeck were also political actors in this history, Sinclair even seeking the governorship and McWilliams taking a position with the state government's housing department. Their writings are therefore primary sources, essentially witness statements, rather than historical interventions. In some cases, these witness accounts are as close as it is possible to get to a child's account. One cannot go back in time and interview children at a migratory school for their perspective. But one can understand their environment by the recorded observations in McWilliams's criticisms of conditions in migrant schools and Mexican American neighbourhoods in Los Angeles. Steinbeck features the most of the trio in this thesis because particularly in 'The Harvest Gypsies' and 'Starvation under the Orange Trees' he attempted to garner sympathy for agricultural migrants by recounting the plight of children and families. His work features numerous

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No.30). Where possible, this method has not been used. For instance, in an analysis of arrest and conviction data of minors in Sacramento, which is entirely original to this PhD thesis, as Police records in Sacramento documented detainees' race and national origin, it has not been necessary to use surnames to consider the treatment of different ethnic groups statistically.

observations of families and children, even including the reported speech of some children, which make it a particularly worthwhile and revealing source for this research.

At times, the narrative due to the lack of accessibility of historical children's voices may appear to drift away from children and childhood but this is not the case if the thesis is read as intended. For example, discussions of living conditions in Sacramento's largest Hooverville or in the *barrios* of Los Angeles are constructed through the observations of adults. But these observations are worth reflecting on because they reveal much about childhoods spent in those locations; the infant mortality rates in *barrios* and the child mortality rates in migrant camps, speaking to an extent where children cannot. Any mention of 'families' functions as a signpost that children were present. In such circumstances, the reader is invited to consider this as a discussion of the environment marginalised children lived in, even if direct testimonies of historical children have not come to light.

### **Thesis Structure**

The first chapter offers an in-depth examination of two marginalised communities and their history in the state of California from the end of the nineteenth century through to and including the Great Depression. Here, the changing legal statuses and public perceptions of Mexican Americans (and their children) and domestic migrants (and their children) are clearly laid out. This is the necessary groundwork for what follows. The earlier national notion of the 'temporary Mexican', for example, and the role of non-Anglo-Californians in the state's agricultural economy are vital context to understanding the reception of those demographics during the Great Depression. It is only once the historical relationship between these specified marginalised groups and the development of their legal status has been distilled that the historical experiences of their children can be examined. For context, a brief utilitarian overview of federal policy is also provided.

The second chapter examines the educational provisions given to and experiences of marginalised children who as per California law should have received the same instruction as white Anglo-Californian children. This does not take into account the experiences of those explicitly legislated against, such as Native Americans, Blacks, and various nationalities of Asians who were compelled to attend the state's so-called 'Oriental Schools.' This study deals with *de facto* as opposed to *de jure* discrimination. The educational realities those children faced are best dealt with in extended research dedicated to that purpose. However, in smaller often rural school districts, mixed schooling was in operation, so this research remains relevant to the experiences of Black and Asian children outside of California's major urban centres. This education chapter establishes the framework of a culture of 'Californians and others' which can be seen clearly in the microcosm of the classroom. That culture is laid bare in the administration of illegal segregated schools and is painfully reflected upon in recollections made to oral history projects. From there it is possible to consider that culture beyond the classroom and the scope of existing literature to consider other aspects of children's lives. Additionally, this chapter also calls for the re-evaluation of the CCC, frequently considered as a New Deal unemployment agency, to be analysed as a youth-focused provider of vocational education.

Chapters three and four focus on living conditions, malnutrition, healthcare, and emergency relief provisions. A shorter chapter, the third examines varied living conditions that child migrants and young Mexican Americans experienced in California. Here, several challenges to the dominant historical narrative are made. The federal migrant camp, thanks to the literature of John Steinbeck, is a well-known part of California's Depression-era history. Steinbeck romanticised the federal camps owing to his political marriage to the project, in both his creative works and newspaper reporting. The dominant image of migrant living has been viewed through rose-tinted spectacles, and the challenging nature of federal camp living

is demonstrated through first-hand testimonies. Historic focus on federal camps is in-part no doubt due to the success of Steinbeck as an author, and the acclaimed film adaptations of his work. This has shifted focus to an experience that only applied to a small minority of predominantly white migrants. It should be remembered that the story of Depression-era migration even from the Great Plains is not purely an agricultural one. Resultantly, a significant part of the third chapter focusses on urban conditions. This includes a case study of a Hooverville in Sacramento, revealing it to be an age, gender, and race diverse community on the margins of the state's capital city, and details the history of the *barrios* that housed much of Los Angeles's Mexican-origin population. Despite the enormous contrast between some of the most isolated rural settlements and the most crowded urban streets there is much common ground to be found here: poor living conditions that represented a health hazard and the reluctance of local authorities to act, even when confronted with evidence of increased child and infant mortality. These living conditions helped to confine marginalised youths to the margins, often on the physical margins of a community, but also resulting in social marginalisation. To this extent living conditions provided an opportunity for people to reinforce the othering of marginalised children, and in many cases were a physical manifestation of the culture of 'Californians and others' outside the classroom.

Chapter four deals with healthcare, malnutrition, and emergency New Deal Relief. The link between the living conditions of many marginalised children and their health outcomes is unavoidable. This chapter challenges work which posits that the Depression did not damage health, arguing that an overreliance on national averages obscures impacts within demographic groups, and that historians have been too reliant on mortality to adjudge health. Put simply, avoiding death is not healthy living. White Californian children, out-of-state migrants, Mexican Americans, and other ethnic minorities are shown to be 'similarly unhealthy' with the majority of children in all cross-sections of society deemed to have a

health ‘defect’ in contemporary studies. This prompts investigations of healthcare and emergency relief. Healthcare remained poor, sometimes inaccessible, and discriminatory, but there were innovations with the implementation of school nurses and school meal programs to aid children: two popular long-lasting public welfare schemes from Depression-era. It is argued that one major contributory factor in higher child mortality rates among some communities was the provision of food relief by the state of California. Mexican Americans were provided with lower quality food provisions, eschewing the established science of the calorie in favour of the eugenicist biases that dictated certain ‘sorts’ of people’s bodies were accustomed to lower quality ‘fuel.’ Similar attitudes were displayed towards the nutritional concerns of Great Plains area migrants, demonstrating that in the Golden State food relief was delivered in a manner that re-enforced notions of white Californian superiority. In providing inferior food provisions local New Deal agencies exemplified a culture of ‘Californians and others.’

The fifth chapter offers an in-depth examination of the complex relationships between marginalised youths and California’s law enforcement and juvenile justice system. This is the chapter where historical children’s voices come to the fore the most, directly challenging adult accounts. Young transients were targeted by the state’s vagrancy laws which were later ruled unconstitutional by the Supreme Court. They were further subject to banishment by courts (so-called floating sentences) which were also subsequently deemed illegal as a cruel and unusual punishment capable of rendering citizens stateless. However, for some the police cell was at times a sanctuary. Some local police departments offered overnight accommodation to minors without a place to stay. This often involved less work for the police than going out, finding them, and arresting them for vagrancy. Where this was not the case some young people appear to have deliberately engineered their arrest in order to get overnight accommodation and a meal. The impact and implementation of California’s

vagrancy legislation beyond that of individual testimony was previously unclear. This research adopts a case study approach, including a study of juveniles arrested for vagrancy, loitering, or crimes of condition such as petty theft, in Sacramento for a 9-year period. Sacramento was the ideal setting, eliminating the unique local factors of Los Angeles politics and law enforcement and not being the clichéd urban alternatives of San Francisco or Oakland. This analysis shows that following arrest, non-California residents and ethnic minorities were more likely to be convicted at court, and if convicted more likely to receive a custodial sentence. Through unconstitutional laws California contested the citizenship of domestic migrants and Mexican-origin U.S citizens, at a time it also ran a ‘repatriation’ program of forced deportations. The conviction and sentencing disparities uncovered in this large-scale case study demonstrate that for juvenile justice in California, the culture of Californians and others was upheld by the judiciary.

The chapter moves on to consider the experiences of marginalised children once part of the custodial system. The significant sterilisation program within the state, reflecting that many referrals were made from reformatory schools and its wider punitive application is considered here. Conditions that prisoners faced within California’s juvenile justice system are explored through an in-depth investigation of the scandal, referenced in Shirley Abbott’s letter, of the two deaths at Whittier State School. The testimony given by fellow inmates to inquiries and local newspapers means that an understanding of the wider, collective, inmate experience becomes apparent as well as the circumstances surrounding the deaths of Benny Moreno and Edward Levia. California’s juvenile justice system was one defined by physical, sexual, and psychological abuse that the state made a concerted effort to cover up. Abuse of power was commonplace amongst senior officials, particularly reformatory superintendents who used their power to relocate inmates to mental health institutions to discourage and discredit their testimonies. Historians have failed in their duty thus far by still referring to the

two deaths in question as suicides when the scientific evidence regarding one renders the official version of events put forward by the director of institutions impossible. Until now, the State's voice rather than that of children who reported their concerns to judges and local newspapers, has been privileged in the historical narrative. Anti-Mexican racism is apparent in this investigation but evidence of a culture of 'Californians and others' broader than that ethnic bias within Reformatories is slim from the available evidence. However, as the first part of the chapter makes clear, 'others' could find themselves in such institutions because of that culture's presence in the courtroom and legislation. In some cases, they were there in part, because of that culture's existence on the outside, and as such it played a role in the abuses they experienced once there.

There are several themes that whilst not drawn on in a specific chapter run almost as threads through the structure of the thesis and it is prudent to highlight these here. The first is religion. Spirituality was important to many people struggling in the Great Depression. Religion appears to have been a source of vital support for many struggling young people. Charities affiliated to religious groups provided important aid as did religious organisations themselves. In oral histories, former transients speak of the important of churches or temples in their journeys around California and the wider United States. Conversely, religious denomination was also a source of further discrimination against marginalised people. Pentecostalism among migrants from the Great Plains, for example, marked them out as different, and was even blamed for ill-health among migrant populations. Likewise, Catholicism amongst California's Mexican American and wider Hispanic population differentiated them from the Protestant white majority. The Catholic Church also provided a structure and support network for parents to challenge the wishes of the state, for example in contesting sterilisation recommendations. Faith undoubtedly provided a sense of community

and identity, but was also a further source of marginalisation, and the focus of some hostilities.

Evidence of a wider group consciousness, amongst ‘others’, is few and far between. Shirley Abbott’s letter is a rare example. Children viewed themselves as Mexican, North Dakotan, etc., not as an ‘other’ in California. This is not overly surprising – why chose to identify as an ‘other’ instead of identifying as something? Solidarity can be seen within the walls of institutions with boys of all ethnicities from numerous places speaking out against conditions in Whittier State school but this takes place in a microcosm defined by the divide between guards and young prisoners. There are seeds of the beginnings of a more formidable Mexican American Civil Rights movement particularly concerning children’s issues. The Sleepy Lagoon Murder and subsequent wrongful convictions and the Zoot Suit Riots in the early 1940s are often cited in discussions looking towards organised Mexican American Civil Rights movements in the Post-War era. This research highlights earlier examples such as the 1930 Lemon Grove school case, opposition in conjunction with the Catholic Church to the sterilisation of Latino children, and protests relating to Whittier State School in 1939-1940. The fact that these early examples of community solidarity, protests, and organisation all related to children’s rights demonstrates the emotive response youth issues often generate and the importance of children to their family and the wider community.

A final significant theme is a near constant friction between ‘new science’ and old, sometimes eugenicist beliefs with the ‘logic’ of each demanding significantly different policy decisions. For example, the calorie and the science of food energy content was understood in the decades prior to the Depression-era. It was known to science that children of any ethnic or cultural origin had the same basic dietary needs regarding a baseline, Calorific measure of energy. Yet despite this, the state of California favoured a policy of Anglo-Californian superiority, providing inferior rations to Mexican American families, and dismissing

malnutrition amongst Great Plains migrants as being symptomatic of their regional culture. This was a choice against established scientific knowledge that did great harm to children. A similar pattern of defying evidence in favour of established biases develops when the intelligence testing of minorities in state institutions, in justifications of illegal school segregation, and the continued use of sterilization as a ‘treatment’ for juvenile delinquency are all taken into consideration.

Overall, this research establishes that the culture of ‘Californians and others’ previously identified in the state’s Depression-era education system was in fact a defining culture that existed throughout the state, including in its laws and institutions, that fundamentally shaped the lived experiences of non-Anglo-Californian youths during the Great Depression. This has been achieved by a synthesised approach of children’s history and the history of childhood; an approach that has the potential to be used widely to address the ongoing problem of children being seen but not heard in the vast majority of historical narratives. It also provides a state-specific detailed investigation of the impact the New Deal had on children. Despite recognition of a ‘youth crisis’ there was no New Deal for youth and the fact that the young were excluded from what remains the most ambitious period of interventionist policy in the history of the United States is explanatory of the societal position children occupied. The picture is complex, with non-child specific agencies helping children and local officials often willing to go well beyond their official remits. However, this research is an important caveat to the historical narrative of the New Deal which has been almost exclusively adult-focussed, demonstrating the limited impact of the New Deal on the lives of working-class and marginalised children.

## Chapter One: Migratory and Mexican-origin communities in California

At its core, this research examines the experiences and treatment of overlapping groups of children, illuminating the process of ‘othering’, particularly as facilitated by the state of California towards those marginalised by ethnicity, geographic origin, or socioeconomic status.<sup>43</sup> An outcome of this is to push against the Steinbeckian, *American Exodus* depiction of a predominantly white ‘Okie’ Depression-era migration in favour of an approach that accounts for migratory children from a variety of geographic and ethnic backgrounds, including minors who were alone rather than with their family. In order to accomplish this, it is first necessary to explore the historical context of those overlapping groups of children in the state of California. Neither migrant families, homeless children, nor Mexican Americans suddenly appeared in California alongside the Great Depression. Each were present prior and what went before shaped some of their Depression-era experiences and treatment. This chapter first briefly outlines the historical context to California’s Mexican American community, migratory agricultural workers, and perceptions of the transient or homeless child. The chapter then examines the legal rights of those groups during the Great Depression, establishing a strong foundation for the subsequent chapters. These were distinct but overlapping groups within California but the treatment of each group was influenced by ideas of white Californian superiority, resulting in similar mechanisms of ‘othering.’ The citizenship rights of Mexican Americans, domestic migrants, and lone transient minors were all contested in legislation and public policy on the basis that the local population needed to be protected from or prioritised over these people.

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<sup>43</sup> The term ‘othering’ is used here to refer to a discriminatory process where a person or group of people are treated as intrinsically different or alien. This commonly involves attributing negative characteristics to a section of the population that serves to differentiate them as inferior to the presumed normative social group. For example, a white Californian attributing inherent laziness to Mexican immigrants or Great Plains migrants.

### ***La Raza: Mexican Americans and California***

Quantifying the Mexican American population in Depression-era California is no straightforward task. As per California law Mexican Americans and Hispanics more generally were considered white. This legal technicality did not reflect the social reality. As Ruben Donato and Jarrod Hanson argue when considering *de jure* and *de facto* discrimination, many people were legally white but socially Mexican.<sup>44</sup> The result of this legal status was, however, that Mexican American people are often hidden in historical records as part of white categories. From limited census data and federal records, we do know that as of 1930 the states with the highest population density of Mexican Americans were Texas, California, New Mexico, and Arizona.<sup>45</sup> Geographically this is no surprise owing to their proximity to Mexico. But it should not be assumed that all those people were immigrants or the children of immigrants. Mexican people in California predate the United States. Some of these people were the *Californios*, the descendants of Mexicans who lived in that territory when it was a part of Mexico.<sup>46</sup> Again, these people are difficult to quantify with limited record-keeping related to Hispanics and no differentiation made between *Californios* and other Mexican-origin people in the records that acknowledge their presence. Mexican people in California were not just a minority, but a conquered people. Furthermore, popular ideas of Manifest Destiny and Western Progress also dictated Mexican Americans in California were inferior to the white Californian population, a perception which undeniably influenced how the wider public and the state perceived them.

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<sup>44</sup> Ruben Donato & Jarrod Hansen, 'Legally White, Socially Mexican': The Politics of De Jure and De Facto school segregation in the American Southwest', *Harvard Educational Review*, 82:2, (2012), pp.202-326.

<sup>45</sup> Terence Haverluk, 'The Changing Geography of U.S. Hispanics, 1850-1990', *Journal of Geography*, 96:3, (1997), p.137.

<sup>46</sup> Leonard Pitt, *The Decline of the Californios, A Social History of the Spanish-Speaking Californians, 1846-1890*, (University of California Press, Berkeley & Los Angeles, 1966). The descendants of Spanish settlers in California's Spanish Colonial era are sometimes included in this category of *Californios*.

Between 1900 and 1925, approximately 700,000 Mexicans migrated to the United States. There were several factors behind this including a demand for cheap agricultural labour and the ease of crossing the border. During that time there were no border patrols and people, ideas, and commerce crossed with relative ease. In California areas around the American, Sacramento, San Joaquin, and Kern rivers became particularly reliant on immigrant labour.<sup>47</sup> Amendments to immigration laws which targeted other immigrant groups also greatly accelerated the demand for Mexican immigration. The 1882 Chinese Exclusion Act and a 1907 ‘gentlemen’s agreement’ to curb Japanese immigration severely restricted a previously plentiful source of immigrant labour. In 1925, when the National Origins Act was passed and a formal Border Patrol was created along the Southern Border, industrialists and growers both complained of labour shortages.<sup>48</sup> The State Department worked with key stakeholders to preserve channels of Mexican immigration, viewing this as the ‘least worst’ type of immigration. Geographical proximity meant labour could arrive quickly, cheaply, but that theoretically removal could be swift. The 1920s saw the development of a concept of ‘temporary Mexicans’ where in response to labour shortages some workers who would usually be disqualified such as illiterate people were admitted on a temporary basis. This policy cemented the idea of Mexican workers as ‘temporary’ in legislation and some minds but was fundamentally flawed in both concept and implementation. No infrastructure was in place to keep track of arrivals and enforce a temporary status. The policy also failed to account for birth right citizenship – children born to these temporary workers would be United States citizens.<sup>49</sup> A further legal complication

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<sup>47</sup> Paul S. Taylor, *Mexican Labor in the United States*, (Berkeley, University of California Press, 1932), pp.1-15.

<sup>48</sup> Terence Haverluk, “The Changing Geography...”, p.138.

<sup>49</sup> Alexandra Filiindra, 'The Emergence of the Temporary Mexican, American Agriculture, the US Congress, and the 1920 Hearings on the Temporary Admission of Illiterate Mexican Laborers', *Latin American Research Review*, 49:3, (2014), pp.85-102.

existed within California. The *Treaty of Guadalupe Hidalgo*, which had ended the Mexican-American War (1846-1848) by ceding California to the United States, also guaranteed the territory's Mexican population the full privileges of citizenship. It was for this reason that when California first experimented with school segregation between 1850 and 1880 its Mexican-origin children were not subject to segregation whilst Native American, Asian, and Black children were.

### ***The forced 'Repatriation' of Mexican American citizens***

The Great Depression saw the wider United States and California swiftly change from requiring and actively recruiting Mexican immigration due to labour shortages to having a significant labour surplus. This is where the idea of the 'temporary' Mexican would come into play. In 1931, the Hoover administration began a program it branded 'repatriation' which would continue through the Roosevelt presidency into the 1940s. A lack of decisive record-keeping means that estimates of 'repatriations' are imprecise. Many people were forcibly 'repatriated' despite having a legal right to remain in the United States, including American-born children of 'temporary' immigrants. Recent legal analysis suggests that the United States illegally deported between 400,000 and 1 million of its own citizens to Mexico during the Depression-era.<sup>50</sup> The 'repatriation' policy was conceived by then Secretary of Labour, William N. Doak who believed in a simplistic explanation of the economic crisis in determining it had been caused by the unemployment of American workers due to a saturation of cheap immigrant labour. Therefore, Doak's 'solution' to the Great Depression

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<sup>50</sup> Kevin R. Johnson, 'The Forgotten Reparations of Persons of Mexican Ancestry and lessons for the War on Terror', *Pace Law Review*, 26:1, (2005), pp.1-26; Eric L. Ray, 'Mexican Repatriation and the possibility for a Federal Cause of Action: A Comparative Analysis on Reparations', *The University of Miami Inter-American Law Review*, 37:1, (2005), pp.171-176; Brian Gratton & Emily Merchant, 'Immigration, Repatriation, and Deportation: The Mexican-Origin Population in the United States, 1920-1950', *International Migration Review*, 47:4, (2018), pp.944-975.

was to deport foreign workers.<sup>51</sup>

Mexican Americans in California became viewed not as a solution to economic problems, vital to the agricultural economy, but very quickly a problem to be solved. The federal government program was one that sought to deport any Mexican nationals without 'proper credentials' regardless of their actual status. In California the local enforcement of this program was particularly severe. In Los Angeles County repatriation programs were seen as a golden opportunity to reduce public expenditure. One of the worst abuses of power saw Mexican American children in County-run orphanages illegally deported to what officials termed their 'natural homeland.'<sup>52</sup> Other 'forced repatriations' involved families who were long-term residents with American-born children, resulting in difficult choices and painful family separations. The children of some of these families opted to stay in the United States with relatives, being separated from their parents. Others, rather than be sent to a country which they had not previously set foot in chose to run away from home. A common allegation made against County officials from Los Angeles, San Diego, Riverside, and San Bernardino was that when visiting homes they deliberately failed to disclose to families that any American-born children possessed citizenship by birth right and could not be legally compelled to leave. In San Bernardino 922 children aged nine or under were 'repatriated' between 1931-32, representing 34.9 percent of the total number who were sent from that county to Mexico.<sup>53</sup> 'Repatriation' programs did not only target adult workers but a significant number of children.

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<sup>51</sup> Camile Guerin-Gonzalez, *Mexican Workers and American Dreams, Immigration, Repatriation, and California Farm Labor, 1900-1939*, (New Brunswick, NJ, Rutgers University Press, 1996), p.79.

<sup>52</sup> Gloria E. Miranda, 'Mexican Immigrant Families: Cultural Survival and Adaptation In the Formation of Community in Los Angeles, 1900-1945', in Martin Schiesl & Mark M. Dodge, eds., *City of Promise, race and historical change in Los Angeles*, (Regina Books, Claremont, CA, 2006), p.23.

<sup>53</sup> Abraham Hoffman, *Unwanted Mexican Americans in the Great Depression: Repatriation Pressures, 1929-1939*, (Tucson, University of Arizona Press, 1974), p.146; Francisco E

In Los Angeles, County officials had made bold claims about the impact ‘repatriation’ could have on public expenditure. Repatriating only Mexican-born immigrants would simply not achieve their stated targets. In 1928 there were 3,248 families of Mexican-born immigrants on relief in Los Angeles, a city of 2.4 million. This comprised 2.5 percent of the total relief roll and represented an annual cost of \$38,000. Los Angeles officials claimed to be able to save over \$200,000 in relief per year when the ‘repatriation’ program was proposed. Their sights were quite obviously set on many of the city’s Mexican American families who were U.S. citizens and populated 22 percent of the city’s relief roll. A common tactic they employed was for the Los Angeles Department of Charities to threaten to remove support from a family before then ‘offering’ to ‘pay their way to Mexico.’<sup>54</sup> This was *de facto* deportation by stealth and deceit, a concerted effort to illegally deport Mexican-origin, American-born children as part of an opportunistic cost-cutting measure which reflected broader ideas that Mexicans were ‘temporary’ and could be removed stemming from 1920s immigration policies.

### **The ‘domestic foreigner’ and migrants in California**

A concept which grew in California alongside that of the ‘temporary Mexican’ was the idea of a ‘domestic foreigner.’ Again, the roots of this can be traced to older perceptions of the *Californios* and it was readily applied to Mexican Americans who were American-born, U.S. citizens. The term ‘domestic foreigner’ was used to connote otherness and to highlight ethnicity. This hostility was undoubtedly a factor behind violence against non-white people. William Carrigan and Clive Webb’s *Forgotten Dead* details mob violence against Mexican-

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Balderrama & Raymond Rodriguez, *Decade of Betrayal: Mexican Repatriation in the 1930’s*, (Albuquerque, University of New Mexico Press, 1995), pp.109-110; Camile Guerin-Gonzalez, *Mexican Workers and American Dreams*, p.141.

<sup>54</sup> Camile Guerin-Gonzalez, *Mexican Workers and American Dreams*, pp.25-26.

origin people in the United States. Carrigan and Webb identified 140 confirmed victims killed in California between 1848 and 1928, and a further 72 suspected cases.<sup>55</sup> It is very easy to see how this notion of a ‘domestic foreigner’ could be applied to domestic white migrants, if perceived to be a threat or as culturally inferior to Anglo-Californians. Evidence of this can be found in the letters’ sections of local California newspapers. It is these local views that were present in communities and could have pressured or influenced elected local politicians.

The following two letters were sent to the *Modesto Bee*, one of which complained about Mexican immigration and the other domestic migrants to California:

Why are we taxpayers called upon to pay a wage to 600 convicts to work on our highways and cause 600 *Americans* to walk our roads for work and unable to find it, with women and children in want of warm food and clothing? ... let’s have a law passed to weed out the undesirables and send them back to the lands from which they came? <sup>56</sup>

Given the emphasis on ‘Americans’, this particular diatribe appears to be centred on immigration. A similar argument of inferiority or undesirableness was also deployed against domestic migrants in this following letter, which claims sympathy with Dust Bowl migrants but then insists California should not be expected to ‘save’ them:

Surely many of these unfortunate victims are to be pitied, but are we Californians expected to save them all? We have spent years to make California the enviable place these people agree she is. Why should we generously open our arms to them and ask them to come share with us? ... The part of it that bothers me is that their standards of living are low, and they force us to compete with what they have been used to.<sup>57</sup>

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<sup>55</sup> William D. Carrigan & Clive Webb, *Forgotten Dead, Mob Violence against Mexicans in the United States, 1848 – 1928* (Oxford, Oxford University Press, 2013), pp.180-239.

<sup>56</sup> T. E. Edwards, ‘Letter: Paying of convict Labor is opposed’, *Modesto Bee*, January 11, 1930, p.11.

<sup>57</sup> R.H., ‘Letter: Solution to the Migrant Problem is held vital’, *Modesto Bee*, June 20, 1935, p.18.

Domestic white migrants and Mexican immigrants were not the same and will have had different experiences. But what these letters demonstrate is that similar complaints were made against both. These were separate groups of people, but they encountered similar processes of ‘othering’ as unwanted outsiders in California. Cost to the public purse and Californians was one complaint and both were portrayed as being culturally inferior to white residents of California. Children were not granted immunity from opposition to spending local tax dollars on ‘outsiders.’ For example, Leo B. Hart, a school superintendent noted for investing in facilities for migratory children regularly received abusive communications from local taxpayers. Hart recalled in an oral history project being on the receiving end of an angry telephone call from an oil executive, unhappy with Hart’s use of his tax dollars: ‘you’re not going to spend our money for those “blankety blanks” out there in Lamont.’ Spending on schools was not the issue, according to Hart, but the man was opposed to investing resources in newly arrived families and used an epithet so offensive that Hart could not bring himself to repeat it subsequently to the oral history project.<sup>58</sup>

Whilst complaining to local officials and newspapers often centred on cost, other residents proposed expensive solutions to what they considered a ‘migrant problem.’ In July 1935, resident M. H. Kitrelle proposed in the *Modesto Bee* ‘that a guard and inspection should stop the undesirables’ for reasons of ‘public health and pocket book.’<sup>59</sup> It is notable that proponents of such policy often cite ‘heavy drain on taxpayers’ but fail to consider the cost to taxpayers of implementing the infrastructure wanted to be established along California’s international and domestic borders. Kitrelle’s letter is unlikely to have had too much direct influence but within a year officials in Los Angeles attempted to implement what

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<sup>58</sup> Leo B. Hart Interview, Oral History of the San Joaquin Valley Project, California State College Bakersfield, Farm Labor Project, Educating Farm Labor, (February, 1977), p.12.

<sup>59</sup> M.H. Kitrelle, ‘Letter: Tightening of guard at border is urged’, *Modesto Bee*, July 25, 1935, p.12.

they proposed via their own border patrol. This followed pressure from the public and sensationalist newspaper coverage. For example, the *Wasco News*, ran a story headlined, ‘Town Overrun with Indigents: Some are Vicious’, whilst the *Los Angeles Times* frequently ran stories that were hostile towards transients and vagrants, arguing that the ‘state must be protected from migrants, some of whom are criminals and ne’er-do-wellers.’<sup>60</sup> Migrants were portrayed as financial burden, inherently criminal, and a health hazard. As Haley Giczy summarises, residents ‘quickly applied degenerative traits to migrants and distinguished themselves as culturally superior.’<sup>61</sup> This sense of Anglo-Californian superiority has a historical precedence. The motivation to save what H. Mark Wild terms an ‘imagined community’ stems from how California had historically been sold by boosters. The Golden State, Henry Knight argues, was sold as a ‘semi-tropical paradise’, environmentally superior to the older more established and industrialised settlements to the East, where a culturally superior community of white Americans could thrive.<sup>62</sup> In this sense, people who were California by birth like the fruit tramp or the Mexican American for socio-ethnic reasons did not meet the public definition of what a Californian should be.

Newspapers were not entirely filled with anti-migrant sentiment. For example, in April 1935 the *Fresno Bee* reported the remarks of H. A. R. Carleton, the SRA’s transient division’s director. Carleton urged the California public to ‘manifest a sympathetic attitude’ towards transients. The fact that Carleton felt the need to say this is indicative of a widespread anti-migrant sentiment. He dismissed the ‘public impression that California is

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<sup>60</sup> ‘Town Overrun with Indigents: Some are Vicious’, *Wasco News*, October 16, 1931, p.5; ‘Police Take Duty on State Lines’, *Los Angeles Times*, February 4, 1936, p.3.

<sup>61</sup> Haley Giczy, ‘The Bum Blockade: Los Angeles and the Great Depression’, *Voces Novae* 1:1 2009, a6, p.4.

<sup>62</sup> H. Mark Wild, ‘If you ain’t got that do-ri-mi: The Los Angeles Border Patrol and White Migrants in Depression era California’, *Southern California Quarterly*, 83:3, (2001), pp.317; Henry Knight, *Tropic of Hopes, California, Florida, and the Selling of American Paradise, 1869-1929*, (University Press of Florida, Gainesville, 2013).

being swamped by a flood of undesirable indigent transients from other states' as 'erroneous', insisting new arrivals were 'victims of the depression' who had previously been upstanding 'citizens' in their communities and were not 'hoboes or vicious people.' Carleton also spoke out against calls to restrict migration and charges that an unfair financial burden was being placed on Californian taxpayers. Financially he insisted, 'Uncle Sam bears the cost', referencing state residency laws which 'forbids county aid' unless individuals 'lived here three years independently' of federal or state relief. 'It is futile to advocate barring transients from any state' Carleton argued as 'such action would not only be unconstitutional but would not solve the problem for nation or state... Migration is not a new problem in American life. We once called a migrant a Pioneer.'<sup>63</sup> Rather than dismiss the idea of deserving and underserving poor entirely, Carleton argued that Depression-era migrants fell into the deserving category unlike the 'hoboes' he insisted they were not. The SRA-TD line he offered was correct regarding the actual cost burden on counties and the legitimacy of proposed migration restrictions however that did not mean that influential state or law enforcement figures were going to listen to it; many went on to pursue policies that Carleton had warned were likely unconstitutional.

### ***Anti-Vagrancy Legislation and the LAPD's Border Patrol***

Complaints about immigration, migrants, and vagrants on the street from the public and press, often originating from perceptions not just of white supremacy but Anglo-Californian superiority came to a head during the hotly contested 1934 Gubernatorial election. Upton Sinclair, former Communist and author clinched the Democratic nomination under his End Poverty in California (EPIC) banner. Sinclair would ultimately be defeated by Republican Frank Meriam who benefited from the backing of plenty of Democrats and powerful media

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<sup>63</sup> 'Migrant Pictured as New Pioneer', *The Fresno Bee*, 24 April 1935, p.2.

figures including William Randolph Hearst and Harry Chandler. Sinclair advocated charity and compassion for migrants and his spending plans were heavily criticised. The campaign also saw doctored footage of ‘armies of Upton’s migrants’ marching to California in the event he won. EPIC did enjoy down ballot success in State Assembly races, but Sinclair’s campaign resulted in incendiary anti-migrant rhetoric from his opponents, inflaming tensions on the ground.<sup>64</sup>

After Californian voters had made their choice between Sinclair and Meriam’s opposing visions by 1935 state politicians began attempting to implement anti-migrant policies. The most significant legislative proposal was the Jones-Redwine Bill which proposed temporarily preventing entries to the state until 1939. After the bill passed the committee stage in May 1935, *The San Bernardino County Sun* looked forward to a ‘ban on the pauper influx’ and encouraged officials to go further and create a special border guard.<sup>65</sup> The *County Sun* and other supporters of the bill would soon be left disappointed. After passing the lower house with ease, the bill became stuck in a State Senate that was much more delicately balanced. With the main harvests of 1936 approaching, and further migration anticipated this was a huge source of aggravation to local officials, especially those elected on promises to take a tough, anti-migrant stance. In Los Angeles, frustrated officials took matters into their own hands. Many Angelenos viewed themselves as a ‘community of wealthy and culturally advanced Anglo-Saxons’ and concluded action was needed to preserve to homogeneity of the city.<sup>66</sup> In February 1936, Los Angeles Chief of Police James E. Davis

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<sup>64</sup> Upton Sinclair, *I Candidate for Governor, and How I Got Licked*, (New York, Farrar & Rinehart, 1935); Greg Mitchell, *The campaign of the century: Upton Sinclair's race for governor of California and the birth of media politics* (New York, Random House, 1992); George G. Rising, ‘An EPIC Endeavour, Upton Sinclair’s 1934 California Gubernatorial Campaign,’ *Southern California Quarterly*, 79:1, (1997), p.104.

<sup>65</sup> ‘Ban on Pauper Influx Backed’, *San Bernardino County Sun*, 19 May, 1935, p.1. See also: ‘Bill Proposed to halt army of Migrants’, *Los Angeles Times*, 17 May 1935.

<sup>66</sup> Hailey Giczy, ‘The Bum Blockade’, p.101.

established a border patrol, colloquially known as the ‘Bum Blockade’, which dispatched Los Angeles officers to other counties bordering Arizona, Nevada, and Oregon. After being deputized by local sheriffs the officers were told to ‘arrest persons riding the rails for railroad fare evasion’, ‘to arrest pedestrians with no visible means of support for vagrancy’, and to ‘discourage those in automobiles who appeared destitute from entering the State.’<sup>67</sup>

From its initiation, there were serious doubts on the legality of Davis’s initiative. However, the Chief was no stranger to scandal, and was supported by powerful elements of the local press and city politicians in the border patrol project. Davis, first LAPD Chief between 1926-1930, had been demoted to traffic officer following public backlash to a corruption scandal and failures in the investigation of the Wineville Chicken Coup Murders – a series of abductions and killings perpetrated against predominantly Mexican American male adolescents. Restored in 1933 by a new city administration, Davis would resign in 1938 in order to save his pension whilst mayor Frank Shaw suffered the ignominy of being the first American mayor in history to be recalled after his office was linked to a car bombing. Drawing further controversy for making pro-Nazi statements during the second World War, there is no doubt that Davis held white supremacist beliefs.<sup>68</sup> From his record and statements in office he clearly believed in Anglo-Californian cultural superiority. His scandal-engulfed spells at the top of the LAPD need to be considered with that context in mind.

Whilst Davis’s ‘Bum Blockade’ was being carried out at the state borders, LAPD officers were also instructed to carry out a ‘sweep’ of the city, picking up and fingerprinting anyone deemed a ‘vagrant or vagabond’ including minors. Those without state residency,

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<sup>67</sup> H. Mark Wild, ‘If you ain’t got that Do-ri-mi: The Los Angeles Border Patrol and White Migration in Depression-era California’, *Southern California Quarterly*, 83:3, (2001), p.317.

<sup>68</sup> Leonard Joseph Leader, ‘Los Angeles during the Great Depression’, PhD. diss, University of California, (1972); John Buntin, *L.A. Noir. The Struggle for the Soul of America’s most seductive city*, (New York, Crown Publishing, 2009), pp.56-58. Susan L. Wampler, ‘Fascists Foiled in 1940s LA’ <https://news.usc.edu/128058/historian-tells-a-cautionary-tale-of-nazis-fascists-foiled-in-1940s-l-a/> (22/09/2020)

including unaccompanied minors, were given a choice between transportation to the state border or labour in a rock quarry. Forced labour camps for vagrants were suggested by the Los Angeles Chamber of Commerce in 1935 and Davis agreed despite warnings from the City Attorney that the practice was illegal. Section 427 of the City Charter prohibited ‘forced labour without compensation’ as a criminal penalty. To get around that city authorities claimed that the rock quarry served as a ‘rehabilitative treatment’ rather than a punishment and was prescribed as a remedy for the ‘naturally demoralized and culturally deficient character of migrants.’ Davis received support from and contributed to the *Los Angeles Times* in order to drum up support for his measures, detailing action taking against people he termed ‘won’t workers’ and ‘two-legged locusts.’<sup>69</sup> This was a profoundly discriminatory idiom comparing migrants to crop-destroying pests, demonstrating an intense level of hatred. Davis asserted not just that these people’s presence was unwanted but that they were predisposed to actively damage the city, its resources, and citizens.

Newspapers which Davis did not have influence over and opposition members of the City Council did raise objections. In a letter published in *The Nation*, Rose Marie Pickard condemned the Border Patrol as a blatant ‘stab to civil liberties’ whilst *The Los Angeles Evening News* told readers the policy violated ‘every principle Americans hold dear.’ Prominent Progressive-era ‘muckraker’ Lincoln Steffens used his newspaper, *Pacific Weekly*, published from his small hometown of Carmel-by-the-Sea to call the Border Patrol a ‘Nazi and lawless act.’ Similarly City Councilman Parley Parker Christensen, who had been the Farmer-Labor Party’s candidate for President in 1920, took to referring to Davis as ‘the Los

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<sup>69</sup> Correspondence of Los Angeles Chamber of Commerce and Police and Fire Committee of the City Council, Los Angeles Public Records Center, Box A615, Council File 4118 (1935); ‘Police Take Duty on State Lines’, *Los Angeles Times*, February 4, 1936; ‘City Police Halt 1000 at State’s Borders: anti-vagrant drive ruled valid as EPIC councilman asks end: round nets 308 Felons’, *Los Angeles Times*, February 14, 1936, pp.1-3 ‘Davies seeking State Aid in Drive of Indigents’, *Los Angeles Times*, February 16, 1936; ‘Davies Urges patrol Aid: wants stricter vagrants curb’, *Los Angeles Times*, February 20, 1936.

Angeles Mussolini' out of opposition to his policies. Though punchy, this opposition was ultimately small fry compared to Davis and the strong support he maintained at the *Times* and the mayor's office.

In an attempt to silence critics, the Chamber of Commerce wrote to California Attorney General Ulysses S. Webb asking him to endorse the Border Patrol. Webb refused, and instead sent a letter detailing three reasons why he considered it an illegal measure. He first argued that the 'deputization of LAPD officers at the border' was illegal as they were not electors of those counties. He further argued that the local government of Los Angeles was acting out of its jurisdiction in implementing policy in other counties. It is easy to see why eminent California historian Kevin Starr adjudges the Border Patrol to have been a *coup d'état* of the rest of the state's law enforcement.<sup>70</sup> Webb's most powerful argument was that since colonial times citizens had been afforded freedom of movement and that that right had been both enshrined in the Constitution and enthusiastically supported by the U.S. Supreme Court:

As between the states, the right of citizens to ingress and egress has very generally been recognized and upheld. Full recognition of this right was given and guaranteed to the residents of the colonies by the Articles of Confederation. Those rights were carried and continued by Section 2 of Article IV of the Constitution in the declaration that: "The Citizens of each State shall be entitled to all privileges and Immunities of Citizens in the several States,". Almost one hundred years ago Chief Justice Taney said: "We are all citizens of the United States, and as members of the same community must have the right to pass and repass through every part of it without interruption, as freely as in our own states." This language was quoted approvingly by Chief Justice Miller in *Crandall vs.*

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<sup>70</sup> Kevin Starr, *Endangered Dreams, The Great Depression in California*, (New York & Oxford, Oxford University Press, 1997), pp.177-179, 227.

State of Nevada, 73 U. S. 49, and We find no conflicting utterances in any subsequent decision of the Supreme Court of the United States.<sup>71</sup>

Despite the California Attorney General clearly believing that the Border Patrol and the actions of the LAPD under Davis were illegal, no substantive action was taken. Rather than because of pressure from opponents the Border Patrol would end before the end of the year as its own architects became uncomfortable with the cost of maintaining LAPD officers at the state borders. Building on legislation passed in 1933 and the Border Patrol experiment in 1936, California did add to its existing vagrancy laws in 1937. Since 1933 the Penal code had defined a ‘vagrant’ as anyone who ‘roamed about’ or ‘moved from place to place without lawful business.’ Legal observers questioned this with Aubrey Grossman writing in the *California Law Review* in 1935 that the law was so vague anybody in California may be deemed a vagrant and that this led to abuses of police power.<sup>72</sup> 1937’s additional legislation meant it became a criminal misdemeanour to ‘knowingly transport’ an indignant person into the state.<sup>73</sup> It is worth pointing out that the law made no exception for the transportation of an indignant, even orphaned child. Its only legal test was the likelihood of a financial burden on the state.

Aubrey Grossman’s characterization of vagrancy laws in the 1930s align closely with Risa Goluboff’s analysis in *Vagrant Nation* as she observes how through to the 1950s it remained ‘remarkably easy to arrest people on the street’ owing to ‘far-reaching and

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<sup>71</sup> Letter from California Attorney General U.S Webb to Arthur Arnoll (Secretary of the Los Angeles Chamber of Commerce) p.3. California State Archives, Office of the Attorney General, Webb, f.8912.

<sup>72</sup> Aubrey W. Grossman, ‘Who is vagrant in California’, *California Law Review*, 23, (July, 1935), pp.506-518. Grossman strongly argues that anti-vagrancy laws allow the police to abuse their authority, burden the justice system with cases based on circumstantial evidence, and that the statutes themselves are in direct conflict with other acts. He says courts should declare them unconstitutional if the legislature does not repeal them in light of conditions in California.

<sup>73</sup> Toni Alexander, ‘Citizenship Contested, The 1930s Domestic Migrant Experience in California’s San Joaquin Valley’, *Southeastern Geographer*, 51:1, (2011), pp.186-208.

pervasive' vagrancy legislation.<sup>74</sup> Given the doubts raised by lawyers like Grossman earlier it is natural to wonder how this continued through to the 1960s, the main focus of Goluboff's study. It is evident that doubts pertaining to individual liberties and constitutional rights were eschewed in favour of maintaining police power to act for the perceived greater communal good. A theme of both this study and Goluboff's is how those vulnerable due to age – both the very young and very old – were not immune from this drive to keep the 'undesirable' out of sight and away from American city streets.

California's vagrancy laws would eventually be contested by brothers-in-law Frank Edwards and Fred Duncan who were arrested after Edwards had driven Duncan from Texas to California. Edwards was convicted and received a suspended sentence which was upheld on appeal at the Yuba Valley Superior Court for knowingly transporting a likely indigent person into the state. An appeal was then made to the U.S. Supreme Court where Edwards's attorney Samuel Slaff argued that migration was an economic necessity and that California's laws therefore violated the Constitution's commerce clause. The Supreme Court unanimously ruled that the laws were indeed unconstitutional. Justice Byrnes authored the majority opinion which held that the interstate transportation of people was commercial and therefore was under the jurisdiction of Congress. Justices Black, Douglas, Jackson, and Murphy all authored differing concurring opinions. Douglas argued that Duncan was not commerce in that sense of 'cattle, fruit, steal, and coal.' Those justices additionally argued that the law was unconstitutional as a violation of citizenship, echoing Ulysses Webb's appraisal of the Border Patrol. Poverty, they ruled, unlike the case of a criminal or a traitor could not be used by states to restrict movement. Justice Jackson summarised that 'rich or penniless' Duncan's citizenship pledged his strength to defend the United States including California. Under 'the

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<sup>74</sup> Risa Goluboff, *Vagrant Nation, Police Power, Constitutional Change, and the Making of the 1960s*, (Oxford University Press, New York, 2016), pp.1-30.

same instrument' he determined that 'she must respect his right' to migrate to any part of the land could be called to defend.<sup>75</sup>

Those concurring opinions provide sound legal reasoning to argue that California unconstitutionally contested the citizenship rights of domestic migrants, including children, through vagrancy laws passed in 1933 and 1937, relegating them to a shadow class of second-class citizens.<sup>76</sup> That, of course, was briefly further exacerbated in 1936 when LAPD Chief Davis attempted to take control of migration across the state with the Border Patrol. Young transients also faced a further legal obstruction to their movements. Owing to moral concerns of the suitability of the city street at night for children, the 1920s and 1930s was a time when a great number of cities and towns introduced youth curfews. They had the effect of limiting movement at night even to access shelter or food, ultimately criminalising mere existence in public at night for a homeless or transient child.<sup>77</sup>

### ***Constructions of Transiency and children on the road***

California's vagrancy laws, Davis's Border Patrol, and other similar proposals were introduced with the support of sections of the public based on a stereotypical view of the migrant as a lone adult male who was likely criminally minded and disease-carrying. Once

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<sup>75</sup> *Edwards v. California* (U.S., Supreme Court, 1941, 314.U.S. 172), p.12, 34. <https://supreme.justia.com/cases/federal/us/314/160/#174> (accessed 19/12/2018); US Congress, House, 1942, Hearings before the select committee investigating national defence migration: constitutional rights of destitute citizens of the United States to move from State to State – Edwards's Case, part 26, *Washington Hearings*, January 19, 1942. 77th Cong., 2nd Sess. H.R. p.113; Toni Alexander, p.201.

<sup>76</sup> Tim Cresswell, *On the Move: Mobility in the Modern Western World*, (Routledge, London, 2006), p.184; Elisa Martia-Alvarez Minoff, 'Free to Move? The Law and Politics of Internal Migration in Twentieth-Century America', (PhD. Diss., Harvard University, 2013), p.178.

<sup>77</sup> Clayton McClure Brooks, 'Reviewed Work: Mothers of all Children: Women Reformers and the Rise of Juvenile Courts in Progressive era America by Elisabeth J Clapp', *Journal of American Studies*, 35:1, (2001), pp.140-141; Peter C Baldwin, 'Nocturnal Habitats and Dark Wisdom: The American Response to Children in the Streets at night, 1880-1930', *Journal of Social History*, 35:3, (2003), pp.593-611.

introduced, those measures worked against the true variety of transients and non-Californians in the Golden State. Despite the rhetoric of political campaigns and newspapers, one should remain mindful that the majority of migrants were in family groups including women and children. Furthermore, there were a significant number of young transients who were unaccompanied. It is true that perceptions of children and childhood had evolved greatly during the Progressive era. Generally speaking, children became increasingly economically 'useless' but were recognised as increasingly emotionally 'priceless.'<sup>78</sup> However, the caveat of 'not all children' should be applied to this historical narrative in a country with significant class disparities and ideas of racial hierarchy enshrined in law. Depression-era concerns of a 'youth crisis' and 'lost generation' discussed by the likes of Eleanor Roosevelt and Harlan Hatcher reflected Progressive concerns about children including the number of homeless children on the railroads. But this was not without contest. Longstanding perceptions of transiency in American society meant that lone children were still at times viewed as a dangerous threat rather than vulnerable.

Since the 1840s there were two dominant and contradictory constructions of transiency in American society. Transiency was a way of life for many and became an economic necessity in regions such as California which relied on migratory workers to move from one Harvest to another in order for the agricultural economy to function. David Montgomery's description of the 'indispensable outcast' is most apt.<sup>79</sup> In some quarters this lifestyle was romanticized by comparisons to the 'pioneer spirit' but in other instances transients were ostracized, often derided as impoverished, lazy and a financial drain on

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<sup>78</sup> Viviana Zelizer, *Pricing the Priceless Child: The Changing Social Value of Children*, (Princeton University Press, Princeton, 1994).

<sup>79</sup> Frank Tobias Higbie, 'Between Romance and Degradation: Navigating the Meanings of Vagrancy in North America, 1870-1940', in A. L. Beier & Paul Ocozbek, eds., *Cast Out, Vagrancy and Homelessness in Global and Historical Perspective*, (Ohio University Press, Athens OH, 2008), pp.264-265.

society. The importance of transients to economies like California's was not reflected in constructions of transiency. The press often encouraged the public to be suspicious of transients, portraying them as a danger. In 1880, the *Chicago Tribune* even suggested that housewives should poison unsuspecting transients who asked for food as they travelled the country via the railways.<sup>80</sup> The Great Depression's 'youth problem' when it came to transient children clashed with long-standing notions of a 'transient problem.' Children who had run away from home or who found themselves homeless were assumed to be educationally subnormal, intrinsically defective, predisposed to criminality, and a danger to others. The infamous Scottsboro case is a prominent example of racial discrimination in Depression-era America, but it is also an example of the suspicion transient youths were treated with. Those suspicions were in that case and more widely intensified by race in the case of a non-white minor.

Kenneth Kusmer's *Down and Out, On the Road* details homelessness from colonial times to the late twentieth century. From Kusmer's study it is evident that child homelessness was not a new phenomenon in the 1930s but has been in-fact a constant, albeit a constant social problem that has fluctuated in severity. In 1890, Kusmer points out, around 4,000 boys and girls were on the books of the New York Child Aid Society. In general, the idea of a children's breadline has always been regarded as a sad spectacle. Kusmer also provides a potential explanation for why homeless children is a problem that has never been solved. The homeless have been viewed as what Kusmer terms a 'deviant group.' It is membership status of that deviant group which denied children access to typical sympathies for children relating to their perceived innocence and vulnerability and meant that transient youths became feared, although Kusmer does not fully engage with the child question. His main view of children is

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<sup>80</sup> John Lennon, *Boxcar Politics, The Hobo in U.S. Culture and Literature, 1869-1956*, (University of Massachusetts Press, Amherst & Boston, 2014), p.55.

their use as they grew up to provide additional support to their elderly relatives and protection from homelessness.<sup>81</sup>

The perception of lone transient youths as dangers rallied against the reality of their extreme vulnerabilities. Any transient whether young or old had the same problems of accessing food, shelter, and medical care to contend with alongside the potential for violence from law enforcement, railway private security officers, and other transients. The primary methods of travel of hitchhiking and illegally hopping freight trains were both inherently dangerous. Both boys and girls on the road were also a significant risk of targeted abuse by older youths or adults. A 'taboo topic', the sexual abuse and exploitation of young transients often went undiscussed and this risk children faced on the road or rails rarely discussed. Where the issue was raised, it was often used to condemn either homosexuality or the inherent sins of a transient lifestyle. This conflation between genuine homosexual relations that may have formed on the road with adults perpetrating child abuse is not only hugely problematic but plain wrong.

A rare contemporary example of so-called relationships between older men and children on the road being discussed is found in George Outland's 1936 contribution to *Social Forces*. Outland urged local authorities to provide separate accommodation in transient camps to adults and lone minors. Despite economic cost, definite separation between children, adolescents, and adult men was called for several reasons: 'differentiation in social outlook, the plasticity of youthful minds, variation in treatment types, the physical dangers of a mixed policy.' Outland argued that when transient boys and men were 'mingled' there was a 'physical danger' of 'sex perversion' where boys were 'bought', 'forced', or 'led'

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<sup>81</sup> Kenneth L. Kusmer, *Down and Out, on the Road: The Homeless in American History*, (Oxford University Press, New York, 2001), p. 25, 113, 279.

into 'degeneracy.'<sup>82</sup> Outland's solution was the ideal one, but he came to that conclusion on the basis that homosexuality was immoral, rather than recognising that what actually occurred was rape or child abuse. Nels Anderson's 1923 study of the homeless made a similar observation. Anderson wrote that the 'average boy on the road' was 'invariably approached' by older men 'attempting to get into his good graces.' Anderson noted that it was common for groups of boys to travel together in order to protect themselves from 'the approaches of older men', concluding 'it is only natural that many boys fear being alone with adult tramps', especially as 'if methods of persuasion' failed, 'force is sometimes used.'<sup>83</sup> This is as close to contemporary sources come to calling it what it actually was: statutory rape, sexual assault, and child abuse.

The dangers that Anderson wrote of in 1923 were still present during the Depression-era and were observed by a Californian social worker who lived 'under cover' amongst what they termed 'hobo society' between 1935-1936 to write the *Journal of the Transient*. Two particular encounters stand out. The first was a witnessed encounter between adult men and children on a ferry between Oakland and San Francisco – a trip many transients would save up a nickel for as it cut over a hundred miles from their journeys. The social worker observed 'Two men, one white and one Japanese, who looked like homosexuals; approached ten different transient boys on the ferry.' Most rejected their advances, but 'two of the youngest and hungriest looking ones accepted a package of cigarettes from the men and sat in a dark corner.' Upon disembarkation one of the men said, 'it's going to be a thrilling party', reminding them of a time and an address. 'The two boys agreed to be there as they left the ferry. They were very dirty and ragged.'<sup>84</sup> If the boys who accepted the cigarettes kept their

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<sup>82</sup> George E. Outland, 'The Federal Transient Program for Boys in Southern California', *Social Forces*, 14:3, (1936), p.428.

<sup>83</sup> Nels Anderson, *The Hobo*, (Chicago, University of Illinois Press, 1923) pp.144-145.

<sup>84</sup> M. H. Lewis, *Transients in California*, (State Relief Administration, Divisions of Surveys and Research, Sacramento, 1936), p75.

word and attended the party is unknown, but the social worker's observations illustrate perfectly the vulnerability of young transients who could be targeted upon by adult sexual predators.

Later in *Journal of the Transient* the social worker recorded a conversation with a traveller estimated to be either fifteen or sixteen years old who only gave his nickname, 'Red.' The ginger-haired boy insisted he could 'take care' of himself and 'get by' but appeared 'very ragged and dirty' and 'pale and anaemic.' Red did not know where his family were but even if he did he insisted he 'wouldn't go back to 'em.' He was *en route* to a WPA camp, hoping to make \$55 a month. He had been in 'two or three' transient camps but had registered as twenty-years-old, under different names, 'so's they can't check back up on me and send me back to Missouri.' He revealed that he had survived for the past month in Los Angeles by 'offin' the queers' but hoped that he would not have to do the same in the future. The social worker met 'Red' again later in the study at a Red Cross shelter in Sacramento, where his 'fraudulent' claim of state residency had been successful.<sup>85</sup> These anecdotal observations from the social worker demonstrate the danger young transients faced on the road from older men and how others turned to sex work to survive. Such children may have been perceived as a danger or menace, but the reality was that they were extremely vulnerable, including to abuse and exploitation by older transients or the general public.

### ***Who were the lone young transients in Depression-era California?***

Fortunately, we have a good idea of who lone young transients like 'Red' in California were. The simple answer is that in a sense they were everybody. Contemporary researchers viewed transiency as a degenerate trait and believed that juvenile delinquency was diagnosable and potentially clinically treatable. Crimes of condition like vagrancy and loitering ensured a

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<sup>85</sup> M. H. Lewis, *Transients in California*, p.18.

runaway child could quickly become categorised as a criminally inclined delinquent. George Outland conducted a study of the Federal Transient Service in California during 1935 in an attempt to identify ‘determinants’ in Boy transiency.<sup>86</sup> We now understand much more about the complex myriad of causes that contribute to homelessness or a child deciding they have to run away from home. However, a search for a common ‘defect’ also led Outland to distil in detail the backgrounds of the boys in the study.

Geographic background was one area where Outland tired and failed to identify a determinant of transiency. Of the non-Californian boys aged 15-20 registered with the Transient Service in Los Angeles in 1935, less than a quarter came from the Dust Bowl States. 117 (four percent), came from far-flung New England. Other theories considered but ultimately disproven by the data were the impact of ‘broken homes’ and the occupational status of parents. Whilst a third of boys had a dead parent, and around eighteen percent came from unofficially separated or formally divorced marriages, the parents of forty-five percent were married, alive, and living together. 1,182 of the 3,352 boys had a parent who was either unemployed or on relief. Less than two percent had a homeless parent, whereas just over twenty-eight percent came from a family background of ‘skilled’ labour, and almost nineteen percent from families engaged in ‘business or professional’ work.<sup>87</sup> In addition to Outland’s data, statistics from California’s Department of Agriculture show that sixty-four percent of arriving migrants aged under twenty-one they inspected on the border in 1934 had white, American parents. The proportion of Blacks, and those born to non-American parents were broadly in-line with the national population. There was no obvious determinant to

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<sup>86</sup> George E. Outland, ‘Determinants Involved in Boy Transiency’, *The Journal of Education Sociology*, 11:6, (1938), p.360.

<sup>87</sup> Marital data originally from: *Juvenile Courts Statistics and Federal Juvenile Offenders*, (Washington D.C., Government Printing Office, U.S. Department of Labor, Children’s Bureau, 1938), p.31. Employment data originally from: Clairette Armstrong, *660 Runaway Boys: Why Boys Desert Their Homes*, (Boston, Gorham Press, 1932), pp.59-61.

transiency.<sup>88</sup> This demonstrates that young transients in California were united in their socioeconomic status and in being unwanted ‘others’ in the Golden State but routinely had little else in common with one another.

### *An overview of Federal Policy*

Federal policy is the final important piece of context that this chapter provides. Of course, there are entire books and dissertations written about Depression-era federal economic policy, and the aim is not to challenge them but provide a relatively uncontroversial summary. The obvious division to make is between the two presidents of the Great Depression, Herbert Hoover and Franklin Delano Roosevelt who succeeded Hoover in March 1933, holding office until his death in April 1945. There is also a need to consider the role of Hoover’s immediate predecessor, Calvin Coolidge. After all, upon taking office Herbert Hoover stated that with God’s help going forward with the policies of the previous eight years the nation would be ‘in sight’ of the day when poverty would be banished from the nation.<sup>89</sup> There is a cruel retrospective irony to these comments. By the end of Hoover’s single term, the nation and the wider world would be facing an economic catastrophe of gargantuan proportion. The president who once claimed he would be the ‘children’s president’ would be condemned by contemporaries and historians in the decades to follow for a type of governance that made many of their lives worse.

Any president and any administration would have struggled to respond to the October 1929 market crash and subsequent depression though the assumption that this crisis would be similar to the short 1920-21 depression was optimistic bordering on the downright

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<sup>88</sup> John N. Webb, *The Transient Unemployed*, (Washington D.C., Works Progress Administration, Research Monograph III, 1935), p.33.

<sup>89</sup> James L. Roark, Michael P. Johnson, Patricia Cline Cohen, Sarah Stage & Susan M. Hartmann, *The American Promise, Volume C, A History of the United States since 1890*, (Boston, Bedford/St Martin’s, 2012), p.772.

irresponsible.<sup>90</sup> Furthermore, as president both Coolidge and Hoover ignored signs of the American economy's fragility including a persistent farm crisis, significant increases to income inequality, and a saturation of consumer goods. Excessive speculation was chief among these signs and both men were warned by regulators and bankers, with one even predicting 'one of the greatest financial catastrophes' that the country had ever seen, but were reluctant to become too involved with the Federal Reserve and banking regulation.<sup>91</sup>

When the predicted catastrophe did come, Hoover's instinct was to avoid direct federal intervention for both business and citizens. He believed in the power of individualism and cooperation. In his mind the economy would be bolstered by strengthening business indirectly, railroad investment, and the needs of individuals were the responsibility of local government and private giving. American children and their parents did not receive help from the government not because the government could not help but instead because it was ideologically opposed to helping them, believing the 'dole' could permanently weaken the country.<sup>92</sup> Of course it is easy to criticise in retrospect but even Hoover himself seems to have belatedly admitted the errors of his governance, finally conceding the government needed to do more with unemployment nearing 23 percent in 1932. It had long been evident that Hoover's favoured 'volunteerism' of public-private cooperation was not going to cut it in the face of this crisis. His interventions were predominantly business oriented with the RFC (Reconstruction Finance Corporation) providing government backed loans to certain enterprises and local government and the Emergency Relief and Construction Act, a \$2 billion public works bill.<sup>93</sup> It was of little surprise that the American voters chose to replace

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<sup>90</sup> William E. Leuchtenberg, *Herbert Hoover*, (New York, Henry Holt and Company, 2009), pp.104-105.

<sup>91</sup> Martin L. Fausold, *The Presidency of Herbert Hoover*, (Lawrence, University Press of Kansas, 1985) pp.65-71.

<sup>92</sup> Martin Carcasson, 'Herbert Hoover and the Presidential Campaign of 1932: The failure of Apologia', *Presidential Studies Quarterly*, 25:2, (1998), pp.349-365.

<sup>93</sup> Martin L. Fausold, *The Presidency of Herbert Hoover*, pp.153-154, 162-166.

him with Roosevelt by a decisive electoral college margin of 472-59. Hoover's presidency, policy, and legacy is more complicated than this very brief summary, but the story is ultimately one of failure. As Herbert Stein summarised, 'the government failed to discharge its responsibilities, in fiscal policy and other ways.' The result of a prolonged reluctance to intervene boldly in the crisis, 'the errors and sins of the old regime', as Stein terms it was that this inevitably complicated the 'process of their correction' facing Hoover's successor Roosevelt.<sup>94</sup>

Political opponents of Hoover, fairly or otherwise, were successful in popularising derogatory epithets to discredit him in everyday language, the most famous of which being 'Hooverville' to refer to makeshift shanty towns and encampments of homeless people, though 'Hoover leather' (cardboard repairs to shoes) and 'Hoover blanket' (covering oneself with a newspaper) also caught on.<sup>95</sup> Roosevelt offered an alternate vision based on an alternative vision of governmental responsibility, and increased direct involvement in the economy and the lives of citizens. Not all will be fans of the term 'interventionalist' generally or as a descriptor for Roosevelt, but it describes the difference between him and his immediate predecessor best. As Governor of New York, Roosevelt was in a position to put that alternate more interventionist vision of governance into practice. In 1931 in that office he instituted a Temporary Emergency Relief Administration (TERA), headed by Harry Hopkins with Democrats pointing to this unemployment relief as a 'kinder alternative' to Hoover's policy which they characterised as being apathetic to the poor or unemployed and

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<sup>94</sup> Herbert Stein, 'Pre-Revolutionary Fiscal Policy: The Regime of Herbert Hoover', *The Journal of Law & Economics*, 9, (1966), p.189.

<sup>95</sup> Bruno Cabanes, *The Great War and the Origins of Humanitarianism, 1918-1924*, (Cambridge, Cambridge University Press, 2014), p.206.

their children.<sup>96</sup> New York's TERA was similar to the New Deal's FERA, with Hopkins again appointed to head it.

Summarising the several New Deals of the Roosevelt administrations is a tough assignment and this brief section is not designed to challenge the monograph-length studies of it. Instead it provides a brief summary of the New Deal elements that were most pertinent to young people. A relevant pre-New Deal development worthy of mention is the successful lobbying of the American Medical Association to end the provisions of the 1921 Sheppard-Towner Act in 1929, ending federal-state programs to provide pre-natal care and education designed to combat infant mortality.<sup>97</sup> At the very beginning of the Depression-era the state's role in children's early life was actually shrinking, at the behest not of a consensus for what was best for them but instead as a result of pressure from a profiteering private medicine industry more concerned with profits than tackling infant mortality.

There were no significant truly child-targeted elements of New Deal. Of course, a lot of adult oriented and employment focused initiatives such as public works' schemes were intended to help children via helping their parents. However, given the issues of school closures and the fact that by 1935 forty percent of the National Relief roll's population were minors that is a clear shortcoming in the New Deal.<sup>98</sup> In 1933 as part of the National Recovery Act (NRA), various forms of child labour was prohibited. In truth this had been an

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<sup>96</sup> Kenneth Whyte, *Hoover, An Extraordinary life in Extraordinary Times*, (New York, Knopf, 2017), pp.476-459; Kenneth S. Davis, *FDR: The New York Years, 1928-1932*, (New York, Random House, 1985); Thomas W. Patton, 'Forestry and Politics: Franklin D. Roosevelt as Governor of New York', *New York History*, 75:4 (1994), pp.397-418.

<sup>97</sup> J. Stanley Lemmons, 'The Sheppard-Towner Act: Progressivism in the 1920s', *The Journal of American History*, 55:4, (1969), pp.776-786; Kristen Barker, 'Birthing and Bureaucratic Women: Needs Talk and the Definitional Legacy of the Sheppard-Towner Act', *Feminist Studies*, 29:2, (2003), pp.333-355; Carolyn M. Moehling & Melissa A. Thomasson, 'The Political Economy of Saving Mothers and Babies: The Politics of State Participation in the Sheppard-Towner Program', *The Journal of Economic History*, 72:1, (2012), pp.75-103.

<sup>98</sup> Joseph M. Hawes, *Childhood between the Wars, American Childhood, 1920-1940*, (Twayne Publishers, New York, 1997), p.122.

aim for ‘child-saving’ Progressives for quite some time. Here, the unemployment of so many American adults provided them with a justification opponents found it difficult to argue against. In theory that NRA prevented children under fourteen from working with the notable exception of agriculture, and limited the working hours of those aged between fourteen and sixteen. Street vendors such as newsboys, gum boys, and shoe shiners, were technically self-employed, buying their papers of provisions and operating as their own enterprise so were not included.<sup>99</sup> 1933 also saw the introduction of the CCC, providing unmarried males aged seventeen to thirty-three employment and accommodation whilst putting them to use improving the fabric of the nation’s landscapes. In reality that agency became dominated by those under the age of twenty-one, and it became somewhat common for those technically too young to enter the corps to join due a combination of deception on their part and sympathy from administrators. The educational impact of that agency for adolescent males is considered in the education chapter.

In 1934, the Federal Children’s Bureau reported its study ‘Securities for Children’ which laid the foundations for the AFDC program as part of 1935’s Social Security Act. AFDC represented a major shift in thinking regarding the role of government in children and working-class mothers’ lives, but implementation was flawed and it suffered from interference and inconsistency at local level so its impact was relatively minor.<sup>100</sup> 1934’s ‘Indian New Deal’ through the Indian Reorganization Act restored some tribal government and family rights, ending the forced relocation of Native American children to boarding ‘schools’ which are synonymous with child abuse, forced labour, and cultural genocide.<sup>101</sup>

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<sup>99</sup> Ella Arvilla Merritt, ‘Child Labor Under the N. R. A. as Shown by Employment Certificates Issued in 1934’, *Monthly Labor Review*, 41:6, (1935), pp.1477-1491.

<sup>100</sup> W. Bell, *Aid to Dependent Children*, (New York, Columbia University Press, 1965); Linda Gordon, *Pitied but not entitled: Single Mothers and the history of welfare*, (New York, The Free Press, 1994).

<sup>101</sup> Charles J. Weeks, ‘The Eastern Cherokee and the New Deal’, *The North Carolina Historical Review*, 53:3, (1976), pp.303-319; Kenneth R. Philp, ‘The New Deal and Alaskan

1935, alongside the Social Security Act which included limited welfare programs for children labelled as ‘crippled’ and limited healthcare education initiatives, also saw the introduction of the National Youth Administration (NYA.) The NYA, championed by First Lady Eleanor Roosevelt in particular, aimed to provide work and education for youths aged sixteen to twenty-five. Headed by Aubrey Williams, somewhat of a liberal firebrand from Alabama and close ally to Harry Hopkins and the Roosevelts, the NYA provided support primarily to boys and girls in High School or College. In 1938, 155,000 were paid between \$10 and \$25 per month for ‘work-study’ projects or part-time work with a heavy training emphasis. Though not historically insignificant, the NYA is relatively insignificant to this thesis, doing very little for those not in High School or College.<sup>102</sup> From that perspective it is a relatively conservative program, aiming to preserve the level of opportunity for those that already had access to college and the latter-stages of high school rather than expand access to opportunities to those without them.

The New Deal was not a narrative of unrelenting steady progress, at least from a child welfare perspective. In 1935 the Supreme Court declared the NRA unconstitutional, meaning

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Natives, 1936-1945’, *Pacific Historical Review*, 50:3, (1981), pp.309-327; Laurence M. Hauptman, ‘The American Indian Federation and the Indian New Deal: A Reinterpretation’, *Pacific Historical Review*, 52:4, (1983), pp.378-402; Floyd A. O’Neil, ‘The Indian New Deal’, in Kenneth R. Philp, Floyd A. O’Neil, Alvin M. Josephy, & E. Richard Hart, eds., *Indian Self-Rule, First-Hand Accounts of Indian-White Relations from Roosevelt to Reagan*, (Boulder, University of Colorado Press, 1986), pp.30-46; Elmer R. Rusco, *A fateful time: the background and legislative history of the Indian Reorganization Act*, (Reno, University of Nevada Press, 2000); Alexander S. Dawson, ‘Histories and Memories of the Indian Boarding Schools in Mexico, Canada, and the United States’, *Latin American Perspectives*, 39:5, (2012), pp.80-99.

<sup>102</sup> Bruce Wayne Lyon, ‘The federal government and college students during the great depression: a study of college student age programs of the federal emergency relief administration and the national youth administration’, (PhD. Diss., The Ohio State University 1969); Mildred W. Abramowitz, ‘Eleanor Roosevelt and the National Youth Administration 1935-1943: An Extension of the Presidency’, *Presidential Studies Quarterly*, 14:4, (1984), pp.569-580; Stephen Lassonde, ‘The Real, Real Youth Problem’, *Reviews in American History*, 22:1, (1994), pp.149-155; Melissa Bass, ‘The Success and Contradictions of New Deal Democratic Populism: The case of the Civilian Conservation Corps’, *The Good Society*, 21:2, (2012), pp.250-260.

child labour became fully legal again. To Progressives, the old guard of the establishment had made clear that they had greater deference to the commerce clause and protecting the rights of businesses to make profit from children's labour than they did for children's welfare. A reorganisation of the New Deal would see the end of FERA and by the extension the Federal Transient Program it operated. This would have significant implications for transient families by taking away a reliable emergency provider of food and accommodation at a time when many states and counties imposed deliberately excluding residency restrictions of local welfare. This change drew considerable criticism with Katherine D. Lovell using it to partly justify the argument social services for migrants in California had not improved since the Gold Rush.<sup>103</sup> A further restructuring of the New Deal in 1937 saw the creation of the Farm Security Administration (FSA) to succeed the Resettlement Administration. The FSA is best-known now for the work of a small band of photographers it dispatched across the country, chronicling the nation albeit from a certain perspective with certain political aims and messages in mind. The FSA's mission was to tackle rural poverty and the emergency food relief it provided in times of blight certainly had a greater impact on rural and transient children's lives than photographers did.<sup>104</sup> In 1938 Congress passed the Fair Labor Standards Act, again making child labour with some exceptions (once again including agriculture) illegal and in 1941 a much-changed supreme court would affirm this as constitutional. In 1939 food stamps were introduced, and the program was used by 4 million people during its

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<sup>103</sup> Richard Phelps, 'Facilitating the Interstate Migration of Unemployed Workers', *The Public Historian*, 4:2, (1982), pp.57-69; Katherine D. Lovell, 'Migrant Aid in California, 1849: 1939, A Comparison of Social Services for Transients During the Gold Rush and the Great Depression', *The American Journal of Economics and Sociology*, 3:1, (1943), pp.69-87.

<sup>104</sup> Sidney Baldwin, *The Rise and Decline of the Farm Security Administration*, (Chapel Hill, The University of North Carolina Press, 1968); Michael L. Carlebach, 'Documentary and Propaganda: The Photographs of the Farm Security Administration', *The Journal of Decorative and Propaganda Arts*, 8, (1988), pp.6-25.

peak.<sup>105</sup> Some of these New Deal initiatives continued to work after the Depression-era with the NYA operating until 1944 whilst the successor program to the food stamp program of 1939 is still in operation. Overall, the vast and complex New Deal never made a serious effort to reach children directly, with employment programs aimed at helping their parents, particularly fathers, seen as the best way to help a family. It remains fair to say that there was no real New Deal for youth, particularly children, and this is reflected in the way that agencies and initiatives seem to exist on the peripheries in areas of the following chapters though the changes made to society likely helped shape lives in ways not felt on the ground.

### **Chapter Conclusion**

This chapter has considered the historical context and legal rights of three overlapping but separate groups of people in Depression-era California: Mexican Americans, domestic white migrants, and the homeless or unaccompanied transient child. Whilst separate, all can be said to have been unwanted in California. Whilst different and diverse, the state of California and local authorities took similar action against each. The rights of citizenship each possessed were contested and disregarded as each faced fundamentally illegal action to remove them from the territory that they had every right to be in. Despite targeting different people there are remarkable similarities between the illegal forced deportation of Mexican American citizens (admittedly under a federal scheme) and the unconstitutional restrictions implemented in vagrancy legislation between 1933-1937 and 1936's experiment with the Los Angeles Border Patrol. Each of those three groups were also portrayed as a danger to white Californians from either a public health or crime perspective. Ideas of white supremacy, Western Progress, Manifest Destiny, and imaginations of California as a semi-tropical

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<sup>105</sup> Rachel Louise Moran, 'Consuming Relief: Food Stamps and the New Welfare of the New Deal', *The Journal of American History*, 97:4, (2011), pp.1001-1022.

paradise, resulted in a hierarchy of citizenship built from a foundation of supposed Anglo-Californian superiority. Each of those three separate groups were viewed as either biologically or culturally inferior to the local population of Anglo-Californians. Possessing U.S. citizenship did not afford everyone to same levels of protection and saw people like Mexican Americans, domestic white migrants, and homeless or transient children relegated to a status of second-class citizens which was reflected in public attitudes, much of the press, by the actions of local authorities, and in Californian law itself. In a legal sense there were Californians first and then others. Now that the historical and legal context is clear, it is possible to consider other aspects of the lives of marginalised children from those three overlapping groups.

## Chapter Two: Separate and Unequal: Education for marginalised youths

### The Great Depression and challenges for education

By the Depression years an elementary level education was not an expectation but a legal requirement. Since 1918 every American state has mandated children to complete elementary school.<sup>106</sup> Severe economic crisis would make meeting that requirement challenging for both families and the authorities. In the school year of 1933-34 an estimated 175,000 rural children had no school to go to due to closures whilst for millions more the school year ended on January 1<sup>st</sup> as reduced local budgets made a full year impossible. This was not an exclusively rural school crisis: a quarter of American cities reduced term times.<sup>107</sup> By 1935 five thousand schools had closed and four million out of the ten million youths of High School age in the United States were not in education, which for that stage school was not a legal requirement. At the same time schools had 25,000 fewer teachers than in 1930 but a million more students to attempt to cater for.<sup>108</sup> In terms of educational funding California actually fared better than many other states though this did not fully mitigate what was a national crisis in education. Local tax contributions for schools were increased in California after the California Teachers Association had launched a countercampaign against one calling for cuts orchestrated by the California Taxpayers Association.<sup>109</sup>

Education beyond the elementary level was not formally required. In 1922 California's neighbour Oregon had attempted to implement mandatory state schooling for all children aged between eight and sixteen. The only exceptions were for children deemed

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<sup>106</sup> William J. Reese, 'Education', Joseph M. Hawes & N. Ray Hiner, eds., *A Cultural History of Childhood and Family in the Modern Age*, (Berg, Oxford, 2010), p.103.

<sup>107</sup> Erol Lincoln Uys, *Riding the Rails, Teenagers on the Move During the Great Depression*, (3<sup>rd</sup> Edition, T.E. Winter & Sons, Boston, 2014), p.22; Beulah Amidon, 'Schools in the Red', *The Survey Graphic*, (June 1934), pp.266-269, 295-296.

<sup>108</sup> Ibid.

<sup>109</sup> Irving G. Hendrick, 'The Impact of the Great Depression on Public School Support in California', *Southern California Quarterly*, 54:2, (1972), p.183.

either physically or mentally unfit, those who lived a specified distance away from a school, and those who received written permission from a Superintendent to be educated privately. The law was subsequently challenged in the U.S. Supreme Court and ruled unconstitutional with the court declaring that children were not a ‘mere vessel of the state’, citing the Fourteenth Amendment’s guarantees of individual liberty.<sup>110</sup> At its core this was a challenge brought by a religious organisation borne out of a desire to ensure parents were free to choose a religious school over a state school. The expectation was that parents should be free to make a choice about schools, including at a High School level. If a family wanted it, the societal expectation was that a school should be available for them. The impact of the Depression was so severe that this was not always the case. Furthermore, even when schools were available and where families fully appreciated the benefits of education, it was not always a viable option for them. The financial burden of transport, school equipment, and children’s potential earning power for struggling families curtailed the educational opportunities for many willing students. Whilst this chapter considers the education system and marginalised children’s experiences within it, it exists in the context that that school was not accessible for many.

Significant levels of familial migration represented an obvious challenge for school administrators in Depression-era California in that it meant there were growing numbers of pupils to cater for. Additionally, many newly arrived families lived transient lifestyles with a significant proportion engaged in agricultural labour which necessitated following harvests around the state, sometimes beyond. Continually fluctuating populations of school children in

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<sup>110</sup> *Pierce, Governor of Oregon, et al. v. Society of Sisters of the Holy Name of Jesus and Mary*, (United States Supreme Court, 268 U.S. 510, 1925), United States Library of Congress: <http://cdn.loc.gov/service/ll/usrep/usrep268/usrep268510/usrep268510.pdf> (18/09/2019); Lloyd P. Jorgensen, ‘The Oregon School Law of 1922: Passage and Sequel’, *The Catholic Historical Review*, 54:3, (1968), pp.455-466; R. Scott Appleby, ‘Keeping Them out of the Hands of the State: Two critiques of Christian Schools’, *American Journal of Education*, 98:1, (1987), p.65.

school districts meant it was harder to ensure resources were where they were needed or to justify school infrastructure spending to local voters if that infrastructure would only be needed for a few months a year. These problems were not completely new. California had long relied on transient, agricultural labour. Previously, a greater proportion of that work had been carried out by immigrants from Mexico and Asia. Whilst some had families, and there were some white families performing that economic role previously, the impact on schools was not as significant. The Depression-era saw in greater numbers of white American families take up migratory agricultural work. A 1930 report for the California Department of Education demonstrated the challenges school administrators and local officials faced in catering for fluctuating numbers of migratory students.<sup>111</sup> The following table shows the impact of that in three counties:

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<sup>111</sup> Lilian B. Hill, 'Report of the Bureau of Attendance and Migratory Schools', *Biennial Report of the California State Department of Education*, (Sacramento, 1930), California State Archives, Department of Education, Bureau of Attendance and Migratory Schools, Reports: ID 465 f.14.

<b>Children of Migratory Workers attending schools in several Californian counties, 1929-1930</b>			
<b>County</b>	<b>Month</b>	<b>Transient Children in Education</b>	<b>% change from previous month</b>
<b>Ventura</b>	Sept. '29	535	n/a
	Oct. '29	1432	+168%
	Nov. '29	1432	0%
<b>Kern</b>	Oct. '29	1790	n/a
	Nov. '29	2086	+17%
	Dec. '29	2077	-0.4%
	Jan. '30	1798	-15%
<b>Sacramento</b>	Mar. '30	397	n/a
	Apr. '30	310	-28%
	May '30	529	+65%

Fig.3. Table showing the number of children of migratory workers attending schools in three Californian counties, 1929-1930. Data from Lillian B. Hill, *Biennial Report of the California State Department of Education*, (Sacramento, 1930).

From the data it is clear that the fluctuations in some localities were severe. Ventura County saw a 168 percent increase in migratory children attending schools between September and October 1929 alone. Sacramento County saw numbers decline by a quarter between March and April 1930 which was immediately followed by a 65 percent increase that May. Basic matters, such as how many classrooms were needed, or how many teachers to employ were quickly complicated by everchanging numbers of pupils.

As well as those organisational conundrums, both teachers and pupils had to contend with the individual impact of children frequently moving schools. Children from out-of-state would also have been educated to a different curriculum, making it harder for teachers to quickly gauge new pupils' abilities and progress. Often before or shortly after a child had adjusted to a new school they would move again and have to go through another process of integration and adjustment. A good demonstration of how frequently some children moved is

Cesar Chavez's recollection that he attended thirty-seven different schools during his childhood in California.<sup>112</sup> Such frequent moves were of obvious detriment to a child's education. Speaking to the California Odyssey Project, Talmage Collins recalled how his schooling was impacted:

from Ontario I went into Bakersfield and from Bakersfield into Lindsay and from Lindsay into Dinbua...I was in the fifth grade and they sent me back a year – It made me sick to my stomach. I'd get in a school and it would take me three months to adjust. You don't pick up very good like that. It embarrassed the hell out of me.<sup>113</sup>

Collins provides a personal account of the impact frequent school moves had on his educational attainment and self-esteem. His experience was not a unique one. As early as 1929 there were approximately 40,000 migratory children in California that required schooling. Helen Heffernan, a California Education Department official in charge of rural elementary schools, wrote that 'no problem confronting California's rural schools is more important than providing educational opportunities to migratory children.'<sup>114</sup> Following Heffernan's 1929 article in the *Western Journal of Education* approximately 500,000 more migrants arrived on the West Coast between 1931 and 1939.<sup>115</sup> The challenges administrators faced in providing education would only have grown.

### **Migratory Schools, Mexican Schools, and Children's educational experiences**

In response to the growing numbers of migratory children requiring education in California,

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<sup>112</sup> 'Cesar Chavez', in Studs Terkel, ed., *Hard Times: A Oral History of the Great Depression*, (New York: Bantam Books, 1970) p.75.

<sup>113</sup> Talmage Collins Interview Transcript, California Odyssey Oral History Project (COOHP), California State University, Bakersfield, (1981), p.21.

<sup>114</sup> Helen Heffernan, editor's note to: 'The Education of Migrant Children in Ventura County', *Western Journal of Education*, (December, 1929), p.8.

<sup>115</sup> Paul Theobald & Ruben Donato, 'Children of the Harvest: the schooling of Dust Bowl and Mexican Migrants during the Depression Era', *Peabody Journal of Education*, 67:4. (Summer, 1990), p.30.

many school districts opted to establish a segregated, separate system of regular schools for established residents and Migratory schools for new arrivals. Those schools operated different schedules, sometimes beginning the day earlier and finishing earlier to facilitate children's working in the fields during the afternoons, itself demonstrating how migratory children experienced their childhoods. Some migratory schools would have eased seasonal overcrowding, but others appear to have been established, incurring significant financial costs, when there was no clear need. For instance, a migratory school in the Indian Valley district catered for between five and seven pupils between November 1931 and May 1932.<sup>116</sup> Those children could easily have been accommodated in existing local schools. The only explanation for this is a strong desire to keep them separate from local children. The state did refund counties for costs incurred educating migratory children, but this was in the form of a refund that was subject to close scrutiny. The state archives contain several examples of partial or refused refunds on the grounds of unreasonable expenditure or too high a cost for individual items.<sup>117</sup>

Migratory schools were often accused of providing a substandard education to children on the basis they were not Californian, being poorly funded and poorly equipped compared to other schools. In some cases, migratory school buildings were repurposed barns whilst high student-teacher ratios were also common. For example, the W. Ranch Migratory school in the Lena Roma district had 98 pupils ranging from first to fifth grades and one

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<sup>116</sup> 'Migratory School Elementary School Teacher's Annual Report, Indian Valley (Joint), Indian Valley, November 16, 1931 – May 20, 1932', CSA, Dept. of Education, Bureau of School Apportionments and Reports – Migratory Schools. ID: F3601: 1-2, D2730.

<sup>117</sup> Dan H. White (Solano County schools) letter to William John Cooper (Superintendent for Public Instruction, Sacramento), 'Notification and Application for reimbursement of moneys extended for conduct of classes for children of migratory laborers – Chapter 409, Statutes 1927, May 27, 1928', CSA, Dept. of Education, Bureau of School Apportionments and Reports, ID: F3601:1-2, D2730.

teacher in September 1932.<sup>118</sup> Carey McWilliams heavily criticised the educational provision for Dust Bowl migrants and Mexicans in the influential *Factory in the Fields*, writing:

‘Migrant children were herded together, in garages, school corridors, and abandoned barns with as many as 125 children per instructor.’<sup>119</sup> The fact that some migratory schools were established at cost when there was little need for them, and blatant examples of inadequate provisions indicate there was one system of education for Californians and another, parallel, second-class system for white ‘others.’ The similarities with the segregation of marginalised non-white children in California and the wider United States are unavoidable, particularly California’s Mexican schools, which together provide a compelling argument that the state’s education system was defined by a culture of ‘Californians and others.’

### ***California’s Mexican Schools***

As far as Californian law was concerned, Mexican American pupils were white U.S. citizens and there was no formal provision for them to be segregated within the education system. Despite that, during the Depression-era 85 percent of school districts segregated Mexican-origin pupils, some up until the fourth grade and others through to the end of the eighth grade. A supposed need to ‘Americanize’ Mexican immigrants and the children of Mexican immigrants or provide ‘remedial’ classes was commonly deployed as an excuse for what were blatantly illegal practices.<sup>120</sup> A prevalent attitude, including amongst education officials, was that Mexican and Mexican American students were intellectually inferior to white

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<sup>118</sup> ‘Migratory School Elementary school Teacher’s Annual Report, W Ranch Migratory School, Lena Roma District, September 12<sup>th</sup> 1932 – June 3<sup>rd</sup> 1933’, CSA, Dept. of Education, Bureau of School Apportionments and Reports, ID: F3601:1-2, D2730.

<sup>119</sup> Carey McWilliams, *Factories in the Fields*, (Little Brown & Co., New York, 1940), p.103.

<sup>120</sup> Gilbert G. Gonzalez, ‘Segregation of Mexican children in a Southern California City: The Legacy of Expansionism and the American Southwest’, *Western Historical Quarterly*, 16:1, (1985), p.57.

Americans. For example, John Brannigan, a California school district superintendent argued for the segregation of Mexican American pupils in the *Sierra Educational News* by writing, 'Mexican students are usually inferior in intelligence compared to American children.'<sup>121</sup> As well as segregating students within school buildings, some districts, such as Santa Anna, required Mexican pupils (defined as children born in Mexico and American-born children of Mexican immigrants) to attend entirely separate school buildings. Despite having no justification by state law, those local practices continued from their introduction in 1911 through to the 1947 Orange County desegregation case.<sup>122</sup>

The rise in segregationist educational practices in twentieth century California is interpreted recognised as a response to changes to the social fabric by the likes of Gilbert Gonzalez and H. Mark Wild. The child and adolescent descendants of Mexican immigrants, often American-born U.S. citizens themselves, grew as a proportion of the wider population. This was particularly true for Los Angeles. In 1926 there were 65,572 'la raza' children who constituted 9.4 percent of California's elementary school population. For the city of Los Angeles, that proportion rose to 17.1 percent.<sup>123</sup> To enforce segregation around laws hostile to that purpose, officials employed a creative interpretation of the state education code which permitted the segregation of Native Americans under the term 'Indians' and began categorising Mexicans as 'Mexican Indians.'<sup>124</sup> School districts were also able to foster

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<sup>121</sup> John Brannigan, 'Education of Over-age Mexican children', *Sierra Educational News*, 29:10, (1933), p.37.

<sup>122</sup> Gilbert G. Gonzalez, 'Segregation of Mexican children', p.56; David Torres-Rouff, 'Becoming Mexican: segregated schools and social scientists in Southern California, 1913-1946', *Southern California Quarterly*, 94:1 (2012), 91-127.

<sup>123</sup> Francisco E. Balderrama, *In Defence of La Raza: The Los Angeles Mexican Consulate and the Mexican Community, 1929-1936*, (Phoenix, University of Arizona Press, 1982), pp.55-56; Fernando Saul Alanis Enciso, *They Should Stay There: The Story of Mexican Migration and Repatriation during the Great Depression*, (University of North Carolina Press, Chapel Hill, 2017), p.42.

<sup>124</sup> Francisco E. Balderrama, *In Defence of La Raza*, 59, 65; California Laws, Statutes, *School Code for the State of California*, 1931, (Sacramento, 1931).

segregation through the manipulation of school catchment boundaries, drawing them around neighbourhoods with higher proportions of immigrants. H. Mark Wild gives the example of the Enchandia school in Los Angeles which went from having no Mexican students in 1924 to 87 percent of its student body being Mexican or Mexican American by 1936 as an example of how boundary manipulation could result in *de facto* segregation.<sup>125</sup>

As early as 1919 the Mexican government expressed concerns about Californian educational policy. San Francisco Consul General Rafael De Negris protested to then Governor William D. Stephens about the segregation of elementary school students, particularly in the El Centro, Santa Paula, and Glaryetta school authorities, all of whom compelled Mexican and Mexican American students to attend different schools. De Negris demanded *la raza* children be granted ‘the same rights and considerations given to Anglo Americans.’<sup>126</sup> William C. Wood, the state’s superintendent of public institutions argued that De Negris was ‘mistaken’, claiming that segregation ‘occurred naturally’ owing to Mexicans ‘choosing to live amongst themselves.’ He also defended the rights of schools to separate children who had ‘no knowledge of the English language.’<sup>127</sup> Wood’s defence of California’s practices failed to contend with the widespread nature of segregation, which he insisted evolved naturally without intent, or the overly pejorative statements made by many officials and administrators. The main justifications for segregation within government, though not explicitly admitted publicly were ‘the Mexican temperament’, ‘the high percentage of

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<sup>125</sup> H. Mark Wild, “So many children at once and so many kinds’: Schools and Ethno-racial Boundaries in Early Twentieth Century Los Angeles’, *Western Historical Quarterly*, 33:4, (2002), p.473.

<sup>126</sup> Letter from Rafael De Negris to William D. Stephens, June 7, 1919, U.S National Archives, San Francisco, Department of State, RG59, 311.12/422.

<sup>127</sup> William C. Wood to William D. Stephens, June 25, 1919, U.S. National Archives, San Francisco, Department of State, RG59, 311.12/422.

juvenile arrests among Mexicans’, which itself hints at potential inequalities in juvenile justice, and the apparent ‘moral standards of Mexicans.’<sup>128</sup>

Children in the Mexican schools of California between 1911 and 1947 that were eager to learn the skills necessary for success in American society were confronted with secular material and an individualised focus on the ‘American way of life’ that depreciated their cultural heritage and typical sense of devotion to family, religion, and community. The classroom became a place of conflict and belittlement for many, with students disciplined for speaking their native in their tongue, even outside of lessons when socialising in the playground.<sup>129</sup> Curriculums were designed to keep Mexican students in their designated societal place. For boys this was education in preparation for physical labour and for girls to prepare them for domestic work despite the high employment rate of Hispanic women who provided much of the workforce in California’s prominent canneries. According to the principal of the La Haba Mexican school, there was ‘no point’ in teaching Mexican American children anything else due to a predisposed ‘preference for leisure’ over learning being ‘among their deficiencies.’<sup>130</sup>

The impact that children’s experiences in California’s Mexican schools had on them would have been profound. For many teenagers, leaving school early was a way to avoid a hostile environment that culturally and psychologically demoralised non-whites. The system was fully intended to confine Mexican Americans, and it is little wonder that many in the Depression era viewed a High School education as a futile endeavour. Indeed, Edward J. Escobar argues the hostile environment of the classroom, and the alienation non-white youths

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<sup>128</sup> Francisco E. Balderrama, *In Defence of La Raza*, p.56.

<sup>129</sup> Gloria E. Miranda, ‘Mexican Immigrant families: Cultural Survival and Adaptation In the Formation of Community in Los Angeles, 1900-1945’, Martin Schiesl & Mark M Dodge, eds., *City of Promise, Race and historical change in Los Angeles* (Clairemont, CA., Regina Books, 2006), p.30.

<sup>130</sup> Gilbert G. Gonzalez, *Labor and Community, Mexican Citrus Villages in a Southern California County, 1900-1950*, (Urbana, University of Chicago Press, 1994), pp.100-101.

felt via the ‘Americanization’ programs, which more accurately could have been named ‘de-Mexicanization’ programs, contributed to lower self-esteem and personal insecurity. For some American-born youths this was a crisis or conflict between their national identity, their ethnicity, and their family culture. Second generation Mexican Americans through schooling were encouraged to lose touch with their heritage but were also given the message that they would be rejected by white Californian society due to being identifiably Mexican. Escobar links this to the development of subcultures, including but not limited to gangs, and the distinctive zoot suit style of clothing.<sup>131</sup>

During the Great Depression, Mexican and Mexican Americans in California and several other states began to organize against uniformed school segregation of Spanish-speaking and Mexican-origin students. In 1931 Mexico’s Secretary of Foreign Relations, Manuel C. Tellez supplied a pressure group, *Mexico de Afuera*, with a report from an educator that found the individual needs and abilities of students were frequently overlooked in segregated districts, with second and third-generation students who spoke fluent English kept isolated from the mainstream school population and placed with students who spoke Spanish exclusively. This report prompted the Mexican government to voice disapproval of ‘practices manifesting racial prejudice’ via *La Opinion*, though it also acknowledged each country was ‘sovereign’ in its own ‘public education policy.’<sup>132</sup>

The first major controversy over the segregated schooling of Mexican Americans in California developed in the San Diego suburb of Lemon Grove in 1930. There existed a small community of approximately 50 Mexican families who worked in the citrus industry. The local Chamber of Commerce and the local Parent Teacher’s Association successfully lobbied

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<sup>131</sup> Edward J. Escobar, ‘Zoot Suiters and Cops: Chicano Youth and the Los Angeles Police Department During World War II’, Lewis A. Erenberg & Susan E. Hirsch, eds., *The War in American Culture: Society and Consciousness during World War II*, (Chicago, University of Chicago Press, 1996), p.261.

<sup>132</sup> ‘Colina to the Mexican Embassy’, *La Opinion*, April 24, 1931.

the School Board to establish a school specifically for Mexican and Mexican American students, despite the local precedent of all students attending one school. Mexican parents in Lemon Grove were willing to allow special English classes for young children but refused to permit older children who spoke English to be placed separately. They organized their response as *Comite de Vecionos de Lemon Grove* (CVLG) and vowed to end segregation in their local school district.<sup>133</sup>

A contemporaneous case in Texas offered inspiration for the parents of the CVLG. Members of a San Antonio based organization, the League of United Mexican American Citizens (LULAC), organized a test case in the Del Rio district in the name of student Jesus Salvatierra. Manuel C. Gonzalez, a lawyer who was president of LULAC and the Mexican consul for San Antonio led the case, challenging ‘the complete segregation of school children of Mexican and Spanish descent from school children of white races.’ On the 12<sup>th</sup> of October, the District Court of Val Verde issued an injunction restraining the school board from segregating Mexican children. The School board immediately appealed and the Texas Appeals Court issued a more nuanced ruling, stating that school authorities had ‘no power to unilaterally segregate Mexican children merely ... or solely on the basis that they were Mexican’ but that they could do so on the basis of ‘English language handicaps.’<sup>134</sup> LULAC attempted an appeal to the United States Supreme Court though it refused jurisdiction in October the following year.<sup>135</sup> The San Antonio case remained a qualified success for LULAC and an undoubted inspiration to the CVLG in Lemon Grove.

The parents’ group in Lemon Grove was not as advantaged as the relative petite bourgeoisie LULAC in Texas. They were fruit pickers not small business owners, many of

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<sup>133</sup> Francisco E. Balderrama, *In Defence of La Raza*, p.58.

<sup>134</sup> *Independent School District et al. v. Jesus Salvatierra et al.* 33, Southern Reporter, 2nd Series, 1974.

<sup>135</sup> Francisco E. Balderrama, *In Defence of La Raza*, p.60.

whom did not have the United States Citizenship their children possessed, and in a climate of aggressive forced repatriations they feared engaging with American institutions whilst their financial resources were also much more limited. Quite understandably they approached a Mexican Institution, the consulate in Los Angeles, for assistance. San Diego Consul Enrique Ferreira became the first officer of the Mexican consulate to intervene in a local education dispute. Ferreira, with ten years' experience under his belt was also well connected, being the brother-in-law of Mexican politician Plutarco Elias Calles who was described in the San Diego press as being the 'strongman' behind several Mexican Presidents since 1924.<sup>136</sup> With the aid of Ferreira the CVLG organised a fundraising initiative for legal action through *La Opinion* and employed attorneys Fred C. Noon and A. C. Brinkley, bringing a case on behalf of the Alvarez family. Judge Claude Chambers deliberated over *Roberto Alvarez v. Lemon Grove School District* for almost four weeks before concluding segregation was 'without authority in California law.'<sup>137</sup> Roberto Alvarez jr. was selected as the lead plaintiff, as a Mexican pupil who spoke fluent English and possessed an exemplary academic record. There was no possible explanation for segregating him, other than discrimination.

The Lemon Grove case was a local success but as the judgement was not appealed a higher court was not given the opportunity to establish a judicial precedent. As for the consulate which remained busy dealing with the immediate problems of repatriation programs, unemployment, and poverty, little attention was given to school segregation in the following years. Chambers's ruling was still contested, however, but rather than in court this occurred in the State Legislature. California Assemblyman George R. Bliss introduced a bill seeking to legalise segregation by changing the school code from permitting segregation against 'Indian children, and children of Chinese, Japanese, and Mongolian ancestry' to

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<sup>136</sup> *San Diego Union*, February 16, 1932, p.15

<sup>137</sup> Francisco E. Balderrama, *In Defence of La Raza*, p.60.

include ‘Indian children whether born inside or outside of the United States.’ Bliss argued this would include Mexican and Mexican American children. Bliss also had a track record of advancing segregationist policy. When serving on a local school board, he had imposed the segregation of Mexico-born children under the term ‘Indians’ at the Aliso Elementary school.<sup>138</sup> Needless to say, Bliss’s proposals did not go down well with California’s Hispanic communities or their allies.

San Francisco based Consul Alejandro Lubbert reported back to Mexico of the Bliss Bill, though expressed his confidence that he could secure a gubernatorial veto if the bill passed owing to his personal friendship with Governor James Rolph. State senator William E. Harper likened the bill to ‘dynamite’ with the potential to explode into international diplomatic incident and was influential in persuading the State Senate’s education committee’s decision to reject the bill under lobbying from the San Diego Inter-Racial Council.<sup>139</sup> The *Los Angeles Evening Express* was one of a number of newspapers to criticise the proposals, suggesting that California attorney general Ulysses S. Webb needed to ‘familiarize himself with the United States Constitution.’ Whatever ‘race, color, or skin’, the editors wrote, ‘all persons born in the United States are citizens of this country and have a right to the same treatment.’<sup>140</sup> Support for the bill, even from George Bliss himself, would soon evaporate under this pressure.

Notwithstanding a local court ruling in California and one from a Texan Appeals Court the segregation of Mexican American students continued in California. From the *Evening Express*’s editorial, it is fair to assume many knew it to be unconstitutional. Yet the practice continued under the ambiguity of the term ‘Indian.’ It was not until another legal

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<sup>138</sup> Assembly Bill 433, 49th Session of the California State Legislature, CSA, Sacramento.

<sup>139</sup> Letter from State Senator William E. Harper to Nellie Foster, Inter-Racial Council of San Diego, April 7, 1931. CSA, California Senate Records, William E. Harper, Correspondence.

<sup>140</sup> *Los Angeles Evening Express*, April 18, 1931, p.1.

challenge could be funded in 1947 that the practice would come to an end via the case of *Mendez v. Westminster* in which remedial classes for Spanish-speaking children in Orange County were deemed an unlawful form of segregation. That case was appealed up to the Ninth Circuit of the U.S. Court of Appeal where that court ruled *en banc* that segregating Mexican students even under the premise of remedial English and ‘Americanization’ classes was unlawful and unconstitutional. Rather than rely on the legal argument that, technically under law Mexicans were considered white, judge Paul J. McCormick’s opinion stated:

The equal protection of the laws pertaining to the public-school system in California is not provided by furnishing in separate schools the same technical facilities, textbooks and courses of instruction to children of Mexican ancestry that are available to the other public school children regardless of their ancestry. A paramount requisite in the American system of public education is social equality. It must be open to all children by unified school association regardless of lineage ... The evidence clearly shows that Spanish-speaking children are retarded in learning English by lack of exposure to its use because of segregation, and that commingling of the entire student body instills and develops a common cultural attitude among the school children which is imperative for the perpetuation of American institutions and ideals.<sup>141</sup>

McCormick’s ruling constituted a strong attack on the Supreme Court ruling in *Plessy v. Ferguson* (1897) which had established the ‘separate but equal’ doctrine, allowing states to reintroduce many segregationist measures. *Plessy* has never specifically been overruled, it is worth saying, though numerous precedents culminating in *Brown v. Board of Education* (1954) mean that many consider it to be *de facto* overruled. On one level *Mendez v. Westminster* is important it establishes that Mexican-origin children in California had been treated unconstitutionally in the fundamentally illegal network of Mexican schools that had

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<sup>141</sup> *Mendez, et al v. Westminster School District of Orange County, et al*, 64 F.Supp. 544 (S.D. Cal. 1946). U.S.

grown out of Santa Anna and across the state since 1911. It was also an indicator of the direction of jurisprudence by explicitly criticising *Plessy* well before *Brown*.

There are clear similarities between the development of Mexican and Migratory schools in California. Both represented a belief of Anglo-Californian superiority and served to separate outsiders, be they Mexican or domestic white migrants, from local white Californian children. R. T. Neidfer, a Kern County Education Department official argued in favour of separating migrant children in order to protect local society, writing, ‘parents’ home philosophies is reflected in the indifference of their children towards local social standards.’<sup>142</sup> There are clear parallels between Neidfer’s assessment of white domestic migrants and John Brannigan’s view of the children of Mexican immigrants. Both were viewed as culturally and intellectually inferior to local white Californian children. These instances of *de facto* segregation also need to be contextualised alongside the *de jure* segregation that was permitted against African Americans, Native Americans, and Asians. Kathleen Weiler is correct to summarise that there was a culture of ‘Californians and Others’ within California’s Depression-era education system.<sup>143</sup>

### ***Children’s experiences of schools in Depression-era California***

The schools California provided for ‘others’, as observed by Carey McWilliams, were often recognisably subpar with makeshift school buildings, limited learning resources, and high student-teacher ratios. The fact that the education on offer in such schools was inferior was not lost on many migratory parents and some chose, where possible to avoid Migratory Schools. For instance, Billie Pate recalled to the California Odyssey Project, ‘there was a

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<sup>142</sup> Helen Heffernan, ‘Report of the Conference on Education of Children of seasonal workers – Fresno State College, December 9-10, 1938’, *California Journal of Elementary Education*, 7:3, (Feb, 1939), p.188.

<sup>143</sup> Kathleen Weiler, ‘Schooling Migrant Children: California, 1920-1940’, *History Workshop Journal*, 37:1, (1994), p.120.

school at the cotton camp, but my mother didn't want us to go to that school.'<sup>144</sup> Migrant children whose parents chose not to send them to migratory schools, which were often positioned on or close to migrant camps in order to entice attendance, or who lived in districts which did not operate migrant schools, attended school with local residents. Many reported being discriminated against in that mixed environment, suggesting that the culture of 'Californians and others' extended into those mixed schools. John Steinbeck reported in the *San Francisco News* that children regularly skipped school in response to harsh, discriminatory treatment:

The ragged little things will not go ... because they are scorned in school .... The better dressed children shout and jeer, the teachers are quite often impatient with these additions to their duties and the parents of the "nice" children do not want to have disease carriers in school.<sup>145</sup>

Steinbeck's summary of migrant children's experiences in schools are supported by the testimony of former pupils and their parents to the California Odyssey Project. Viola Mitchell recalled, 'My youngest son used to have trouble with the kids at school. He'd start into the school and they'd run in first and call him an Okie and he had a lot of fights.'<sup>146</sup> Vivian Kirchenman explained in her interview that, 'The children at school would tease you a lot.'<sup>147</sup> Earl Butler recalled being ridiculed for wearing the same denim overalls that had been considered fashionable in his home state of Missouri.<sup>148</sup> Oscar Kludt-Scotty remembered being called 'a fruit tramp.' Kludt-Scotty, who was born in South Dakota in 1923 and moved

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<sup>144</sup> Billie Pate Interview Transcript, COOHP, California State University, Bakersfield (1981), p.13.

<sup>145</sup> John Steinbeck, 'The Harvest Gypsies, Article II', *San Francisco News*, October 6, 1936.

<sup>146</sup> Viola Mitchell Interview Transcript, COOHP, California State University, Bakersfield, (1982), p.20.

<sup>147</sup> Vivian Kirchenman Interview Transcript, COOHP, California State University, Bakersfield, (1981), p.19.

<sup>148</sup> Earl Butler Interview Transcript, COOHP, California State University, Bakersfield, (1981), p.34.

to Lodi, California in 1935 reflected: ‘In school we were kind of looked down on because naturally we were from the Dakotas and we were considered to be poor and to be fruit tramps’, summarising ‘I remember I wasn't too happy with the way I was treated.’<sup>149</sup>

Discrimination was not solely the reserve of fellow pupils. Numerous participants in the California Odyssey Project recalled hostility from teachers who were the personification of state authority within the microcosm of the classroom. Vera Crisswell recalled being shocked by the conduct of a teacher who did not send any grades home but when her children and younger siblings were about to transfer to another school wrote a letter dismissing them as mentally challenged:

In this letter she wrote she said they were sending over the kids [to Oak Grove – another school] and they were obviously low I.Q. They were Okies and Texans. I thought it was the most obnoxious thing I'd ever heard of a teacher doing. She didn't send grades ... she couldn't support what she'd said with grades.<sup>150</sup>

Crisswell's youngest daughter told her, ‘I think it's the teacher. I don't think she likes me very well’, when asked what the problem was at school.<sup>151</sup> Crisswell's daughter was not alone in encountering a teacher she perceived to discriminate against her. Billie Pate spoke at length to the COOHP about one particular teacher, describing attending her class as one of the ‘most difficult points’ in his life:

Probably this was the hardest years of my life. Well for some reason out teacher resented and made it known she didn't like the Okies and the Arkies and the Texans. So, it was a very bad relationship ... Well, abusive, she was abusive towards us ... Well, calling us trash. We really were trash to her... Well, there was a term, we were called Okies. Oh,

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<sup>149</sup> Oscar Ervin Kludt-Scotty Interview Transcript, COOHP, California State University, Bakersfield, (1981), pp.28-29.

<sup>150</sup> Vera Crisswell Interview Transcript, COP, California State University, Bakersfield (1981), pp.13-14.

<sup>151</sup> Vera Crisswell Interview Transcript, p.16.

we weren't from Oklahoma – that is just a term for this group. We were just Okies to her and Okies were inferior.<sup>152</sup>

A further example which demonstrates how some teachers viewed the migrant and ethnic minority children in their classrooms was provided by Lillie May, who recalled one teacher seating all the migrant children together and punishing other children who misbehaved by making them sit with 'the Mexican, Filipino, and out-of-state kids.'<sup>153</sup> Being utilised as a punishment tool for local children clearly communicated their position in the racial and class hierarchies of the classroom. The seating practices of that teacher demonstrated that even in 'mixed' classrooms there were examples of an undeniable culture of 'Californians and others' in schools. Where segregation did not exist formally that teacher had created it within their classroom environment by sitting non-white and out-of-state children in a section together, further emphasising the hierarchical nature of this classroom geography by threatening to seat local white children there as a punishment.

It goes without saying that not all teachers held those views. Children's experiences of education were certainly not monolithic. Fifteen percent of schools districts did not illegally segregate Mexican American children. Some schools and teachers were certainly more welcoming than others. Schools in Southern California with a greater concentration of Mexican immigrants, or schools in rural areas frequented by migratory agricultural workers, often had more formalized, harsher approaches. But this is not to say all school experiences in Northern California were more pleasant. Individual school principals were responsible for cultivating a culture in their school and in this sense, although beholden to various levels of policy and edicts, each school was a unique environment. Some were appalled by how their colleagues treated marginalised children. A Headmistress, Jewell Potter, recognised the wider

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<sup>152</sup> Billie Pate Interview Transcript, p.21.

<sup>153</sup> Lillie May Interview Transcript, COP, California State University, Bakersfield, (1981), p.13.

causes of those problems. Potter urged colleagues to consider the whole child and their lives outside of school via a contribution to the *Sierra Educational News*:

Problems emerge from the living conditions not the children themselves ... many have poor health and are malnourished, tired from travelling, are uncertain as to the future, and have insufficient clothing ... It may be necessary for schools to provide extra food and clothing so they are nourished enough to learn.<sup>154</sup>

Potter's article sets her apart from some of the other teachers and officials whose conflicting articles have already been discussed. An attitude like Potter's did not mean that a teacher could necessarily help. The teacher's magazine *Grade School Teacher* advocated for teachers to do what they could despite their salaries in some rural areas only being \$22 per month. The publication seemed ignorant of any potential greater role for authorities, instead advocating for individual effort and responsibility. In 1933 one article told readers that 'an experienced teacher knows' that instead of adding to their workload, feeding the children would reduce it by making discipline 'much easier'. Later in 1935 the magazine told readers of the 'problem of the noon hour' whilst the January and February additions suggested various ideas including cheap, bulk recipes, adjusting lunch supervision protocols to allow teachers to prepare food, and ideas for community fundraising – essentially crowdsourcing school meals.<sup>155</sup> Teachers in the San Jose district, did as Potter and *Grade School Teacher* suggested, agreeing to donate 5 percent of their limited salaries to a fund that bought the most in-need children food and blankets but it was acknowledged demand would likely outstrip supply.<sup>156</sup>

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<sup>154</sup> Jewell Potter, 'Teacher and Migrant: The Teacher's problem in a migratory situation', *Sierra Educational News*, 34:8, (August 1938), p.26.

<sup>155</sup> Sherry L. Field & Elizabeth Bellows, 'The Great Depression and Elementary School Teachers as Reported in Grade Teacher Magazine', *American Educational History Journal*, 39:1, (2012), pp.75-76.

<sup>156</sup> David Tyack, Rob Lowe & Elisabeth Hansot, *Public Schools in Hard Times*, (Harvard University Press, Cambridge MA, 1984), p.73.

Overall, it is evident that there were a variety of classroom experiences that transient children and ethnic minorities had within mixed schools. Their attendance at those schools was contested, with many local authorities keen to funnel them into so-called Oriental, Mexican, and Migratory Schools and with anti-outsider rhetoric present in some communities it is not surprising that they encountered discrimination from peers. Discriminatory attitudes of teachers and administrators uncovered in contemporary educational journals and the memories of childhoods in subsequent oral history projects demonstrate that this discrimination was systematic and came from figures of power and authority and not only peers. Despite this, the children of migratory workers and immigrants continued to go to schools when some would have preferred them not to. They stood up for themselves once there – whether this be by putting bullying peers in their place with a punch on the nose, parents moving children out of hostile schools in search of a kinder environment or continuing to attend and seek an education despite an unwelcoming school community. Attendance in those circumstances was in itself an act of agency and defiance. There was no organised campaign or group-led community action against Migratory schools as there was to contest the segregation of Mexican American children but there was a determination among families for their children to have an education despite hostility and their position of relative powerlessness.

### **The Civilian Conservation Corps as an Educator**

A final consideration for this education chapter is the CCC (Civilian Conservation Corps). Given the name of the National Youth Administration (NYA) it would be understandable to assume it to be the main New Deal Agency of relevance to a chapter on education. However, on reflection the NYA played somewhere between a minor and non-existent part in the lives of the marginalised young people under consideration here. Despite its existence, admissions

to colleges in the 1930s declined for the first time in the century and only recovered so much as to maintain the status quo. Furthermore, the NYA's assistance in schools was useful to many a High School student, but as is demonstrated, a lot of socioeconomically disadvantaged students struggled to get to school at all. Meanwhile, ethnic minorities and white out-of-state migrants were siphoned into migratory or race-specific schools which suffered from inadequate funding, resources, and high student-staff ratios, often leaving education well before that stage. As a result, the NYA can even be considered a relatively conservative organisation which sought to maintain the opportunity of High School and College for those that already had it but did little to expand the reach of education to others.<sup>157</sup> It was the CCC which offered something new and opportunities that had not previously been available.

The CCC was set up by executive order as an emergency relief agency to provide employment relief to young men and to carry out important environmental conservation work. The fact that enrollees had to be trained to carry out a variety of tasks meant that there was bound to be some elements of vocational training provision. A factor not perhaps envisaged with the CCC was the youthfulness of its enrollees. Despite being open to men up to and including the age of 28 at one point, a 1936 U.S. Department of Labor survey estimated that around half of the 238,846 enrolled in the CCC that month were either seventeen or eighteen, and that only seventeen percent of them were over twenty-one.<sup>158</sup> The majority of enrollees were therefore legally children. Within California, there was a

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<sup>157</sup> Michael G. Wade, "Farm Dorm Boys": The Origins of the NYA Resident Training Program', *Louisiana History*, 27:2, (1986), pp.117-132; Olen Cole Jr, 'Black Youth in the National Youth Administration in California, 1935-1947', *Southern California Quarterly*, 73:4, (1991), pp.385-402; Kenneth J. Bindas, *Modernity and the Great Depression: The Transformation of American Society, 1930-1941*, (University of Kansas Press, Lawrence, 2017), pp.43-81

<sup>158</sup> *The Nor'wester*, September 14, 1936, p.8; CSA, Dept. of Forestry, CCC, Camp Newspapers, ID: F3849:1726-1734.

significant number of CCC camps in operation focusing on a variety of tasks. Surveys show that in 1939 there were eighty camps in the state, thirty-six of which were in national forests, seven in private forests, eight in the soil conservation service, ten in national parks, three in both the Bureau of reclamation and in metropolitan areas, and two in both the Division of Grazing and the Biological Survey.<sup>159</sup> Given the variety of tasks undertaken and that it was not uncommon for enrollees to transfer between camps many young men would have left the CCC having learnt new skills. This was compatible with the aim of improving the employability of enrolled and was not controversial. A CCC employees' handbook stated that one of the goals of the organisation was 'by vocational training as it is feasible, but particularly by vocational counselling and activities to assist each man better to meet his employment problems when he leaves camp.'<sup>160</sup> Enrolling in the CCC offered a young male paid employment, accommodation, food, and was also a learning opportunity. Though not traditionally considered part of the education system it obvious that the organisation was part of the wider educational experience of many people.

Before considering the potential educational impact the CCC may have had for young migrants and transients it is necessary to recognise that there were some institutionalised barriers that attempted to prevent them entering the corps, especially in its earlier years. It was not until 1937 when legislation forbid the deliberate exclusion of transients. A potentially restrictive policy was a requirement that enrollees to send home an allotment of their pay each month – this attempted to make sure enrollees had a family and a home of which to send it to.<sup>161</sup> Age rules limiting the CCC to those aged seventeen and upwards were a problem for

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<sup>159</sup> 'Civilian Conservation Corps Camps for the Period 1939-1940', CSA, Dept. of Forestry, CCC Files, ID: F3849:240-250.

<sup>160</sup> *Mount Madonna Miner*, October 15, 1936, p.7, CSA, Dept. of Forestry, CCC Camp Newspapers, ID: F3849:1726-1734.

<sup>161</sup> Benjamin F. Alexander, *The New Deal's Forrest Army, How the Civilian Conservation Corps Worked*, (Johns Hopkins University Press, Baltimore, 2018), p.36.

younger potential enrollees. No exact figures can exist for the number of enrollees who fictionalised their ages to gain entry but it did happen. In 1937 an enrollee called Hank Gregory was found to be an orphan originally from New York and also to be seventeen years old having already served two years in the corps. Likewise, fourteen-year-old Victor Gierlatowicz tried to use his older brother's birth certificate to enrol and when his deception was picked up by the desk clerk they listened to his story agreed to help him join up regardless.<sup>162</sup> Rules were in place, but not every local administrator was willing to turn away a hungry teen, often appreciating they were trying to do what they considered to be 'the right thing' by contributing to the maintenance of the nation and find a job to support themselves and their family rather than seek charity.

This unofficial but evidently persistent admittance of underage youths to the CCC indicates how strong work and work ethic was valued in 1930s America. At this time child labour debates sought to categorise different work environments as either child-friendly or adult-only. Broadly it was accepted that some minors would work. Indeed, it still is in places like professional sport, the Broadway stage, the film industry, newspaper distribution, summer camps, and agriculture. The CCC showcases the strength of the ideal of the working child or adolescent as it other regards its cultural environment outside of work raised many concerns. Chief among these was homosexuality which was very much a part of the life in the corps, an open secret with some camps developing a note 'Queer culture' as is revealed scholarship of Margot Canaday and Colin Johnson.<sup>163</sup> The so-called 'oversexed' or homosexual minor was deemed a problem youth who was irreparably damaged or feeble-minded, as evidenced by the discussion of child sterilisation in California in Chapter

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<sup>162</sup> Ibid, p.61.

<sup>163</sup> Colin R. Johnson, 'Camp Life: The Queer History of Manhood in the CCC, 1933-1937', *American Studies*, 48:2, (2007), pp.19-35; Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth Century America* (Princeton University Press, Princeton, 2009).

five of this thesis. The risk of exposure to an environment of homosexuality and other supposed adult vices was taken regarding young enrollees because the benefits of their being put to work in the CCC to both the individual and the nation superseded this risk.

Given the enforcement of vagrancy legislation in California, CCC rules excluding those with serious criminal records and those on probation presented a potential barrier to many youngsters seeking to join. Again though, the enforcement of this appears to have been somewhere between poor and non-existent. A case worker visited a conditioning camp in 1933 and reported that 'a number of the boys had prison records and openly boasted about them.' Some of this could have been bravado but it is known that the CCC also came under pressure from law enforcement agencies to accommodate those with records. In one case the FBI required that a fugitive was allowed to stay in his CCC camp as it was the best way of keeping track of him and ensuring that he earned the money to pay back the victim he had defrauded.<sup>164</sup> Youngsters in California managed to circumnavigate the rules even regarding serious convictions. When a CCC enrollee from the Fork's Road camp was charged with negligent homicide following an automobile accident it transpired that he had previously spent time in Whittier State school, a reformatory, and had numerous convictions including for robbery and assaults.<sup>165</sup> The rules existed, however there seems to have been very little will to enforce them on the ground. Both underage boys and enrollees with criminal records found their way into the CCC with apparent regularity.

The CCC's health and weight requirements were a potential barrier to potential enrollees given the general poor states of health and nutrition among migrant and transient populations. Tricks could be employed such as eating right before being weighed and again enforcement was less than strict with scrawny enrollees admitted with an expectation they

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<sup>164</sup> Ibid, p.48.

<sup>165</sup> 'Past Record of Prisoner is Reported, CCC Boy under Negligent Homicide Charges Has Crime Background', *Madera Tribune*, June 3, 1939, p.3.

would gain weight on CCC food. One edition of *The Big Tree Breeze*, a newspaper for the Eureka district CCC proudly boasted that the average enrollee gained up to 5lbs in their first month in the corps in California so this was not an unrealistic expectation.<sup>166</sup> Despite the CCC's special conditioning camps and light duties for some new enrollees and the expectation of weight gain, potential enrollees with severe cases of malnutrition or ill-health could have prevented admittance. The attention given to weight gain in CCC camps, and how it was a source for camp pride in enrollee-authored publications takes a significance beyond what the CCC did for enrollees. This is a fairly stark indication of their life experiences *before* the CCC camp, highlighting malnutrition and an insufficient diet as a part of the Depression experience for many young Americans.

More academic or formal learning in the CCC was much more controversial than casual, necessary, on-the-job training the CCC's public mission necessitated. In May of 1933, Frank Persons of the Department of Labor and member of the CCC's advisory council stated, 'it is not proposed that there should be formal classwork in the camps', yet by November that year President Roosevelt had approved \$1.3 million of extra funding for educational purposes and the employment of civilian educational advisors.<sup>167</sup> The CCC would continue to grow in size and become more education-oriented as time went on with its official weekly newspaper *Happy Days* featuring a regular education section showcasing a wide variety of opportunities. For example, the edition from April 27<sup>th</sup>, 1935, featured articles about vocational and practical skills like map-making and carpentry, but also recreational music classes and academic subjects such as history.<sup>168</sup> The CCC's increasingly educational nature would be

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<sup>166</sup> 'Health Check Shows Weight Gain, Tummies Accumulate Extra Avoirdupois', *The Big Tree Breeze*, 16th February 1935, 3:9, p.1 CSA, Dept. of Forrestry, CCC Files, Camp Newspapers, ID: F3849:1726-1734.

<sup>167</sup> Calvin W. Gower, 'The Civilian Conservation Corps and American Education: Threat to Local Control?', *History of Education Quarterly*, 7:1, (1967), p.59.

<sup>168</sup> *Happy Days*, II:50, April 27th, 1935, p.9-12. CSA, Dept. of Forestry, CCC, Camp Newspapers, ID: F3849:1726-1734.

reinforced by its relationship with other New Deal agencies. FERA, the WPA, and also the NYA after it was formed in 1935, sent unemployed teachers to work at the CCC.<sup>169</sup> No attempts were made to hide the increasingly educational nature of the CCC from the public either. At the 1934 Century of Progress Fair in Chicago the CCC exhibited two stalls, the first of which presented their forestry conservation and the second focused on its educational impact.<sup>170</sup> Education was no longer a locally organised sideshow but central to CCC operations and successes in that area were proudly presented to the American people.

By 1934 133,156 enrollees were participating in 18,214 classes nationwide and whilst thirty-one percent of those classes were at a fundamental level, aiming to tackle illiteracy, innumeracy, and teach subjects only up to an elementary level, twenty percent were defined as academic of which seven percent were taught at college level.<sup>171</sup> The *New York Times* even reported that the CCC offered ‘wide ranging evening classes’ and that it presented ‘appealing opportunities to those who had left school in order to support poverty-stricken families.’<sup>172</sup> The organisation had become a viable educational route for older teens and recognised as such in the national press. By 1938 the CCC’s educational reach had grown considerably with ninety-two percent of enrollees regularly attending organised classes (compared to thirty-four percent in 1934) thanks to the employment of several thousand civilian educational advisors and assistant leaders and the development of partnerships with over two hundred colleges and universities.<sup>173</sup> Those institutions offered correspondence courses, provided lectures, offered the use of their facilities, and twenty-six of them even offered scholarships to CCC enrollees.

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<sup>169</sup> Benjamin F. Alexander, *The New Deal’s Forest...*, p.83.

<sup>170</sup> Ibid, p.85.

<sup>171</sup> Calvin W. Gower, ‘The CCC as an Educator’, p.61.

<sup>172</sup> *New York Times*, 28 July, 1935, as quoted in: Richard Melzer, *Coming of Age in the Great Depression, The Civilian Conservation Corps in New Mexico, 1933-1942*, (Yuca Press, Las Cruces, New Mexico, 2000), p.123.

<sup>173</sup> Calvin W. Gower, ‘The CCC as an Educator’, p.62.

The CCC's educational offerings were not without controversy. Socialist leader Norman Thomas compared the camps to the work camps in Europe's fascist countries whilst the involvement of the military in the camps led conservative commentators to air concerns of socialist indoctrination *en masse* through the guise of employment relief.<sup>174</sup> Others were opposed to the federal government being involved in education in such a way, believing it was each state's right to manage its own education system. Critiques of the CCC were part of an ongoing more general concerns about a growing federal government. Aubrey Williams, director of the NYA became embroiled in a bitter dispute with National Education Association (NEA). The NEA's secretary William E. Givens claimed that Williams, through the NYA's educational programs, was creating a duplicate education system and accused the Roosevelt administration of attempting to gain control of the education system by deceit under the guise of emergency relief agencies like the NYA and CCC. Williams retorted that the NYA and CCC were saving people who had already been failed by the existing system and they were responsible for saving thousands from illiteracy.<sup>175</sup>

California's CCC educational emphasis and offering seems to have followed national trends. There was controversy surrounding learning in the corps although the benefits of the program were also recognised by some educators at the time, particularly those who were interested in the sometimes informal and practical emphasis of its teaching practices. The education journal *Phi Delta Kappan* devoted an entire issue to the CCC's education work in May 1937 applauding how enrollees were educated in a way that allowed them to apply skills practically and see the positive results of their learning. It was noted how 'the agricultural class may be built around the garden project, the English class around a camp newspaper, the

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<sup>174</sup> Eric Gorham, 'The Ambiguous Practices of the Civilian Conservation Corps', *Social History*, 17:2, (1992), pp.229-249; John N. Garrity, 'The New Deal, National Socialism, and the Great Depression', *American Historical Review*, 78:4, (1978), pp.910-911.

<sup>175</sup> John A. Salmond, *Southern Rebel, The Life and Times of Aubrey Willis Williams, 1890-1965*, (University of North Carolina Press, Chapel Hill, 1983), pp.145-146, 154.

arithmetic class around the company exchange, the current events class around the local forum.<sup>176</sup> From a twenty-first century perspective it is easy to lose sight of the innovative nature of those pedagogical practices in the context of 1930s education. The impact of such classes was remembered by enrollees decades after the agency closed. Writing in the *Journal of Forest History* an alumni reflected on time at California's Buck Meadows CCC camp recalling how the organisation 'transformed lives' through 'building men and preparing them for life by teaching them vital skills.' emphasising the value of CCC educational programs to the young men themselves.<sup>177</sup>

Fairly recently Adam Nelson and John Rudolph have argued that learning in the CCC was a voluntary appendage to the agency, confined to the evenings.<sup>178</sup> It is true that in the state of California the primary purpose of camps remained their environmental conservation work. This can be seen in the controversy surrounding the proposed and subsequently reversed closure of the CCC Mount Madonna camp near San Jose. The State Forester M. B. Pratt received letters and telegrams from the Morgan Hill Fish and Game Protective Association, the President of the San Jose Waterworks, the editor of the *San Jose Mercury Herald*, the secretary of the San Jose Chamber of Commerce, State Congressman John J. McGrath, and the office of Governor of California James Rolph Jr. between April 4<sup>th</sup> and April 13<sup>th</sup> 1934 protesting the closure, all of which referred to conservation efforts and the fighting of wild fires with none mentioning what being in the CCC did for enrollees.<sup>179</sup>

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<sup>176</sup> Benjamin F. Alexander, *The New Deal's Forest...*, p.85.

<sup>177</sup> Clair E. Nelson, 'Remembering the CCC: Buck Meadows, California, 1933-1934', *Journal of Forrest History*, 26:4, (1982), pp.190-191.

<sup>178</sup> Adam R. Nelson & John L. Rudolph, *Education and the Culture of Print in Modern America*, (University of Wisconsin Press, Madison, 2010), p.160.

<sup>179</sup> Letter from Morgan Hill Fish & Game Assn. to M. B. Pratt (State Forester); Letter from K. S. Kittredge (President of San Jose Waterworks) to M. B. Pratt; M. B. Pratt telegraph to News Editor of the *San Jose Mercury Herald*; J. M. Silvey (San Jose Chamber of Commerce) telegraph to M. B. Pratt; John J. McGrath (California Congressman) telegraph to James Rolph Jr.; Office of James Rolph Jr. (Governor of California) to M. B. Pratt. All April 4<sup>th</sup> –

Scholars are too quick to overlook the obvious fact that very few CCC enrollees would have arrived with in-depth knowledge of fire-fighting or the other conservation tasks they carried out. Education is not solely classroom based. In order to function, the CCC provided substantive vocational training to its predominantly young enrollees to enable them to carry out their duties.

Furthermore, contrary to Nelson and Rudolph's generalisation individual camp and CCC district newspapers from California's CCC prove that in some CCC districts participation in educational classes became mandatory. The Hawkin's Bar camp newspaper *Flash* reported in May 1935 that attendance to some classes was to become compulsory, quoting the commanding officer of the 9<sup>th</sup> Corps area.<sup>180</sup> Writing of the CCC in a sweeping national narrative is almost impossible. The power of individual camp directors and district supervisors to implement their own policies and ideas was a constant throughout the organisation's existence. Some Californian leaders obviously placed a great emphasis on the educational functions of the agency and chose to make it mandatory for their charges. By the nature of its work the CCC demanded vocational on the job training but this discovery of compulsory education within the CCC in California challenges existing perceptions of the corps.

Other camp newspapers demonstrate significant investment in educational resources and the wealth of educational programs on offer. Sacramento's Camp Northwestern's newspaper the *Nor'wester* reported on enrollees passing their United States civil service examinations. Burlington-Humbolt's edition of *Flash* reported on the employment of new teachers for the camp. The Stephen's Grove camp's edition of *Flash* reported the building of

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April 13th 1934, All: CSA, Dept. of Forestry, State Forester's Files, CCC, ID:F3849:1401-1404.

<sup>180</sup> Hawkin's Bar (CCC F33) *Flash*, May 25, 1935, ed.1. CSA, Dept. of Forestry, CCC, Camp Newspapers, ID: F3849:1726-1734.

an entirely new schoolhouse on site featuring a 20 x 30ft classroom, a 10x20ft consultation room, quarters for the education advisors, and the purchasing of a blackboard, bookshelves, desks, and a heating stove for the building.<sup>181</sup> This was formal education, not ad-hock evening fillers. In August 1936 the Mount Madonna camp's newspaper *Mount Madonna Miner* listed all the correspondence courses available for enrollees showcasing an impressive range of options including academic courses, not just ones related to conservations works. In October of that year a special educational edition of that paper was produced in partnership with Alameda University, detailing expanded educational opportunities.<sup>182</sup> In isolation each of these camp newspapers offers a snapshot into life at an individual CCC camp at a given month but when viewed collectively they reveal a wider educational culture across the CCC in California, where education was valued, expected of, and at times compulsory for enrollees.

That educational emphasis to the CCC in the Golden State broadly corresponds with the direction that the national lead for education, Howard Oxley wished to take the agency. Camps were encouraged to work with universities and expanded their programs to include vocational training and practical life skills, but also sports, music, and more serious academic study.<sup>183</sup> The CCC should be considered an important provider of education for young

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<sup>181</sup> *The Nor'wester*, September 14, 1936, p.6. CSA, Dept of Forestry, CCC, Camp Newspapers, ID: F3849:1726-1734; Burlington-Humboldt (CCC CO.925 SP.2) *Flash*, August 25, 1935, p.6, CSA Dept of Forestry, CCC, Camp Newspapers, ID: F3849:1726-1734; Stephen's Grove (CCC CO.925 SP.32) *Flash*, October 25, 1935, p.4 CSA Dept. of Forestry, CCC, Camp Newspapers, ID: F3849:1726-1734.

<sup>182</sup> As per, *Mount Madonna Miner*, August 15, 1936, p.4, correspondence courses were offered in: Aeronautics, Auto Mechanics, Blue Print, Business English, Business Law, Chemistry, Diesel Engine, English Grammar, Forestry, Geography, How to Study, Journalism, Placer Mining, Photography, Psychology, and Trees of California and How to recognise them. Special Education edition of the Mount Madonna Miner in partnership with Alameda University from October 15th, 1936 lists vocational, commercial, and academic classes available for enrollees at camp and at the university. Academic courses included: public speaking, social problems, current events, arithmetic, journalism, dramatics, algebra, and Spanish. CSA Dept of Forestry, CCC, Camp Newspapers, ID: F3849:1726-1734.

<sup>183</sup> Howard W. Oxley, 'Growth and Accomplishments of CCC Education,' *The Phi Delta Kappan* 19:9 (May 1937): 315–316; Howard W. Oxley, 'Current Trends in CCC Education',

migrants in California, especially given the agency's general youthful enrolment large presence in the state. The organisation was flawed, it was just for boys, capacity was limited, and it reflected the racial biases and harsh economic environment of wider society, but it offered relief and education to tens of thousands at a time. It offered more academic instruction than it is often credited with amidst controversy over its role and in many respects was a pioneer of both vocational and environmental education in the United States. This was important for the young men who joined the CCC, which due to the lack of enforcement of rules and later legislation included a number of transients and younger adolescents.

The CCC was a segregated organisation, reflecting wider society at the time. The emphasis on education was not limited to mainstream camps, but was also evident in camps for African Americans, Native Americans, and veterans with similar opportunities on offer across the different camp populations. Mexican Americans were not segregated, and integrated into the main populations with white Americans, though their equal treatment in those camps was not guaranteed with their presence.<sup>184</sup> African Americans struggled to obtain leadership positions in the organisation under director Robert Fechner, with the only African Americans appointed to such a role being education advisors in all-Black camps.<sup>185</sup> The experiences of minorities in the CCC were not always positive and that discrimination did occur within it. Benjamin Alexander summarises that the CCC did offer real and genuine opportunities and benefits to Black Americans, but it is still important to recognise that it was a discriminatory organisation. He argues that like the rest of the New Deal it benefited blacks and whites unequally, and that as well as being subject to segregation, black enrollees faced

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*The Phi Delta Kappan*, 21:8, (1939), pp.392-393, 396-397; Robert C. Demming, 'Education in CCC Camps', *Journal of Education*, 120:14, (1937), pp.369-371, 382.

<sup>184</sup> John A. Salmond, 'The Civilian Conservation Corps and the Negro', *The Journal of American History*, 52:1, (1965), p.82.

<sup>185</sup> Calvin W. Gower, 'The Struggle of Blacks for Leadership Positions in the Civilian Conservation Corps: 1933-1943', *Journal of Negro History*, 61:2, (1976), pp.123-135.

other indignities inflicted by the government and the white communities surrounding their camps.<sup>186</sup>

Historical investigations of the Latino experiences in the CCC have mainly focused on the states of Arizona and New Mexico.<sup>187</sup> Their experiences should be of particular interest in the history of education in California, however, with the CCC not reflecting the segregationist practices observed in the majority of Californian school districts at the time. Few inmate testimonies survive. Some insight can be garnered from a local San Diego publication, *La Prensa San Diego*, which in August 2008 published a news piece of an event celebrating the legacy of the CCC in the Logan Heights area of San Diego. The event was attended by nine surviving enrollees of Camp Vista, seven of whom were Mexican American. David Naranjo joined the CCC in 1936 despite being only fifteen years old, staying until 1939. He reflected at the event on his life prior to joining the CCC, explaining ‘we were very poor’ and ‘we had little to eat.’ Naranjo’s prospects had appeared limited with him working in the fields, a choice preferred to local canneries. As for the CCC, Naranjo valued the skills and experienced gained there, saying ‘it helped me get a better job than in the fields, where I used to work at the time.’<sup>188</sup> The event held in San Diego in 2008 drew parallels between the Depression-era CCC, and a new CCC, the California Conservation Corps, created by Governor Jerry Brown in 1976 aiming to emulate its predecessor, demonstrating the strong

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<sup>186</sup> Benjamin F. Alexander, *The New Deal’s Forest...*, p.3.

<sup>187</sup> Peter MacMillan Booth, ‘CACTIZONIANS: The Civilian Conservation Corps in Pima County, 1933-1942’, *The Journal of Arizona History*, 32:3, (1991), pp.291-332; Maria E. Montoya, ‘The Roots of Economic and Ethnic Divisions in the Northern New Mexico: The Case of the Civilian Conservation Corps’, *Western Historical Quarterly*, 26:1, (1995), pp.14-13; Richard Melzer, *Coming of Age in the Great Depression, The Civilian Conservation Corps in New Mexico*, (Yucca Tree Press, La Cruces, NM, 2000); Eric V. Meeks, ‘Protecting the “White Citizen Worker”’: Race, Labour, and Citizenship in South-Central Arizona, 1929-1945’, *Journal of the Southwest*, 48:1, (2006), pp.91-113.

<sup>188</sup> Pablo Jamie Sainz, ‘California Conservation Corps, Still a great option for Latinos’, *La Prensa San Diego*, XXXII, 32, August 8, 2008.

influence the CCC remains to have in the state, shaping the opportunities it gives to young adults in the twenty-first century.

### **Chapter Conclusion**

During the Depression-era there was a culture of ‘Californians and others’ within the state’s schools and formal education system. White Californian students were viewed as culturally and intellectually superior and there was a desire where possible to keep them separate from ethnic minorities and white domestic migrants. The result of this were illegal Mexican schools and controversial migratory schools. These practices continued despite opposition from the Mexican government and a successful legal challenge in one school district in 1930. Evidence suggests those schools offered a subpar educational experience, with limited resources, high student to staff ratios, and different curriculums being taught. In some school districts segregation of migratory children – including those of Mexican origin – was not pursued or possible. The recollections of various former migratory children, both boys and girls, from various states indicates that migrant children were often subject to bullying from their peers and blatant discrimination from some teachers. This was not a narrative of non-local children being side-lined silently. They continued to seek their education, their parents continued to work for the best possible schooling for their children, including taking legal action and moving them from one school to another. Even their very attendance at mixed schools where their presence was obviously not desired by individuals and local authorities should be seen as an act of defiance, a willingness to access education where possible, and a willingness to stand up for one’s rights. The parents of Mexican American children sought to challenge segregation and the legitimacy of ‘Americanization’ classes. Indeed, the seeds of a more formidable, organised Mexican American Civil rights movement can perhaps be seen in local organising against school policies.

At a time when so many missed out on school-based education, another potential route to an education was the Civilian Conservation Corps. As the CCC developed, despite controversy about the federal governments and its relief agencies in education, it became more education minded. This had a significant impact, saving many from illiteracy and innumeracy, teaching useful vocational skills, and also opening up academic opportunities to enrollees through partnerships with local colleges and universities, classes and investment in educational spaces and resources, and camp newspapers encouraging enrollees to pursue the educational opportunities that such publications made them aware of. Contrary to popular perception, surviving newspapers also suggest that in some CCC districts within California education became mandatory for enrollees. The CCC was segregated and was only open to boys, but it afforded significant educational opportunity to enrollees, many of whom came from migratory families and the vast majority of whom were under twenty-one.

### **Chapter Three: Living Conditions on the edge of communities.**

This chapter considers the varied living conditions of marginalised children and their families in Depression-era California. It begins with the popular vision of migrant living: the federal migrant camp. Partly thanks to the portrayal of that setting in John Steinbeck's Pulitzer prize-winning novel *The Grapes of Wrath* (1939) and John Ford's multiple Academy Award-winning 1940 film adaptation, the federal camp is a resilient feature of the historical memory of the Depression-era. This chapter emphasises how representations of camp conditions were often rose-tinted and argues as a minority experience with limited capacity their major historical significance was the change of approach to governance they represented. The chapter then moves on to consider conditions encountered by a great deal more people who lived in ramshackle urban and suburban 'Hooverilles' and the *barrios* of Los Angeles. Both the 'Hooverville' and the *barrio* presented potential health dangers, particularly to young residents. Often physically on the edge of communities, residents were often on the peripheries of the community in a metaphorical sense, with their living conditions a source of further marginalisation and social stigma. Indeed, much political focus was on how to get rid of those settlements rather than help the people living there. The chapter then considers two additional types of accommodation which it argues are in need of greater historiographical attention: Southern California's extensive network of Citrus Camps and the County orphanages and children's homes which suffered from underfunding and overcrowding.

#### **The Steinbeckian Federal Migrant Camp**

The well-known view of the federal migrant camp is the fictionalised version which provides shelter and respite to the embattled Joad family in Steinbeck's *Grapes of Wrath*. Steinbeck's portrayal was not plucked from thin air, but instead based on real observations of migrant

living carried out whilst working on the ‘Harvest Gypsies’ articles for the *San Francisco News*. As James Gregory summarises, the ‘Harvest Gypsies’ are ‘marvellous documents of their time’ but are a fundamentally ‘incomplete social history.’<sup>189</sup> Gregory’s assertion that Steinbeck focused exclusively on the worst of conditions is of little concern. Any missed American dream affirming success stories during the humanitarian crisis are not the priority here. Contrary to Gregory’s evaluation of the ‘Harvest Gypsies’, Steinbeck actually presents an overly optimistic portrayal of the federal camp. They were, of course, a political project that Steinbeck the social reformer supported. His political marriage to the project saw him call the editor of the *Yuba City Herald* a ‘self-admitted sadist’ for opposing the federal camp initiative.<sup>190</sup> Out of a desire to sell his favoured solution Steinbeck omitted some of the less convenient facts about conditions within federal camps but he was still correct to view the scheme as significant. As William E. Leuchtenburg points out, the federal camps made the FSA the first New Deal agency to do something ‘concrete’ and ‘at scale’ to help impoverished migrants.<sup>191</sup> Nevertheless, historians should be cautious of Steinbeck’s portrayal in both fiction and ‘factual’ reporting. Furthermore, it is paramount to remember this experiment in policy was never experienced by the majority of migrant families and was closed entirely from lone young transients.

In ‘The Harvest Gypsies’, Steinbeck portrays the federal migrant camp as the saviour of many a family, that restored the ‘dignity and decency’ of migrants through community, trust, and sanitary living conditions. It is true that the basic provisions of garbage disposal and washing facilities provided a marked improvement from those found in makeshift ditch

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<sup>189</sup> James N. Gregory, ‘Review: The Harvest Gypsies: On the Road to the Grapes of Wrath by John Steinbeck’, *California History*, 69:1, (1990), pp.71-72.

<sup>190</sup> John Steinbeck, *Their Blood is Strong*, (Simon J. Lubin Society, San Francisco, 1938), p.27.

<sup>191</sup> William E. Leuchtenburg, *Franklin D Roosevelt and the New Deal, 1932-1940*, (New York, Harper and Row. 1963), p.141.

camps and removed a potent health hazard from *some* people's lives. Below are two contrasting photographs taken in 1936 to illustrate this point, the first of washing facilities at the Federal Camp at Arvin and the second a makeshift privy at a squatter's camp in Kern County.



Fig. 4. (Left), Photograph of Residents using the washing facilities at the Arvin Migratory Labor Camp, Kern County, California, Spring 1936. (University of California, Bancroft Library)

Fig. 5. (Right), Photograph of a Makeshift privy at a migrant encampment in Kern County, 1936. (University of California Bancroft Library).

The importance of those basic facilities should not be underestimated but it is necessary to look beyond Steinbeck's vague praise, which juxtaposes with a series of articles that offer in-depth, emotive anecdotes of suffering in other environments. Former child residents of California's federal camps recalled their tents being so thin that they could 'see the stars' and that when it rained 'water came through like a sieve.' Federal inspectors were particularly concerned about conditions at the Arvin camp, which had been built on almost completely flat land that allowed rainwater to puddle on the floor of residents' tents and the makeshift

roads. During a 1936 inspection, people were found ‘wading through ankle deep water and mud’ inside their tents following a storm. It is clear that conditions within the federal camps were at times difficult in the extreme. Contrary to Gregory’s evidence-lacking assertion that Steinbeck portrayed migrant life overly harshly, at least in terms of the federal camps he championed, Steinbeck did the opposite.<sup>192</sup> Things did improve as the federal camp network became more established, particularly after the decision was made to construct all tents and cabins on raised platforms to counteract problems of flooding and damp. With each family having access to basic sanitation, laundry, and garbage disposal officials believed there was ‘no excuse’ for residents not to maintain the ‘highest’ standards of hygiene.<sup>193</sup> The relatively basic facilities provided along with the camp nurses scheme were a success from a public health perspective in that there were no major epidemics within the camps.<sup>194</sup> However, it seems overzealous to conclude that by providing accommodation that was not a constant health hazard the camps provided comfortable or even acceptable living conditions, especially given the problems highlighted by inspectors and former residents.

On that most basic of public health barometers the federal camps were a success, but this success was only where they existed for those that found them. They were always a minority experience even amongst migratory families engaged in agriculture. There is a need to look beyond them. A great deal more attention could be afforded to a more in-depth analysis of conditions within the federal camps. But that is not a priority. Federal camps are relatively well understood and frequently examined environs even though the majority of

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<sup>192</sup> Brian Q. Cannon, ‘Keep on a-Goin’: Life and Social Interactions in a New Deal Farm Labor Camp’, *Agricultural History*, 70:1, (1996), pp, 11-15.

<sup>193</sup> Walter M. Dickie, ‘Health of the Migrant’, *Journal of the American Medical Association*, 111:9, (1938), pp.763-766; Edward J. Rowell, ‘The Child in the Migratory Camp – Health’, *California Children*, (California State Department of Social Welfare, San Francisco, 1938), p.2.

<sup>194</sup> Omer Mills, “Health Problems Among Migratory Workers.” Speech, Annual Convention of the California League of Municipalities (Health Officers’ Section) Santa Barbara, California, Sept. 8, 1938.

transients did not live in them. Far more people lived in citrus camps which were built by growers not the government across Southern California, the majority of whom were Mexican American. The federal camps which have been the centre of more attention were predominantly white. There is a need to look beyond a white Californian agricultural history to a more accurate one. A much greater number of ethnically diverse young transients lived in urban 'Hooverilles' whilst the conditions of Depression-era orphanages and children's homes are also worthy of greater historiographical attention.

### **The Hooverville: Sacramento's Jibboom Street**

The Depression era saw many semi-permanent makeshift settlements spring up across California and the wider United States. Locals often initiated efforts to 'evacuate' the residents of such settlements, relying on public health legislation to do so. Simultaneously others would move to support the 'Hooverville' dwellers by providing material relief and advocating for a more humane solution than simply moving people on. A distinction can be made between the 'Hobo jungles' that had developed around North America's railway infrastructure in decades prior and the 'Depression settlements.' The 'jungles' were always stopping points, populated with different people on a daily basis on their journey from one place to another whereas the latter provided semi-permanent housing where residents saw their accommodation as a 'home' at least for the time being even if they were 'stuck' transients or migratory workers. Rather than examine vague (and quite frankly useless) historiographical generalized statements about a great number of 'depression settlements' what follows is an examination of Sacramento's so-called Jibboom Street 'Colonies.' They were subject to an extensive survey from SERA and a local debate as to their future which played out in the two main local newspapers the *Sacramento Bee* and the *Sacramento Union*. By considering this local saga it is possible to drill down into the 'typical' conditions of an

urban 'depression settlement', the demographics of the populace within, and the relationship between the settlements and the wider local community.

Whilst many Sacramento locals were simply aware of 'the Hooverville', a survey conducted by the WPA in cooperation with SERA revealed a more complicated local patchwork of makeshift communities some of which were more child friendly than others. According to the report, since 1929 'shack colonies of squatters' had appeared around Sacramento with 'a degree of permanency.' By 1935 there were an estimated 'three thousand persons in shanty villages, unsurpassed for miserable accommodations, squalor and filth' all 'within the shadow of the capitol dome.' Their 'homes' were described as a 'weird assortment of patchwork shanties which look as if someone had literally thrown together materials' and they had 'somehow happened to stick in a three-dimensional, crazy quilt pattern.' Anything that served to keep out the sun, wind, and rain had been utilised including lumber scraps, mud, burlap, stray rocks, automobile doors and even cardboard.<sup>195</sup> The description by the report's author Robert Muir sounds dramatic but FSA photographs of the outskirts of Sacramento from 1935 support his depiction.

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<sup>195</sup> Robert A. Muir, *Sacramento Depression Settlement Survey, 1935*, (Works Progress Administration, SERA Project 216, Sacramento, 1935), pp.1-3.



Fig. 6. Photograph: Dorothea Lange, 'A Few Hooverville roofs', A Hooverville, Sacramento, California, c.1935, (University of California Bancroft Library).

Muir's report provides profiles of the main 'Depression settlements' in Sacramento, highlighting that there were numerous, distinctive settlements, each with different population

demographics not just the spread of a singular Hooverville.<sup>196</sup> Muir's descriptions of 'depression settlements' correspond with a hand-drawn map of Sacramento, dating from 1935, found among the documents of the Transient Division at the State archives:

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<sup>196</sup> Robert A. Muir, '*Sacramento Depression Settlement...*' pp.3-5. Muir describes the following areas: **Jibboom Street:** The 'most populous' and widely known to Sacramento Residents. 'Early settlers' had been single men before a married couple arrived in 1932. The number of married couples, most with children, grew substantially from then. Settlers included 'whites, Mexicans, and Negroes', according to Muir who remarked 'they seem to ignore the differences in color and mingle freely.' **Y Street:** A combination of three very small settlements. There was a group 'composed largely of Finns', 'many of whom work in the summer in the woods or the mines', 'a colony of Mexicans who endeavour to work when possible' and a third group comprised of 'veterans' and 'Russians.' The Y Street settlements were not well-known to locals according to Muir, who remarked that it was 'inaccessible to automobiles' and there was a noted 'community spirit', and that these were the 'most healthful' colonies owing to cleanliness. **Rattlesnake District:** Muir noted that 'few' people knew of this area's existence beyond the foot of 20<sup>th</sup> Street, 'behind a grove of trees' and 'across the Southern Pacific tracks.' It was 'not healthful' as water from the River would rise up and leave 'stagnant sloughs' of water. This 'colony' was 'mostly inhabited by single men, many of them with jail records' though 'many skilled trades were practiced' and there was 'some division of labor' amongst residents. **Rotten Egg District:** This area had previously been a 'hobo jungle' but permanent residents had lived there since 1931. This was the only 'colony' officially within city limits and permission had to be obtained from the city to live there. The city insisted that no women or children could live there. Residents were 'old men, disabled squatters, war veterans, Mexicans' and the 'chief occupation' was cracking black walnuts which could be sold to confectioners. **Shooksville:** Originally settled by Samuel Shooks, who Muir describes as 'a Negro' who became to be looked on as the *de facto* 'mayor' of the settlement, the population of which was described as 'Negroes, Mexicans' and 'racial mixtures.' Sanitary conditions were bad, with 'flies, rodents, mosquitoes' a problem owing to the nearby city incinerator. Residents salvaged food and materials from the nearby junk pile, some making a living from what they salvaged. 'According to County Health authorities, venereal diseases are common, even among the children.' In addition to those areas around the city of Sacramento, Muir's report noted but did not investigate other 'depression settlements' that extended into Sacramento and Yolo Counties. These were: **Gardenland**, farther North along the American River; **Broderick**, west of the city, across the Sacramento River in Yolo County; and the **Delta** area extending miles down the Sacramento River.

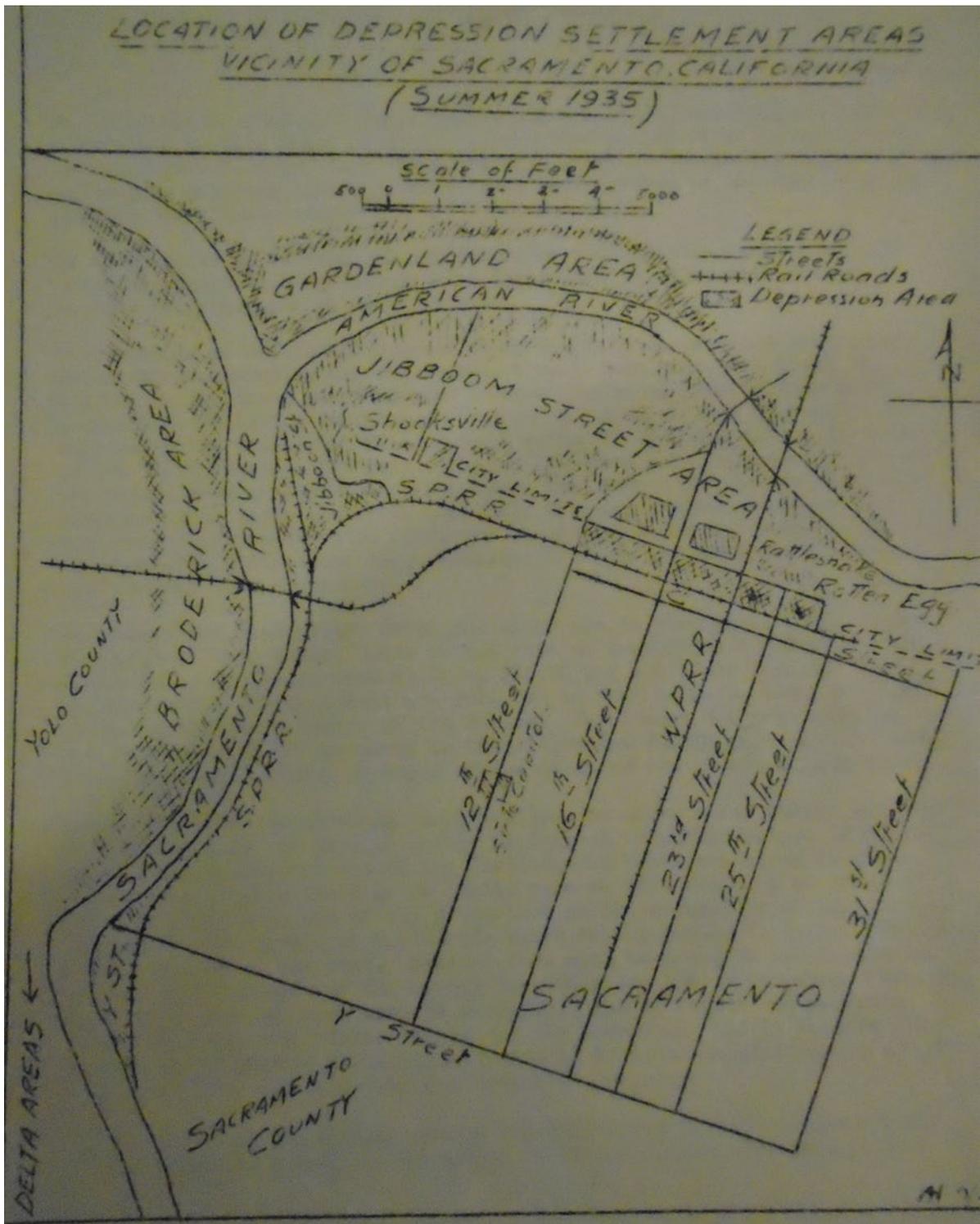


Fig. 7. Reproduction of a hand-drawn Map of Sacramento's 'Depression settlement Areas', Summer 1935, State Relief Administration, Transient Division Files, CSA D4017, F3448: 160-165.



The hand-drawn map found in the State Archives corresponds strongly with a map of the Sacramento area produced by the Home Owners' Loan Corporation (HOLC). These maps rated the supposed lending risk in urban neighbourhoods and were shared with the Federal Housing Administration but not private lenders. With the maps not used to deny loans, scholars have debated the extent that they amounted to a quintessentially racist redlining policy with yellow 'third-grade' areas and red 'fourth grade areas' often graded that way in-part due to the size of the immigrant, Black, and Hispanic population present there.<sup>197</sup> Comparing the HOLC's Sacramento map with the hand-drawn map indicating the location of the city's depression settlements reveals something else. There is a high concentration of red 'fourth grade' areas in the city's Northwest, close to the connecting between the American and Sacramento Rivers, and the largest Hooverilles. Government agencies therefore at least in this case also rated land near Hooverilles as higher risk or unsuitable for investment and lending, demonstrating the stigma that residents including children of whom surveys showed there were many were subjected to not just locally but at a federal administrative level. In practical terms this discouraged investment in areas that could have benefited from it most and one can see how a cycle of decline and further disinvestment could have developed.

Muir's report into Sacramento's 'depression settlements' was thanks to limited funding from SERA and as a result the survey workers had to prioritise. They opted to conduct an in-depth survey only on the Jibboom Street Area, as this was the largest most-well-known Sacramento Hooverville to allow for a more in-depth study of the area and its residents. The Jibboom Street 'Hooverville' surveyors found it consisted of 539 individual housing units in the Summer of 1935. Of those 195 were less than 100 square feet in size and only forty-five were over 300 square feet in size. Eighty-two of the housing units had no

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<sup>197</sup> Todd. M. Michney, 'How the City Survey's Redlining Maps Were Made: A Closer Look at HOLC's Mortgagee Rehabilitation Division', *Journal of Planning History*, Online Preprint (May, 2021).

windows and a further ninety-four incorporated only a single window. Concerns raised about ventilation, especially given the 'slimy' mud floors of dwellings therefore appear valid. Only three of the dwellings had water piped into the home with other residents having walk to a water supply. 82 individual housing units were more than 500 yards from a water supply. Fifteen dwellings had access to electricity and used that for lighting. Of the others, forty-eight relied on candlelight whilst 476 possessed a kerosene lamp.<sup>198</sup>

As well as documenting the physical conditions that residents lived in, the surveyors were equally interested in their backgrounds. Their research focussed on the heads of households primarily and of those 432 were white, eighty-six were Mexican, fifteen were Black, three were Native American, and one was listed as 'Oriental.' 170 whites were identified as being born outside of the United States. The distribution of white, American residents born outside of California that the survey detailed is particularly noteworthy. Whilst 'Okies' may have been the dominant perception of migrants and 'depression settlement' residents, of the 136 heads of household from elsewhere in the United States only four were from Oklahoma.<sup>199</sup> It is evident from the SERA survey that the Jibboom Street area of Sacramento was diverse in terms of the ethnicity and the geographic origin of residents, offering a powerful rebuke of the 'Okie' stereotype and the perception of migrants and transients as being white single males. The survey also investigated the age range of residents, proving that the 'Hooverville' was an intergenerational as well as an interracial place. Indeed, approximately a quarter of residents were minors whilst a significant number were also over the age of seventy. As of June 1935, there were eighty-seven children aged under ten years, thirty-seven of whom were aged under five, and a further ninety-two aged between ten and nineteen. The oldest resident of the settlement was listed in the eighty-four

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<sup>198</sup> Robert A. Muir, *Sacramento Depression Settlement...* pp.32-36.

<sup>199</sup> *Ibid*, pp.20-25.

to eighty-nine age bracket.<sup>200</sup> Muir's SERA survey details the living conditions the Jibboom Street 'Hooverville's' diverse population experienced. Residents, including a significant number of families with young dependent children, were living on the margins of society both physically in relation to the city limits and by their environment which together contributed to a status of 'otherness' amongst the wider Sacramento community.

### ***The Move to 'Evacuate' Sacramento's Hoovervilles.***

Within Sacramento there were varied sentiments towards the residents of the makeshift dwellings that grew around the city between 1929 and 1935. Some locals engaged in related philanthropic causes but at the same time others resolved to have 'the squatters' evicted from their abodes. This local controversy as reported in the *Sacramento Bee* and *Sacramento Union* newspapers, both of which published numerous letters on the issue, would eventually be legislated on by the State Assembly following protests from Jibboom Street residents themselves. This episode of local Sacramento history demonstrates the social stigma 'Hooverville' residents encountered, their capabilities to organise and advocate for themselves, and alludes to the role that EPIC bloc State Assembly members who had been carried to office on the momentum of Upton Sinclair's failed bid for the governorship had in the state's legislature.

The *Sacramento Bee* first reported moves to evict the residents of the Hooverville in August of 1934, noting that results of a SERA survey may conclude that the conditions within were a public health hazard. Negative reporting of conditions in the Hooverville and any encounters residents had with law enforcement continued through the year.<sup>201</sup> By January

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<sup>200</sup> Ibid, p.26.

<sup>201</sup> 'SERA Board will Aid Doom of Hooverville', *Sacramento Bee*, August 16 1934, p.14; 'SERA Official States Sacramento Hooverville Must be Cleaned Up', *Sacramento Bee*, December 19 1934, p.11; 'Hooverville Mayor' sentenced to Sixty Days in County Jail', *Sacramento Bee*, March 14 1935, p.12.

1935 the same newspaper reported actions taken by various locals and organizations, critiquing the local funds being expended on the Sacramento Hooverilles. John Abell, the secretary manager of the Community Chest had toured the Jibboom street settlements where according to the newspaper ‘fifteen hundred persons’ lived in ‘crude shacks.’ The Charity League of Sacramento called for a program to ‘see that the children of the Hooverville, many of whom were born in one of the overcrowded, unheated shacks, have a chance.’ The *Bee* added that photographs had been sent to the Federal Loan Commission in Washington D.C., asking for urgent appropriations to build sanitary substantial dwellings. Maud Fithian, the Principal of North Sacramento Elementary School District had reported that children were so hungry they had resorted to ‘searching through garbage cans for food’ so the city’s Charity League funded hot lunches for the children for the next three months.<sup>202</sup>

Programs to provide better housing for the people of Sacramento’s ‘depression settlements’ were provisionally approved in Washington but did not meet with approval of several influential locals, notably the Sacramento County Executive Charles Deterding Jr, Sheriff Donald Cox, and District Attorney Ottis D. Babcock. The *Bee* reported on February 7<sup>th</sup> 1935 that Deterding Jr opposed federal funds for the Hooverville arguing that improvements would bring a ‘large influx of transients’ attracted by improved living conditions on offer around Sacramento who would become permanent residents reliant on County charity.<sup>203</sup> A few weeks later in April after the County Executive had formally refused federal funds to improve conditions Spring high water from the adjacent American and Sacramento Rivers flooded parts of the ‘depression settlements.’ In his report Robert Muir accused local authorities of using natural disaster as an opportunity to declare the

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<sup>202</sup> ‘Cleanup of Hooverville Awaits Survey by SERA’, *Sacramento Bee*, 21 January 1935, p.12; ‘Hooverville Survey Will be Speedy’, *Sacramento Bee*, February 1, 1935, p.14.

<sup>203</sup> ‘County Executive Haults Hooverville Program’, *Sacramento Bee*, 7 February 1935, p.3.

settlements a 'menace to public health' and clear them without giving any aid to newly homeless former residents.<sup>204</sup>

The two main local newspapers took different approaches to the flooded settlements. The *Bee* reported that clearance and evacuation would be needed to avoid an epidemic of either 'typhoid or diphtheria' due to 'stagnant water', and 'refuge floating on swamps', created by water filling the holes that had been dug to dispose of garbage. Approximately 200 families had been forced from 'their shacks', but 300 families remained living in a 'fertile breeding ground for mosquitos and other germ carriers.'<sup>205</sup> The *Union* on the other hand, published a stinging rebuke of Deterding Jr including a letter from a local resident criticising the decision to refuse funds and facilitate a SERA project. If the county manager had 'agreed to cooperate' the writer argued, the residents could have been in a 'better and safer place' and nobody would have had 'their few worldly possessions swept away.'<sup>206</sup> Local battle lines were being drawn. All agreed that the 'depression settlements' were a problem and that it was not acceptable for people to be living in the conditions they were. Some advocated charity, especially for the children, and investment to provide better living conditions but others advocated evicting the residents and flattening the settlements, eliminating the health hazard but doing nothing for the displaced people. Sheriff Cox and District Attorney Babcock would attempt to carry out the wishes of Deterding Jr and evict residents, however the operation would be a farce from the outset. Babcock had pre-emptively announced that once health authorities agreed the settlements were 'a menace' he would enforce evacuation. Cox attempted to 'eject squatters' however it transpired that land was owned by the Merchants National Bank and the Bank countermanded the eviction, with its Vice President H. H.

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<sup>204</sup> Robert A. Muir, *Sacramento Depression Settlement...*, p.6

<sup>205</sup> *Sacramento Bee*, 23 April 1935.

<sup>206</sup> 'Letters', *Sacramento Union*, 16 April 1935.

Robinson explaining ‘We felt it would be heartless to turn the persons out at that time.’<sup>207</sup>

The attempted evictions became a saga with strong opposition from the residents themselves, some members of the state Assembly, and the Sheriff being told to stay away from the bank’s land.

The *Union* reported through to mid-May of the ‘loud protests’ made by the residents of Jibboom Street and other ‘Hooverville’s’ against the eviction orders issued by Babcock, including publishing a list of demands a group of residents had made. The residents accused Babcock of an ‘outrageous violation of human rights’ and demanded that bona fide Sacramento residents be housed by the city, suggesting that some of the city’s many derelict hotels should be repurposed. Demands also included a delay for residents to find alternate shelter; that camps with a water supply, adequate sewerage, and acceptable conditions be maintained; and that vacant homes in the city were repurposed as part of a SERA project on which they could work on and then benefit from, bettering the city in the process.<sup>208</sup> By a single vote, the EPIC bloc in the State Assembly legislated against Babcock’s ordered eviction of 600 residents of the Hooverville. The session was a heated affair with both of Sacramento’s Assembly members Ray J. Nielsen and Earl D. Desmond calling the settlements a ‘menace.’ San Pedro Assemblyman Reaves shouted that the decision was ‘bunk’ across the chamber at the beginning of what the *Union* described as a ‘verbal assault’ drawing on health and sanitation arguments. Assemblyman Geyer of the EPIC bloc, who had personally toured the settlements, insisted the people were ‘not a health menace’ and that authorities needed to answer the question ‘where next’ for residents before flattening their humble dwellings.<sup>209</sup> Whilst Upton Sinclair’s bid for the Governorship fell short, this episode

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<sup>207</sup> *Sacramento Bee*, 25 April 1935; Robert A. Muir, *Sacramento Depression Settlement...*, p.7.

<sup>208</sup> *Sacramento Union*, 11 May 1935.

<sup>209</sup> *Sacramento Union*, 10 May 1935.

is a useful demonstration that victorious down-ballot EPIC candidates made an impact in the state legislature, and that the EPIC movement had an influence after Sinclair's loss. The settlements would still be substantially reduced, however the residents' protests and the delaying actions of the unlikely allies of the Merchants National Bank and EPIC state Assembly members meant that this was a more considered process. Babcock was forced to agree to work with the Federal Rural Rehabilitation Bureau to ensure that evicted residents had time to salvage any belongings and had alternate accommodation provided in the immediate aftermath.

### **Mexican American living conditions in Los Angeles**

Los Angeles became known as the 'Mexican capital' of the United States in the prelude to the Great Depression. The 1910 Mexican Revolution and the Cristero Rebellion of the 1920s are factors that greatly stimulated migration which was at the time welcomed by a society that needed workers following the passage of anti-Asian immigration legislation despite rapidly growing agribusiness. Geographical proximity and the historical affinity of the cultural landscape attracted many migrants to the Southwest and Los Angeles in particular. Prior to World War Two both newly arrived immigrants and established Mexican Americans, some of whom traced their lineage back to Mexican California rather than any migration, were similarly discriminated against. Nativist sentiment along with eugenicist interpretations of racial pseudo-science labelled them as equally inferior to whites.<sup>210</sup> Unequal educational opportunities, cultural disdain, and mistreatment by law enforcement and state institutions are the most obvious examples, however inequality in housing and healthcare (particularly early-

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<sup>210</sup> Gloria E. Miranda, 'Mexican Immigrant Families: Cultural Survival and Adaptation in the Formation of Community in Los Angeles, 1900-1945', Martin Schiesl & Mark M. Dodge, *City of Promise, Race and Historical change in Los Angeles*, (Clairemont, CA, Regina Books, 2006), pp.11-13.

life healthcare) of urban Mexican Americans is another aspect of life and policy area which contributed to inequality.

At the start of the twentieth century the majority of Mexican Americans did not live in a manner that they could have expected to in pre-American California. A minority of *Californio* families managed to maintain a professional middle-class status in the Anglo-Californian mainstream, in some cases by claiming European Spanish heritage rather than Mexican. Most Americans of Mexican descent in Los Angeles lived in segregated downtown Los Angeles in areas known as *barrios*, including the Plaza District and Sonoratown. Those isolated enclaves attracted the majority of newly arriving Mexican immigrants too for three main reasons: affordable housing, proximity to common workplaces, and the appeal of a community with a vibrant ‘Mexican’ culture at its core.<sup>211</sup>

Early twentieth century *barrios* were overcrowded slums, comprised of one and two-room shacks (*jacales*) that lacked adequate running water, heating, and lighting. The Los Angeles Housing Commission was founded in 1906 to solve this urban living crisis after pressure from Progressives who considered the living conditions endured by immigrant communities a stain on the city’s character. When city officials acted it was not out of humanitarian concern. The adjacent business district demanded more land, the *jacales* were flattened, and the *barrio* made way for commercial buildings. Displaced residents went in several directions but a significant number headed east across the Los Angeles River. Given no assistance, all they could do was establish similar dwellings to the ones the city had eliminated.<sup>212</sup> This was a missed opportunity to create better living conditions that would have deadly consequences in the Depression era.

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<sup>211</sup> Ibid.

<sup>212</sup> Gloria E. Miranda, ‘Mexican Immigrant Families’, p.16.

By end of the 1920s one area, Belvedere, housed approximately 30,000 residents. Outside of official city limits, real estate developers had repurposed pasturelands and sold small lots for similarly small payments. The developers failed to provide basic infrastructure. Protestant preacher Robert McLean, who spent a great deal of time with Mexican Americans attempting to convert them from Catholicism as part of a wider hostile ‘Americanization’ initiative, wrote that there were no sewers, no sidewalks, and no playgrounds. Housing remained inadequate, with new *jacalets* built from second-hand lumber.<sup>213</sup> Other *Barrios* developed across Southern California in a similar fashion. Carey McWilliams wrote of Chavez Ravine, north of downtown Los Angeles between Elysian Park and North Broadway as ‘shacks clinging precariously to the hillsides’ adding that the city appeared to neglect the area, providing little to no municipal services.<sup>214</sup> Even as a state government official with responsibilities in the housing department between 1938 and 1942, McWilliams struggled to turn his critical observations into material improvements for struggling Angelenos.

By 1930 the *barrios* had tripled in size and the socioeconomic conditions within trapped families into cyclical poverty. Facilities were woefully inadequate and county officials became concerned about the prospect of the high rates of communicable diseases among Mexican Americans spreading to white Angelenos.<sup>215</sup> Respiratory ailments were a particular problem and the children of the *barrios* were the most vulnerable. Various investigations into public health found infant mortality rates ranging from double to eight times that of Caucasians among Mexican new-borns in the County. Local health authorities came to the conclusion however that the ‘inferior genetic makeup of Mexicans’ was the

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<sup>213</sup> Robert McClean, *That Mexican! As He Really Is, North and South of the Rio Grande*, (New York, Flemming H. Revell, 1928), pp.144-147.

<sup>214</sup> Carey McWilliams, *North From Mexico: The Spanish-Speaking People of the United States*, (Westport, CT, Greenwood, 1968), p.224.

<sup>215</sup> Gloria E. Miranda, ‘Mexican Immigrant Families’, p.18-19.

driving factor behind the disparity rather than the conditions those infants died in.<sup>216</sup> The tragedy of that conclusion was that excess deaths were treated as natural or to be expected, and efforts of intervention were seen as pointless. The problem was deemed to be within the constitutions of dead babies and children and not the environment they died in. As such, this vastly increased infant mortality rate was allowed to carry on without serious attempts at intervention. Throughout the Great Depression, many Mexican Americans continued to live in the *barrios*, enduring what Emory Bogardus described as ‘deplorable housing accommodations.’ Bogardus contended that being limited to low status employment, and by extension low wages, meant that many Mexican American families were unable to improve their standard of living. He also suggested that even if, hypothetically, a Mexican attained citizenship, qualifications, a generous salary, and sought to enhance their family’s lives by moving neighbourhood they would most likely be met with hostility and ultimately ‘rebuffed’ by residents of ‘better’ neighbourhoods.<sup>217</sup>

It is clear that *barrio* residents like those of Hoovervilles elsewhere lived on the edge of society, were ignored by municipal services, and dismissed as inferior. The clear divide of ‘Californians and others’ can be seen in the physical state of houses, the services City and County provided to different neighbourhoods, and most clearly in the response to infant mortality rates, which authorities pinned on the make-up of people rather than their surroundings. It is impossible to quantify the impact of that inaction on infant mortality rates, as the studies available vary in the extent of disparities. However, we do know that Los Angeles authorities were aware of significantly higher infant mortality rates in the *barrios* and chose to do nothing about it throughout the Depression-era, emphasising a culture of

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<sup>216</sup> ‘Health, Relief, and Delinquency conditions among the Mexicans of California’, Manuel P. Servin, ed., *An Awkward Minority: The Mexican Americans*, 2<sup>nd</sup> Ed., (Beverly Hills, Glencoe Press, 1974), pp.72-73.

<sup>217</sup> Emory Bogardus, ‘Current Problems of Mexican Immigrants’, *Sociology and Social Research*, 25, (1940), p.170.

‘Californians and Others’ across several levels of local government, a culture which proved fatal for some of the youngest residents.

### **The Citrus Camp**

California’s agricultural history has been noted by Linda Ivey for its ‘lost stories’ where an almost exclusive focus of the experience of white Americans has distorted the narrative to exclude all others.<sup>218</sup> In the case of the Depression era this is not helped by concerted and persistent efforts made in some of the most important primary sources to emphasise the whiteness of migrants. For example, in the *Harvest Gypsies* as part of John Steinbeck’s effort to portray suffering migrants as deserving sympathy, he goes to great pains to emphasise both Americanness and whiteness. He acknowledges that the role of the transient agricultural labourer had previously been taken by Chinese, Japanese, Mexican, and Filipino workers, the latter of which he describes as ‘little brown men.’ Dust Bowl migrants on the other hand are described by Steinbeck as ‘the best American stock, resourceful, and if given a chance, socially responsible’ who possess ‘strong purposeful faces’ and often have names of ‘English, German, and Scandinavian descent.’ Whilst criticising the treatment of immigrant labour as a ‘disgraceful picture of greed and cruelty’, Steinbeck argues that the old techniques of ‘repression, starvation wages, or jailing, and intimidation’ would not work as ‘these are American people.’ The undertones of American exceptionalism and white supremacy are undeniable. ‘White labor’ Steinbeck contended would soon ‘insist on a standard of living much higher’ than foreigners, and their ‘pride and self-respect’ would lead to a rejection of the status of a ‘field peon.’ Whilst making every effort to talk up the qualities of white Dust Bowl migrants, Steinbeck implies that they possessed qualities immigrants and their

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<sup>218</sup> Linda L. Ivey, ‘Ethnicity in the Land: Lost Stories of California Agriculture’, *Agricultural History*, 81:1, (2007), pp.98-124.

descendants did not, in effect promoting ideas of racial hierarchy.<sup>219</sup> Historians must therefore look beyond these sources, valuable as they may be for understanding the plight of white migrants. Important pieces of the puzzle are missing. To read contemporaneous sources one would be forgiven for being under the impression the population was almost exclusively white. American transient children in California during the Depression were, as studies of Hooverilles like Muir's Sacramento survey have shown, a racially diverse demographic.

The growth and success of the Citrus industry in California through exploitation and racial segregation is still being translated into the public consciousness today, as is demonstrated by a 2019 expose-style article in the *Fullerton Observer* detailing almost exclusively Mexican-American populated Citrus Camps which were cut off from wider communities.<sup>220</sup> Such camps spread across eighteen Californian counties and during the Depression era employed approximately 40,000 workers, almost exclusively of Latino heritage, also housing and often schooling their children.<sup>221</sup> In short, they require further historical analysis due to their size and scale alone, and beyond what is possible in the wider scope of this research. Gilbert Gonzalez remains one of the few to explore life within California's Citrus villages in *Labor and Community, Mexican Citrus Worker Villages in a Southern California County* (1994).<sup>222</sup>

Gonzalez's research shows that during the Depression-era, the citrus camps housed approximately 100,000 people when including workers' children and spouses. Mexicans in the citrus industry were primarily pickers or packers, meaning they were poor, segregated into so-called *colonias* and socially ostracized despite being indispensable economically to

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<sup>219</sup> John Steinbeck, *Their Blood is Strong*, p.30, 36, 5, 6, 32.

<sup>220</sup> Jesse La Tour, 'The Roots of Inequality: The Citrus Industry Prospered of the Back of Segregated Immigrant Labor', *The Fullerton Observer*, December 17, 2019.

<sup>221</sup> Gilbert G. Gonzalez, 'Labor and Community: The Camps of Mexican American Citrus Pickers in Southern California', *Agricultural History*, 22:3 (1991), pp. 289-312

<sup>222</sup> Gilbert G. Gonzalez, *Labor and Community, Mexican Citrus Worker Villages in a Southern California County, 1900-1950*, (Urbana, University of Chicago Press, 1994).

the wider society. Picker housing which could be owned or provided by either a housing association or the grower comprised of small, wooden-frame constructions, with descriptions ranging from ‘minimally sufficient’ to ‘substandard for family housing’. Ranchers would not charge rent, only insist that one able-bodied labourer be available year around, and in peak picking season two able-bodied labourers. The *colonias* were often miles away from a white settlement and included basic amenities, for example the Independencia and Straton settlements included a small church, several ‘Mexican shops’, and a school. Even in an exclusively Mexican environment bilingualism was discouraged, with one child remarking to a visitor that their teacher ‘don’t want to catch you speaking Spanish’ and ‘they’d tell us they would send us back to Mexico’ when overheard. Even in a population dominated by their own ethnic and cultural group the child in question was not spared from the repressive othering promoted across California’s education system, representative of the state’s dominant culture. Most dwellings did have water access, according to Gonzalez, though beyond that, the provision of toilets, showers, and bathtubs varied from settlement to settlement.<sup>223</sup> The marginalisation of Citrus Camp communities fits in to a wider culture of ‘Californians and Others’ as does the basic conditions within and a hostility to bilingualism amongst children at their schools. Given the scale of their population, including worker’s spouses and children, and the importance of the citrus industry in California’s development as a State, there is a clear need for a greater understanding of conditions and cultures within them during this period. The comparatively smaller federal camp population, for instance, has received far greater scholarly attention.

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<sup>223</sup> Gilbert G. Gonzalez, *Labor and Community, Mexican Citrus Villages*, pp.8, 37-38, 58, 100-101.

### **Oakland Orphanages and the ‘Crisis of the American Orphanage’**

Due to a lack of funding the 1930s has been described by Marshall Jones as a ‘crisis of the American orphanage’ where poor conditions were common, and some overcrowded philanthropic organisations made the difficult choice to release or evict their older teenage charges onto the streets to cut costs, so they were still able to care for the youngest and most vulnerable children. There were an estimated 1,600 orphanages nationwide in 1935 caring for approximately 144,000 children, the vast majority of whom, ninety percent, had a living parent. These were homes for children whose parents could not keep them – often the younger children of impoverished migratory and immigrant families or vulnerable young transients picked up by the authorities. These homes were repositories of young outsiders not orphans in the strict sense of the term. The economy of the 1930s would increase the numbers of such children, Marshall B. Jones estimates that there were as many homeless children as there were in institutional care.<sup>224</sup> For every child in an orphanage there was another who qualified for a bed in one that there was no room to house.

Children and orphanages within the United States had been a concern since the nineteenth century and in 1909 the first White House conference on children held by President Theodore Roosevelt reached a strong consensus against the expansion of children in institutional care, concluding that ‘home life’ was the ‘finest product of civilization’ and that children should not be deprived of it unless there were ‘urgent and compelling’ reasons. Despite that declaration, the number of children in orphanages continued to grow and this was a problem that the 1935 Social Security Act would attempt to arrest through the Aid to Families with Dependent Children program. These federal dollars, though often lauded by

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<sup>224</sup> Marshall B. Jones, ‘Crisis of the American Orphanage, 1931-1940’, *Social Science Review*, 63:4, (1989), pp.613-629; Jessica Epsey *et al.*, ‘Crisis, care and childhood: the impact of economic crisis on care work in poor households in the developing world’, *Gender and Development*, 18:2, (2010), pp.291-307; E. Wayne Carp, ‘The History of Orphans and Orphanages in the United States’, *Adoption & Culture*, 4, (2010), pp.43-51.

contemporaries and historians alike, failed to prevent the number of children receiving placements outside their own home, though the harsh economic conditions of the 1930s can be said to have pushed many families beyond the brink.<sup>225</sup> Furthermore, the conditions in homes, which were becoming increasingly overcrowded, with more families – disproportionately Black, Latino, and Asian Americans, deemed unable to look after their children. This was a major cause of concern in the state of California and particularly in the city of Oakland and wider Alameda County.

Correspondence relating to homes in Alameda highlight poor conditions in children's homes. Oakland's fire marshal raised concerns that homes were not meeting his safety requirements in 1931.<sup>226</sup> The US Department of Labor's Children's Bureau raised that 'there are needs in Alameda county in the field of child welfare which are not being met.'<sup>227</sup> Florence L. Turner, Director of California's State Department of Social Welfare, wrote to all homes in Oakland to warn that failure to meet ordinances would result in licensing revocation, citing concerns relating to, housing, health, sanitation, and fire prevention.<sup>228</sup> Local authority oversight seems to have been an obstacle to improvement. Internal communications cited a need to 'straighten out the Oakland homes' in 1938 but in 1939 Martha Chickering (Divisional Director based in San Francisco) wrote to Oakland's health officer's to remind them of their responsibilities to inspect charitable homes that did not

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<sup>225</sup> *Orphanages: An Historical Overview, A Discussion of the role of Orphanages in Child Welfare Policy*, (Family and Children's Services Division, Minnesota Department of Human Services, St Paul, 1995), pp.4-5.

<sup>226</sup> Frank Kispent, (Fire Marshall, City of Oakland Fire Prevention Bureau) to Geneva Orcutt (State Department of Social Welfare), 'Homes requiring improvement', April 10, 1931, CSA, Dept., of Social Welfare, Bur., of Boarding Homes and Institutions, R350.175

<sup>227</sup> Aleta Brownlee, (US Dept. of Labor, Children's Bureau) to Helen Simmons (State Department of Social Welfare, Sacramento CA), December 17, 1938. CSA, Dept., of Social Welfare, Bur., of Boarding Homes and Institutions, R350.175.

<sup>228</sup> Florence L. Turner, (State Director of Social Welfare), to All Oakland Homes, November 26th 1937. CSA, Dept., of Social Welfare, Bur., of Boarding Homes and Institutions, R350.175.

receive remuneration for care due to concerns of squalid living conditions.<sup>229</sup> Documents relating to children's homes, particularly around Oakland, highlight that the conditions within them were a concern throughout the Depression era. Authorities faced a dilemma; despite concerns about conditions would have been reluctant to force the closure of homes when demand already outstripped capacity and funding was limited.

Recollections of children's experiences and scholarship relating to the conditions in Orphanages and children's homes within the Golden State during the Great Depression are undeniably scarce, though Marta Gutman's study 'Adopted Homes for Yesterday's Children' offers an insight into the Oakland homes in the Depression and World War Two eras, particularly from the perspective of girls of colour. Gutman makes the important argument that the expectation of children's homes to produce good young citizens meant that the harshest gender, class, and ethnicity expectations of wider society were often imported into even the most charitable of homes, adversely affecting the lives of girls, children of colour, and those whose parents were deemed 'undesirable' by social workers. Gutman's findings are relevant to considering the potential experiences of Mexican Americans in care, and the children of transient families of any ethnic background, though particularly African Americans.<sup>230</sup> Gutman also makes the point that as well as social policy, routines, and people in children's institutions, the physical design and environment were hugely indicative in overall experiences. Concerns over the conditions in homes in Alameda County which were

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<sup>229</sup> Bess Regpole, (State Dept. of Social Welfare Office Memorandum) to Geneva Orcutt, re: 'straightening out the Oakland Homes', November 16, 1937; 'Institutions for Children and Aged in the City of Oakland Licensed by the State Department of Social Welfare which may be affected by new Ordinance, April 7, 1938; Martha A. Chickering (Divisional Director of State Dept. of Social Welfare, San Francisco) to Dr. N. Ashley (Oakland City Health Officer) re: 'Licensing of Boarding Homes where no remuneration for care in Received', November 8, 1939. CSA, Dept., of Social Welfare, Bur., of Boarding Homes and Institutions, R350.175.

<sup>230</sup> Marta Gutman, 'Adopted Homes for Yesterday's Children: Intention and Experience in an Oakland orphanage', *Pacific Historical Review*, 73:4, (2004), 615.

strong enough to be raised by the federal U.S. Children's Bureau in Washington, D.C. should not be dismissed as an unfortunate side-effect of economic catastrophe.

Orphanages in Depression-era California were physically unsafe environments that housed children who more often than not had a living parent. Even federal funding initiatives aimed at halting growth in the populations of overcrowded orphanages failed to prevent more children being placed out of the home, the trauma of which can only have been increased in the type of dangerous environment rebuked by the Oakland's city fire marshal. Orphanages were repositories for marginalised children, particularly those born to transient parents, Blacks, Latinos, and Asian Americans, whilst the institutions were segregated along the lines of race and gender. The living conditions encountered by their population is an often-ignored aspect of the crisis in living conditions faced by many young people during the Great Depression.

### **Chapter Conclusion.**

Whilst the Federal Migrant Camp has been subject to extensive attention, both historiographical and culturally, it is only one of many environments a transient could find themselves in California, and represents a minority, overwhelming white experience that has been overly romanticized by supporters of the Federal Camp project. Symbolically, the Federal Government being involved represented a major change in policy, and the unprecedented interventionist nature of the New Deal. However marginalised children were found in many other places in greater numbers, including overcrowded and unsafe orphanages, the segregated *barrios* of Los Angeles and other Southwestern cities, predominantly Mexican American Citrus Camps, and in the ramshackle 'Depression settlements' and 'Hooverville's' that quickly developed around Californian urban settlements, including the capital city Sacramento. Contrary to common perceptions of

migrants, 'Depression Settlements' were intergenerational and interracial places, physically on the margins of established communities. All of these places, and the living conditions they afforded, ranging from basic to downright dangerous, contributed to the 'othering' of the people, including children who lived there. This manifested itself in numerous ways, from disparaging press coverage, local campaigns to have homes demolished, and discriminatory behaviour towards children, such as the dismissal of an infant mortality crisis in Los Angeles and the repudiation bilingual children in Citrus camps. The most significant impact of many of these types of accommodation was for physical health. The following chapter builds on the groundwork laid here, examining ill-health among marginalised children, their access to relief, their access to healthcare, and the role of the state of Californian in their plight.

## **Chapter Four: Health, nutrition, and emergency relief for marginalised children.**

Attempts to assess the health impact of the Great Depression contend with two conflicting narratives. On one hand the economic hardship of the Great Depression, causing more families to struggle to obtain necessities, suggests a potential negative impact. Contrastingly, the implementation of large-scale relief programs, the introduction of health-oriented schemes such as school nurses, school meal programs, and towards the end of the 1930s food stamps, suggest a greater focus on health and by extension the possibility for improvement. Early large-scale historical studies have pointed to an overall national decline in mortality rates to make the argument that the 1930s saw an improvement in health, suggesting a correlation with more interventionist public policy and the creation of a ‘safety net’ for the vulnerable.<sup>231</sup>

Suggestions of overall health improvements during the Great Depression do not match the powerful personal testimonies of localised hardship amongst specific communities that can be found in contemporary medical journals. The zoomed-out, national trend-based approach also obscures any variations at a regional level or amongst minority groups. Furthermore, a heavy reliance on mortality rates to consider public health is also troubling. Being healthy and avoiding death are not the same thing. The rates of people living with certain diseases also needs to be considered into the equation. Particularly in times of widespread economic hardship, it is important to consider the rates of nutrition-related illness. A solely quantitative view struggles to contend with how developments in technology, medical knowledge, and healthcare practices, impact the overall mortality rate in

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<sup>231</sup> Price V. Fishback, Michael R. Haines, and Shawn Kantor, ‘Births, Deaths, and New Deal Relief during the Great Depression’, *The Review of Economics and Statistics*, 89:1, (2007), pp.1-3.

spite of a crisis. There is a need to consider what health problems people lived with and to consider the qualitative evidence available when analysing health.

More recent statistical analysis has also highlighted problems with a national, mortality-based approach. Overall national declines in mortality rates are shown to have hidden variations between different cities, indicating that New Deal relief and appropriate healthcare were not accessible uniformly. Meanwhile, trends in infectious diseases must also be considered. The Influenza virus famously varies from year to year and mutation to mutation. The period between 1929 and 1937 saw a decrease in flu-related deaths by almost 15 percent.<sup>232</sup> This was not caused by the Great Depression or the response to it but rather the natural influenza cycle. That cycle, especially in such a prevalent virus, will have influenced the overall mortality rate, perhaps obscuring rises in deaths due to other causes. The complex interactions between deaths of different causes are highlighted in a study led by David Stuckler. The study found that bank suspensions were associated with higher rates of suicide. Yet it simultaneously found that bank suspensions were associated with falling rates of vehicle ownership, which in turn resulted in lower rates in motor-vehicle-related fatalities.<sup>233</sup> The extent that financial crisis coexisted with more deaths via suicide would be partially obscured therefore by another consequence of the crisis. Consequently, reliance on simple mortality rates do not reveal all. Additionally, the finding of increased suicides offers an important insight into the often-ignored mental health impact of the Great Depression – a topic which current historians can consider with the benefit of a twenty-first century understanding of mental health.

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<sup>232</sup> David Stuckler, Christopher Meissner, Price Fishback, Sanjay Basu & Martin McKee, 'Banking crisis and mortality during the Great Depression: evidence from US urban populations, 1929-1937', *Journal of Epidemiology and Community Health*, 66:5, (2012), pp.410-419.

<sup>233</sup> Ibid.

The mental health impact of the Great Depression and surrounding events can also be hinted at via recent studies of a more modern context. For example, Joanna Dreby's recent research demonstrates the significant mental health burden on current Mexican American children who are by birth U.S. citizens but whose family members face the threat of deportation. This finding is hugely relevant to the historical experiences of Mexican American children who lived in Depression-era California during programs of forced 'repatriation.'<sup>234</sup> The mental health aspect, including resultant physical health impacts of that is a hugely important consideration but is absent from primary evidence due to limited understanding and focus on mental health. Together, these two examples offer an insight into the underappreciated mental health burden that the economic and political climate of the 1930s will have placed on many young people. This mental health impact of the Great Depression is something that it is extremely difficult for a historian to grapple with due to a lack of acknowledgement in the primary source base but there should at least be a greater acknowledgement of its existence.

Approaching the health repercussions of the Great Depression is a complex task. Moving beyond national statistics and general trends in order to uncover the experience of young transients, migrants, and immigrant communities is even more challenging. Where available, the anecdotal personal evidence of health workers and observers who were working on the ground amongst those people will prove vital. Rather than simple mortality rates, attention will be given to specific condition-related diseases such as those caused by malnutrition or working environments. The general existence of medical care, technology, and new discoveries did not necessarily equal access to healthcare for the marginalised

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<sup>234</sup> Joanna Dreby, 'The Burden of Deportation on Children in Mexican Immigrant Families', *Journal of Marriage and Family*, 74:4, (2012), pp.829-845; Brian Gratton and Emily Merchant, 'Immigration, Repatriation, and Deportation: The Mexican-origin Population in the United States, 1920-1950', *The International Migration Review*, 47:4, (2013), pp.944-975.

citizen. Therefore, the details of food relief and medical care initiatives and the factors that influenced how accessible these services were for different people need to be examined. It is through the careful consideration of these factors and focussing on qualitative testimony that the inherent problems with a quantitative data-driven approach to healthcare, disease, and nutrition may be mitigated.

### **Ill-health and Disease amongst migratory children**

There were major levels of concern about the health of specific population groups within California during the Great Depression. Often this concern originated from fears that disease could spread from outsiders to the local white Californian population rather than purely humanitarian motives. To many, migrants were the ‘health menace’ that the *Santa Maria Times* accused them of being.<sup>235</sup> A common argument given in favour of maintaining illegal Mexican schools and separate migratory schools was to keep the ‘disease-carrying’ children away from the ‘nice’ locals.<sup>236</sup> Poor living conditions and malnutrition both affected marginalised communities such as transients and ethnic minorities disproportionately which in-turn effected their health. Medical experts agreed that this constituted a significant public health risk as is demonstrated by a statement from Dr. Omer Mills to the California League of Municipalities:

The issues are: One, the easy and rapid spread of communicable diseases; two, the prevalence of sickness caused by unsanitary living conditions; three, the high incidence of diseases traceable to malnutrition; and four, a general neglect of health due to poverty and to ineligibility for state and county aid.<sup>237</sup>

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<sup>235</sup> ‘Migrant Labor a Health Mennace’, *Santa Maria Times*, 20 April 1939, p.2

<sup>236</sup> Victor Jones, *Transients and Migrants*, (Bureau of Public Administration, 1939 Legislative Problems, Berkeley CA, 1939), p.47.

<sup>237</sup> Dr. Omer Mills, ‘Health Problems among Migratory workers’, Address: Health Officers Section, California League of Municipalities, September 8, 1938.

How to combat those issues was a matter of varied opinions amongst medical professionals and public health officials. Ill-health was a major source of stigma and some advocated not for treatment but for the removal or even eugenic sterilisation of unhealthy migrants. For example, in 1936 Riverside County's health officer Dr. Telfer wrote to the director of the State Department of Public Health, Dr. Walter Dickie about what he termed the 'blight brought in by the transients.' Telfer's main concerns were trachoma, tuberculosis, and typhoid and he concluded that 'sterilization is the only solution.'<sup>238</sup> Telfer did not explain how the state mutilating a person's reproductive organs could help solve the spread of a respiratory disease like tuberculosis. Telfer's letter to Dickie shows that some public health officials viewed disease as something brought to California by outsiders rather than a public health problem within California itself, which could have serious implications on their efforts to tackle disease outbreaks. In truth, reflecting beliefs of Anglo-Californian superiority, just about any difference between local residents and outsiders was seized upon. For instance, it was even suggested in *Forum and Century* magazine that migrants were more likely to suffer from disease because they were more likely to practice Pentecostal faith.<sup>239</sup> The article is a perfect demonstration of a cultural difference being seized upon, taken as an indicator of cultural or spiritual inferiority and then linked to public health.

In many Californian counties the prospect of harvest and the arrival of migratory agricultural labourers and their families resulted in pre-emptive public health panics. In Contra Costa County prior to the main harvests in 1930 the health officer took action due to the 'spectre of disease carrying migrants' on the horizon. School nurses were hurriedly instructed to administer diphtheria immunizations to local children, at a rate of over 400 per

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<sup>238</sup> Correspondence between Dr. Telfer and Dr. Dickie re: Riverside County, August 8 1936, CSA, Public Health Department Records, Public Health Director Files, ID: R344:028

<sup>239</sup> Carleton Beals, 'Migs: America's Shantytown on Wheels', *Forum and Century*, XCIX, January 1st, 1938 p.10.

day, prior to the harvests.<sup>240</sup> Of course those immunizations were of obvious benefit to the local school children but the panicked program reveals the level of suspicion, fear, xenophobia, and class-based snobbery which migratory families were subject to. Contra Costa's pre-emptive approach was also thoroughly more inclusive than that of the majority of counties which opted to segregate transient children into separate migratory schools.

The idea that disease entered the state with migrants was prominent in the press, with the *Los Angeles Times* calling for and celebrating stricter 'border quarantine' measures on the state borders.<sup>241</sup> Officials at the state Department of Public health realised that this was no magic bullet and that disease was actually linked to the conditions migrants and immigrants experienced once they had arrived in California. Writing in the weekly bulletin of State Health Department, Guy Jones highlighted that communicable diseases were 'directly related to transients' living conditions', referencing the prevalence of 'dysentery, diarrhoea, smallpox, and tuberculosis' and the fact that the majority of typhoid cases occurred in migrant camps.<sup>242</sup> An editorial in the *Cal West Medical* journal described the 'Indignants' camps' as a 'new and pressing problem' and this was a problem that concerned the Bureau of Child Hygiene who set out to survey the health of migrant children as a matter of urgency.<sup>243</sup> The Bureau surveyed 1,000 'migratory children' in California in July 1936 and the report,

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<sup>240</sup> Local Organization Survey: Contra Costa, March 29, 1930', CSA, Department of Public Health, Public Health Director Files, ID: R384:028.

<sup>241</sup> 'Border Health Tests Loom: Merriam of Opinion Law Permitting Checks on Transients Legal', *Los Angeles Times*, January 29 1937; 'The Border Quarantine', *Los Angeles Times*, August 6, 1939, a4.

<sup>242</sup> Guy P. Jones, 'Migration and Communicable diseases', *California State Department of Public Health Weekly Bulletin*, XVII:19, June 1938, p.74.

<sup>243</sup> 'Indignant Camps in California: A New and pressing problem', *Cal West Medical*, 45:1, (1937), pp.2-3.

authored by paediatrician Anita E. Faverman found that 86.3 percent had at least one ‘medical hygienic defect.’<sup>244</sup> The following year, the State Department of Public Welfare commissioned Bertha Underhill to investigate the health of children in a California cotton camp. Underhill’s survey considered 132 families and made the distinction between children that had state residency status and those that did not. The following table details her findings. Resident and non-resident children were ‘similarly unhealthy’ overall, however non-resident children were more likely to have suffered from malnutrition.

<b>Health ‘defects’ identified in 122 non-resident children and 148 children with state or county residency at a California cotton camp, 1937.<sup>245</sup></b>				
‘Defect’	Non-Resident	%	Resident	%
Correctable defects	63	51.6	74	50.0
Nutritional defects	43	35.2	39	26.4
Infections	38	31.1	53	35.8
Congenital Defect	2	1.6	2	1.6
Hygiene	8	6.6	10	6.8
Tuberculosis	5	4.1	10	6.8
Venereal Disease	0	-	4	2.7
Other Defects	11	9.0	10	6.8
Children without defects	22	18.0	29	19.6

Fig. 9. Table displaying the health conditions identified in 122 non-resident and 148 resident children at a California cotton camp, 1937.

<sup>244</sup> Anita E. Faverman, *A Study of the Health of 1000 Children of Migratory Agricultural Laborers in California, June 1936 – July 1936*, (California State Department of Public Health, Bureau of Child Hygiene, Sacramento, 1936), p.11.

<sup>245</sup> Data from: Underhill, “A Study of 132 Families”, 10-11, 31. ‘Correctable defects’ included tonsil problems, hernias, dental problems, squints, and tear duct issues. ‘Nutritional defects’ included Rickets, ‘malnutrition’, and children adjudged either underweight or overweight. One resident child was deemed overweight, four were underweight, and 12 had rickets. Ten non-resident children were underweight and 17 had Rickets. Infections identified across both groups included: skin conditions, respiratory infections, ear infections, head colds, whooping cough, and scarlet fever. ‘Congenital defects’ included a singular instance of Epilepsy and a hip problem among non-residents and a heart problem and an eyelid complaint among resident children. ‘Hygiene’ cases recorded bed-wetting, head lice, constipation, Behaviour problems, stained teeth, and posture problems.

Underhill's research does show that non-resident children were not significantly at higher risk of infection or 'carrying disease' as resident children of comparable socioeconomic status there are some discrepancies between the groups. Non-resident's dental health and levels of malnutrition in this sample was notably worse, however rates of 'correctable defects' and 'hygienic defects' were similar, and resident children were more likely to suffer from tuberculosis and infections. The medical labels applied to the children surveyed are not as straightforward as they may appear, being highly culturally constructed. At its heart, poor dental hygiene is an economic issue. Bed-wetting, at least now, is recognised as often being a symptom of psychological issues. Weight loss can be attributed to many things including a perhaps undiagnosed underlying medical condition. Parents may have been 'at fault' due to poor food choices but also restricted by educational and economic circumstances. Weight, we now understand, can be impacted not only by nutrition but by mental health. The number of children suffering from health issues that were preventable from a medical perspective or heavily linked to their immediate material or environmental circumstances is notable. Unsanitary living conditions contributed to many, as was recalled by Mary Sears who worked as a nurse in a federal camp, 'Tuberculosis was endemic. Where irrigation ditches provided the only available drinking water, dysentery, diarrhoea, and other diseases broke out. Other preventable diseases include conjunctivitis, gastrointestinal diseases, and upper respiratory infections. Polio was one of the horrors.'<sup>246</sup> Once again, Sears's account undermines the overly favourable view of federal camp living conditions.

Inevitably some of the children involved in the studies of transient health died. Underhill's study did not detail mortality, but the earlier Faverman study did. Rather than by

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<sup>246</sup> Mary Sears, 'The nurse and the migrant', *Pacific Coast Journal of Nursing*, 37:11, (1941), p.145.

state residency status, Faverman recorded child and infant mortality by ethnicity. The main ethnic groups in camps were ‘Mexicans’ and ‘Whites’ with statistics being broken down along the lines of race. There was also a smaller population of African Americans in California’s transient camps. In Faverman’s study the sample size of African Americans is so small it is difficult to draw any concrete conclusions from statistics concerning them but the presence of Black families in the camps should not be erased. Reality on the ground did not reflect the white Steinbeckian camp environment commonly alluded to in the historical memory and sometimes scholarship of the Californian agriculture during the Great Depression. Migrant camps were not encampments of white Oklahomans that they are stereotyped to have been, but multicultural settlements, including white Americans, Blacks, Asian Americans, Hispanics, other distinct groups. The following mortality rates among demographic groups were observed in the course of the study, though is limited to the groups recognised at the time:

<b>Deaths of Transient Children by ethnicity</b> <sup>247</sup>				
	White	‘Mexican’	African American	Total
No. of families	123	49	5	177
No. of children	373	220	17	610
Average children per family	3.0	4.5	5.4	5.4
Deaths of under 15s	31	60	1	92
% of children who died	7.6	21.4	5.5	13.1
Deaths of Children under 1	19	35	1	55
Infant deaths per family	0.15	0.71	0.2	0.31

Fig. 10. Table displaying the mortality rates amongst infants and children under 15 in California migrant camps by ethnicity.

<sup>247</sup> Data from Anita E. Faverman, ‘A Study of the health of 1,000 children...,’ p.17.

The overall mortality rate of children in white families was 7.6 percent and that rate almost trebled to 21.4 percent amongst ‘Mexicans.’ Likewise, the number of infant deaths experienced per family was also significantly higher. Mexican migratory children were significantly more likely to die than their white counterparts in the same camp environs. It is therefore necessary to investigate potential disparities between the healthcare and food relief given to Mexicans and Mexican Americans compared to whites, as well as just assess the general provisions available to California residents and ‘others.’

### *Valley Fever*

One health condition that became specifically associated with transients and migratory agricultural workers regardless of race was so-called ‘Valley-Fever’ which for most of the Great Depression was a potentially severe mystery ailment of an unknown cause. The condition is now recognised clinically as Coccidioidomycosis. In 1940, Dr. Juliet Thorner worked at the Kern County Hospital and conducted investigations into ‘Valley Fever.’ It was only then that the fungus which caused the sickness was identified, as was the ratio of female to male infections of 100:77 and other important characteristics of the illness.<sup>248</sup> The signs and symptoms of ‘Valley Fever’ even played into existing negative stereotypes of migrants and transients in Californian society, with profound feelings of tiredness and joint pain often being explained away as being down to inherent ‘laziness.’ Research into Coccidioidomycosis published in 2015 helps explain the high rates of infection amongst transients and migratory agricultural workers and their children beyond the presence of the fungus responsible in California’s valleys. Twarog and Thompson explain that patients with

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<sup>248</sup> ‘News’, *Cal West Medical*, 53:5, (1940), p.244; Juliet E. Thorner, ‘Relative values of coccidioidin and tuberculin in testing amongst children of the San Joaquin Valley’, *Cal West Medical*, 54:1, (1941), pp.12-15; Jan V. Hirschmann, ‘The Early History of Coccidioidomycosis’, *Clinical Infectious Diseases*, 44:9, (2007), pp.1202-1207.

poor nutrition and compromised immune systems (both factors being extremely relevant to California's Depression-era transients, ethnic minorities, and impoverished working-class) were at a higher risk of infection. The most common symptoms of the illness, profound tiredness, joint pain, coughs, headaches, rashes, muscle pain, and fever, are not immediately life-threatening, though Twarog and Thompson estimate that in approximately five percent of cases chronic infection occurs where the infection is disseminated around the body. In such cases death is a distinct possibility in the event the lung nodules or brain tissues (two of the most common complications) become infected, or in a rarer occurrence the heart becomes compromised.<sup>249</sup>

It is now understood that transients in California were at higher risk of Coccidioidomycosis infection in California because they were in the Golden State rather than anything to do with their biology, culture, or geographic origins. 'Valley Fever' was not brought into the state by new arrivals as was assumed. Meteorological factors relating to the specific geography of California were at play: the tendency of fog to form in coastal areas and in the valleys created the ideal climactic conditions for the growth of the responsible fungus.<sup>250</sup> Twenty-first century scientific understanding of 'Valley Fever' demonstrates that California's historical populations of transients and migratory agricultural workers were at particular risk to Coccidioidomycosis infection due to their jobs and socioeconomic status. The fact that symptoms of infection and higher rates of infection among transient communities only played into pre-existing negative stereotypes of migrants and transients only exacerbated the situation further. The lack of availability of good nutrition and

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<sup>249</sup> Meryl Twarog & George Thompson, 'Coccidioidomycosis: Recent Updates', *Seminars in Respiratory and Critical Care Medicine*, 36:5, (2015), pp.746-755.

<sup>250</sup> R. Das, J. McNary, & K. Fitzsimmons *et al.*, 'Occupational Coccidioidomycosis in California: outbreak investigation, respirator recommendations, and surveillance findings', *Journal of Occupational and Environmental Medicine*, 54:5, (2012), pp.504-571.

appropriate medical care to these people, as shall be explored below was also a notable factor in the rates of infection.

### **Malnutrition and Food Relief**

The research carried out by Anita Faverman and Bertha Underhill on behalf of California's Departments of Health and Social Welfare show the rates of various so-called 'health defects' amongst children living in migrant camps. A good number of these illnesses were either caused by or linked to malnutrition. Indeed, malnutrition was so widespread that its devastating physical impacts on the body became stereotypes of white domestic migrants. A Kern County health official expressed that in his opinion 'the struggle for existence' had 'dulled their untrained intellect and made their bodies gaunt.'<sup>251</sup> Lawrence Hewes, a regional director for the Farm Security Administration (FSA) described the 'typical' migrant as having 'loose, gangling physiques, narrow sharp features, and what appeared to be abnormally large Adam's apples and ears.'<sup>252</sup> Being physically distinguishable from the local population no doubt hastened the process of othering many encountered. In the words of Gerald Haslam, 'general scrawniness' and 'concave chests' saw agricultural migrants 'decried as the lowest of subspecies.'<sup>253</sup> For some children, malnutrition would already have set in within the womb, as pregnant women struggled to obtain vital nutrition. Mothers of new-borns then found themselves unable to produce adequate, nutritious breast milk. Some found the stress of that situation unbearable, as Loye Holmes recalled to the California Odyssey Project, recalling a night where she contemplated killing herself and her two young children:

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<sup>251</sup> C. F. Baughman, "Survey of Kern County Migratory Problem", (Kern: Kern County Health Department, December 1937), p.2.

<sup>252</sup> Lawrence Hewes, *Boxcar in the Sand*, (New York: Knopf, 1957), p.112.

<sup>253</sup> Gerald Haslam, "What About the Okies?", *American History Illustrated*, Volume 12, No 1, (1977), 28-39.

My milk was no good ... I thought about committing suicide. There was this huge, canal that ran down the Imperial Valley ... I got up and tucked the baby under one arm and the other under the other arm ... I thought I'll go out there get in the middle and jump right off. I couldn't see no other way out ... I thought, well, I'll just get rid of it all but when I got her under my arm it was like a little voice spoke to me that said "Don't do it."<sup>254</sup>

John Steinbeck recorded the 'typical' diets of several migratory families that he encountered whilst writing the 'Harvest Gypsies' series of articles for the *San Francisco News*. Steinbeck made the distinction between good and bad times for the families, depending on whether they had secured employment or not. Considering these diets, it is easy to see how malnutrition became a major issue for migratory families and their children:

Food is scarce always, and luxuries of any kind are unknown. Observed diets look something like this when the family is making money.

Family of eight – boiled cabbage, baked sweet potatoes, creamed carrots, beans, fried dough, jelly, tea.

Family of seven – beans, baking powder biscuits, jam, coffee

Family of six – canned salmon, cornbread, raw onions

Family of five – biscuits, fried potatoes, dandelion greens, peas

These are dinners. It is to be noticed that even in these flush times there is no milk, no butter. The major part of the diet is starch. In slack times the diet becomes all starch, this being the cheapest way to fill up. Dinners are as follows:

Family of Seven – Beans, fried dough.

Family of Six – Fried Cornbread.

Family of five – Oatmeal mush.

Family of eight (there were six children) – Dandelion greens and boiled potatoes.<sup>255</sup>

From Steinbeck's field research it is easy to understand why two preventable, nutrition-related illnesses, Pellagra and Ricketts, both of which were well-understood by the Depression era developed at significant rates amongst transient communities in 1930s

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<sup>254</sup> Loye Holmes, Interview Transcript, COOHP, California State University, Bakersfield, 1981), p.12.

<sup>255</sup> John Steinbeck, 'The Harvest Gypsies, Article V', *San Francisco News*, October 9, 1936.

California. Both illnesses were linked to vitamin deficiencies in the diet, where again California's sometimes foggy climate did not help. Ricketts was investigated and known about during World War One, as were the resultant effects of bone defects and lifelong disability. The State Relief Administration conducted research into the state of sufferers during the 1930s, concluding that the children of Mexican immigrants and out-of-state migrants were at greater risk. As a result, in 1934, the FSA began distributing liquid supplements of milk and fish oils for children to consume in-between meals, recognising that low vitamin D levels needed to be addressed.<sup>256</sup>

Pellagra, another dominant nutrition-related illness was caused by vitamin B deficiencies in the diet. It was not immediately life-threatening, though early diagnosis was not always possible as its characteristic rash could be confused for other ailments, including leprosy. Pellagra was somewhat common among California's immigrant population in the years prior to the Great Depression. According to Walter Gratzer, government and health officials began to take Pellagra more seriously due to the fact it was observed more and more amongst 'the native, white, Anglo-Californian population' during the Great Depression.<sup>257</sup> Federal government officials noted the impact that malnutrition was having on the short and long-term health of the working public. Research was conducted as to the best ways to enable citizens to be healthy, productive, workers, without too much of a strain on the public purse.

The SRA had a complicated relationship with Dr Ruth Okey, a leading nutritionist at the University of California, Berkeley. At times it embraced her research, especially where she provided information on the nutritional content of various foods that could be bought in bulk and provided in emergencies, or the differing nutritional needs for children at different

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<sup>256</sup> State Relief Administration, 'Vitamin D & Ricketts', 18 October 1934, CSA, State Relief Administration, County and State Relief Administration Files, ID: F3448:25.

<sup>257</sup> Walter Gratzer, *Terrors of the Table, The curious history of nutrition*, (New York & London, Oxford University Press, 2015), pp.140-155

developmental stages. This, of course, allowed the agency to stretch its budget further. The SRA ignored Dr Okey when she criticised the racialised nature of its food relief program where it provided different food relief for people it categorised as ‘Anglos’ or ‘Mexicans.’ The value of citizens, and their food needs, and the amount the State was willing to spend on them was questioned because of their race. ‘Anglos’ and ‘Mexicans’ were allocated different provisions, with ‘Mexicans’ determined as needing less fresh milk, no cereal, and less meat, and were instead allocated more beans and cornbread. Dr Okey warned officials that their policy of providing tortillas instead of yeast breads could lead to vitamin B deficiency and eventually Pellagra, so it was imperative to provide milk, cheese, and beans in full portions.<sup>258</sup>

This was a deliberate choice to ignore nutritional science by the state of California to pursue a discriminatory food relief policy. The calorie was a recognised measurement of energy, and nutritional scientists had viewed the body as a machine that needed specific and definable amounts of fuels. Even employers supported nutritionist arguments in the 1920s, keen to fuel workers bodies correctly in order to increase productivity.<sup>259</sup> In the magazine *Survey Graphic*, Russell Wilder called for the nation to ‘mobilize for total nutrition’, expressing concerns that families were unable to afford ‘fortified’, protective foods such as bread, milk, fresh meat, and eggs.<sup>260</sup> Those were the very foods that officials deliberately restricted for Mexican Americans whilst their children died at a much higher rate than their white neighbours in the state’s agricultural and migrant camps.

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<sup>258</sup> Dr. Ruth Okey & Frances Taylor, ‘Nutrition & Dietary Data, 1933’, CSA, State Relief Administration, State and County Relief Administration Files, ID f:3348:25

<sup>259</sup> Nina Mackert, ‘Feeding Productive Bodies: Calories, Nutritional Values and Ability in Progressive Era U.S.’, Peter-Paul Bänziger & Mischa Suter (ed.), *Histories of Productivity: Genealogical Perspectives on the Body and Modern Economy*, (London, Routledge, 2016), pp.117-135.

<sup>260</sup> Russell M. Wilder, ‘Mobilize for Total Nutrition’, *Survey Graphic*, Volume 30, No 7 (1941).

*A complex, ever-changing, system of welfare*

Welfare provisions for transients and migratory families in California during the Depression-era varied on a county-by-county basis and went through several reorganisations. Welfare historian James Leiby contends that the main feature of Californian welfare administration between 1933 and 1941 was its complexity with a dual administration between counties, state functions, and federally funded New Deal initiatives. County welfare departments carried on with their ‘traditional’ duty of helping the ‘unemployable’, including the blind, the aged, and young children. The State Department of Welfare shared some of the cost with counties, oversaw administration, and licensed foster homes and residential institutions. Through the State Emergency Relief Administration (SERA) and its successor organisation the California State Relief Administration (SRA) the state administered New Deal aid to those who had been rendered unemployed by economic climate but had previously been self-sufficient.<sup>261</sup>

The problem was that this multi-layered system increased the potential for people to fall between the cracks, being unsure who to seek relief from or with no level of administration providing them assistance. Migratory agricultural workers, vital for California’s economy, and their children could find themselves in a ‘welfare gap.’ Those travelling from one state to another qualified for federal aid but those migrating within a state, even one as large as California, did not. Following the harvests, migratory workers rarely stayed put long enough to meet the residency restrictions numerous counties imposed on accessing local welfare.<sup>262</sup> In December 1935, the head of relief in Monterey County pre-warned ‘destitute transients’ to ‘keep out’ because ‘they would not be given aid.’<sup>263</sup> County aid, where accessible was often meagre, reflecting a desire to control costs, ensure

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<sup>261</sup> James Leiby, ‘State Welfare Administration in California, 1930-1945’, *Southern California Quarterly*, 55:3 (1973), p.308.

<sup>262</sup> Linda C. Majka and Theo J. Majka, *Farm Workers, Agri-business, and the State* (Philadelphia, Temple University Press, 1982), pp.109-110.

<sup>263</sup> ‘Transients Throng into Local Areas’, *Salinas Morning Post*, 5 Dec. 1935, 1.

employment was always the preferred option, and pressure from taxpayers. Leiby highlights how some counties' relief provisions were miserly to the extent that abandonment of the family by the unemployed breadwinner was financially beneficial to families, allowing children to access welfare for needy or dependent children which had to meet state and federal minimum standards.<sup>264</sup>

The creation of the Federal Transient Service (FTS) in 1933 filled some of the welfare gap that afflicted migratory families and their children. The Californian branch, (CTS), provided aid to 77,118 people a month at its height.<sup>265</sup> Contrary to popular belief, the service prioritised families and children over single, male transients - the stereotypical 'bum.' Where it secured larger facilities, setting up shelters in urban areas and camps in rural ones, the CTS provided short-term accommodation and operated congregate feeding. Where its premises were limited, workers distributed vouchers for local eateries and 'grocery orders' from local businesses.<sup>266</sup> The CTS was no magic bullet, but it did fill a notable gap in welfare infrastructure. A removal of federal funding forced the closure of the service by the end of 1935, depriving migratory families of a potential safety net and causing in the words of relief workers 'chaos and suffering.'<sup>267</sup>

To mitigate the closure of the CTS, the SRA established a transient division, the SRA-TD, however it lacked the resources to fully step up to the plate. The SRA-TD, alongside the FSA which was established in 1935 with a broad mission to tackle rural poverty, did what they could but found themselves reacting to emergency situations rather than providing consistent welfare. For example, in 1936, approximately 1,000 migratory workers and their families arrived in Nipomo, San Luis Obispo County, in anticipation of picking peas only for

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<sup>264</sup> James Leiby, 'State Welfare Administration...', p.314.

<sup>265</sup> California State Relief Administration, *Transients in California*, (San Francisco, 1936), 3.

<sup>266</sup> Ellery F. Reed, *Federal Transient Program: An Evaluative Study, May to July 1934*, (New York: Committee on care of Transient and Homeless, 1934), pp.64-67.

<sup>267</sup> California State Relief Administration, '*Transients*', p.6.

consistent rain to destroy the crop. As the *Healdsburg Tribune* reported having used all their available resources to travel to Nipomo and now without work, migrant families became stranded. The paper described them as being ‘near starvation’ by the time relief workers managed to provide food relief.<sup>268</sup>

Newspapers expressed significant concern about malnutrition amongst migratory agricultural workers, despite more general hostile overtones to non-locals in the press and society, perhaps aware that the agricultural economy relied on such workers. Malnutrition amongst children was reported with similar concern. The children of transient and migratory families were more likely to be considered as innocent victims, having had no choice in the movement of their family, rather than adults who were deemed to be responsible for it. It was reported in the *Calexico Chronicle* that 27 out of 30 children in one small encampment were deemed ‘defective’ due to malnutrition. The FSA was reported to be attempting to assist those unable to apply for local aid, including a family containing a husband, wife, and four children who had lived solely off potatoes and bread for four weeks.<sup>269</sup> *The Chronicle* was rare amongst newspapers for highlighting the specific impact of residency restrictions on local aid. Those restrictions, rather than save the public money, often transferred the burden from local taxes to federal ones.

As timely as emergency FSA interventions were in cases such as the blight in Nipomo, the limitation of relief to situations that could be construed as emergencies or natural disasters, shows that authorities misunderstood the food reality for many families or that they were unwilling to help. The nutrition-related outreach programs of the SRA in California seem to have been based on the notion that many people were suffering malnutrition due to their own poor choices rather than their circumstances. The advice that it

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<sup>268</sup> ‘Migratory Workers Face Starvation’, *Healdsburg Tribune*, 14 Mar. 1936.

<sup>269</sup> ‘Migratory Farm workers suffer in valley, stated’, *Calexico Chronicle*, February 1, 1938.

distributed was not incorrect but was almost certainly useless to many. One flyer distributed in June 1934 was entitled 'Cooking vegetables' and told of the nutritional benefits of cooking vegetables *al dente* style.<sup>270</sup> This assumed access to fresh vegetables which as demonstrated by Steinbeck's record of migrant families' diets was not always the case and, in these cases, starch dominated the food consumed, especially outside of peak harvests or when travelling from one to another. Similarly, another flyer from the same year encouraged 'using food wisely,' again assuming there was widespread access to a balanced, nutritional diet.<sup>271</sup>

There was a tangible disconnect between those in-need of relief and those giving it out. Officials responsible for relief distribution appeared to have harboured the opinion that malnutrition was caused by poor cooking, or poor food choices, and from their more privileged position in society seemed unable to comprehend the positions some families were in. In some cases, aid workers exhibited obviously hostile attitudes to the people they were charged with helping, raising the prospect that prejudices prevented them from doing the job as well as possible. In a document entitled 'Agricultural Migratory Labor in the San Joaquin Valley' written in 1937, a relief worker described migratory workers as 'Bowl Weevils', and complained that they 'arrives, find enough to eat, makes enough to go back to Oklahoma, and brings the whole family.' They conclude that 'the only solution is sterilization.'<sup>272</sup>

Physicians and state officials were well aware of the link between poor diets of the type recorded by Steinbeck that included little fresh fruit and vegetables and were high in salt and fat and health problems. Despite that, food relief was racialised, and in general provided a poor diet itself. This is explained by attitudes towards migrants. Poor diet and malnutrition

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<sup>270</sup> State Relief Administration, 'Cooking Vegetables', June 23, 1934, CSA, State and County Relief Administration Files, ID: f3448:25

<sup>271</sup> State Relief Administration, 'Suggestions for using your food wisely', June 1, 1934, CSA,, State and County Relief Administration Files, ID: f3448:25

<sup>272</sup> Agricultural Migratory Labour in the San Joaquin Valley', SRA Internal Communication circa. 1937, CSA, State and County Relief Administration files, ID: f3448:25

were both assumed to be results of inferiority and even inherited within communities. Dr Walter Dickie, when Director of California's state Public Health department, asserted that 'By heritage [migrants] have become accustomed to a diet lacking both in quantity and essential food elements.'<sup>273</sup> Such statements were at best conjecture, at worst the peddling of harmful stereotypes of vulnerable people. There was little incentive to provide quality nutrition if it was believed state poor diet was a natural part of outsiders' heritage. To believe the official policies of the state and its agencies would be to believe that Mexican American bodies somehow needed less energy than white Anglo American bodies, and that white Anglo American bodies from Oklahoma were not used to eating fresh fruit and vegetables, so Oklahomans in California were malnourished by choice or even nature. The potential of that narrative to providing relief to families was enormous.

### **Residency restrictions and healthcare access**

The impact of residency restrictions applied to county and state medical facilities was noted in the Underhill report on the health of migratory children. Furthermore, Underhill also highlighted that those who technically qualified for care were often unable to access it on a practical basis:

To the large group of people falling in the classifications of non-resident and "state homeless" medical care is not available except for emergent conditions. This group is unable to pay for it and when they do they often deprive themselves of necessities by doing so ... Many of the group having county residence ... do not receive the medical care they need. Economic status does not permit them paying for this care. They often do not use the public health agencies because of the distance they must travel, and the lack of time and money to make the necessary trips.<sup>274</sup>

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<sup>273</sup> Walter M. Dickie, 'Letter: Concerning California's Migratory Workers Problem', *California and Western Medicine*, 47:2, (1937), p.131.

<sup>274</sup> Bertha S. Underhill, 'A Study of 132 families...', p.31.

The residency restrictions described by Underhill were motivated by a desire to cost cut, given the extremely challenging economic climate and deal with a demand that outweighed the capacity of hospitals and doctor's offices during harvest time in many localities. The decision made was to prioritise those who were residents, again emphasising that to authorities and lawmakers, that non-residents, be they white or an ethnic minority were not worthy of the same assistance regardless of their U.S. citizenship status.

The impact of residency restrictions on healthcare had the potential to be deadly. As part of the *San Francisco News's* 'Harvest Gypsies' series John Steinbeck wrote of the death of a fifteen-year-old boy. The family's story would have been familiar to many. Children and teenagers were often required to work and despite the very best efforts of parents many were unable to secure vital health services for their children, resulting in tragic and medically avoidable deaths. The family's living conditions, food poverty, and residency restrictions produced a deadly cocktail which they could not overcome. Emergency care should have been provided to non-residents, though the very definition of an emergency was itself contested, especially where no diagnosis was immediately obvious.

The family lived in a squatter's camp outside of Bakersfield. The father was unable to work after injuring his ankle with farm machinery whilst the mother stayed at home to care for their infant daughter – a severe case of measles had damaged her vision. The family relied on the two sons, aged twelve and fifteen, to earn money. The father attempted to apply for relief but was rejected as they had not 'established the necessary residence.' When the fifteen-year-old son returned home from the fields with a 'fever and great pain across his side' the father went to the hospital to apply for aid whilst the mother did what she could by applying hot rags and giving him doses of salts. The hospital 'told the father they were full' and that in any case they 'only treated bona fide local residents.' During the night the boy's pain 'grew in severity until he fell unconscious.' The father telephoned the hospital from a

local business but was told nobody would attend the case. The next morning the boy died of a ruptured appendix and would eventually be buried by the county as the family could not afford a funeral.<sup>275</sup> Steinbeck provides a single powerful anecdote that reveals the devastating human consequences of a lack of appropriate healthcare access. It was cases such as these that drew strong criticism from observers such as the sociologist Katherine Lovell. Comparing the social services available to transient workers to those that had been available to new arrivals during California's gold rush, Lovell concluded that very little had changed in a century between 1839 and 1939. Infrastructure had improved in that time, but Lovell argued that essential services had been rendered non-existent for some by restrictions placed on certain people.<sup>276</sup>

Despite the critiques of Lovell and cases such as the one reported by Steinbeck, there were important developments made in the area of child health and welfare during the Great Depression. Many people did what they could to help and this gave rise to programs that would become normality. Both the malnourishment and ill-health of children was obvious to the teachers that spent time with them. Some school districts, despite the fact that their budgets were strictly limited and that it was not their primary objective, took on responsibility for keeping students fed and healthy. In numerous Californian school districts, school nurses measured the height and weight of all students and those who were deemed to be underweight were provided with free hot meals at lunchtimes, regardless of residency status. In other districts, formal arrangements were not possible and as a result there was no comprehensive survey of students' health, individual teachers and schools acted to help their students. When the teachers of the San Jose school district together and agreed to donate 5

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<sup>275</sup> John Steinbeck, 'The Harvest Gypsies, Article V', *San Francisco News*, October 9, 1936.

<sup>276</sup> Katherine D. Lovell, 'Migrant Aid in California, 1839: 1939: A Comparison of the Social Services for Transients during the Gold Rush and the Great Depression', *American Journal of Economics and Sociology*, 3:1, (1943), pp.69-87.

percent of their relatively meagre salaries to a fund which provided food and blankets for the neediest students, regardless of background.<sup>277</sup> Educators' journals and magazines often featured calls for teachers to do what they could in order to feed students by offering advice on how to do so on a budget and engineering local assistance in doing so.<sup>278</sup> In cases where teachers could not personally provide for all the children in-need of food the local community often stepped in to help. At the Liberty School in Tulare County where migrant children were going to school hungry the wives of local farmers in the surrounding area took it in turns to provide a hot dish, vegetables, and milk. The children at that school were fed by that community action for several years prior to the introduction of the Federal Meals Program.<sup>279</sup> Another major innovation, food stamps, spearheaded by Agriculture secretary Henry A. Wallace were implemented in 1939. The benefits of that program came extremely late in the chronology of the Great Depression.<sup>280</sup>

The school nurse was often the first and only regular point of contact with healthcare advice for all children, not just transients, as the opinion of a trained medical professional could be obtained without cost, and for children in school there was no additional expenditure of time or money for the family. Geographic convenience and keeping care low-cost were the lessons that could be learnt. It was on the cost-effective, early-intervention, themed success of school nurses that inspired the introduction of federal camp nurses. Those nurses, often working with limited resources, recorded their experiences and contributed to prominent nursing journals. The main issues that nurses identified in providing appropriate medical care

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<sup>277</sup> David Tyack, Rob Lowe, & Elisabeth Hansat, *Public Schools in Hard Times*, (Harvard University Press, Cambridge, MA., 1984), p.74.

<sup>278</sup> Sherry L. Field, Michelle Baumi, & M. Elizabeth Bellows, "On the verge of Renaissance", *Arkansas Schools, Curricula, and Teachers during the Great Depression*, *American Educational History Journal*, 41:1, (2014), p.136.

<sup>279</sup> 'Liberty School', *Visalia Times Delta*, September 1, 1966; Wellasbelle Maloney, *Pride in America*, (Hanford, CA), p.22.

<sup>280</sup> Rachel Louise Moran, "Consuming Relief: Food Stamps and the New Welfare of the New Deal", *The Journal of American History*, 97:4, (2011), pp.1001-1022.

were malnutrition and the timely response of authorities to potential outbreaks of communicable diseases. R. C. Williams reported on the concerns of the FSA's chief medical officer that 'most every child in camp suffered from a nutritional defect.'<sup>281</sup> Meanwhile nurse Mary Sears expressed her displeasure at a camp where 26 cases of smallpox developed before the outbreak was even documented.<sup>282</sup> In that same article Sears recalled two incidents which demonstrate the role of such nurses and also how their hands could be tied in places where hospital residency restrictions were in place. A prolonged period of bad weather combined with inadequate living conditions could lead to significant outbreaks such as the one described by Sears:

It was the last week of March, the rain kept pouring down, and the pea pickers kept pouring in, stretching leaking tents over muddy puddles. A week later, more than 3000 people were picking peas, scattered over ten or more disreputable camp sites. At the end of the first week the nurse had found 151 cases of illness, among them 27 cases of whooping cough, 23 cases of measles, 21 cases of chicken pox, and 14 cases of mumps. There were also cases of trachoma, tuberculosis, malaria, and pellagra ... But there was no opportunity for medical care as the Board of Supervisors of that county had voted to hospitalise 'extreme emergency cases only'<sup>283</sup>

Sears described her regular activities as a field nurse working with migrants in California. One of the things that concerned her was that in both migratory and working-class families both parents were working in order to provide for children, leaving them unattended, even when ill. Older children were taking on more parental responsibilities, and as another one of Sears's anecdotes demonstrate, many children received medical care or first aid from older siblings. Limited resources were available from relief agencies, and whilst replacement

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<sup>281</sup> R. C. Williams, 'Nursing Care for Migrant Families', *American Journal of Nursing*, 41:9, (1941), pp.1028 – 1032.

<sup>282</sup> Mary Sears, 'The Nurse and the Migrant', *Pacific Coast Journal of Nursing*, 37:11, (1941), p.145.

<sup>283</sup> Ibid.

tents and prescriptions for high calorie diets were potentially lifesaving, they were short-term solutions which did nothing to remove families from the circumstances that fostered ill-health:

I found the family living against a wire fence in the corner of a pea field. Two bed sheets formed the roof, two quilts and burlap made the walls. In this lived six people, their bed on the ground. The parents were away working for their dear life. The four children were all sick, huddled in the bed. The baby was wracked with whooping cough. I taught the nine-year-old to support it with his arms around its abdomen to assist in the coughing spells. There was nowhere to take them. I left a note to the parents – where to go for a tent and surplus foods. The family received a new tent, bedding, clothing and rations. Medical care provided amounted to prescriptions from the local grocery store for three high calorie diets.<sup>284</sup>

The recollections of both Mary Sears and R. C. Williams as field nurses working with migrant communities demonstrate that personally they did what they could for people but that this was an extremely difficult situation for a healthcare professional to make a long-term difference. This was about short-term crisis management: stopping outbreaks getting out of control; replacing people's substandard shelter; and providing high calorie diets to those most in-need of nutrition or on the edge of starvation. It can comfortably be said that the healthcare of migrant families was in crisis. In addition to this it is worth considering that this relates to families. Lone transients of any age that were out of work and more frequently on the move would have had even less opportunities to access care.

Workers at the State Relief Administration's Transient Division (SRA-TD) were charged with cataloguing the state's 'transient problem' and providing welfare where it was available. After the closure of the CTS as part of the Federal program it was left to state authorities. The SRA-TD was a significantly smaller and lesser funded initiative and prioritised the care of vulnerable: lone boys and girls. In the last year of the CTS an official

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<sup>284</sup> Ibid.

report made the complaint whilst it was necessary to utilise nearby public hospitals for emergency cases, ‘At the present time, however, the counties are objecting to the added expenses involved in giving hospitalization to transients.’<sup>285</sup> Some local partnerships were established. For example, in Los Angeles the following organisations assisted the SRA-TD: Los Angeles General Hospital (for cases of communicable diseases); Lincoln Heights Police Department (Pediculosis); the Bureau of County Welfare (Tuberculosis); and Venereal and Skin Infection cases qualified for Federal funding.<sup>286</sup> However, the emphasis soon shifted on transporting transients without state residency out of the State.

Healthcare to many migratory families was more a matter of traditional family remedies than seeking professional help. This was another potential cause of stigma, another way that migratory families may have appeared unsophisticated to locals, a consequence of their systematic exclusion. People did the best they could in the circumstances, like the mother in the family met by John Steinbeck, placing hot rags on her son’s painful side. The only healthcare available to some people was the home, and that is reflected in various contributions to oral history projects. Vera Creswell recalled her childhood friends struggling to get over whooping cough after ‘a long period of not having the right food’ and ‘being unable to afford a doctor.’ Talmage Collins remembered widespread illnesses being a part of life during his school days ‘back in the day everyone had colds all time’, and when questioned about healthcare he replied, ‘They had old family remedies. They used to give some kind of herb that grew out wild. My mother and father both knew it.’ Healthcare for him and many other children like him was something that took place in the home not a professional, clinical setting. Some of the home remedies used, as recalled by Billie Pate,

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<sup>285</sup> SRA Social Service Division, *A Study of Transients and State Homeless in California*, 1935, p.36, CSA, State Relief Administration Transient Division Files, D4017; F3448:160-165

<sup>286</sup> George E. Outland, *A Manual of Procedure For the Federal Transient Program For Boys in Southern California*, 1939.p.18.

were particularly unpleasant. ‘Well people just didn’t go to the doctor – if they got sick, they were sick, they got over it or whatever else, you know’, Pate said, adding, ‘I can remember kids would get impetigo – we called it itch then. I remember the sulphur remedy.’ Some remedies were remembered for being deeply unpleasant. Pate explained, ‘For the croup, which is a cough, we would take sugar with a little kerosene on it. It doesn’t sound too good, does it? And the poultice type thing with the mustard plasters ... it smelled terribly and burned.’<sup>287</sup>

Poor living conditions, and a lack of healthcare and nutrition provisions were also compounded by the hazards many young migrants encountered when engaged in agricultural labour. Many children from transient families worked alongside adults in the fields, and at the time, agriculture was statistically the most dangerous industry in the United States according to the National Safety Council.<sup>288</sup> Agricultural workers were likely to suffer from hernias during their working lives, owing to heavy and awkward lifting, such as pulling cotton bags over fields. Young workers joined adults in working long hours, often in extreme heat, and performing repetitive physical tasks that frequently included crawling or stooping, the effects of which, particularly on young, growing bodies, could lead to lifelong disability. A Department of Labor report raised concerns that, especially combined with malnutrition, agricultural labour may have been doing migrant children ‘irreparable harm’, warning lawmakers that ‘too early and too arduous labor’ being ‘imposed on young bodies’ created ‘burdens which take a heavy toll on future health a vigor’<sup>289</sup> Individually, the agricultural working environment and poor malnutrition had the obvious potential to seriously impact

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<sup>287</sup> Vera Crisswell Interview Transcript, p.26; Billie Pate Interview Transcript, p.31; Talmage Collins Interview Transcript, p.29.

<sup>288</sup> National Safety Council, *Accident Facts, 1939*, (Chicago, 1939), pp.13-17

<sup>289</sup> United States Congress, Senate, Subcommittee of the Committee on Education and Labor, *Violations of Free Speech and Rights of Labor*, 2-14 of May, 1940, 76 Cong. 3rd Sess. Part I, Supplementary Hearings (Washington D.C., Government Printing Office, 1941), p.825.

health, especially in the young, but combined together, severe consequences could be expected more often. It is unsurprising that various government organisations therefore took an interest in the provision of healthcare.

### *Philanthropy*

Given the many programs of the New Deal, and the change of approach in American government it represented, it is understandable that significant focus is devoted to relief agencies. However, the New Deal, proved unable to solve the issue of malnutrition amongst the poor during the Great Depression, and following the closure of the CTS efforts to even try to do so were compromised. In oral testimonies relating to food and assistance, relief agencies do not feature particularly heavily. From reading many transcripts, interviewees appear to have treasured more human personal interactions rather than dealings with the state and government bureaucracy, which will have played a part in how they remembered their experiences. A kind donation given with a smile from a stranger or an interaction at a place of cultural significance such as a Church often simply resonates in the memory more than form-filling at relief agency. However, it is also an indication that the food crisis was more widespread than government could deal with, and that many did resort to relying on philanthropies and kind individuals. This could be a case where the established New Deal narrative has obscured the more complex reality. The food crisis amongst the poor is often stereotyped as affecting migratory agricultural families but young transients in urban areas were often in search of food, and on many occasions, it was kind individuals, religious groups, and charities that came to their aid. Unlike the New Deal, they did attempt to directly aid vulnerable young people.

In urban areas especially hungry teenage transients and impoverished families often turned to religious charitable assistance or relied on the kindness of strangers to feed

themselves, not government relief. Harry Kaban, a Jewish teenager who travelled around California by hitching rides on freight trains whilst searching for work, told the Riding the Rails project of his reliance on synagogues: ‘Being Jewish didn’t hurt at all’ he said, explaining that when arriving somewhere new, ‘we headed for the nearest synagogue, and they would give us two vouchers – one for lodging and one for food. Sometimes we would bring a gentile friend along and he would get the vouchers too.’<sup>290</sup> As well as organisations, individuals would often provide help when they encountered a young person in-need. Whilst the public narrative was hostile to outsiders it seems that many an adult was willing to help a hungry teenager. E. R. Holyfield remarked that he had ‘lived off the goodwill of people’ when asked about charity. Similarly, Paul Booker remembered being helped by an elderly woman he encountered: ‘I hadn’t eaten in over three days. An angel of a woman in her 80s saw my dishevelled look and gave me one dollar.’<sup>291</sup> Personal, often spontaneous acts of charity mainly go unrecorded though for many vulnerable young people they appear to have been just as vital, if not more so in some cases, than large orchestrated relief. This contradicts the widespread anti-migrant sentiment established in the first chapter, indicating that experiences were not monolithic. Attitudes on the ground were certainly more varied than the attitudes espoused by the mainstream press. With a range of reactions, including the potentially hostile, the act of seeking charity in that context is one denoting a certain amount of desperation.

### **Federal Healthcare ‘Education’ and Insurance Schemes**

Whilst many counties were either unable or unwilling to provide medical care for non-residents, individual doctors were also sometimes unwilling to treat them. The remarks of a

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<sup>290</sup> Riding the Rails Project Archive, California, Section IV.

<sup>291</sup> Ibid.

Fresno doctor made to an FSA employee were indicative of the attitudes of many. ‘I can’t have them in the waiting room because they offend my regular patients’ it was claimed, with the follow-up comment, ‘Anyhow, most of their troubles come from their own uncleanliness.’<sup>292</sup> Similarly Anita Faverman, a paediatrician herself, lamented the refusal to provide medical care to vulnerable children. Both laymen and doctors, she complained, asked ‘why find defects in children if there are no provisions or possibilities for their correction?’<sup>293</sup> Attitudes in the charitable sector varied whilst on a local level as has been discussed help could be found, this could not be relied upon. On a national organisation level these groups were also resistant to giving aid to people they did not deem deserving enough. At one point the national office of the Red Cross even instructed chapters within California that ‘no relief was to be given to transients.’<sup>294</sup> The federal government appeared to have fully stepped up to the plate in 1933 through the Federal Transient Service (FTS). Through that program the CTS provided basic healthcare, food, and emergency accommodation, and removed significant burden from county and state level authorities which were having enough difficulties providing for local residents. After its closure in 1935, local government and officials were left scrambling to cope with demand. Counties were forced into spending more on sanitation and providing emergency care. As was demonstrated by John Steinbeck’s anecdote of the death of a teenage migrant worker not all urgent cases were covered by county policies relating to emergencies. Tuberculosis and severe malnourishment in children were not considered emergencies according to numerous county rules, resulting in some doctors

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<sup>292</sup> Lawrence Hewes, *Boxcars in the Sand*...p.115.

<sup>293</sup> Anita F. Faverman, *Trailing Child and Maternal Health in California’s Migratory Agricultural Camps: Report of the Second Year of the Migratory Demonstration, July 1937 – June 1938*, (California State Department of Public Health, Bureau of Child Hygiene, Sacramento, 1938), p.1.

<sup>294</sup> California State Relief Administration, *Transients in California*, (San Francisco, 1936), p.71.

criticising the ‘neglect of chronic ailments’ in the name of cost-cutting.<sup>295</sup>

Through funding made available by the Social Security Act of 1935, various organisations came together within California to provide medical care and a significant program of immunizations for impoverished agricultural workers and their families. Care was provided by the Agricultural Workers Health and Medical Association (AWHMA) which was a quasi-governmental socialised medicine program of a type that was wholly unprecedented within the United States. It remained the largest government sponsored civilian medical care project in American history until Medicaid.<sup>296</sup> The non-profit insurance scheme and emergency immunization program was a joint effort between the FSA, SRA, local public health boards, and the California Medical Association.

There were caveats. Coverage was not uniform as the scheme was based around the free choice of practitioners to participate. That, however, was essential as the American Medical Association (AMA) remained ‘vehemently opposed to any government involvement’ in healthcare throughout the Depression-era.<sup>297</sup> Attempts at forced participation would have almost certainly spelt the end for the entire program. At a grassroots level, however, a significant number of doctors and nurses were acutely aware of the situation on the ground and contributed to the scheme. In order to be eligible, applicants had to be involved in agriculture in some way and to have been in California for less than a year. The most vulnerable, those without jobs, could therefore find themselves ineligible. Participants also had to agree to pay AWHMA back when they could. Between October 1938 and January 1940, 27,378 individuals received care through AWHMA, and participating medical offices

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<sup>295</sup> Dr. Omer Mills speech, 1938.

<sup>296</sup> Michael R. Grey, ‘The Medical Care Programs of the Farm Security Administration, 1932 through 1947: A rehearsal for National Health Insurance,’ *American Journal of Public Health*, 84:10, (1994), pp.1678.

<sup>297</sup> M. R. Grey, ‘Dustbowls, disease, and the New Deal: The Farm Security Administration migrant health programs, 1935 – 1947’, *Journal of the History of Medicine and Allied Sciences*, 48, (1993), pp.3-39

existed in every Californian county.<sup>298</sup> This was large scale socialised medicine provided to the needy, justified in part by the FSA's role in maintaining a healthy agricultural workforce, that served as a precursor for largescale national healthcare efforts.

Child welfare services also benefited from provisions made in the Social Security Act and numerous state agencies within California worked to lessen the impact of the CTS's closure on young transients. Through the guise of providing parents and children healthcare education, many transient children were able to be seen by medical professionals without charge. There appears to have been a willingness by health workers to do as much as they could within the constraints of official remits. The act authorised a federal grant of \$1.5 million and enabled the federal US Children's Bureau to cooperate with state level public welfare agencies. The reasons given for this were the 'establishing, extending, and strengthening of welfare services' and 'for the protection and care of homeless, dependent, neglected children and children in danger of becoming delinquent, especially in rural areas.'<sup>299</sup> The aforementioned Underhill report of October 1936 is an example of the type of work carried out. Health examinations were conducted on migrant groups in the San Joaquin Valley where social histories were also taken 'in order to determine residence and the availability of any treatment recommended by the examining doctors.'<sup>300</sup> This federal focus on migrant healthcare was a complete juxtaposition to local administrators who imposed residency restrictions.

Whilst the State Department of public health was not able to set up its own hospitals and treat needy migrants it was within its parameters to provide health education where it was

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<sup>298</sup> California State Chamber of Commerce, *Migrants: A National Problem and Its Impact on California, Report of the Committee on the Migrant Problem*, (San Francisco, 1940), p.35.

<sup>299</sup> Child Welfare Services – Under the Social Security Act – Title V, Part 3', California State Archives, State Department of Social Welfare, Division of Child Welfare, ID: R350.174 Box212 f8-19.

<sup>300</sup> Bertha S. Underhill, 'A Study of 132 families...', p.43.

necessary. This was no substitute for healthcare but it did provide important information to people and the lines between providing actual healthcare and health education in travelling clinics were certainly blurred. The Division of Public Health Education's Bureau of Child Hygiene (BCH) took this close to its limits by seeking to intervene early in children's lives and in providing so-called 'health education' to mothers and expectant mothers. The medical officers that formed the Bureau were required to submit monthly reports and it is from these reports that the Bureau's activities can be seen. The monthly report for February 1934 demonstrates that a wide range of activities were undertaken and that BCH distributed information but also conducted examinations and was clearly of an interventionalist mindset. Dr Ellen Stadtmuller, the Bureau's chief listed the main monthly activities as: holding ten child health conferences; inspecting 244 children; giving five public talks (total audience ninety-seven); preparing material for an upcoming White House conference; conducting eighteen interviews; sending public health nurses to three counties; holding five county conferences to discuss the child health recovery program; examining eighty-four children at the Crippled Children's society; newly certifying fourteen children as 'crippled'; giving a talk to the Parent-Teachers Association; employing 55 new nurses; distributing 9635 pieces of literature; and preparing 50,000 examination cards for an upcoming survey of malnourished children.<sup>301</sup> Following that survey and given the fact that the medical treatment the bureau could provide was limited, it increasingly focused on nutrition, working with mothers in federal camps and school districts. Stadtmuller's monthly report for December 1937 indicates this emphasis. In that month the bureau employed a nutritionist to work in Kern County; held classes in the Arvin and Shafter federal camps reaching 142 mothers; addressed workers in

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<sup>301</sup> Ellen S. Stadtmuller MD (Chief of the Bureau of Child Hygiene), report to Dr. Giles S. Potter – Director of State Department of Public Health, Sacramento, March 13, 1934. CSA, Department of Public Health, Division of Public Health Education, Bureau of Child Hygiene, Monthly Reports: ID: f3204 R384:118.

the WPA's nursery project; implemented new school menus in the Pomona Migratory school; interviewed groups of teachers about school lunches; and addressed sixteen classes of children, totalling 1,036, to educate them about milk, whole grains, fresh fruit, and vegetables.<sup>302</sup> The BCH's work was important in so far as it educated children and their caregivers as well as pressurising nurseries and schools to provide nutritious food to children. Surveys also helped to identify health problems in children. This was not exactly what was required, however. Many children and their parents knew that they were unwell or suffering from malnutrition. Accessing appropriate medical care and affording enough food for a family were the issues and under its strictly educational brief the bureau could only go so far, especially where residency restrictions closed access to vital public services. Though through the guise of education, it did improve the food given to children, diagnose many children, and provide medical treatment unofficially.

Another place where migrant-oriented, federally funded health and nutrition care could be found were the Federal Migrant camps. Beginning in 1935, the federal government funded the construction and running of 15 migrant camps in Arizona and California. The living conditions in such camps shall be discussed elsewhere, but it should be acknowledged that despite being immortalised in John Steinbeck's *Grapes of Wrath*, which fictionalised events at a real migrant camp in Arvin, only a minority of transients ever lived in the camps. They were never intended to provide long-term accommodation, more 'minimum decencies for sanitary living during peak agricultural demand.' Fearful of an outbreak in a camp environment, authorities focussed on sanitation, hygiene, and the early detection of disease through healthcare and inspections. Young children were often cared for on camp sites in nurseries and schoolhouses by staff, enabling all family members to work. School nurses

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<sup>302</sup> Ellen S. Stadtmiller, report to Dr Walter M. Dickie, Director of State Department of Public Health, Sacramento, January 17, 1938. CSA, Department of Public Health, Division of Public Health Education, Bureau of Child Hygiene, Monthly Reports: ID: f3204 R384:118.

were deemed acceptable county expenditure by this point, and as an extension of this, federal camp nurses were provided without question or opposition.<sup>303</sup>

Visitors to migrant camps were reportedly impressed by the healthiness of the children there. Each camp had a part-time public health nurse who staffed a clinic and also benefited from regular visits from a physician. By living at a federal migrant camp a child benefitted from a basic level of socialised healthcare. The duties of a camp nurse involved providing advice and education to new arrivals with a great emphasis placed on prevention and good sanitation. They also advised camp managers on sanitation infrastructure and the running of childcare provisions, resulting in children being given a hot meal whilst parents were at work and daily cod liver oil doses. As well as providing basic first aid to residents which was a good proportion of their work nurses were also there to diagnose illness, spot the early signs of disease, and provide necessary and hygiene measures to prevent it spreading.<sup>304</sup> Through camp nurses, like school nurses, children could access healthcare provided by a trained professional free of charge and the importance of this among impoverished migratory families should not be underestimated, even if they not solve the bigger problems of malnutrition or providing more intensive intervention that hospitals were capable of in more serious cases.

### **Chapter Conclusion.**

From contemporary surveys by various Californian state agencies, it is obvious that malnutrition and ill-health were significant problems across society. Whilst comparisons show the relative ill-health of those living in migrant camps, they also reveal that there were a

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<sup>303</sup> Edward J. Rowell, 'The Children in the Migratory Camp – Health', California State Department of Social Welfare, *California Children*, (Sacramento, 1938), pp.1-4.

<sup>304</sup> Wanda D. Mann, 'Migrant Nursing', *Pacific Coast Journal of Nursing*, 37, (1941), pp.658-660.

huge range of health issues amongst local populations and those who had established residency. The ill-health of white domestic migrants and Mexican American families living in temporary accommodation was comparable worse in some regards, particularly nutrition-related illnesses. They faced barriers accessing healthcare and vital locally administered relief often severely impinged by residency restrictions. Federal programs were more open, though factors such as being unaware of them or being unable to travel to help hindered accessibility. The closure of the California Transient Service and the emergency accommodation, healthcare, and soup kitchens it operated further jeopardised the welfare of the most vulnerable families and young people.

There was still an evident preference in some quarters for welfare to be localised in the extreme, with an emphasis on community spirit, even rugged individualism. Many teachers, for instance, did what they could for their students by striving to provide food and clothing despite their own financial precarity as they were encouraged to pick up the slack by their own professional bodies. In a time of such significant, long-lasting, economic crisis and the general poverty of transient and minority youths this approach was never going to be enough and that is before the reduced access to schooling is factored in. School meals programs, school nurses, and in 1939 food stamps, all represented a shift towards government responsibility but these changes were reluctant ones that came comparatively late in the chronology of the Great Depression.

Migrants and their children were stereotyped as being unhealthy, dirty, and disease-carrying. Whilst a cause for public health concern it was also the cause of a great deal of stigma and discrimination. The existence of the then-mysterious 'Valley Fever' afflicting those working in certain agricultural environments provided further ammunition for stereotypes of laziness and ill-health. Public health action, rather than being purely humanitarian, was often borne out of a desire to protect the 'nice' local people and children

from disease-carrying outsiders resulting in pre-emptive inoculations for local children prior to harvests and school segregation. Officials were concerned enough about communicable disease to monitor outbreaks and to implement policies that successfully prevented outbreaks in federal migrant camps. When it came to non-communicable health problems policy and ultimately the level of concern was comparably patchy. This reflected that official concerns stemmed from disease passing to white established residents, rather than sickness in outsiders. Efforts to combat nutrition-related health problems amongst children was a particular failure which can be linked to every level of government, from the decision in Washington to end funding for the Transient Service, to Sacramento's poor understanding of malnutrition and purposeful ignorance of nutritional science in favour of a deliberately racialised food relief policy that discriminated against Mexican Americans, to the attitudes of relief workers on the ground. This occurred at a time where malnutrition became so common its physical damage to the body became a stereotype of migrants and where Mexican American children in migrant camps displayed significantly higher infant and child mortality rates.

Welfare administration was complex, with responsibilities split between counties and the state of California with the added complication of implementing federal government backed schemes. This was a system with cracks, perhaps even by deliberate design. In creating a welfare gap, where transients moving around within the state were ineligible for both local and national relief schemes, policymakers knew what they were doing. Residency restrictions also applied to healthcare. County officials worked to limit, not improve, non-resident children's access to hospitals and the state provided Mexican-origin families inferior rations to what they would provide local Anglo-Californians. Food, health, and welfare services for rural children in California was defined by a culture of 'Californians and others', where non-white or non-Californian children faced a hostile welfare and healthcare system.

In some quarters, efforts were made to address limited access to medical care. The AWHMA healthcare scheme, despite opposition from medical associations, provided healthcare to agricultural workers and their families with the cooperation of employers and local providers however it could only help those with employment within that industry. Healthcare, was not, strictly speaking, in the remit of the FSA at all, and its role in the administration of this vast public insurance program, the largest before Medicaid, shows a willingness to do what was possible, stretching the boundaries of legislation. Likewise, the health clinics operated by California's Bureau of Child Hygiene, under the guise of providing 'education' to parents of migrant and immigrant children shows a willingness to do what was possible. Through that program thousands of children were seen by medical professionals. It was an unofficial backdoor to medical treatment, and back door that helped a not insignificant number of people.

Healthcare and welfare are one of the clearest examples of a culture of 'Californians and others' in the state during the Depression-era. A child's status such as if they qualified as a California resident or not and their ethnicity defined the amount of assistance authorities were willing to afford them. The worst extremes of this such as refusal to accommodate children without residency status at hospitals or providing deliberately inferior food relief for Mexican Americans as their children displayed significantly higher mortality rates in migrant camps. Residency restrictions imposed by counties meant migratory families did struggle to access relief and also presented an obstacle to accessing healthcare, sometimes with deadly consequences. Emergency food relief, general access to welfare, and access to medical care were all determined, at least to an extent, by a child's status as either a 'Californian' or an 'other.' Rather than accidental tragedies of the Great Depression these were calculated decisions, at times against the advice of scientists and medical professionals, to afford some children more of a safety net than others.

## Chapter Five: Marginalised youths and Juvenile Justice

### Part I: Crime Prevention and Policing

#### The Los Angeles Coordinating Council during Homer S. Cummings's War on Crime.

Crime and particularly crime attributed to juvenile offenders was a hot topic during the Depression-era. As part of the wider narrative of a generational youth crisis, juvenile transiency and delinquency were taken as sure-fire indicators of a society in moral decay. Sensational reporting of 'gangland' killings did not help to calm public concerns.

Criminologists would happily tell those willing to listen that there was no evidence to support fears of rapidly increasing violent crime, but often had very few people in their audience, especially compared to opportunist politicians or journalists who had a vested interest in sensation and hyperbole. In 1933 United States Attorney General Homer S. Cummings declared 'war on crime' responding to public demands for 'law and order.'<sup>305</sup> The apprehensions of John Dillinger, 'Machine Gun' Kelly, 'Pretty Boy' Floyd, and 'Baby Face' Nelson early in his tenure had elevated his public position to one of infallibility along with that of J. Edgar Hoover, the FBI's Director who benefited immensely from heroic popular culture portrayals of the Bureau's agents in his rise as much as any real concrete results.<sup>306</sup>

The role of President Roosevelt in the rise of FBI Director Hoover and his institution remains debated. The Bureau did well out of the New Deal but so did organizations that opposed its methods whilst the hallmarks of Hoover's success were ensuring bureaucratic autonomy for the FBI and a willingness to stretch Presidential directives as far as possible such as with the

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<sup>305</sup> Janis Appier, "We're Blocking Youth's Path to Crime". The Los Angeles Coordinating Councils during the Great Depression', *Journal of Urban History*, 31:2 (2005), p.91.

<sup>306</sup> Richard Gid Powers, 'The Attorney General and the G-Man': Hollywood's Role in Hoover's Rise to Power', *Southwest Review*, 62:4, (1977), pp.329-346.

use of wiretapping.<sup>307</sup>

The seemingly dominant narrative was that without strong intervention ‘criminal psychopaths’ (predominantly young men many of whom were legally children from working-class and/or ethnic minority backgrounds) would win out and be free to roam the land, robbing and killing as they went. As Richard Gid Powers argues, with the Depression biting and the end of prohibition many Americans saw a society being drained of its values. Urban youths in crowded conditions with extremely limited educational and employment prospects were considered to be almost condemned to lives of delinquency.<sup>308</sup> Boys and girls were free to wander the streets, frequent pool halls, and had alarming access to vices on the street including alcohol, gambling, and pornography.<sup>309</sup> Juvenile curfews were implemented across a growing number of cities, reflecting a long-standing fear of exposing children to the street at night.<sup>310</sup> In isolation curfews were never going to be an answer to satisfy the chorus of concern. The delinquents of one day were almost certain according to the popular narrative to become the hardened criminals of tomorrow. Transients, once future breadwinners turned rail-riding vagrants, became the poster children of a society in crisis. B. L. Coulter, the President of the National Conference of Juvenile Agencies called for the ‘large, youthful, floating population’ to be immediately institutionalized. Harsh intervention was needed when

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<sup>307</sup> Kenneth O’Reilly, ‘A New Deal for the FBI: The Roosevelt Administration, Crime Control, and National Security’, *The Journal of American History*, 69:3, (1982), pp.638-658; Athan G. Theoharis, ‘The FBI’s Stretching of Presidential Directives, 1936-1953’, *Political Science Quarterly*, 91:4, (1976-7), pp.649-672; Athan Theoharis, ‘FBI Wiretapping: A Case Study of Bureaucratic Autonomy’, *Political Science Quarterly*, 107:1 (1992), pp.101-122.

<sup>308</sup> Gid Powers, p.330-333.

<sup>309</sup> Ellen C. Potter, ‘The Family in Relation to its Responsibility for Crime, 1931’, *American Prison Association Proceedings 1905-1934*, (Washington, D.C., United States Department of Justice, 1936), pp.30-35; Frederick M. Thatcher, ‘The Problem of Crime Prevention’, *NPA Yearbook* (1934), pp.6-22.

<sup>310</sup> E. N. Clopper, ‘Children on the Streets of Cincinnati’, *AAAPSS*, 32:22, (1908), pp.113-123; Peter C. Baldwin, “Nocturnal Habits and Dark Wisdom”: The American Response to Children in the Streets at Night, 1880-1930’, *Journal of Social History*, 35:3, (2002), 593-611.

misbehaving children were in a predelinquent state and without this, Coulter argued, they would become the ‘racketeers and gangsters of tomorrow.’<sup>311</sup> Those suggestions were pie-in-the-sky thinking at a time of overcrowded and underfunded reformatories and orphanages as well as constrained state budgets. Nobody was going to pay the immense cost of incarcerating a quarter of a million children and that is before the thorny legal territory of summarily detaining a minor without cause is taken into account. Coulter did, however, communicate the attitude towards petty juvenile crime during FBI Director Hoover and Attorney General Cummings’s ‘war on crime.’

The hard-line policies spouted in Washington by Hoover and Cummings have dominated the historical narrative of crime immediately post-prohibition. But their opinions were contested and a re-evaluation of New Deal-era crime policy, as is argued by Janis Appier, is required. Hoover considered criminals including juvenile ones to be subhuman: ‘yellow rats’ and ‘the spawn of hell’ to use his own words. At a New York City roundtable where he called for universal fingerprinting and criticised working-class mothers for what he considered to be bad child-rearing practices caused by their seeking employment a local warden and District Attorney called for investments in playgrounds and food relief.<sup>312</sup> The Hoover and Cummings favoured approach was not universally popular. For all the noise from Federal offices, local authorities often pursued their own local approaches that embodied the child-saving cornerstones of the preceding Progressive era. Youth-focused Coordination Councils were a common alternate approach with over 250 established across 20 states between 1932 and 1936, rising to 598 across 24 by 1939. The contrast was clear: in the same

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<sup>311</sup> B. L. Coulter, ‘An Institutional Encomium: and a Brief Discussion of a few Social Forces and Their Possibilities for the Prevention of Delinquency, 1934’, *American Prison Association Proceedings, 1905-1934*, (Washington D.C., United States Department of Justice, 1936), p.51.

<sup>312</sup> Janis Appier, ‘We’re Blocking Youth’s Path...’, p.192, 207; ‘Quick Punishment Urged in Crime War’, *New York Times*, December 12, 1934, 2; ‘J.E Hoover’s Term is Public Rat No.1’, *New York Times*, May 14, 1936, 3.

January 1935 week that Hoover's FBI fired tear gas and over 1,500 rounds into a Florida house to kill two members of the notorious Barker-Karpis gang the Los Angeles Coordinating Councils (LACC) collected items for a new toy loan library. The belief was that the majority of juvenile offenders would not offend if they were provided with their basic needs and 'character-building' recreational activities. On the face of it, the LACC's efforts to tackle juvenile crime by focusing on the whole child were successful. In the same decade (1930-1940) that the city's population rose from 1.2 to 1.5 million the raw number of juvenile arrests fell. The judge in charge of the juvenile court joined his local LACC branch and reported that his caseload fell by a quarter between 1932 and 1935.<sup>313</sup>

The first LACC councils were formed in neighbourhoods with high rates of juvenile arrests that with the one exception of Whittier were all predominantly working-class areas with high proportions of Blacks and Latin Americans. Those arrest rates should not be taken at face value as indicators of crime alone. These statistics reflect a complex cocktail of factors including where police patrolled and the application of policy based on gender, race, and class, rather than simply reflecting children's behaviour. Belvedere-based social welfare agency worker Francis Feldman lamented the LAPD's attitude that all Mexican-origin boys were 'potential thieves' whilst historian Joseph Gerald Woods has retrospectively judged the department to be a 'cauldron of racial and religious prejudices.'<sup>314</sup> Efforts were also tailored more to boys who accounted for three quarters of juvenile arrests in the city between 1926-1939. The nature of offences also dictated that gendered approach with boys more often arrested for offences against property (ranging from Petty Theft to the newly created offence

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<sup>313</sup> Janis Appier, 'We're Blocking Youth's Path...', pp.191-193, 195, 210; Campbell Gibson, 'Population of 100 Large Cities and other Urban Places in the United States: 1790 to 1990', United States Census Bureau, POP-WP027.

<sup>314</sup> Janis Appier, 'We're Blocking Youth's Path...', pp.198-199; Joseph Gerald Woods, 'The Progressives and the Police: Urban Reform and the Professionalization of the Los Angeles Police', PhD. Diss. University of California, Los Angeles (1973), p.196.

of Grand Theft Auto) and offences against the person (from street skirmishes to serious assaults) and the nature of those offences meant they were viewed as the dangerous armed robbers and murderers of tomorrow. Girls were more likely to be arrested for crimes of status, particularly sex delinquency. Reflecting the gender-based double standards of the times their mostly male partners in such activities were rarely arrested.<sup>315</sup>

The programs of the LACC were very much a mixed bag with some proving hugely popular and others actively alienating the youths they were attempting to woo from the streets. The toy loan library, as one can imagine, was hugely popular with youths but was also costly as it required permanent workers to manage the inventory and disinfect toys in between loans. Between December 1936 and June 1937 61,374 toys were lent to 4,054 individual children. Sports coaching and gymnasium access also proved popular as did free educational excursions to local sites such as the beach and the zoo with over sixty thousand attending annually at the LACC's peak. Crime remained present. For example, 102 boys were arrested for petty theft in downtown Los Angeles on a single 1934 Saturday.<sup>316</sup> Impoverished children were drawn to opportunities to have free daytrips and borrow toys their families could not afford but neither of those opportunities would feed a hungry child and they were still just as likely to steal a bite to eat. There was an imbalance between offering recreation and the required material and economic relief. As is discussed in depth in the living conditions and healthcare chapters, children were failed in those respects and some programs actively discriminated against Mexican Americans. The LACC helped reduced crimes committed out of boredom or mischief but not crimes of condition.

A lack of public funding meant that for their first year the LACC councils were reliant on volunteerism and philanthropy. The New Deal of 1933 changed that despite that fact there

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<sup>315</sup> Janis Appier, "We're Blocking Youth's Path...", p.196.

<sup>316</sup> Ibid., p.196, 203.

were no child-focussed agencies. Even the later CCC and NYA would only focus on older teens but coordinating councils nationwide managed to obtain funding via the RFC, CWA, SRA, and WPA.<sup>317</sup> Constructing a playground, for example, employed workers and that was the main justification for Federal expenditure to these agencies. The LAPD also engaged with the LACC, agreeing that instead of arresting first-time juvenile offenders for petty crimes they would be passed to LACC investigators and social workers who would examine any urgent needs and the home conditions. On rare occasions local police divisions offered more help. The Hollenbreck Division took 570 boys from the Boyle Heights neighbourhood – a working class area mainly housing Jews, Japanese Americans, and Mexican Americans – on an expense-free camping trip. The South Central station funded a LACC affiliated Boy Scouts troop to provide character-building recreation and a summer camp program, holding a fundraising dance to pay for uniforms, sleeping bags, and cooking utensils.<sup>318</sup> These local techniques of ‘delinquency prevention’ hardly corresponded with Cummings and Hoover’s national policies.

The LACC’s main problem in achieving its aims, other than that imbalance between recreation and relief, was in engaging with and advocating for Mexican American youths. Given the context of ongoing ‘forced repatriation’ programs their being reluctant to engage with any form of authority was perfectly understandable. Offering LACC schemes instead of punishment by teachers and the police saw its recruitment seem threatening and err into the realms of coercion and in extreme cases bullying and intimidation. In 1934 Spanish-speaking prize-fighter Bert Colima was drafted in to engage with Mexican American boys who

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<sup>317</sup> Martin H. Nuemeyer, ‘The Los Angeles County Plan of Coordinating Councils’, *Sociology and Social Research*, (May-June, 1934), p.464.

<sup>318</sup> Janis Appier, ‘We’re Blocking Youth’s Path...’, p.201; Kenyon J. Scudder & Kenneth S. Beam, *Who is Delinquent?*, (Los Angeles, Rotary Club of Los Angeles, 1934), pp.42-43; Kenneth S. Beam, ‘Delinquency Prevention Through Coordination’, *The Journal of Educational Sociology*, 10:1, (1936), pp.9-34.

frequented the market in Belvedere. A boxing club was offered and thefts at the market, which vendors estimated cost them \$40,000 annually, were significantly reduced. Colima could speak in the boys' language both literally and figuratively, conversing with them in Spanish and having an understanding of their cultural backgrounds. The boys readily engaged with him, a hero to some of them, but not LACC officials. A pious stench of Victorian-era morals from white middle-class philanthropists saw some boys turn their nose up at the offerings of what they mockingly dubbed the 'purity squad.' Given the escapades of some LACC environment committees, that seems a fair assessment. The Long Beach council lobbied the city to prohibit dancing in some venues on moral grounds whilst others patrolled saloons for underage patrons, rated motion pictures for 'wholesomeness', and conducted 'undercover' investigations of newsstands close to schools suspected of offering inappropriate publications (ranging from humorous, to racy, to the downright pornographic).<sup>319</sup> This was no way to get dance-attending, movie-going, or street-frequenting local children on their side.

Relations between the Mexican Americans and the LACC worsened and it failed to comment or act upon the deteriorating conditions that community's children faced in Depression-era Los Angeles *barrios* or hostility towards them in the press. Latino community leaders established an independent Coordinating Council for Latin American Youth (CCLAY) in 1941 which lacked resources compared to the LACC. CCLAY's existence does not explain the LACC's silence on Mexican American youths' issues, including when the local press engaged in fabricated, sensationalised reporting of a 'Mexican juvenile crime wave' in 1942 following the Sleepy Lagoon Murder case where seventeen Latino youths were indicted over a single murder. The original trial judge Charles Williams Fricke forbid the defendants from changing clothes, ordering that the jury see them in the Zoot suits of

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<sup>319</sup> Janis Appier, "We're Blocking Youth's Path...", p.190, 201, 203.

‘hoodlums.’ E. Duncan Ayres of the Los Angeles Sheriff’s Foreign Relations Bureau testified as an ‘expert witness’ that the youths had a ‘biological predisposition’ to crime and murder, and a ‘blood thirst’ because of the human sacrifice cultures of their ‘ancient Aztec ancestry.’ Justice would be a battle for those convicted in the sham trial with the Court of Appeals unanimously overturning guilty verdicts in late 1944, finding there was no evidence to sustain a conviction and criticizing Fricke for mishandling the case due to ‘gross bias.’<sup>320</sup> During 1943’s Zoot Suit Riots in Los Angeles the LACC would again stay silent. For ten June days thousands of predominantly white United States military servicemen and their civilian supporters robbed, attacked, and abused Black and Mexican American youths.



<sup>320</sup> *People v. Zamora* 66. Cal.App.2d 166 (1944); Lee Stacy, *Mexico and the United States*, (Singapore, Marshall Cavendish, 2002), vol. 1, p.185; Eduardo Obregón Pagán, *Murder at the Sleepy Lagoon: Zoot Suits, Race, and Riot in Wartime LA* (Chapel Hill, University of North Carolina Press, 2003), pp.207-208; Carlos Larralde, ‘Josefino Fierro and the Sleepy Lagoon Crusade, 1942-1945’, *Southern California Quarterly*, 92:2, (2010), pp.117-160.

Fig. 11. Photograph: Harrold P. Matosian, 'Victims of the Zoot Suit Riots', (Associated Press, June 1943.) Two beaten boys, one stripped, after being attacked by U.S. Navy sailors.<sup>321</sup>

The Local press in Los Angeles celebrated and encouraged the attacks, justifying the racialised violence by claiming the estimated 500 injured victims to be 'gangsters' who wore Zoot suits in order to conceal weapons. The CCLAY appealed directly to President Roosevelt to intervene on local law enforcement and the press. Chairman Eduardo Quevedo's telegram reported 'rioting bands of servicemen armed with bludgeons are roaming the streets...with tacit consent of law enforcement' leading to 'Mexican boys...women and children' being 'severely beaten.'<sup>322</sup> The LACC network with its self-proclaimed remit of reducing crime and protecting young people did not get involved, speaking volumes about its relationship with Mexican Americans.

The LACC and many equivalent schemes became permanently weakened in the 1940s at the time of the Zoot Suit Riots. WPA expenditure on the recreation of 'bad' children was condemned as 'paying the fiddler' by opponents who charged that these child benefactors would still be predisposed to crime and such programs were therefore wasteful.<sup>323</sup> In 1941 WPA funding for delinquency prevention and children's recreation

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<sup>321</sup> Harold P. Matosian, 'Victims of the Zoot Suit Riots, where raging bands of servicemen scoured the streets in Los Angeles looking for and beating zoot-suited youths in June 1943. The servicemen blame the Mexican American pachucos for numerous unprovoked assaults on their colleagues'.

[https://commons.wikimedia.org/wiki/File:Victims\\_of\\_the\\_Zoot\\_Suit\\_Riots.jpg](https://commons.wikimedia.org/wiki/File:Victims_of_the_Zoot_Suit_Riots.jpg) (30/09/2020).

<sup>322</sup> Eduardo Quevedo telegram to President Franklin D. Roosevelt, June 16, 1943, U.S National Archives, General Records, U.S. Dept. of State, Presidential Communications, 1943; Richard Griswold del Castillo, 'The Los Angeles "Zoot Suit Riots" Revisited: Mexican and Latin American Perspectives', *Mexican Studies/ Estudios Mexicanos*, 16:2, (2000), pp.367-391; Eduardo Obregón Pagán, 'Los Angeles Geopolitics and the Zoot Suit Riot, 1943', *Social Science History*, 24:1, (2000), pp.223-256; Catherine S. Ramírez, 'Crimes of Fashion: The Pachuca and Chicana Style Politics', *Meridians*, 2:2, (2002), pp.1-35; Luis Alvarez, 'On Race, Riots, and Infrapolitics in Wartime Los Angeles', *Revue française d'études américaines*, 131, (2012), pp.19-31.

<sup>323</sup> C. R. Frazier, 'Why Pay the Fiddler? WPA Recreation Programs Are Costly', *Parents*, 12, (February 1937), pp.20-21, 70-73.

ended. The LAPD, once a supporter of the LACC program, had already begun withdrawing in 1939. Changing the name of its Juvenile Welfare Division to the Juvenile Control Division signalled the department's changing view of its relationship with children. By World War Two first time juvenile petty offenders were no longer referred to social workers of the LACC but once again arrested. The experiment was over and the LAPD now fully embraced Director Hoover and Attorney General Cummings's rhetoric. Officers became soldiers in the 'war on crime' and the focus shifted from character-building prevention programs. The LACC shrunk and whilst the toy library survived other offerings including educational field trips and summer encampments were never to be seen again.

Appraising the work of the LACC is difficult. For a time it stood against sensationalist scaremongering and a heavy-handed approach to juvenile delinquency that stemmed from visions of young criminals as subhuman and born defectives. It provided feel-good recreation to tens of thousands though its failure to engaged with more substantive relief in times of need lessened its impact on children's lives. A willing abandonment of the Mexican American community remains deeply problematic. The funding vacuum the LACC faced following the New Deal era greatly reduced it and many similar organizations nationwide. It would never again enjoy a similar influence in efforts to tackle juvenile delinquency. The J. Edgar Hoover approach took over in Los Angeles and it is there that history becomes contemporary reality. The schools' police in twenty-first century Los Angeles have faced criticism for possessing tanks, grenade launchers, and military-grade rifles. Similarly, the nationwide usage of school's police has criticized for criminalizing minor behaviour issues and disproportionately affecting minority ethnic students.<sup>324</sup> Even

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<sup>324</sup> Stephen Cesar, 'L.A. Schools Police will return grenade launchers but keep rifles, armoured vehicle', *Los Angeles Times*, September 16, 2014; 'US School Districts given free machine guns and grenade launchers', *The Guardian*, September 18, 2014; Robin L. Dahlberg, *Arrested Futures, The Criminalization of School Disciplines in Massachusetts, Three Largest School Districts*, (American Civil Liberties Union, New York & Boston &

decades later the status quo appears a long way from the more holistic ideals on which the LACC was founded.

### *The Probation Service and juveniles*

Whilst by the early 1940s juvenile justice in Los Angeles typified the strict approach called for from Washington by the likes of J. Edgar Hoover for much of the early twentieth century it had been regarded as a hotbed of Progressive child-saving attitudes. The Juvenile Court was deemed one of the most advanced in the nation, the Juvenile Hall industry leading, and even the state's Reformatory Schools including Whittier were deemed to typify best practice. Comments by the Chief Probation officer Kenyon J. Scudder in 1936 that his court was 'not interested in the old customer [*sic.*] of punishment' and was instead a 'Court of treatment' support these summaries. However, what no historical evaluation does is explain how from Scudder's attitude in 1936 the juvenile justice system became engulfed in a long-running scandal by 1939 (the death of Benny Moreno) and the subject of criticism embodied by young Shirley Abbott's letter. Scholars have pointed to late 1930s budget cuts, a high turnover in staff, and a system forced to operate over capacity. It is true that all of those factors occurred.<sup>325</sup> Yet no compelling argument of causation has or likely ever can be made. Budget cuts could explain declining quality of cafeteria food. They do not in themselves cause the use of unsanctioned corporal punishment, degrading treatment of ethnic minority youths, or the non-reporting of allegations of sexual abuse. Those are deliberate acts which

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Citizens for Juvenile Justice, Boston, 2012); Chongmin Na & Denise C. Gottfredson, 'Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors', *Justice Quarterly*, 30:4, (2013), pp.619-650.

<sup>325</sup> Kenyon J. Scudder, *Annual Report for the Year Ending December 31<sup>st</sup> 1936*, (Los Angeles, Los Angeles Juvenile Court, 1936) p.2; M. Oden, *Delinquent Daughters: Protecting and Policing Adolescence Female Sexuality in the United States, 1885-1920*, (Chapel Hill: University of North Carolina Press, 1995); Michael B. Schlossman, 'Less interest, Less treatment: Mexican-American youth and the Los Angeles Juvenile Court in the Great Depression era', *Punishment & Society*, 14:2, (2012), pp.193.

are permitted due to an institutional or systemic cultural landscape. Furthermore, if one is to look in the right place there is reason to doubt the narrative presented about the juvenile justice system in the early 1930s. Rather than suddenly and significantly changing for the worst it is more likely that the system was never as progressive or efficient as officials and scholars have made out.

Michael B. Schlossman examined the treatment of Mexican American youths by the LAPD and the local Juvenile Court and probation services. Schlossman provides quantitative evidence that Mexican American boys aged between ten and seventeen were more likely to be arrested and more likely to be petitioned to juvenile court than their white counterparts. This ethnic disparity exists throughout the period, but it does increase as times goes on. The professionalisation of the LAPD, as D. B. Walcott details explains this as changing tactics saw patrols specifically target predominantly Hispanic neighbourhoods. Furthermore, Schlossman demonstrates a disparity in punishment with white youths shown to have been more likely to receive out-of-home placements which were viewed as being highly beneficial. This aligns with Scudder's view of the juvenile court almost as a type of child welfare and a willingness to prioritise Anglo-Californian children for that welfare.<sup>326</sup>

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<sup>326</sup> Michael B. Schlossman, 'Less interest, less treatment...' pp.193-216; D. B. Walcott, *Cops and Kids: Policing Juvenile Delinquency in Urban America*, (Columbus: Ohio University Press, 2005).

<b>Boys in Los Angeles, age 10 to 17, arrested, referred to Juvenile Court, and placed out-of-home, by ethnicity between 1930 and 1940</b>						
	1930			1940		
Race	% of Population per Census	% of LAPD juvenile arrests	% Court places out of home	% of Population per Census	% of LAPD juvenile arrests	% Court places out of home
White	87	72	72	86	55	61
Mexican	8	17	23	8	32	24
Black	3	9	4	4	12	10
Other	2	2	2	2	1	5
Total	100	100	100	100	100	100

Fig. 12. Table displaying the placements of boys aged 10 to 17 referred to the Los Angeles Juvenile Court, 1930-1940, via Schlossman 'Less interest, less treatment...'

Schlossman's analysis shows that non-white boys were more likely to be arrested by the LAPD at both ends of the decade than their white counterparts. There is evidence of the increasing targeting of Mexican Communities by the LAPD as the decade progressed which culminated in their involvement in thirty-two percent of juvenile arrests whilst only constituting only eight percent of the juvenile population. White youths were also more likely once arrested to receive 'out-of-home placements.' This umbrella term involved reformatory schools, juvenile halls, and a program of forest-based camps that were unique to Los Angeles. Being removed from the home appears like harsher treatment. But we should be crystal clear that this is what the court viewed as ultimately the most beneficial for children. Its provisions were akin to a child welfare program in its thinking and there is clear quantitative evidence it favoured giving those provisions to white Californians. Chief Probation Officer Scudder expressed concerns that Mexican-origin families sought to take advantage of the court. Scudder's comments replicated wider societal biases that stereotyped Mexican Americans as less able to raise children and being present in the United States only to get what they could from welfare systems. Scudder wrote that Mexican families, once one

of their children came before the court ‘become themselves serious problems.’ Some endeavoured, he continued, ‘to take advantage of this situation and rather expect the court to help the whole family in this manner’, the reason being ‘naturally, the care given is often better than the parents have ever been able to give.’<sup>327</sup> An obvious shortcoming of Schlossman’s analysis is that the nature of offences are not considered. However, some of the qualitative case-studies of children’s interactions with the system detail its mechanisms well.

One example Schlossman gives is that of fifteen-year-old Will who became involved in a fight with a white youth following a High School sports meet. Will was actively training with the goal of becoming a professional boxer and came out on top in the scrap. He was charged with common assault. The investigating police officer recommended Will be ‘severely punished’ and concluded without providing any definitive evidence that this was part a series of gang-related assaults that occurred at high school sports contests rather than an altercation that arose out of adolescent sporting competitiveness. On this occasion the probation officer disagreed. In their report they described Will as an ‘alert youngster’ with the ‘ability and intelligence to become a worthy young citizen.’ Despite him having ‘undesirable companions’ the probation officer concluded he was ‘not yet accustomed to gang life’ and suggested a forestry camp placement to be of benefit to him. The probation officer’s recommendation, however, was not immediately applied. Will was instead sent to Juvenile Hall for three weeks. Only after further insistence from the original probation officer was he placed at a forestry camp. The reason given for this delay was an already ‘high proportion of Mexican boys’ which was ‘detrimental to the training value of the camp.’<sup>328</sup> This was the application of an unofficial ethnic quota, the reasoning for which demonstrated a clear preference for Anglo-Californian youths to receive beneficial placements as the

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<sup>327</sup> Kenyon J. Scudder, *Annual Report...* p.23.

<sup>328</sup> Michael B. Schlossman, ‘Less interest, less treatment...,’ p.206.

priority, based on stereotypes of Mexican Americans, the presence of whom beyond an unofficial quota was considered to inhibit the working and perceived benefits of the forestry camps for everyone there.

The Forestry camps, one of which Will was eventually sent to, was a reaction to Depression-era cost and capacity problems in California's juvenile justice system and were implemented across Los Angeles County. Provisions mimicked the offerings of the CCC to older unemployed youths, being for boys only and focusing on taught skills such as trail clearing, firefighting, and reforestation. The camps reflected an idea that the forest environment itself would be inherently beneficial to young people. They were considered therapeutic treatments for juvenile delinquency rather than punishments and were not considered custodial sentences. Forestry camps differed significantly from the reformatory school environment with no lock-ups and policies that did not permit food-deprivation or corporal punishment, both of which were permitted but regulated in the reformatories. A probation officer summarized the ethos of the forest camps: 'each boy, however delinquent his behaviour may have been, as a minor in need of care and protection ... rather than a criminal to be punished.' Also like the CCC, boys were compensated to an extent for their labour, receiving earned pocket money when they left the camps.<sup>329</sup> The evidence that this provision was prioritised for Anglo-Californians represents a clear culture of 'Californians and others' within the juvenile justice system. There is evidence that Will's case was not unique or a one-off incident. The Probation service's 1941 report detailed concerns that efforts to rehabilitate young offenders were being hamstrung by a lack of provision, and that it was white youths who were being given the priority. The report stated:

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<sup>329</sup> Otto H. Close, 'California Camps for delinquents', M. Bell, ed., *Yearbook of the National Probation Association*, (New York, National Probation Association, 1945); B. Kogan, 'Probation Camps', *Federal Probation*, 22:3, (1958), pp.34-39; Michael B. Schlossman, 'Less interest, less treatment...' pp.205-208.

There are some instances, however, when it becomes necessary to leave a maladjusted child in undesirable surroundings in his own home due to the fact that placement facilities may be lacking. This is particularly liable to occur in cases of Mexican and Negro children for whom there are not sufficient boarding home and institutional facilities.<sup>330</sup>

Therefore, the systemic bias that Will's case demonstrates can be said to be representative of the wider juvenile justice system in Los Angeles County.

The other case highlighted by Schlossman is that of Miguel who when aged eleven in October 1930 received probation from the court following a charge of grand theft auto. Miguel's treatment by the court appears on paper to be remarkably lenient but the reality is more complicated. In April 1931 Miguel received the same sentence on truancy charges. In May 1931 a second grand theft auto charge followed with Miguel again receiving probation on the basis that since the truancy charge he had attended school regularly and was seriously involved in competitive athletics. Further charges of petty theft and burglary followed. He was given a custodial sentence which was simultaneously stayed because authorities had initiated 'repatriation' proceedings against the Miguel's parents. Though he was a Los Angeles-born United States citizen with California residency status the court expressed hope that his family would 'return' to Mexico. They declined to make any immediate provision for him or as the court saw it invest in his rehabilitation. The family was not repatriated and remained in Los Angeles where Miguel was later charged with another burglary. Sentence was suspended again as the family expressed that they 'hoped to move North' to 'work the fruit.' In November 1933, still in Los Angeles, another petty theft charge followed, and Miguel was sent to Whittier state school.<sup>331</sup> This is not a case of leniency. Miguel's case demonstrated a reluctance to invest public resources in an attempt to rehabilitate a boy

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<sup>330</sup> K. Holton, *Annual Report for the Year Ending December 31<sup>st</sup> 1941*, (Los Angeles, Los Angeles Juvenile Court, 1941), p.13.

<sup>331</sup> Michael B. Schlossman, 'Less interest, less treatment...', pp.206-207.

deemed in-need of treatment, on the basis that authorities would prefer the family of migratory labourers to either move on out of the jurisdiction, or for the boy who was an American-born citizen to be illegally deported to Mexico. Schlossman has uncovered direct evidence of the juvenile court being influenced not by what was deemed in the best interest of the boy, but by the ongoing hostile repatriation program. The impact of that program on the wider Hispanic community has been the subject of musings, particularly concerning U.S. citizen Mexican-origin children. There is now concrete evidence of the court expressing hope a defendant would be deported and allowing the repatriation program to alter the provision it made for a child. In this sense, Schlossman's work, and Miguel's case is of wider historical importance. It appears to have been missed by many, perhaps due to being published in a traditionally non-historical journal.

### **Marginalised youths, the enforcement of vagrancy laws, and encounters with law enforcement**

Whilst incarcerating every young wanderer like B. L. Coulter suggested was impossible, a strict enforcement of vagrancy laws was one way that authorities sought to deal with child transients. California's criminal legislation relating to the offences of vagrancy and loitering continue to be debated in law and sociological journals to this day. The intricate and complex debates that take place can be simplified to a few key observations. These offences do not require criminal intent by the perpetrator at all as they are both strict liability offences that do not contain a *mens rea* (intent) component. One does not have to intend to loiter to be guilty; it is a state of being. Controversy stems from both the lack of criminal cognition required to be guilty and the fact that both offences can be interpreted as criminalising a state of impoverished existence in a public place.<sup>332</sup> With these legal arguments in mind young

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<sup>332</sup> Caleb Foote, 'Use of Vagrancy-Type Laws for Arrest and Detention of Suspicious Persons', *The Yale Law Journal*, 59:7, (1950), pp.1351-1364; Forest W. Lacey, 'Vagrancy

transients in Californian communities were obviously vulnerable to these laws as they had the potential to criminalise a state of existence that they had very little control over. Even in the 1930s law journals were asking the question ‘Who is a vagrant in California?’ when observing that vagrancy arrests made up the majority of arrests in urban areas. Noted Civil Rights attorney Aubrey Grossman criticized the way ‘thousands of men are picked up at random’ in a way that ‘confers dangerous discretionary power on police officers’:

the admitted purpose of these arrests is to show these homeless men that a particular city does not want them, and to allow the police to take their fingerprints in order to discover if they are wanted for the commission of crimes elsewhere. Arrest of a person who is not known to have committed a crime simply to discover whether he might possibly have done so someplace, or simply because he is unemployed, is clearly unjustifiable. Nevertheless, it is a certainty that police departments generally will continue to use the vagrancy laws in this way until the removal of certain vague provisions therein make it impossible.<sup>333</sup>

Vagrancy legislation of the period can be summarised, therefore, as being known to have been unjustifiable in some legal quarters and to have criminalised personal condition. It should also be recognised that in several ways, young people were more vulnerable in a legal sense. Age was and is a power and status dynamic – by virtue of youth, young people had less rights and social capital than adults. Prior to reaching legal majority at the age of twenty-one, children and adolescents were considered developmentally inferior and the disadvantage

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and other Crimes of Personal Condition’, *Harvard Law Review*, 66:7, (1953), pp.1203-1226; Arthur H. Sherry, ‘Vagrants, Rogues and Vagabonds. Old Concepts in need of Revision’, *California Law Review*, 48:4, (1960), pp.557-573; William Chambliss, ‘A Sociological Analysis of the Law of Vagrancy’, *Social Problems*, 12:1, (1964), pp.67-77; Robin Yeamans, ‘Constitutional Attacks on Vagrancy Laws’, *Stanford Law Review*, 20:4, (1968), pp.782-793; Debra Livingston, ‘Gang Loitering, the Court, and Some Realism about Police Patrol’, *The Supreme Court Review*, 1999, (1999), pp.141-202.

<sup>333</sup> Aubrey W. Grossman, ‘Who is a Vagrant in California?’, *California Law Review*, 23:5, (1935), p.506. Grossman was best known for his defence of Willie McGee (a Black man sentenced to death for an alleged rape), representing Harry Bridges in the 1930’s, and his defence of Native Americans who occupied Alcatraz Island between 1969 and 1971. See obituary: ‘Aubrey Grossman’, *SFGate*, December 10, 1999.

this placed them in interactions with the police and other authority figures should not be underestimated. The American Youth Congress (AYC) campaigned on young people's issues, publishing *A Declaration of the Rights of the American Youth* on July 4<sup>th</sup> 1936, which criticised states for passing 'reactionary legislation' that they argued denied young people 'their liberty, freedoms, rights, and citizenship.'<sup>334</sup>

Many former young transients described their dealings with the police and judiciary to subsequent documentaries and oral history projects. The police and court records of such encounters come exclusively from those in power and whilst they will be utilised later in this study it is important to consider the perspective of those on the other side of such interactions first. George Lantz recalled being arrested after riding a freight train into Los Angeles and encountered a judge who made no attempts to hide his prejudice towards Lantz and his fellow travellers. Lantz was taken to Jefferson Heights Jail and kept in what he describes a 'drunk tank' overnight before being put before a judge the next morning, charged with stealing rides. "You're a dirty looking bunch of bums," the judge said. "I'll give you two days in the cooler to wash and rest up." According to Lantz, a fellow defendant managed to talk his sentence up from two to sixty days, presenting the possibility that this may have been done on purpose.<sup>335</sup> After all, a sixty-day jail sentence represented a bed, shelter, and food for sixty days – a

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<sup>334</sup> For a longer discussion on age as a power dynamic and the importance of age stages in historical analysis see: Leslie Paris, 'Through the looking glass: Age, Stages, and Historical analysis', *The Journal of the History of Childhood and Youth*, 1:1, (2008), pp.106-113; *A Declaration of the rights of the American Youth*, (Washington D.C., American Youth Congress, 4th July 1936), p.1. The American Youth Congress, or AYC, was formed in 1935 to advocate for youth rights in U.S. politics, and was responsible for introducing the American Youth Bill of Rights to the U.S. Congress. On July 4, 1936, the AYC issued a Declaration of the Rights of American Youth, which addressed several issues, mainly inalienable rights issues that affected youth, and the economic issues. By 1939 the movement claimed 4,697,915 members in 513 affiliated organizations nationwide. For more information on the AYC see: Patricia S. Nofli, 'Peace, Freedom and Progress: The American Youth Congress Movement, 1934-1940', PhD. diss., (Rutgers, The State University of New Jersey, 2014).

<sup>335</sup> Interview with George Lantz, Riding the Rails Archive, California section, Part V.

material reality that should not be ignored. The verbally abusive comments of the judge, whilst perhaps relaying a view of many a California resident should not be dismissed: words carry more weight coming from the state's personification of justice.

Such instances were not just limited to the Los Angeles, though the area has become synonymous with anti-migrant sentiment due to the border patrol. For example, Rob Taylor recalled to the Riding the Rails project when he was arrested as a juvenile on Christmas Day 1933 in San Diego. Taylor describes it as a 'Christmas I never forgot' recalling having spent it in a drunk tank with over thirty people, saying 'we had standing room only and almost starved before they released us.' Another interesting recollection of Taylor's is his apparently being scammed by a person posing as a cook whilst in custody. Quite who was responsible for the scam is unclear but given where it took place it would have either involved police officers or somebody working in the knowledge of police officers. It seems that migrants or transients were not even protected from becoming victims of crime whilst inside the police station:

About 4 a.m. some skinny wino-looking guy with a dirty white apron and cap came up to the cage and asked if we wanted some breakfast. A lot of the guys said "Sure we are hungry." The old cook said, "OK, give me some money." A few of the guys did including Brownie who gave him \$2. Of course that was the last anyone saw of this character. About 6 a.m. a guard came in pushing a cart with a lot of tin cups with black water and gave each of us a cup and two small slices of the most stale bread I had ever seen.<sup>336</sup>

Lantz and Taylor both felt that they were treated poorly whilst in police custody. Stories of hostile attitudes towards outsiders were not just limited to cases where they were the alleged perpetrator of a crime. Ben Fowler recalled the sentencing hearing of a man convicted of stabbing him where his status as an outsider was taken as a mitigating factor by

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<sup>336</sup> Rob Taylor Interview, Riding the Rails Archive, California Section, Part IV.

the judge. ‘Justice?’ asks Fowler, ‘I don’t think so. My attackers got 60 days because I was a transient. Judge even said they would have got 6 months if I was a local.’<sup>337</sup> If true, Fowler’s experience demonstrates the fact that impoverished outsiders were viewed as second-class citizens by members of the Californian judiciary as well as some members of the general public and that as far as part of the state’s legal apparatus was concerned a crime committed against them was less serious than one committed against someone else.

The police station was not, however, always an unwelcome destination for a young transient. In police custody, a person was guaranteed some form of nourishment and shelter for the night. Some police departments were more accommodating to the needs of young transients than others, even accommodating minors including those with past convictions who had nowhere else to go as lodgers overnight.<sup>338</sup> In order to access this, however, there needed to be enough of a trust in the police to ask for it, and an awareness of which police departments did so. It is also worth taking a cautious approach to viewing every single arrest an act of oppression against a powerless individual. Some, of course, had committed crimes. As Erol Lincoln Uys makes clear, transients knew what would get them locked up for the night and in times of cold or hunger it is very possible that they manipulated the system in order to get food and shelter.<sup>339</sup> A jail sentence was the best guarantee many could find of food and accommodation for any length of time.

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<sup>337</sup> Ben Fowler letter to Erol Lincoln Uys, Riding the Rails Archive, California Section, Part III.

<sup>338</sup> Sacramento Police Department, Mugbook, 1934-35, p.146 features three out-of-state teenagers who were processed and accommodated overnight as lodgers. (Centre for Sacramento History, Sacramento PD Records, Mugbooks and arrest records.) It is worth noting that all the youngsters admitted as lodgers were white.

<sup>339</sup> Erol Lincoln Uys, Riding the Rails, *Teenagers on the Move in the Great Depression*, (T E Winter & Son., Boston MA., 2014), p.86.

### **Case Study: Juvenile arrests in Sacramento, 1929-1938**

Whilst the anecdotal evidence given by people to Oral history projects is powerful, there is a need to understand things from a broader perspective and not just individual memories.

Schlossman's study of the Los Angeles Juvenile Court did this to an extent. However, there is a need to consider specific categories of offence which Schlossman's quantitative study did not do. For instance, a marginalised youth receiving a custodial sentence for loitering or vagrancy is a different matter to one receiving a custodial sentence for an armed robbery or murder. Furthermore, Los Angeles can be considered unique even within a Californian context. The county's forestry camps, for instance, were not replicated elsewhere. Los Angeles was also notably hostile to outsiders even compared to the rest of the state, which is exemplified by the efforts of the LAPD to force its policies onto other jurisdictions through the border patrol. It is hoped that by looking beyond Los Angeles the findings of any case study can be more applicable to the Golden State as a whole rather than reflecting the practices and cultures of an individual police department.

In carrying out the case study, cases that saw arrestees aged eighteen or under were considered, reflecting that fact that eighteen-year-olds were regularly processed through the juvenile justice system and were routinely made wards of the juvenile court. The first offence considered was vagrancy which has been combined with the offence of loitering and other minor public order offences such as malicious mischief and the catch-all phrase 'being a delinquent child', which appears to have existed primarily as a means to detain and control any youngster causing any type of nuisance in both public and private settings without having violated any specific criminal statute or local ordinance. Theft offences were also considered. The line between petty theft and grand theft was certainly blurred. In some cases, it was alleged the categorisation of the offence was based on the ethnicity and residency status of the accused rather than the value of goods. It is therefore better to consider theft as a singular

category. In the last years of the case study, grand theft auto became a separate offence but was included among generic theft categories for the majority. The other offences considered were burglary and robbery. In each category, offences involving firearms were excluded, as were those committed alongside another more serious offence than those being considered or where the known material facts of the case made it an obvious exception.

For each category of offence the outcomes of the case as per both conviction and broad sentencing categories have been considered based on ethnicity and state residency in order to determine if the conviction rate and likelihood of receiving a custodial sentence if convicted varied significantly amongst those demographics. Admittedly, gender would also have been an interesting consideration however the numbers of girls arrested for each category were low, meaning that any quantitative findings would have been unreliable. There are two caveats which must also be considered when viewing the subsequent findings. Firstly, the use of so-called ‘floating sentences’ to deal with non-county residents reduce the rates of custodial sentencing amongst those groups. These sentences were suspended custodial sentences where the convicted person was not jailed on the condition that they left the county for a stipulated time, ranging from months to as long as two years. In 1946 such sentences were declared illegal and later unconstitutional as they were argued to be ‘cruel and unusual punishment’ by being equivalent to a sentence of banishment which was not authorized as punishment for a crime.<sup>340</sup> As such, the rate of custodial sentences given to

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<sup>340</sup> Caleb Foote, ‘Use of Vagrancy-Type Laws for Arrest and Detention of Suspicious Persons’, *The Yale Law Journal*, 59:7, (1950), pp.622-625 details the case law relating to this. California’s Appeal Court ruled the state’s ‘floating sentences’ to be illegal in: *Re Scarborough*, 76, Cal. App. 2d 648, 173 P.2d 825 (1946). The first case where banishment was explicitly described as ‘cruel and unusual punishment’ and therefore unconstitutional was: *People v. Wallace*, 125 N.Y.S2d 201, 204, (Suffolk County Ct. 1953). Foote also points to the relevance of *Edwards v. California*, U.S., Supreme Court, 1941, 314.U.S. 172, where it was decided under the privileges and immunities clause of the 14th amendment that any citizen had the right to enter and reside in any state of the union, not least because they may be obligated to defend it (concurring opinion of Justice Jackson). When ruling on similar sentences to California’s, North Carolina’s Supreme Court also invalidated them, with one

non-residents were reduced by an unconstitutional punishment of banishment and without that would have been higher than is shown. Lastly, in a small number of cases, case outcomes were listed only as 'juvenile court' or have been redacted, meaning that not all case outcomes for the period could be determined. There does appear to have been a variation in the use of juvenile courts for residents when compared to outsiders, who were more likely to be processed as adults.

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judge arguing there was no merit in passing problems from one jurisdiction to another when other jurisdictions do the same, and that this could in theory lead to a person becoming stateless, unable to reside anywhere without risking incarceration. Such sentences did nothing to help 'the urban derelict'. See: *State v. Doughtie*, 237, NC. 368, 371, 74 S.E.2d. 922, 924, (1953).

Vagrancy and minor public order offences arrests and outcomes for people aged 18 and under in Sacramento, 1929-1938, by ethnicity and residency									
Ethnicity / Residency States	Total Number of Arrests	Not Charged / Not Convicted	Non-Custodial Sentence	Juvenile Court	Transported / Deported	Reformatory	Jail	Conviction Rate	% convicted people received custodial sentence
<b>White CA residents</b>	21	3	12	0	1	0	5	78.3%	27.8%
<b>White non-CA residents</b>	23	4	12	1	3	0	3	79.1%	15.7%
Mexican / Mexican American	11	1	4	2	0	1	3	90.9%	30.0%
Asian/ Asian American, Native American, Pacific & Hawaiian Islanders	2	0	0	1	0	0	1	100%	50.0%
Black	6	0	4	0	0	1	1	100%	33.3%
European American recorded minority	11	4	0	0	2	0	5	64%	71.4%
<b>Ethnic Minorities Totals</b>	30	5	8	3	2	2	10	83.3%	48.0%

Fig. 13. Table displaying the outcome of people aged 18 and under who were arrested on suspicion of specified minor public order offences in Sacramento, March 1929-March 1938 by ethnicity and state residency.

Theft Offences arrests and outcomes for people aged 18 and under in Sacramento, 1929-1938, by ethnicity and residency									
Ethnicity / Residency States	Total Number of Arrests	Not Charged / Not Convicted	Non-Custodial Sentence	Juvenile Court / Order	Transported / Deported	Reformatory	Jail	Conviction Rate	% convicted people received custodial sentence
<b>White CA residents</b>	69	14	13	17	4	16	5	79.7%	38.2%
<b>White Non-CA residents</b>	37	4	8	11	3	8	3	89.2%	33.3%
Mexican / Mexican American	20	2	5	2	0	7	4	90.0%	61.1%
Asian/ Asian American, Native American, Pacific & Hawaiian Islanders	4	0	0	2	0	1	1	100.0%	50%
Black	5	0	1	2	0	1	1	100.0%	40.0%
European American recorded minority	17	2 (5)	2	3	1	2	2	66.7%	40.0%
<b>Ethnic Minorities Total</b>	46	4 (7)	8	9	1	11	8	90.7%	44.2%

Fig. 14. Table displaying the outcomes of people aged 18 or under who were arrested on suspicion of theft offences in Sacramento, March 1929 – March 1938 by ethnicity and state residency status. Note: The figure displayed in brackets includes two boys who were released on orders of the District Attorney due to concerns with the police handling of their case resulting in them being charged with the wrong offence. It also includes a third boy who died by suicide whilst on bail. These cases are noted but not included in statistical analysis.

Burglary and Robbery offences arrests and outcomes for people aged 18 and under in Sacramento, 1929-1938, by ethnicity and residency									
Ethnicity / Residency States	Total Number of Arrests	Not Charged / Not Convicted	Non-Custodial Sentence	Juvenile Court / Order	Transported / Deported	Reformatory	Jail	Conviction Rate	% convicted people received custodial sentence
<b>White CA residents</b>	33	5 (6)	3	9	2	10	3	81.8%	48.1%
<b>White Non-CA resident</b>	26	2 (3)	6	5	3	8	1	92.0%	39.1%
Mexican / Mexican American	7	0	2	0	1	2	2	100%	57.1%
Asian/ Asian American, Native American, Pacific & Hawaiian Islanders	9	0	2	1	3	2	3	100%	55.6%
Black	3	0	0	0	0	2	1	100.0%	100.0%
European American recorded minority	16	2 (4)	2	4	2	4	0	85.6%	33.3%
<b>Ethnic Minorities Totals</b>	35	2 (4)	6	5	6	10	4	93.9%	45.2%

Fig. 15. Table displaying the outcomes of people aged 18 or under who were arrested on suspicion of burglary or robbery in Sacramento, March 1929 - March 1938 by ethnicity or state residency status. Notes: White CA resident 'not charged/ convicted' figure in brackets includes William Davis, 16, who died by suicide before his trial. White Non-CA resident 'not charged/ convicted' figure in brackets includes Lee Hutchinson, 17, of New York, who was subsequently released on orders from the District Attorney due to concerns about the police conduct in his arrest.

### *Case Study Findings*

From the records of the SPD it was possible to identify seventy-four cases of minor public order offences (vagrancy, loitering, being a delinquent child, malicious mischief) where the outcome of the case is known and the suspect arrested was aged eighteen or under. Only twenty-one cases involved a suspect who was a white California resident despite that demographic representing a majority of the local population. This group had the lowest conviction rate at court (78.3 percent) and the proportion of those convicted who received custodial sentences (twenty-seven percent) was lower than all identifiable ethnic minority groups (which when considered together display a rate of forty-eight percent). Due to the nature of vagrancy and loitering legislation it is not surprising that non-state residents and ethnic minorities made up the majority of those arrested but it is still a noteworthy finding. Evidence that white non-California residents and identified European-origin ethnic minorities displayed slightly lower custodial sentence rates should be read with extreme caution with this and the other groups of offences due to being eligible for controversial ‘floating’ sentences.<sup>341</sup>

There were 152 applicable theft offences (petty theft, grand theft, grand theft auto) identified, sixty-nine of which involved suspects who were white and had California state residency. That group had the second-lowest conviction rate at court and the second-lowest rate of custodial sentences amongst those convicted at 38.2 percent. Identifiable ethnic minority groups combined experienced a forty-four percent increased rate of custodial

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<sup>341</sup> Police records very often identified the heritage of people from specific areas or countries within Europe, most commonly if they were Italian, Irish, Slav, Spanish, or Portuguese in heritage. The fact that this ancestry was considered relevant when they were processed (even in once case when a boy marked out for being 1/8th Irish) is evidence in itself that it may have played a role in how they were treated. For that reason, they have been grouped as their own category, especially with the wider aim of understanding the extent of a culture of ‘Californians and others’ beyond the classroom.

sentences, which rises to 61.1 percent for Mexicans or Mexican Americans. Similarly, when the ninety-four cases of robbery or burglary were considered, again less than half (thirty-three) involved white Californian-residency suspects arrested. This group had the lowest rate of court convictions from arrests (81.8 percent), compared to 85.6 percent of noted white minority groups, ninety-two percent of white non-state residents, and one hundred percent for Mexicans and Mexican Americans, Asians and Asian Americans, Blacks, Native Americans, and Pacific or Hawaiian Islanders.

When considered together the arrest records from the SPD show that white California residents in the vast majority of instances were the least likely to be convicted at court and of those convicted were less likely to receive custodial sentences than ethnic minorities. Furthermore, for each type of offence considered, despite being the local majority population, they represented less than half the suspects. This could be interpreted in two ways, that the police were biased against non-state residents and ethnic minorities when investigating crime and that the law worked against such groups. In practice, both were probably applicable to different individual cases due to the state's established culture of 'Californians and others.' Whilst ethnic minority groups often involve smaller sample sizes, the evidence these statistics present is still powerful. For example, one hundred percent of Blacks arrested for all the offences considered were convicted at court across the time period.

The usage of the juvenile court system to deal with offenders also appears to have been very inconsistent. There appears to be little consistency in the application. Cases include 18-year-olds being made wards of the juvenile court and younger teenagers being sent to adult prisons. Race was an explicit factor in such decisions. For instance, the *Pasadena Post* reported that two boys, fifteen-year-old Lee Vernon Gibson, and fourteen-year-old Walter Taylor had been convicted of murdering a caretaker after he died in a building they had set fire to in 1941. Taylor was sent to the Reformatory, to be released at twenty-one, but Gibson

was given a life sentence at San Quentin State Prison. Gibson, described as still having ‘tablet and pencil in hand ... marbles in pocket’, was a Achomawi Native American from the Alturas, reportedly upset that nobody would play with his treasured agates and announced an ambition to learn to play the Hawaiian guitar in San Quentin.<sup>342</sup> Similarly, the ethnicity of offenders in this regard appears significant in the Sacramento case study. White residents of California were directed down the juvenile route significantly more often than Mexican Americans and those of minority ethnic backgrounds. Despite making up a minority of cases, white state residents were the group most often referred to the juvenile system (twenty-six), compared to white non-residents (seventeen) and ethnic minorities (seventeen). Given that this was the more lenient way of dealing with people in terms of sentencing powers, this tendency to use the juvenile system for local white residents and favour the adult criminal apparatus for non-residents and ethnic minorities is another important observation.

### **Part I Summary**

This chapter section has detailed the complex atmosphere surrounding juvenile justice with national narratives of the ‘war on crime’ and local Californian concerns about gang activity clashing with local child-centred approaches. Initiatives such as the LACC viewed leisure and recreation as tools to combat juvenile delinquency rather than traditional punishments. Even those initiatives were flawed, drawing the ridicule of youths who mocked their organisers as ‘purity squads’ and failing to engage with Hispanic youths, culminating in a failure to represent their interests during the Zoot Suit Riots or blatant miscarriages of justice. As the Depression-era progressed, Progressive-minded ‘child-savers’ saw their influence diminish as the tough-on-crime approach of FBI Director J. Edgar Hoover increased in popularity and influence. Californian officials liked to talk up their juvenile courts, probation

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<sup>342</sup> ‘Boy, 15, Lodged in San Quentin’, *The Pasadena Post*, October 9, 1941, p.5.

systems, and institutions but the narrative they presented was distorted. A caveat of ‘not for all children’ should be applied. The testimony of the young people who encountered law enforcement and the judiciary, as both suspects and victims, included serious allegations of bias or malpractice against transients and ethnic minorities. Together, the Sacramento case study conducted here and Schlossman’s study of Los Angeles present a compelling case that there were two systems of law enforcement, one for white Californian youths and another harsher system for non-state-resident and ethnic minority youths. Juveniles without California residency were more likely once arrested to be convicted at court or receive a custodial sentence. Furthermore, they were also subject to controversial ‘floating sentences’ which were subsequently deemed unconstitutional. Mexican American youths also experienced similar disparities regarding the likelihood of conviction and if convicted, sentencing. Furthermore, in Los Angeles the court prioritised white children over Hispanic children for what it deemed its most beneficial placements. In at least one case the court repeatedly delayed making provisions for a child out of a hope their family would be returned to Mexico under the ongoing program of forced ‘repatriations.’ With marginalised children more likely to be arrested, convicted, and receive a custodial sentence it is imperative to understand their experiences of the institutions authorities disproportionately sent them to. That is achieved in the second part of this chapter which includes an in-depth case study of Whittier state school, and an examination of California’s sterilisation program, which is held to be an extension of the penal system disproportionately deployed against Mexican American girls rather than a healthcare initiative.

## Part II: Sterilisation and juvenile justice institutions

### Minors and California's program of eugenic sterilisation

California's program of eugenic sterilisation was not directly administered by the criminal justice system but it served as an extension of the penal system. Children were not immune from sterilisations with social workers, medical professionals, and Reformatory schools all being able to refer children to state facilities that carried out sterilisations and in some cases their sterilisation was agreed prior to their entry. Whilst often described to parents as a treatment, sterilisation was also a threat which the state ultimately used to punish children who it did not approve of. Between 1919 and 1952, the state of California sterilised approximately 6,341 people aged nineteen or under, including thirty-seven aged eleven or under, and 925 aged between twelve and fourteen.<sup>343</sup> For parents who wished to contest the sterilisation of their children there was an obvious dilemma. In many cases, Sterilisation was the 'treatment' that would release their child from state custody. Therefore, seeking to protect their child's bodily autonomy could also result in them being denied access to their children and condemn their child to a longer stay in an institution. The sterilisation program in California must be explored in depth. It was a potential consequence of receiving a juvenile custodial sentence which have been shown by the case study of relatively petty offences to have given disproportionately to Mexican Americans and non-state residents.

Eugenicist thinking began to have a greater influence on American society in the early twentieth century and that influence would continue through to the 1960s, perhaps longer.

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<sup>343</sup> Alexandra Minna Stern, Nicole L. Novak, Natalie Lira, Kate O'Connor, Siobán Harlow, & Sharon Kardia, 'California's Sterilization Survivors: An Estimate and Call for Redress', *American Journal of Public Health*, 107: 1, (2017), pp.50-54. The term approximately is used here, as this is based on sterilisation cards at the California State Archives, with were in essence, permission and recommendations to sterilize. These are not absolute evidence that the procedure was carried out, however it is highly likely that once sought by an institution Superintendent and permission given, the procedure would have gone ahead. There is no evidence to absolutely confirm this in each individual case, however.

Through public discourse on ‘better breeding’ and genetics, eugenics presented itself in various forms. This ranged from more gentle manifestations seen in events like so-called ‘better baby contests’ or well-meaning support programs for the ‘genetically inferior’ and more extreme form state-sponsored programs of bodily mutilation, involuntary euthanasia, and reproductive regulation.<sup>344</sup> The state of Indiana passed the world’s first sterilisation law in 1907 which permitted medical superintendents to sterilise people whose ‘hereditary’ characteristics were deemed a ‘threat’ to society.<sup>345</sup> Between 1907 and 1937 thirty-two U.S. states would follow suit, passing eugenic sterilisation laws as part of wider public health initiatives intended to combat a perceived degeneration of society by strengthening the human gene pool. California was the third state, following Indiana and Washington, to pass a sterilisation bill into law and developed a program that was unique in scale across the United States, accounting for approximately 20,000 of the nation’s 60,000 sterilisations, and would be notable for its disproportionate impact on young members of the Hispanic community.<sup>346</sup>

California’s sterilisation laws originally allowed prison and asylum superintendents to ‘asexualize’ a patient or inmate if such treatment would benefit their physical, mental, or moral wellbeing. The law would be expanded on several times between 1909 and 1917, by which time sterilization would be allowed in a penal sense as well as a treatment sense, and specific clauses would be inserted into the law to protect doctors from any legal redress of carrying out the procedures. These changes empowered unscrupulous or experimental doctors and removed any modicum of protection for inmates regarding their bodily autonomy. Dr Leo Stanley, the chief surgeon at San Quentin State Prison was hugely influential in

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<sup>344</sup> Randall Hansen & Desmond King, *Sterilized by the State: Eugenics, race, and the population scare in Twentieth Century North America*, (Cambridge University Press, New York, 2013), pp.1-10.

<sup>345</sup> Alexandra Minna Stern, ‘Eugenics, Sterilization, and historical memory in the United States’, *Historica, Ciencias, Suode-Manguinhos*, 23:1, (2016).

<sup>346</sup> Joel T. Braslow, *Mental ills and bodily cures: psychiatric treatment in the first half of the Twentieth Century*, (University of California Press, Berkeley, 1997), p.56.

developing eugenics outside of mental health facilities, bringing them into state correctional environment. Stanley conducted surgeries at San Quentin between 1913 and 1941 driven by his idea that they could ‘purify criminals’, mainly through invasive testicular surgeries. On some occasions Stanley even attempted to replace inmates’ testicles with those of an animal and was apparently surprised when his inter-species transplants failed.<sup>347</sup> Though many were not as experimental as Stanley, the medical and scientific community across the United States was in broad agreement that ‘feeble-mindedness’, defined by a low score on an Intelligence Quotient (IQ) test, or a pattern of ‘degenerative behaviour’ could be treated by sterilisation. This supposedly benefited the victim and society by removing the possibility of future descendants.

This broad definition of feeble-mindedness through intelligence testing and observing patterns of behaviour saw a growing interest in eugenics, involuntary sterilisation, of minors within California’s juvenile correctional facilities. Sterilisation was primarily carried out in mental institutions but juvenile correction officials could refer inmates to state mental institutions without parental permission or formal hearing. Throughout the period, criminality was associated with the genetics or anatomy of the individual rather than their environment or social circumstances. This meant that children who became associated with crime or consistently ran away from home were viewed as being defective and by extension became candidates for sterilisation. Those beliefs also saw a program of experimentation and intelligence testing was developed as part of ‘research’ into juvenile delinquency at California’s Whittier State School, the results of which led to hundreds of inmates between 1900 and 1940 being deemed ‘feeble-minded’ and recommended for sterilisation at a state

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<sup>347</sup> Ethan Blue, ‘The Strange Career of Leo Stanley: Remaking Manhood and Medicine at San Quentin State Penitentiary, 1913-1951’, *Pacific Historical Review*, 78:2, (2009), pp.210-241.

mental institution.<sup>348</sup> Even without the consideration of racial prejudice within society and the individuals administering the system, the potential for some groups of children to be disadvantaged was obvious. Intelligence testing conducted in English disadvantaged people who primarily spoke other languages and those who had not had access to equal educational opportunities, such as the students educated to differing curriculums in the state's network of Mexican, 'Oriental', African American, or Migratory schools during the Depression era as well as children from Native American reserves.

California's sterilisation program was not fully dismantled until 1979 but its peak was the period between 1920 and 1940 and there are over 20,000 known victims of California's eugenic sterilisation law.<sup>349</sup> The longevity and scale of California's sterilization program, particularly relating to people under the age of twenty-one, made it unique in the United States. State law regarding juveniles permitted institution superintendents to cause a person to be sterilised without the consent of a parent or guardian by applying to the Director of Institutions in Sacramento. Sterilisation therefore became a threat to any child in a state mental institution, sanatorium, or reformatory school, which was wielded by superintendents who were aided by laws that prevented legal redress and based in institutions that were geographically isolated away from society.<sup>350</sup> Any ward of the state or child in a state institution deemed incapable of recovery, be it from psychological illness or incorrigible behaviour, faced the prospect of involuntary bodily mutilation without any system of checks or balances. There was nothing to prevent personal dislike motivating a decision to propose

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<sup>348</sup> Miroslava Chavez-Garcia, 'Intelligence Testing at Whittier School, 1890-1920', *Pacific Historical Review*, 76:2, (2007), pp.193-228.

<sup>349</sup> A. Dyrbye, 'California Passes its First Sterilization Law', retrieved from: <https://eugenicsarchive.ca/database/documents/51714747eed5c6000> (31/03/2020).

<sup>350</sup> Nicole L. Novak, Natalie Lira, Kate E. O'Connor, Sioban D. Harlow, Sharon L. R. Kardia, & Alexandra Minna Stern, 'Disproportionate Sterilization of Latinos Under California's Eugenic Sterilization Program, 1920-1945', *American Journal of Public Health*, 108:5, (2018), pp.611-613.

sterilisation and no formal process for parents to prevent procedures being carried out on their children.

Patients and inmates with Spanish surnames, of which records suggest 88 percent were of Mexican descent, were significantly more likely to be sterilized by the state of California. Despite never accounting for more than 6.5 percent of population as per the Census between 1920 and 1950 they made up 16 percent of the people sterilised by the state during that same period. This disproportionate impact was even greater in young people. Generally Spanish-surnamed residents of state institutions were 2.5 times more likely to be sterilised than other inmates. For females aged under eighteen with Spanish surnames that rate rises to being 3.8 times more likely to be sterilised.<sup>351</sup> It appears therefore, that rather than a sole desire to weed out undesirable traits from society based on flawed science that was accepted at the time there was another desire, to control the reproductive capabilities of young Latinos, particularly girls.

Without a stipulated appeals process there was very little room for young victims or their parents to contest the state's decision to sterilise a child but this did not stop concerned parents from attempting to intercede. A good number of institutionalised Mexican American children came from impoverished families who lived a migratory lifestyle, working in California's agricultural economy. They faced prolonged periods away from their children in state custody and officials often dangled the carrot of potential release into the community following sterilisation in order to obtain consent. Failing that, they would then seek permission from Sacramento to proceed. In 1927, Virginia's and by extension California's similar sterilisation laws were challenged in the United States Supreme Court. The court ruled in *Buck v. Bell* that compulsory sterilisation of the unfit for the 'protection and health of

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<sup>351</sup> Nicole Novak *et al.*, 'Ethnic Bias in California's Eugenic Sterilization Program, 1920-1945', PSC Research Report, No.16-866.

the state' did not violate the due process clause of the Fourteenth Amendment in a majority 8-1 verdict, with devout Catholic Pierce Butler the dissenting justice. Oliver Wendall Holmes Jr. authored the majority verdict, concluding that 'three generations of imbeciles were enough.'<sup>352</sup> This was a decision that was backed by public opinion with a survey for *Fortune Magazine* showing that 66 percent of the public approved of compulsory sterilization for the public good.<sup>353</sup>

Following that decision sterilisation proceeded at nine Californian institutions unabated. A number of children were sent from reformatory schools, emphasising that sterilisation was a tool of the criminal justice system, to state mental institutions on account of IQ testing or Superintendent's prerogative and went on to be sterilised. There is a fundamental question of due process over such transfers on account that trial judges had committed the minors in question to reformatories and not state mental institutions. The table below shows the number of children sterilised having been transferred by their reformatory school or origin:

<b>Children who were sterilised at state mental institutions having been transferred from a reformatory, 1921 - 1940<sup>354</sup></b>					
<b>Reformatory</b>	<b>1921-1925</b>	<b>1926-1930</b>	<b>1931-1935</b>	<b>1936-1940</b>	<b>Total</b>
Whittier	14	15	17	22	68
Preston	9	4	8	4	25
Ventura	9	11	12	4	36
<b>Total</b>	33	30	37	30	126

Fig. 16. Table showing the number of inmates referred from Californian reformatory schools who were transferred to and sterilised at state mental institutions, 1921-1940.

<sup>352</sup> *Carrie Buck v. John Hendren Bell, Superintendent for State Colony for Epileptics and Feeble Minded*, 274 U.S. 200 (1927).

<sup>353</sup> Susan Currell & Christina Codgell, *Public Eugenics*, (Athens, Ohio University Press, 2006), p.37.

<sup>354</sup> Sonoma State Hospital Register of Applications, 1884-1949, vol.9, Sonoma State Hospital Records, Department of Mental Hygiene, CSA, F.3607; 'Sterilization Applications and related documents for patients committed to California State Institutions', Department of Mental Hygiene, CSA, F.3607. Data via Miroslava Chavez-Garcia, '*States of Delinquency*', p.137 which produces a table spanning a longer time period.

In total, between 1921 and 1940 126 children, including thirty-six girls, were transferred from California's reformatory schools to state mental institutions and subsequently sterilised. The disparity between the number of committals between the three institutions despite having similar populations demonstrates a level of variety that is not compatible with the uniformed application of defined scientific or medical criteria. We know that generally girls were more likely to be sterilised than boys yet the girls' reformatory, Ventura, was significantly outdone by one of the boys' institutions, Whittier. Similarly, the different rates of sterilisation of inmates under the age of twenty-one at the nine different facilities for the feebleminded or mentally ill also show wide variation. The Sonoma State Hospital, originally founded in 1884 to educate disabled children, adopted an aggressive strategy which saw some criticise its practices, labelling the institution a 'revolving operating theatre' where authorities sterilised and then released patients. Sonoma sterilised more people than any facility around the world prior to 1942. California's program of industrialised state-sponsored bodily mutilation operated on an unparalleled level during the Great Depression-era. The following table details the impact of that program on young inmates between 1926 and 1940.<sup>355</sup> Again, there are troubling discrepancies between the sterilisation rates at institutions, suggesting that regulations were not being applied equally. For example, between 1936 and 1940 843 people aged twenty-one or under were sterilised at Sanoma state hospital, representing 49 percent of the juvenile population, but at the other home for the 'feebleminded', Pacific Colony, 381 under twenty-ones were sterilised, 22 percent of the juvenile population. During the same time period, rates also varies at the homes for the 'mentally ill.' Only four juveniles were

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<sup>355</sup> Wendy Kline, *Building a Better Race: Gender, Sexuality, and Eugenics from the Twentieth Century to the Baby Boom*, (University of California Press, Berkeley, 2001), pp.30-33; Alex Wellerstein, 'States of Eugenics: Institutions and practices of compulsory sterilization in California', Sheilla Jasanoff, ed., *Reframing Rights: Bioconstitutionalism in the genetic age*, (MIT Press, Cambridge MA., 2011), pp.29-38.

sterilised at Mendocino, 0.1 percent of the juvenile population, but at Patton, almost ten percent of the juvenile population, 168, were sterilised. This indicates that sterilisation was dependent not on clearly defined procedures but individual institutional cultures and the whims of respective superintendents and surgeons, leaving the door open for clear abuses of power.

<b>Sterilisation of Youths aged 21 or under in California's State Hospitals<sup>356</sup></b>						
<b>Year</b>	1926-1930		1931-1935		1936-1940	
<b>'Feeble-minded' Homes</b>	<b>Number</b>	<b>% of Population</b>	<b>Number</b>	<b>% of Population</b>	<b>Number</b>	<b>% of Population</b>
Sonoma	586	59	739	49	843	49
Pacific Colony	151	13	387	25	381	22
<b>Homes for 'mentally ill'</b>	<b>Number</b>	<b>% of Population</b>	<b>Number</b>	<b>% of Population</b>	<b>Number</b>	<b>% of Population</b>
Patton	147	12.5	206	13.5	168	9.8
Stockton	66	6	40	2.6	148	5.5
Norwalk	37	3	24	1.6	5.3	3.0
Napa	60	5	70	4.6	51	2.9
Agnews	0	0	49	3	69	4
Mendocino	24	2	6	0.1	4	0.1
Camarillo	0	0	0	0	14	0.3

Fig. 17. Table showing the rates of sterilisation amongst juvenile inmates at California's state mental institutions, 1926-1940.

There is little archival insight into the experiences of children in California's homes for the 'feeble-minded' or 'mentally ill.' Owing to their status as either 'feeble-minded' or 'mentally ill' and their age their views would rarely have been valued, sought or recorded. Stigma prevented many from speaking out upon their release. Something to consider is the number of children who escaped from such institutions. We have no concrete evidence as to their decisions to try to escape. But the fact that newspapers appear to have given readers semi-regular warnings about escaped minors indicates this was a regular occurrence. It raises

<sup>356</sup> Data from: Miroslava Chavez-Garcia, *States of Delinquency*, pp.134-135.

questions on the level of supervision whilst high rates of escape do indicate youths' feelings of the institutions they were sent. The *Los Angeles Times* asked the public to help locate fifteen-year-old Felix Sanchez in October 1930 along with fourteen-year-old Blanche Estrada. Sanchez, the paper reported 'although a boy, is said to be a frequent user of marihuana' and should be considered 'dangerous' as potentially 'under the influence of a narcotic.' Estrada 'is an epileptic' so authorities were 'anxious' to locate her, the *Times* added. Sanchez was made out to be a threat, and Estrada vulnerable in the extreme, perhaps alluding to potential statutory rape. Her escape in those circumstances was seen as an indicator of her 'feble-mindedness' but it may also allude to desperation to escape something terrible if she was aware of her condition. Notwithstanding Estrada's specific medical history, gender appears to have influenced how escapees were described with boys like Sanchez assumed to be dangerous and girls like Estrada vulnerable. As a child, Sanchez was himself vulnerable. To highlight the frequency of such escapes the article seeking Estrada and Sanchez following their escape from Pacific Colony was published on October 27 only twelve days after another seeking William Martinez, a fifteen-year-old Mexican American and Corinthian Green, also fifteen and described as 'colored' who had escaped from the same institution.<sup>357</sup> The repeated nature of male and female couples escaping together hints at a type of adolescent romance developed within the institution, though of course romance cannot be ruled out as a motivation when pairs of boys or pairs of girls escaped together.

We know the children wanted out even if not precisely why and that care was lax enough that there were two double escapes within a fortnight. Escaping such an institution is a clear expression of asserting agency. Inspiration can be taken from Tamara Myers and Joan Sangster's history of 'Retorts, Runaways, and Riots' in Canadian reformatories, viewing

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<sup>357</sup> 'Boys Flee Spadra Colony', *Los Angeles Times*, October 15, 1930; 'Colony Children Sought', *Los Angeles Times*, October 27, 1930.

escaping as resistance, and having a strong link to the treatment of children within institutional settings.<sup>358</sup> The fact that children escaped so often from these Californian institutions says as much about their nature as the children's and offers a glimpse of children's potential experiences inside them. The spectre of sterilisation for those who knew of it was one very compelling reason to try and leave.

Sterilisation records are often both heavily redacted and brief. They state the reasons behind the sterilisation order and give a very brief (usually only one sentence) about the child's parents. There is no trace of the child's testimony, though there is often a comment on their behaviour and circumstances. But these records can be read 'against the grain.' They may indicate where a child's voice has specifically been ignored or an insight into their experiences. Jacqueline Wernimont and Alexandra Minna Stern's *Eugenic Rubicon* project list the official reasons behind sterilisations. To the twenty-first century reader, the vague and trivial nature of some is startling. Between 1929 and 1942, children aged between 11 and 14 were sterilised for the following reasons: 'Runs away from home'; 'deserted child'; 'noisy and wanders away'; and 'adopted.' Children's parents, rather than the child themselves were often cited as the reason. Cases included children sterilised because: 'mother is dead and father is in prison'; 'mother has syphilis'; 'alcoholism of father'; and 'mother admits extreme cruelty to boy when infant.' That boy's victimhood specified as 'extreme cruelty' was transformed by officials into something else. The criminal behaviour of his mother, and not anything he was responsible for, became justification for the state to remove his reproductive rights and mutilate his body.

That case was not isolated. Being the victim of child abuse could result in being sterilised by the state in Depression-era California. Paperwork often included references to

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<sup>358</sup> Tamara Myers & Joan Sangster, 'Retorts, Runaways and Riots: Patterns of Resistance in Canadian Reform Schools for Girls, 1930-1960', *Journal of Social History*, 34:3, (2001), pp.669-697.

children's ethnicity, for instance one sterilised child was described as a 'poorly educated colored youth.' LGBTQ+ youths were particularly vulnerable to sterilisation. One fourteen-year-old's sterilisation index card contained three words: 'homosexual problem, runaway.' Owing to fears of pregnancy girls were sterilised if they were considered sexually active. One girl was sterilised for being 'overdeveloped', and a fourteen-year-old girl suffered the same fate because officials determined she 'shows much interest in sex.' In some cases of a girl being abused or raped by an adult the state opted to sterilise the child victim, again transforming victimhood, this time of sexual abuse, into something that the state wished to punish them for. For example, an eleven-year-old in 1935 was sterilised because 'she has frequent sexual relationships with older men.' In 1936, a twelve-year-old girl was sterilised due to being deemed 'oversexed', by officials with paperwork also indicating she was 'raped when 8.'<sup>359</sup> Much of the historiographical commentary on California's eugenic sterilisation program is centred on the science of the day. But this seems an inappropriate framing of that academic discourse based on these sources. It is doubtful that some of the cases referenced here would have met the threshold set by that. This has the effect of quasi-justifying what happened in some of these cases by putting them down to the system, rather than a conscious choice made by an historical actor to achieve something horrific by exploiting the rules. The state and individual officials had immense power to mutilate the bodies of children without their or their parents' consent. Girls, particularly Mexican American girls, were the most vulnerable, but this was not exclusive. Despite being vast in scale, the program should be considered as poorly and inconsistently administered and open to abuse and manipulation.

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<sup>359</sup> All cases referenced are recorded on index cards reproduced here: Jacqueline Wernimont & Alexandra Minna Stern, *Eugenics Rubicon*, 7-14: <https://scalar.usc.edu/works/eugenic-rubicon-/the-7-14-timeline> (27/10/2020).

### *Mexican American and Catholic challenges to child sterilisation*

Various Mexican American families attempted to challenge the decision to sterilise their children, employing a wide variety of tactics. In response to this state officials often belittled parents, questioning their genetic makeup, intelligence, and ability to parent. For example, the Superintendent of Sonoma Fred O. Butler requested permission to sterilise Juan Romero after the boy had been referred to the hospital from the Preston School of Industry following thirteen burglaries. The father refused and travelled to San Francisco to plead with a health officer to retract a diagnosis of feeble-mindedness. Authorities described the father as an ‘ignorant, unintelligent, Spanish man’ who was not capable of understanding the societal benefits of his son’s sterilisation. Butler argued that as some of the boy’s siblings had also been involved in the juvenile justice system the family harboured ‘hereditary defects’ and permission to carry out a vasectomy was received from Sacramento.<sup>360</sup>

That case was by no means an exception. A virtually identical *modus operandi* can be observed in how Butler went about securing the sterilisation of Carlos Vasquez, whose mother had refused to consent to procedures in two letters in 1937 citing religious objections. Butler then contacted the Director of Institutions in Sacramento describing the fifteen-year-old as a ‘runaway menace to society’ following convictions for petty theft and dismissed his mother’s objections as coming from a ‘low grade Mexican type.’ The vasectomy was carried out by the state in 1938.<sup>361</sup> Religious objections to sterilisations were often dismissed by officials, even when the Catholic Church attempted to intercede. For example, in 1942 the father of Ignacio Dominguez a fifteen-year-old who had scored seventy-five on an IQ test

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<sup>360</sup> ‘Fred O. Butler letter to Mr S., 21st November 1931’ & ‘J. C. Geiger letter to Fred O. Butler’, California State Archives, California Youth Authority Records, Preston School of Industry Records, Inmate Histories, Inmate #13694, F3738:20. (Approved pseudonym used in accordance with ethical regulations.)

<sup>361</sup> California State Archives, Department of Public Health Records, State Institutions, Eugenic Sterilization Cards and Recommendations, 1919-1952, Sterilization Recommendation 120-1778; Sterilization Index Card 361-1829 (Approved Pseudonym used.)

sought assistance from the Church. The Santa Barbara Police Department's probation service reported that the boy had been found drunk in a pool hall, had once been party to a knife fight, and was part of a 'marauding gang of Mexicans.' Despite the local Catholic Priest writing to Butler objecting in strong terms on religious and moral grounds, the sterilisation went ahead with permission from Sacramento.<sup>362</sup>

One case where a religious objection appears to have successfully challenged a sterilisation recommendation of a child involved the parents of Celia Ramirez in 1938. Ramirez had a long institutional history and regularly attempted to escape. Ramirez testified that she had been raped by a gang of five men but despite a medical examination diagnosing her with venereal disease, the juvenile justice authorities concluded the allegations were 'without foundation.' One suspects that this was never investigated in any meaningful way at all. Ramirez's parents contacted the Mexican Consul in Los Angeles, who wrote directly to Sacramento rather than the Superintendent of Pacific Colony, reiterating the allegations and making clear the religious objections of the family. Ramirez's name does not appear on the list of those sterilised at Pacific Colony in that year, or subsequent years, so there is reason to believe that the Consul's intervention was successful.<sup>363</sup>

Two Mexican American families brought cases to court in order to challenge the proposed sterilization of children, with both cases focusing on the Fourteenth Amendment, as had *Buck v. Bell* in 1927. In 1930, the guardians of sixteen-year-old Conception Ruiz sued for damages of \$150,000 at a District Court, on the basis that a salpingectomy performed on her 'against her wishes and in spite of protest' violated her rights to due process. The case was unsuccessful, and no precedent was set. It is notable that the *Los Angeles Times* reporting on the case often merely referred to the 'girl's operation' rather than explicitly informing the

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<sup>362</sup> CSA, Sterilization Index Card 361-4114 (Approved pseudonym used.)

<sup>363</sup> Alexandra Minna Stern, 'Eugenics, Sterilization, and historical memory in the United States', *Historica, Ciencias, Suode-Manguinhos*, 23:1, (2016).

public that the case centred on a forced involuntary sterilisation.<sup>364</sup> There was an effort, it seems, by the press to obscure the realities of what was being done to children in state institutions and censor the details from readers. Nine years later Sara Rosa Garcia, a widowed mother, filed a writ of Prohibition to prevent the sterilisation of her oldest daughter at Pacific Colony. Garcia was represented by lawyer David C. Marcus, a well-known attorney who had previously represented the Mexican Consul and NAACP (National Association for the Advancement of Colored People) in litigations. Marcus argued that the impending sterilisation violated the equal protections clause of the Fourteenth Amendment as there was no ‘remedy or redress’ to the ‘irreversible’ damage proposed. Garcia’s writ was denied in a majority 2-1 verdict at California’s Third Appellate Court however, Judge White’s dissenting opinion demonstrated the strength of the legal arguments put forward by Marcus. White wrote:

Such power should be accompanied by requirements of notice and hearing which the patient might be afforded opportunity to defend against the proposed operation. To clothe legislative agencies with this plenary power, withholding as it does for hearing or any recourse through the courts, to my mind partakes the essence of slavery and abuses Constitutional guarantees.<sup>365</sup>

Regardless of the lack of success of both of those legal challenges they are both historically and legally important because of the interpretations of the various clauses of the Fourteenth Amendment put forward in descent and the evidence they provide of resistance against California’s sterilisation programs. Despite the efforts of parents to regain control of their children’s bodies from the state of California through a variety of means from contacting local officials, the Catholic Church, and the Mexican Consul, the state carried on regardless,

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<sup>364</sup> ‘Girl Files Suit over Operation’, *Los Angeles Times*, November 29 1930, p.a.8; ‘Arguments on Ruiz girl’s suit slated today’, *Los Angeles Times*, Jan 4 193, p.a.3.

<sup>365</sup> *Sara Rosa Garcia v. State Department of Institutions of the State of California*, Court of Appeal of California, Third Appellate Court, 1939 Civ. No. 12533.

sterilising Spanish-surnamed youths at a disproportionately high rate, often citing their ethnicity as a reason to do so.

### **Conditions in Whittier State School and the Deaths of Benny Moreno and Edward Levia.**

#### ***Intelligence testing and pseudoscience at Whittier State School***

During the Depression-era there were three state-operated reformatory schools in California on top of county-run detention homes. Girls were housed at the Ventura school for Girls and boys were sent to either the Preston school of Industry or Whittier State School, which was also known as the Fred C. Nelles school for Boys. There is a greater historiography regarding Whittier making it the most viable for a case study. As Miroslava Chavez-Garcia charts in *States of Delinquency* the reformatory school network represented a change in approach meaning that misbehaving children were dealt with in centralised, state-run institutions rather than local familial institutions, extending the state's power over troublesome youths significantly.<sup>366</sup> During the Progressive era those institutions took an increasingly 'scientific' approach owing to a belief that through research juvenile delinquency could be identified, treated, and even prevented. Policy was shaped by notions of racial hierarchy and the idea that petty crime, transiency, and a desire to leave home among children were more indicators of flaws within the make-up of that child rather than indicators of poverty or abusive home settings.<sup>367</sup> These attitudes towards ethnicity and transiency according to Chavez-Garcia, had

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<sup>366</sup> Miroslava Chavez-Garcia, *States of Delinquency, Race and Science in the Making of California's Juvenile Justice System*, (Berkeley and Los Angeles, University of California Press, 2012), p.13.

<sup>367</sup> R. Ray Scott, 'The Public School and the Delinquent Child', *Annals of the American Academy of Political and Social Science* (hereafter: *AAAPSS*), 149:3, (1930) demonstrates the belief that children were either delinquent or non-delinquent in nature and that this could be diagnosed. Florence Giplin, 'The Runaway Child: A Case study', *AAAPSS* 149:3,(1930) involved the hospitalisation and testing of children who had run away from home or become transient / homeless in adolescence in the belief that an underlying medical or genetic cause

profound impact on the most vulnerable young people. Ethnic minorities, the poorly educated, the impoverished, and those who had sought to escape abusive home settings were at significant risk of being diagnosed as ‘feeble-minded.’ Due to the nature of those institutions being far away from inmates’ families it is often hard to understand what went on inside them. There are few witness accounts beyond those of corrections employees who represented the state. Children’s entrance statements which they were required to write themselves, offer a rare, child-authored perspective. Of course, especially if under active surveillance whilst writing their statements children will have felt amounts of pressure, changing what exactly they wrote in an effort to please or comply with authority.

One of the many factors that may have dictated how an inmate was treated at Whittier state school or other state institutions were accompanying reports from the court, probation officers, or observations from staff of juvenile detentions homes if they had previously been inmates there. The decisions made based on documentation could only be as sound as the documents themselves. Examples of the judiciary displaying bias against young outsiders have already been noted in the discussion of anecdotal evidence. Reports from probation officers interpreted certain factors as indicators of potential guilt or as signs of defectiveness which either appear irrelevant to modern eyes or as indicators of social factors such as poverty and not an inherent or genetic ‘defect’ in a child. The result of this was that vulnerable children were more likely to be recommended for harsher treatment. When considering the history of eleven-year-old Lawrence Basilere, the Marin County probation officer noted the boy’s poor home condition yet his ‘persistent running-away’ was still

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could be identified. Robert Jourdan Ball, ‘Clinical Psychology in the Diagnosis and Treatment of Delinquency’, *AAAPSS*, 175:1, (1934), details how psychological testing (what could now be seen as experimentation) was used to diagnose and treat cases of ‘delinquency’ in children.

interpreted as misbehaviour that should be punished.<sup>368</sup> The true cause(s) of Basilere's continued running away was open to interpretation, but this was seen as a sign of a flaw in him and not his surroundings despite issues with his home environment being recorded. Little thought was given as to what he may have been running away from with the fact that he had run away providing all the evidence officials felt they needed to make their judgement. The probation officer's report for inmate Arthur Saunders, age fourteen, considered the family's religion, the ethnicity and residency status of the boy's parents, and the boy's IQ test score, and if the family owned or rented accommodation in a discussion of the boy's character.<sup>369</sup> Of course, none of those factors gave actual insight into his personality or were reasonably within the child's control. Their consideration had the clear potential to result in discrimination based on ethnicity, religion, academic performance, and socioeconomic status, when they had no relation to the boy's guilt or remorse relating to any alleged bad behaviour.

Institutional records about Loyce Jefferson, an orphaned eleven-year-old African American originally from Texas, reveal more about the interpretation of certain factors. Reference was made to Jefferson's Blackness and state of origin frequently in paperwork, as was the fact that prior to their deaths his parents had attended a Baptist church. Both his parents' religion and his ethnicity were seized upon by officials to suggest a predisposed lack of intelligence. Officials contended that 'Jefferson tried hard to blame others' which in turn was taken as an indicator of guilt and not that other people may have been involved. The fact that his IQ score was seventy-five percent of that expected for a child of his age led to him being labelled 'subnormal', and this categorisation combined with the fact he was deemed to be 10lbs overweight was used to argue that he was more likely to be greedy and impulsive,

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<sup>368</sup> Wards of Whittier State School, Marin County Probation Officer's Report, September 25 1930, 'Lawrence Basilere', CSA, Dept. Of Youth Authority Records, Fred C. Nelles School For Boys, Inmate Records, Probation Officer's Reports, 1914-1950 ID, F3738: 178-266.

<sup>369</sup> 'Arthur Saunders', CSA, Dept. Of Youth Authority Records, Fred C. Nelles School For Boys, Inmate Records, Probation Officer's Reports, 1914-1950 ID, F3738: 178-266.

and therefore more likely to steal things. Upon entering Whittier, inmates were required to fill in paperwork which included answering the instruction, 'Tell here in your own words, why you were sent to this School.' In his entry statement Jefferson admitted 'on thanksgiving I took a turkey from a meat market', and that more recently he had 'stole a ford civic.'<sup>370</sup> On this occasion Jefferson admitted theft, but the use of his intelligence test score and his weight as indicators of guilt is telling of how the system operated. Furthermore, his entry statement is a direct contradiction of the report stating he sought to blame others, as he wrote openly about different things he had done, raising obvious concerns about the reliability of probation officer's reports. Or perhaps he was instructed or coerced into making those admissions. Generally, it has to be said that the boys' entrance statements appear to be reliable and authentic, not just because they are clearly in children's handwriting, but across the collection at its entirety there appears to have been no effort at censorship or anyone preventing the boys for criticising adult authorities they had encountered. Unfortunately, only a limited number survive, some of which are fire-damaged, and testimony of other young inmates in the 1930s has been lost.

In other cases, inmate's entrance statements gave detail that probation officer's reports did not or gave insights into their motives and their perspectives on how they had been treated in state institutions. Thirteen-year-old Donald Jones's statement from 1928 is one such statement. The probation officer's report diagnoses him with 'Incorrigibility' due to being 'quarrelsome' and running away from a juvenile detention home three times. The report states that this behaviour occurred in the same juvenile home where he was 'whipped' to correct his behaviour. Jones's scruffy pencil-written paragraph includes the statement 'I got dispelled [*sic.*] from school and was sent to Pacific Lodge and ran away from where they

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<sup>370</sup> 'Loyce Jefferson', CSA, Dept. Of Youth Authority Records, Fred C Nelles School For Boys, Inmate Records, Probation Officer's Reports, 1914-1950 ID, F3738: 178-266.

hit me ... the judge said I had to come here for 2 years.’<sup>371</sup> Jones sought to run away from corporal punishment but this was interpreted as evidence of a flaw within the boy and not a fear of violence. Having considered the probation officer’s reports and the boys’ entrance statements it is evident that socioeconomic status, ethnicity, religion, weight, and IQ scores all shaped the view that was taken of a child and what treatment was required to ‘cure’ their delinquency or ‘incurability.’ This was acceptable to the science and best practice of the time, but it is important to recognise the role these factors played. Furthermore, the boys’ entrance statements often appear to contradict the version of events put forward by adult authorities. It would be unwise in the circumstances to treat authorities’ narratives as reliable, especially given the frankness of some of the boys’ testimonies.

### ***The Deaths of Benny Moreno and Edward Levia***

The deaths of two inmates at Whittier between 1939 and 1940 are tragic and important historical events in their own right which reveal details about the two boys’ lives, but also the experiences of the wider inmate population. Both deaths occurred in the solitary confinement cells of the Lost Privileges cottage, a detail which needs consideration as part of historical children’s experiences of Whittier and the wider Californian juvenile justice system. Some U.S. states do still allow solitary confinement in juvenile institutions but the practice is widely condemned by civil liberties groups and watchdogs, including Human Rights Watch and the American Civil Liberties Union owing a growing appreciation of the immaturity and vulnerability of the adolescent brain.<sup>372</sup> In the *Journal of the American Academy of*

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<sup>371</sup> ‘Donald Jones’, Dept. Of Youth Authority Records, Fred C. Nelles School For Boys, Inmate Records, Probation Officer’s Reports, 1914-1950 ID, F3738: 178-266.

<sup>372</sup> *Growing Up Locked Down, Youth in Solitary Confinement in Jails and Prisons Across the United States*, (Human Rights Watch, 2012); *ALONE&AFRAID: Children Held in Solitary Confinement and Isolation in Juvenile Detention and Correctional Facilities*, (New York, American Civil Liberties Union, 2013).

*Psychology and the Law* Andrew B. Clark argues that clinicians should consider themselves both ethically and legally obligated to file reports of suspected child abuse against juvenile institutions which use solitary confinement due to the ‘emerging consensus around the psychological damage wrought’ by the practice.<sup>373</sup> Whilst the understanding of these concerns was reduced in the Depression-era this is not to say the potential for harm went unacknowledged. After all, Bakersfield’s Shirley Abbott in her letter to the governor argued it was wrong to subject children to solitary confinement.<sup>374</sup> Furthermore, Whittier had been designed with communal bunking in its other Cottages. The very fabric and physical design of the institution communicated that solitary confinement was not viewed as a good way to foster positive youth development. This was a punishment designed to be and implemented on the understanding it was counterintuitive to positive youth development and child welfare.

A significant number of children would have endured solitary confinement whilst in juvenile custody in Depression-era California (and more recently) and there is now a good understanding on the profound impact this may have had. These factors are relevant to understanding the two fatalities this chapter considered in detail but also apply to many other children’s historical experiences. In solitary confinement children are denied access to educational materials and opportunities, have little or no access to recreational activities or spaces, are denied exercise to the detriment of their physical and mental health, and are denied the social interaction which plays an integral role in adolescent psychological development. In both adults and youths, solitary confinement has significant physical and mental health repercussions. Inmates subjected to it have an increased risk of self-harm, anxiety, depression, paranoia, sleep disturbances, cardiovascular problems, and display

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<sup>373</sup> Andrew B. Clark, ‘Juvenile Solitary Confinement as a Form of Child Abuse’, *Journal of the American Academy of Psychiatry and the Law*, 45:3, (2017), pp.350-357.

<sup>374</sup> ‘Girl, 14, Advises Governor on Running Whittier School’, *Los Angeles Times*, 13 December 1940, p.15.

exacerbations of pre-existing traumas and mental illnesses. Solitary confinement also has severe safeguarding implications by reducing the witnesses to interactions with juveniles in solitary confinement reporting greater instances of physical, psychological, and sexual abuse compared to the general institutional population.<sup>375</sup> This finding is particularly relevant to the history of Whittier's 'Lost Privileges cottage', the site of the two deaths which presented a prime opportunity for abusers to target vulnerable inmates out of sight.

California's three reformatories faced challenging conditions in the 1930s with a combination of an increasing number of children committed to them and reduced budgets. It became difficult for administrators to maintain the status quo, never mind make improvements to conditions or education provisions for inmates. The vocational and educational programs, the supposed main value of the reformatory school system, suffered immensely with Preston being described as 'a military style penitentiary' whilst the Osbourne Association reported that only ten of 377 inmates at Whittier received a full education.<sup>376</sup> Daniel Macallair summarised that California's reformatory schools were 'repositories of lower-class children who were deemed to be inferior based on their ethnic or socioeconomic backgrounds.'<sup>377</sup> This was not an exclusively a California problem. The conditions in New York's institutions, for example, were revealed to be suffering by the publication of a 1938

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<sup>375</sup> D. H. Cloud, E. Drucker, A. Browne, & J. Parsons, 'Public health and solitary confinement in the United States', *American Journal of Public Health*, 105:1, (2015), pp.18-26; L. Castillo, 'No Child left alone: Why Iowa should ban juvenile solitary confinement', *Iowa Law Review*, 100 (2015), pp.1259-1284; L. Gallagher, 'More than a time out', *UC Davis Journal of Juvenile Law & Policy*, 18:2, (2014), pp.244-266; C. B. Dierkhising, A. Lane, & M. N. Natsuaki, 'Victims behind bars: A preliminary study of abuse during juvenile incarceration and post-release social and emotional functioning', *Psychology, Public Policy, and Law*, 20:2, (2014), pp.181-190.

<sup>376</sup> Miroslava Chavez-Garcia, p.184; Laura Mihailoff, 'Protecting Our Children: A History of the California Youth Authority and Juvenile Justice, 1938-1968', PhD. Diss., University of California – Davis, 2005, pp.22-24.

<sup>377</sup> Daniel E. Macallair, *After the Doors Were Locked, A History of Youth Corrections in California and the Origin of Twenty-First Century Reform*, (Rowman & Littlefield, Boulder CO., 2013), p.124.

expose *Youth in the Toils*.<sup>378</sup> Whittier's environment and the policies enacted within were shaped by societal narratives and scientific whims as previously outlined. In 1929 the state legislature commissioned a study in 'problem children.' The emphasis was clear – if there were problems then they were within the children. A Bureau of Juvenile Research was based at Whittier to assist in the 'proper care and training of predelinquent, delinquent, psychopathic, and maladjusted children.'<sup>379</sup> Scientific and intelligence testing – as part of a program that would now be seen as unacceptable psychological experimentation – was carried out. The two deaths at Whittier would thrust the issue of reformatory conditions into the public eye with campaigning from the boys' families, Mexican American civil rights groups, and investigative journalism, revealing much about the conditions inmates endured and the lengths desperate officials went to in order to cover up malpractice. It is only through the evidence generated by the scandal that wider conditions in the reformatory can be considered. Without the two deaths, inmates' testimonies would not have been sought to the extent they were by members of the press.

On the morning of August 11 1939 morning supervisor Donald C. Napper found thirteen-year-old Benny Moreno dead, hanging in a solitary confinement cell in the Lost Privileges Cottage.<sup>380</sup> The idea of a child dying in a place that was supposed to do him good, never mind by apparent suicide, was unpalatable and the reactions of many will have been echoed by Governor Culbert Olson's remarks that 'when a boy feels so strongly that the cards are stacked against him at the age of thirteen, he hangs himself, something is wrong

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<sup>378</sup> Leonard Vance Harrison & Pryor McNeill Grant, *Youth in the Toils*, (Macmillan, New York, 1938).

<sup>379</sup> State of California, *Commission on the Study of Problem Children*, (Sacramento, 1929), p.48.

<sup>380</sup> Kathleen A. Jones, 'Two Deaths at Whittier State School: The Meanings of Youth Suicide, 1939-1940', *The Journal of the History of Childhood and Youth*, 8:3, (2015), p.404; 'Boy, 13, Hangs Himself at State School', *Los Angeles Examiner*, August 12 1939, s.1,5.

somewhere.<sup>381</sup> Whittier staff and officials at the State Institutions department would soon argue that the problem had been located firmly within Benny Moreno's constitution. He had been punished due to an escape attempt – one of around 750 that decade at Whittier. These were interpreted as evidence of problem children and not problems inside the institution. It also demonstrates how many children were willing to risk further punishment in order to take control of their own life or simply escape Whittier. Benny Moreno's family and the wider Los Angeles Latino community were suspicious with rumours of foul play or suicide because of mistreatment quickly circulating. The County sheriff department's autopsy reached a conclusion of suicide but suspicions were raised after the release of the body to the Moreno family who found bruises, lacerations, and a broken rib that were not noted on the autopsy reports.<sup>382</sup>

The original investigation into Moreno's death was led by the state's Director of Institutions, Dr Aaron Rosanoff, a psychologist and former advisor to the American Eugenics Society. The report cleared all officials of any wrongdoing, claiming that the unsanctioned corporal punishment Moreno had suffered had been 'fatherly' in nature and that the boy's death was a result of his apparent 'psychopathic personality.' Evidence from institutional records show that Moreno has scored 102% on an IQ test (2% greater than would be expected for an average child of his age) and was never diagnosed 'psychopathic' by any official or practitioner working directly with him. Yet Rosanoff claimed somehow to be able to diagnose the boy post-mortem despite having never interacted with him. Needless to say, Rosanoff's report did nothing to alleviate family and community concerns. Protest marches, included one that was estimated to have been attended by over one thousand people were

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<sup>381</sup> 'Reform School Hanging Probed by Olsen, Governor Acts in Death of 13-year-old at Whittier', *San Pedro News Pilot*, August 11, 1939.

<sup>382</sup> Daniel E. Macallair, *After the Doors were Locked...*, p.129.

organised by *El Congreso de Pueblos de Hobla Espanola*, a Mexican American civil rights group and a second investigation was commissioned.<sup>383</sup>

The second inquiry into Benny Moreno's death was met with resistance, suppression, and witness intimidation. Whittier's superintendent Erastus J. Milne authorised the punishment of any boy who spoke to the second investigation, named after the leading lawyer Leo Gallagher.<sup>384</sup> The Gallagher inquiry was dismissed as 'Spanish' and 'Communitic' due to the presence of a lawyer well-known for defending left-wing activists and representatives from the Mexican Consul. Facing pressure to reaffirm that version of events put forward by officials and being limited to investigating the death specifically rather than wider conditions the enquiry was closed prematurely. As Jennifer R. Uhlmann details, many of the Leftist activists that fought hard for a further inquiry into Moreno's death quickly became partially responsible for its bungling.<sup>385</sup> Resultantly, it appeared that officials had won the battle to control the narrative of Moreno's death but the death of Edward Levia, also found hanging in the Lost Privileges Cottage changed the situation.

Moreno's death could no longer be portrayed as a one-off event resulting from the boy's individual flaws. Rosanoff would again be responsible for the original inquiry, commenting to Governor Olson that if the boy had grown up he would 'probably have ended up in San Quentin State prison' and on his home life in 'a poor Mexican home.' The attempt to link the death to his home life and not the conditions he was in at the time reads as particularly manufactured. Pressure would again come from the bereaved family and the

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<sup>383</sup> Daniel E. Macallair, *After the Doors were Locked...*, pp.129-130; Aaron J. Rosanoff, Director, Department of Institutions, Sacramento, to Culbert L. Olson, Sacramento, August 21, 1939, CSA, Investigation, Superintendent's Reports. FNSB Case Files 101134 no. 7649 (1939); 'Whittier School Cleared', *Madera Tribune*, August 15, 1939; 'He did not hang himself, she repeats in agony', *People's World*, August 19, 1939.

<sup>384</sup> Miroslav Chavez-Garcia, 'States of Delinquency' p.191.

<sup>385</sup> Jennifer R. Uhlmann, 'Communists and the Early Movement for Mexican-American Civil Rights: The Benjamin Moreno Inquiry and its Aftermath', *American Communist History*, 9:2, (2010), pp.111-139.

wider Mexican American community, but the difference this time would be a critical press led by the *Los Angeles Examiner* and its sister paper the *San Francisco Examiner*. Controlled by Republican adversary to Olson William Randolph Hearst, the papers were becoming known for a ‘mudslinging’ style in attacking public officials and politicians. Political motives whilst worth acknowledging do not take away from the impact of the investigative journalism and persistent campaign the paper pursued. Furthermore, all available evidence supports claims made by the paper as being factual and support Hearst’s criticisms of Olson-era juvenile justice.

*The Examiner* would publish over one hundred articles relating to Whittier, including taking personal aim at Aaron Rosanoff by producing political cartoons showing him ‘busy whitewashing’ and describing him as ‘endorsing terror.’<sup>386</sup> The success of the campaign was in its varied approach. Comparisons to Nazi concentration camps is an example of one of the more evocative articles penned. Readers were told, ‘the public understands why men hang themselves at German Concentration Camps, but the public don’t understand why little boys hang themselves in an American institution designed to reform and correct them.’<sup>387</sup> This piece was particularly notable due to the language used: Moreno and Levia were spoken of as simply Americans and not Mexicans or Mexican Americans. In life they had the status of second-class citizens due to their heritage, ethnicity and family life. This was originally upkept by authorities after their deaths. Rosanoff’s reports are proof of that with repeated reference made to the boys’ family backgrounds and race. By referring to the boys as American which of course they were by citizenship the *Examiner*’s editors shifted the focus onto what happened and not who exactly was involved. By extension it was clear that the

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<sup>386</sup> ‘Whitewash’, *Los Angeles Examiner*, August 16 1940 s1,12; ‘Rosanoff Endorses School Terror Room, Punishment by Whittier Guards Gets Whitewashed’, *Los Angeles Examiner*, August 11 1940.

<sup>387</sup> ‘Quiz Started of Whittier School, Two boys preferred death to Confinement’, *San Pedro News Pilot*, 27 July 1940; ‘Another Reform Boy Hangs self’, *Daily News*, July 23 1940.

same poor conditions and treatment these two boys had endured was not limited to them. The entire reformatory school population, regardless of race, was at risk. This shift in narrative, and speaking of the boys as Americans, would make a third investigation with a wider scope seem inevitable. As highlighted by the *Examiner* the historical importance of these two deaths goes beyond that of a tragic event in the history of a family. The circumstances of their deaths and the testimony of eyewitnesses represent troubling evidence about the safety of any child in California's juvenile justice system.

Some of the strongest criticisms of Whittier published by the *Examiner*, one which was then re-reported by other newspapers, came from Father Edward Flanagan who by this time was well-known after motion pictures had depicted his famed Boy's Town initiative in Nebraska. The priest lambasted California's system as 'systems of unnecessary schools of torture and crime.'<sup>388</sup> Californian officials may have been able to dismiss the concerns of dead boys' families and ethnic minority communities, but Flanagan was an entirely different beast. Rev. Flanagan was widely respected and insisted that as well as failing to 'reform' inmates California was actively doing harm to them, declaring 'Whittier has cost California millions of Dollars and has done nothing but make boys criminals by an antiquated system.'<sup>389</sup> It was hard for officials to argue with a priest about morality as it was hard to argue about caring for young people with a man whose initiative had been eulogised by Hollywood. It was almost impossible to take on Flanagan in a public forum and pressure from the press, inmates' families, and civil rights activists, would ensure the forum was very public indeed.

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<sup>388</sup> 'Priest Blasts School Rule', *Los Angeles Times*, April 20 1941 p1; 'Solitary Cells for Children Disgrace to Civilization, Juvenile Expert says: Fears more suicides; Blasts Handcuffing of Delinquent youths in Court', *San Francisco Examiner*, July 29, 1940, p12.

<sup>389</sup> '22 of 60 still missing in Whittier Break', *The Fresno Bee*, 21 April, 1941, p.7.

Other damaging articles featured the voices of inmates speaking directly to the public. Escaped inmate Cruz Cruz gave an interview from an undisclosed location, alleging ‘merciless punishments and sadistic brutality’ as well as ‘sexual indignations.’ Valdo Sanchez alleged that guard William Henry had committed ‘sexual inquisitions’ on himself, Cruz Cruz, and notably the late Benny Moreno.<sup>390</sup> Prominent local politicians such as State Assemblymen Gerald Kepple and Jack Tenney, Municipal Judge Joseph Marchetti, and leading psychiatrist Dr Samuel Marcus all criticised the conditions in Whittier and Rosonoff’s leadership specifically. In July 1940 Rosonoff’s own former deputy director Frank Scully publicly demanded his ousting from the Governor.<sup>391</sup> In a growing scandal it was important for many to be on the right side of public opinion, especially those whose positions came from the ballot box. In August the *Examiner* published a photograph of former Whittier inmate Layton Clark demonstrating how he was treated by guards, forced to eat food from a bowl on the floor with his hands tied behind his back. Rather than reading summaries of carefully curated official reports the public were forced to look at a physical reconstruction of dehumanising abuse.

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<sup>390</sup> Miroslav Chavez-Garcia, ‘States of Delinquency’, p.204.

<sup>391</sup> ‘Dr. Rosanoff’s Resignation Demanded of Gov. Olson’, *San Francisco Examiner*, 27 July 1940, p.6; ‘Condition Causing Whittier Suicides Must Be Ended, Civic Leaders Say’, *San Francisco Examiner*, 27 July, 1940, p.6; ‘Kepple Accuses Rosanoff in School Suicide Storm’ *Los Angeles Examiner*, July 30, 1940.

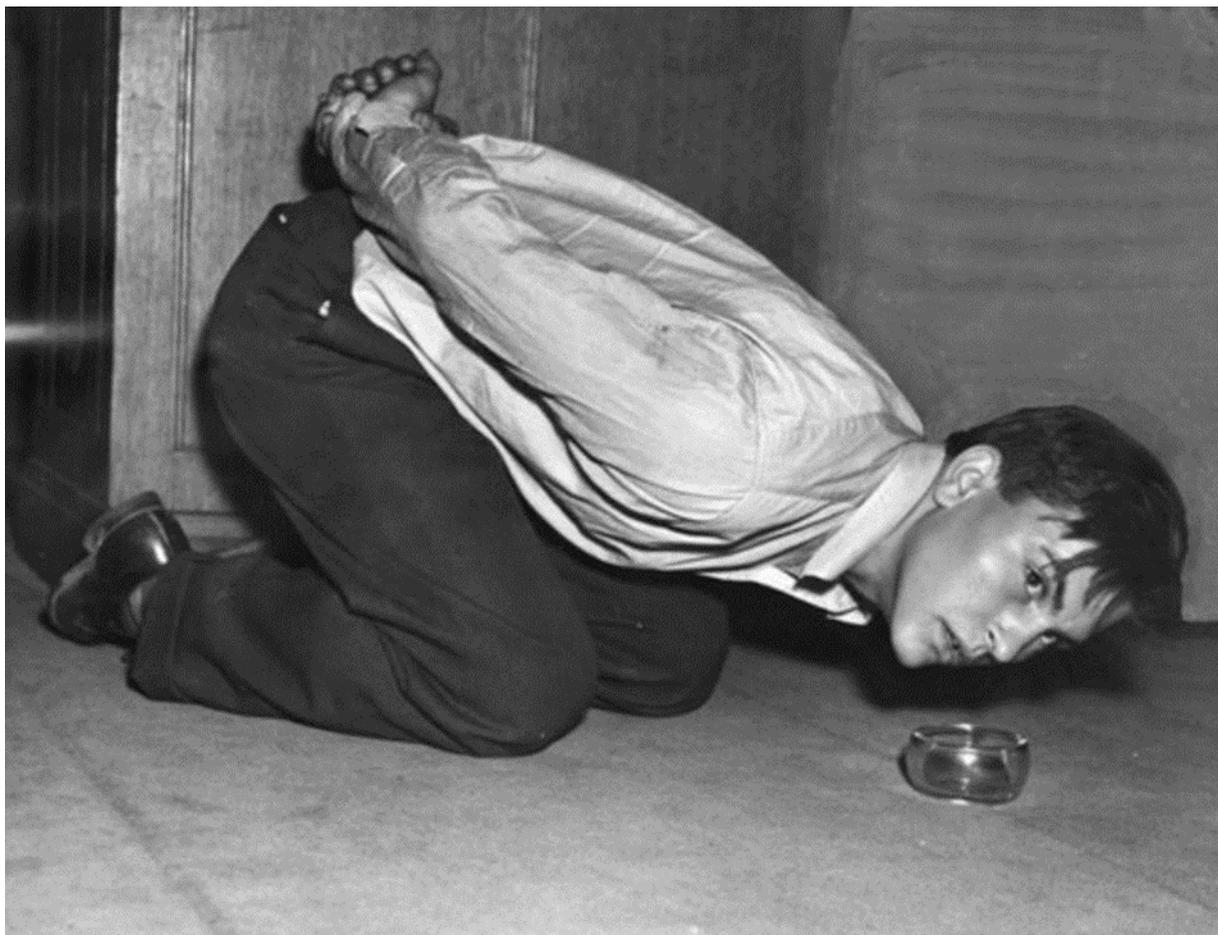


Fig. 18. Photograph: Former Whittier inmate Layton Clark demonstrates how he was treated at the reformatory. Published in the *Los Angeles Examiner*, August 1940.<sup>392</sup>

It became politically impossible for Olson as Governor to accept a further internal report from Aaron Rosanoff. Benjamin Barr Lindsey, a Los Angeles Superior Court judge with a reputation for valuing children's rights and as a fierce progressive who had presided over Colorado's first juvenile court in Denver between 1901 and 1927 was appointed to investigate both deaths and any related issues. Evidence given to the inquiry uncovered concerted efforts to suppress evidence of widespread physical and sexual abuse. It would also expose doubts over the cause of deaths and highlight deliberate shortcomings in the original

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<sup>392</sup> 'Young Man Demonstrates his punishment at Reformatory', Los Angeles Public Library, Los Angeles *Herald-Examiner* Collection Photographs, HE box 134, 00057595.

investigations.<sup>393</sup> The official account of Moreno's death would be entirely disproven. The Lindsey commission highlighted how undigested food found in Moreno's digestive system, post-mortem stiffening, and state of the boy's bedding and hair all conflicted with Rosanoff's report. Below is a photograph of Moreno's body as he was found hanging. Post-mortem stiffening is clearly advanced. Moreno's hair and bed are both neat whilst having supposedly hung himself his feet are grounded on the bed and floor respectively. All of these observable details in the state's own photographic evidence directly contravened its official version of events.

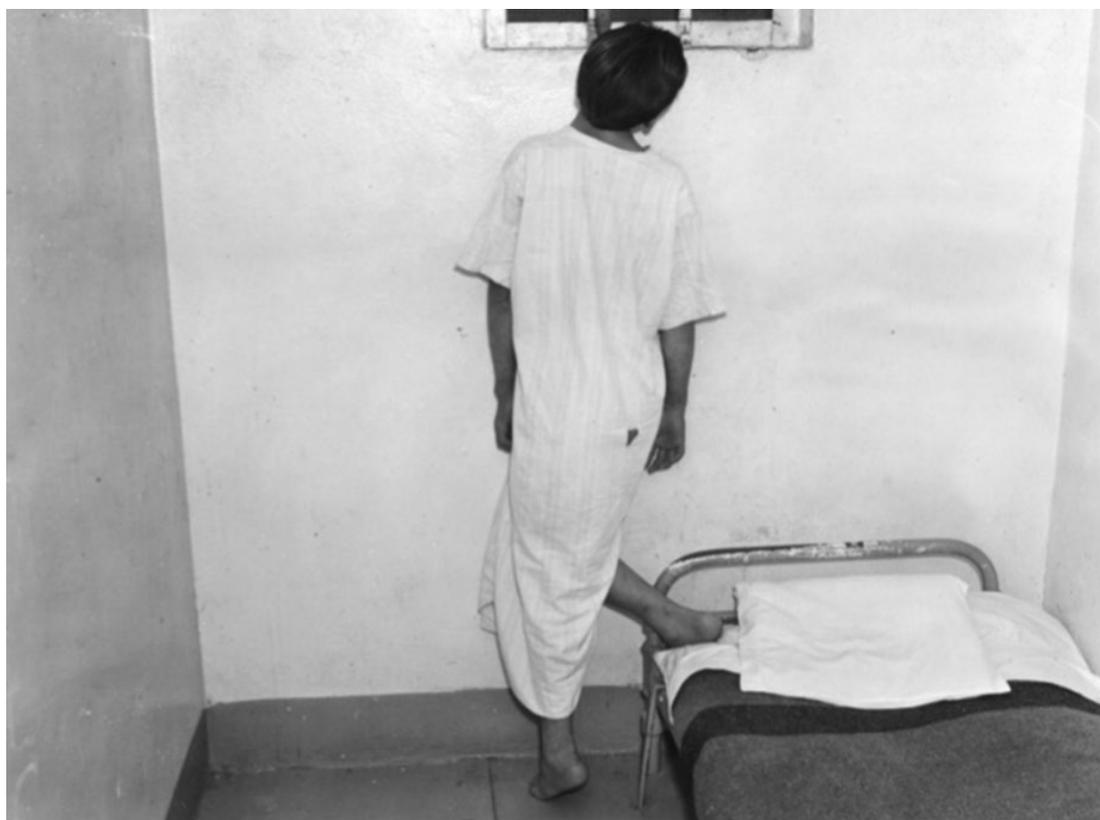


Fig. 19. The body of Benny Moreno in the Lost Privileges Cottage at Whittier State School. <sup>394</sup>

<sup>393</sup> Daniel E. Macallair, *After the Doors were Locked...*, p.131; 'State aid Hints of Foul Play in Hanging of Young Prisoner at Whittier School', *Los Angeles Examiner*, August 23 1940 s1.,3; 'Science Bares Sinister Clues in Whittier Quiz, Believe Boy Moreno Dead for 10 hours', *Los Angeles Examiner*, August 30 1940; 'Olson Demands Jury Probe of Whittier Case', *The Sacramento Bee*, September 16, 1940, p.1, 4.

<sup>394</sup> Photograph, 'The Body of Benny Moreno as found in Whittier's Lost Privileges Cottage', 1939. Via The Centre on Juvenile and Criminal Justice.

The Lindsey Commission's summary made clear that the version of events put forward by officials was scientifically disproved and pointed out numerous reasons why to Dr Rosanoff:

Dr Rosanoff was shown a photograph of Benny Moreno as he was hanging. It was pointed out to him that the bed was made up neatly; the picture further showed the boy's hair not at all dishevelled; in fact it appeared to be neatly combed. According to Page 4 of Dr Rosanoff's report the night supervisor saw Benny in bed at 8pm, and 11.50pm on August 10, 1939 and at 3am on August 11 1939... According to that, Benny must have arisen after 3am made his bed, smoothed or combed his hair, must have eaten some food (there was no evidence that food was accessible at that time), and committed suicide without making a sound... Post-mortem stiffening was enough advanced to indicate death must have occurred many hours before 3am.<sup>395</sup>

The *Fresno Bee* offered a scathing appraisal of Rosanoff's performance at the hearings, arguing he only demonstrated a 'superficial understanding' of events at Whittier and that both his report and his supervision of state institutions had been 'grossly inadequate.'<sup>396</sup>

Evidence of violence against Moreno highlighted the possibility of foul play. That combined with the fact that the version of events presented by authorities contained numerous obvious factual impossibilities mean that official conclusions relating to his death which in theory stand today are strongly discredited. Inmate Felix Cordero testified to the Lindsey Committee using his voice to highlight the use of violence inside Whittier, hinting at another potential cause of Moreno's death:

I saw Cavitt [a guard] beat up Moreno not only one time but lots of times. I saw him beat up Benny a week before August 10 1939 at the Whittier school. We were standing in line in order to go into the door at the Lost Privileges Cottage and Cavitt told Benny to move up and hold up his hands. Benny did not do as he told him and then I saw Cavitt hit him

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<sup>395</sup> Benjamin Barr Lindsey *et al.*, *The Governor's Report on Conditions at Whittier State School*, (State of California, Sacramento, CA, 1940), p.9.

<sup>396</sup> 'Brutality, Abuse, Charged Against Whittier School', *The Fresno Bee*, 8 December 1940, p.4.

in the stomach and give him a rabbit punch on the back of his neck, knock him down the floor. When he was down on the floor Cavitt kicked him a number of times; the rabbit punch seemed to knock foam out of his mouth or something and he had to go around back of the line to a basin to wash out his mouth... A rabbit punch is like an electric shock on the back of the neck.<sup>397</sup>

Cordero was not alone. Inmates of varied ethnicities, including Ray Valdez, Henry Verastegue, Bob Bryan, Frank Ward and Albert Burgueno gave concurring evidence that Cavitt had threatened Moreno. Other solitary confinement inmates alleged to have heard but not seen Moreno being beaten from their cells in the Lost Privileges cottage. This evidence, particularly Cordero's, corresponded with the injuries found on the body by the family which had not been recorded on the official autopsy. Valdez also testified that he saw Cavitt beat Moreno on a separate occasion.<sup>398</sup> Multiple inmates alleged hearing Cavitt say 'Just wait until I get a-hold of Moreno' following his escape attempt and verbally abusing other Mexican American inmates with racially charged terms including calling them a 'dirty littler greaser' and a 'dirty little shute.' Cordero testified that Moreno, speaking of Cavitt prior to his attempted escape has said, 'I cannot stand that evil man. I am afraid of him. I am going to run away.' Several of the boys spoke up on numerous occasions, seeming to actively seek out any adult who would listen. They were originally interviewed by the *Examiner*, then repeated their allegations to first the Gallagher inquiry despite the spectre of retribution by officials, and then again to the Lindsey Committee.<sup>399</sup>

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<sup>397</sup> Benjamin Barr Lindsey *et al.*, *The Governor's Report...*, p.18.

<sup>398</sup> Jennifer R. Uhlmann, 'Communists and the...,' pp.122-224.

<sup>399</sup> 'Whittier School Brutality Charged', *San Pedro News Pilot*, 13 August 1940; 'Whittier Horror Told under Oath, Beatings, Starvation, Tortures bared by Lindsey Committee', *Los Angeles Examiner*, August 15 1940; Whittier Honor Graduate Reveals Beatings by Guard', *Los Angeles Examiner*, August 18 1940.



Fig. 20. Whittier State school inmate Ray Valdez demonstrates on Eduardo Quevedo how a guard beat Benny Moreno. Los Angeles Herald Examiner Public library. <sup>400</sup>

Inquiries also revealed that there were systematic attempts to silence the testimony of boys like Cordero. In the aftermath of Levia's death the youths in the adjacent cells on the night of Benny Moreno's death or who had knowledge of the events were quickly either sent home or moved. Frank Ward and Albert Burgueno were sent to Preston school of Industry but others including Felix Cordero were transferred to a mental hospital without hearing or parental permission: a blatant attempt to discredit their testimony as unreliable and portray them as mentally ill or unstable. The Lindsey committee travelled to other institutions and

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<sup>400</sup> This photograph is used by Jennifer R. Uhlmann, in 'Communists and the...', p.118.

held public hearings, actively inviting former inmates to testify.<sup>401</sup> Intimidation of children willing to testify by Californian authorities presented a significant obstacle to investigators. Harry Rose of Venice wrote to complain to Governor Olson that his son, fifteen-year-old Lawrence, had felt suicidal after being subjected to abuse following making his complaints about reformatory conditions public.<sup>402</sup> This was a widespread, organised effort to suppress and intimidate young witnesses.

Several other troubling practices and cultures at Whittier were aired during the Lindsey commission's hearings. One boy who testified under the condition of anonymity told of mock hangings being used as a punishment. Repeating what he had already told the *San Francisco Examiner* the boy testified: 'I have undergone, and I have seen other boys undergo many vicious punishments ... But the most cruel of all was the mock hangings.' When prompted to elaborate he described how if a boy broke the rules, 'guards often would place him on a chair with a belt around his neck and fastened to a pole or some part of the building.' At the bare minimum such abusive practices would cement the idea of hanging in the inmate's minds but as the *Examiner's* editors suggested had the potential to go wrong if a boy lost his balance on the chair.<sup>403</sup>

On the balance of probabilities, it is not safe to consider Moreno's death a suicide. Judge Lyndsey put it to a former state institutions employee that 'is it not a fact that the boy might have met foul play', 'been fatally injured by guards', and his death 'disguised as a hanging?' H.E. Lambert responded in the affirmative, pointing out 'the autopsy was useless', that inmates had been 'ordered to forget the Moreno case' and that Moreno's bed was a cause of suspicion. Judge Lyndsey concurred, adding that if Moreno had hung himself with the belt,

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<sup>401</sup> 'Removal of Youths to block Whittier Death Quiz, Lindsey Reports of Serious situation to Olsen', *Los Angeles Examiner*, August 14 1940.

<sup>402</sup> 'Ex-Guard Bares Whittier Cruelty', *The San Francisco Examiner*, 31 July, 1940, 7.

<sup>403</sup> 'Mock Hanging punishment at Whittier Bared', *The San Francisco Examiner*, August 6, 1940, 9.

given that his foot was on his bed, 'his struggles would have disarranged the covers' in the course of strangulation.<sup>404</sup> Further doubt centred on the belt Moreno was found hanging by. Inmate Ray Valdez testified that Moreno did not own a leather belt. He added that he had given Moreno a cloth belt as he did not have a belt of his own and he remembered seeing him wearing the cloth one on the day of his death.<sup>405</sup>

Former FBI agent Tom Geraghty and visiting musical instructor Robert Curns were two of relatively few adults to offer testimony against guards who denied wrongdoing. Of guard Oscar Ostrom, Curns recalled: 'I saw them once in the lavatory of Sousa Cottage. Gordon's face was red and he was trembling ... Later I heard that Guard H.H. Jenkins had stopped a fight between Ostrom and the Gordon boy.' Geraghty disputed Ostrom's denials, saying he had 'admitted he had slapped boys for disciplinary reasons and strapped them for fun.' When questioned on 'strapping', Geraghty explained it was a slang term within the institution referring to occasions when a guard 'struck youngsters with a leather strap while they were on their hands and knees polishing floors.' Ostrom along with six other guards and Deputy Superintendent F. G. Van Velzer did not face criminal charges but were dismissed following disciplinary hearings.<sup>406</sup>

Other allegations of physical mistreatment included practices of 'pink belly', the beating and sometimes sexual assault of an inmate who had misbehaved by their peers on the order and observation of guards, and 'hot-seating': sitting a boy on a metal table over the top of an electric heater and not letting him get up until he admitted a transgression.<sup>407</sup> Inmates also spoke of a practice they termed 'walking the gauntlet' where a child was forced to pass

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<sup>404</sup> 'Suspicion on 'Suicide' at Whittier Told', *Santa Cruz Sentinel*, August 25, 1940, p.5.

<sup>405</sup> Jennifer R. Uhlmann, 'Communists and the...', p.119.

<sup>406</sup> 'Another Whittier Guard admits slapping of boys', *San Francisco Examiner*, August 19, 1940, 30; 'Whittier Likened to Nazi Camp', *Santa Cruz Sentinel*, 24 July, 1941, 1.

<sup>407</sup> Miroslav Chavez-Garcia, 'States of Delinquency', p.198

through two rows of fellow wards where they would be whipped by the belts of other boys.<sup>408</sup> Another revelation included the use of ‘honor clubs’ by guards to maintain discipline by bribing tougher inmates with privileges to maintain order via violence, and that before his death Edward Levia had been subject to intimidation from such a group. Inmates also told the Lyndsey Commission of an ‘underground club room’, where they were permitted to play cards, ‘smoke and do other things’, by a guard in exchange for allowing him to commit ‘immoral acts’ upon them.<sup>409</sup> Allegations of sexual abuse were widespread. In one case a boy of eight was committed for stealing a bicycle. He was originally described as ‘an active and mischievous youngster’ who had little trouble in adjusting but by thirteen years of age was recommended for permanent institutional care. The boy had been ‘sodomized by staff and youths so often he could not even count them’ but nothing was done after he reported beatings and sexual assaults to the staff psychologist, assistant superintendent, and superintendent Milne himself. Whittier’s psychological evaluations that chart the devastating impact on him made no reference to what the boy had experienced in the institution.<sup>410</sup>

With creditable sexual abuse allegations other newspapers such as the *La Haba Starr*, and the *Los Angeles Times* were joining the *Examiner* in calling for arrests and indictments.<sup>411</sup> Deputy District Attorney Eugene Williams convened a grand jury as a result of the Lindsey Committee’s findings and two guards, Cavitt and Ivan B. McMillman would be convicted of five counts of battery each and a charge of misconduct in their office.

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<sup>408</sup> Jennifer R. Uhlmann, ‘Communists and the...,’ p.124.

<sup>409</sup> ‘Whittier Likened to Nazi Camp’, *Santa Cruz Sentinel*, 24 July 1941, p.1.

<sup>410</sup> Daniel E. Macallair, *When the Doors were Locked...*, p.133; ‘Boy Charges Sex Torture at Whittier, Perverted Practices, Revolting Orgies Blamed on Guards by Escapee, Jury Will Act’, *Los Angeles Examiner*, Sept 14, 1940.

<sup>411</sup> ‘Drastic Changes at Whittier Urged by Olsen Committee’, *Los Angeles Times*, August 10, 1940; Editorial, ‘Whittier Probe Should bring Indictments’, *Los Angeles Examiner*, August 12 1940; ‘Whittier Horror Arrests Sought’, *Los Angeles Times*, September 10, 1940; ‘Demand Arrests in State School Case, Whittier’, *La Haba Star*, 13 September 1940; ‘Drastic Changes at Whittier Urged by Olsen Committee: Gross Mismanagement is Charged: Examiner Expose Confirmed’, *Los Angeles Examiner*, December 8th, 1940.

McMillman was convicted following the testimony of numerous former inmates at trial. Sixteen-year-old Robert Reynolds's testimony raised the possibility of regular abuse in the Lost Privileges cottage where Benny Moreno and Edward Levia died. Reynolds testified that McMillman 'took me into the washroom of the [lost privileges] cottage' and 'took off my glasses and slapped my face and hit me with his fist.'<sup>412</sup> Superintendent Milne's career would also be ended after a campaign against his personal leadership by the Hollywood Humane Society. Milne was found to have enforced a code of silence at Whittier personally and through his staff. A particularly damaging allegation concerned the suppression of a complaint made by an inmate who had witnessed a deaf-mute boy being physically abused by a guard. That boy finally being 'heard' following the *Examiner's* investigation demonstrated how community action and investigative journalism could work to uncover the experiences of the powerless and vulnerable. Milne was also found in disciplinary proceedings to have purposefully covered-up an allegation of sexual abuse by guard Willis Root on a ten-year-old inmate of Wrigley Cottage, the accommodation for the youngest boys at Whittier.<sup>413</sup> Together these instances demonstrate a repeated pattern of concerted efforts to cover-up sexual and physical abuse stemming from the very top of the institution.

The scandal that engulfed Whittier following the deaths of Benny Moreno and Edward Levia reveal horrific details about the widespread abuses that took place within the reformatory school setting. Pressure from the press and civil rights groups were responsible for uncovering these details. Members of the public knew of events that had once been unknown beyond the Reformatory walls. Governor Olson was asked by press, public, and

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<sup>412</sup> 'Ex Whittier Boy Jailed for Refusal to Talk', *The Fresno Bee*, 19 December 1940, p.10; 'Whittier Guard is Convicted of Cruelty to Boys', *The Fresno Bee*, 1 January 1941, p.15.

<sup>413</sup> Miroslav Chavez-Garcia, p.195.; 'Youths Tell Grand Jury of Brutality at Whittier, Boy Deaf Mute "Heard"', *Los Angeles Examiner*, Sept 14, 1940 s1.p6.

young Shirley Abbot, ‘how would you like to see one of your children treated so cruelly?’<sup>414</sup> Abbott’s point about escapes was an extremely valid concern. A former Whittier supervisor, A.T. Bellison concurred according to the *San Francisco Examiner*, testifying ‘I know many boys who fled from the school because they were unable to bear the physical torture inflicted upon them.’ There were even occasions where tens of boys escaped in a single day. Escaping in large numbers was advantageous and the inmates knew this. The standard 45 days solitary confinement punishment became impossible to impose if there were more escapees than cells. In April 1941, a staggering 125 escapes occurred including 60 inmates in one mass-breakout. 22 were captured within 36 hours including fourteen-year-old Richard Dragon who had hitchhiked over two hundred miles to Madera and another who driven a stolen automobile a similar distance to Kingsburg.<sup>415</sup> Most escapees were caught within hours, though in May 1941 a pair of fourteen-year-olds, Ted Berg and Ray Johnson went through eight stolen cars in their ‘wild dash for freedom’ before eventually being captured 548 miles away in Quincy.<sup>416</sup>

Rosonoff’s reputation as an academic and practitioner would be seriously damaged, Milne’s career would be over, and two guards would end up in jail. Los Angeles Superior Court judge Robert H. Scott further ruled in 1941 that Milne was responsible for the beating of two boys summonsed to the Juvenile Court back in 1936.<sup>417</sup> The Lindsey Committee’s investigation which only occurred due to pressure from the press and local community uncovered widespread physical and sexual violence across Whittier and the state’s other reformatories. This went undetected in part due to the consistent misuse of Superintendent’s

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<sup>414</sup> ‘Girl, 14, Advices Governor on Running Whittier School’, *Los Angeles Times*, 13 December, 1940, 15.

<sup>415</sup> ‘22 of 60 still missing in Whittier Break’, *The Fresno Bee*, 21 April, 1941, p.7.

<sup>416</sup> ‘Ex-Guard Bares Whittier Cruelty’, *The San Francisco Examiner*, 31 July 1940, 7; ‘Whittier Escapees Nabbed’, *Feather River Bulletin*, 15 May, 1941, 1.

<sup>417</sup> ‘New Escapes Plague Whittier Managers, Two Committees Probe Bad Conditions At Reformatory’, *Santa Cruz Sentinel*, April 20, 1941, p.5.

powers to refer inmates to mental institutions. The events surrounding Moreno and Levia's deaths remain shrouded in a degree of uncertainty. However enough doubt has been cast on the official version of events for them to be creditable and there is a powerful combination of anecdotal and scientific evidence that suggests Moreno's death involved an outside party whilst both boy's families accused the state of covering up abuse, and rejected the idea that they would kill themselves.<sup>418</sup> Indeed, enough evidence was raised during investigations and put forward by inmates and their families to consider the conclusions of suicide unsafe and it is disappointing that in historiography the boys' deaths have continued to be referred to as such without caveat or clarification. Describing Moreno's death as suicide, as historians continue to do so, is to ignore an abundance of evidence and a cacophony of inmate testimony.

### **Chapter Conclusion**

This chapter may be assumed to be a tale of woe revealing grim and unsurprising details. But these are important historical details where concrete evidence rather than vague suspicions is valued, revealing the realities of reformatory life. Findings of discrimination against ethnic minorities and out-of-state residents from a 1930s police department may not be surprising. The occasional admittance of vulnerable transient youngsters as lodgers in the police station shows that this was a much more complex series of interactions than one of constant

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<sup>418</sup> 'Levia to Ask Investigation; voiced Doubt son Really Hanged Himself', *San Francisco Examiner*, July 27, 1940, p.6; 'Charges of Cruelty Ignored Before Tragedy; mother tells of son's Brutal Beating in school', *San Francisco Examiner*, July 29, 1940, p.12; 'Whittier 'Suicide' may be slaying, state aid says, Moreno Boy could have been killed by rabbit punch, He adds, calling autopsy useless', *San Francisco Examiner*, August 23, 1940, p.32; 'Murder of Youth Hinted in probe at Whittier', *Bakersfield Californian*, August 23, 1940, p.2; 'Whittier Probe offers fatal Beatings Theory', *San Bernardino County Sun*, August 23, 1940, p.2; 'Boy's Suicide called Error', *Los Angeles Times*, September 3, 1940, p.1, 23; 'Lawyer Not Sure about Boy's Death', *Wilmington Daily Press Journal*, September 5, 1940, p.1; 'Grand Jury to Hear of Whittier Death, Asserted Tortures', *Pomona Progress Bulletin*, September 10, 1940, p.12.

oppression. The SPD case study allows one to go much further than a general wisdom that this happened. Statistical analysis has provided concrete evidence of how this impacted the lives of vulnerable young people. By virtue of not being an Anglo-Californian, the chance of being convicted and receiving a custodial sentence was notably increased. This resulted in a risk of mistreatment or sterilisation. Furthermore, controversial ‘floating’ sentences were given to non-residents, and confirming legal scholars’ suspicions from the time, numerous courts would later rule them to be unconstitutional. It is simply a fact that young outsiders were treated more harshly by law enforcement and at times unconstitutionally by courts when passing sentence. There was no agreed way to tackle juvenile delinquency, shown by the contrast between the work of the LACC and CCLAY to the national policy in Washington. Those organisations did make a difference, though the former’s failure to engage with and stand up for Mexican American children who were at times assumed budding criminals by default, prevented it from achieving its potential.

Findings of physical, verbal, and sexual abuse in reformatory schools of the 1930s can also be considered both grim and unsurprising. However, it is important to emphasise that the ‘child-saving’ Progressive era was not a golden age where such horrors did not occur. Writing about and investigating historical abuses is important for more contemporary reasons. Societal forces that make this a ‘taboo topic’ and suppress the voices of the victims of abuse today are the same ones that discourage the historian from tackling them. The voices of young people who were at Whittier during the Depression era are somewhat accessible through their handwritten entrance statements, the investigative journalism of the *Los Angeles Examiner*, and testimony given to the Lindsey Commission, the latter two being used by Chavez-Garcia, Jones, and Macallair, though often deciding not to quote the most gruesome of testimony. It is particularly disappointing that scholarship has continued the work of Dr Rosonoff and at times continues to dismiss Benny Moreno’s death as an unfortunate suicide,

framing it as his choice, when there is strong evidence to doubt that. This chapter has detailed the systemic cover-up of physical and sexual abuse at Whittier, important in its own right, but demonstrating why the official narrative cannot be trusted more widely such as in Moreno's case.

Aspects of this chapter also reveal a lot about how young transients and young members of ethnic minority communities sought to individually, and with support from adult members of society, control aspects of their lives. It should be acknowledged that the police station or jail cell was an appealing place to young people in certain predicaments – they certainly demonstrated proficiency in talking judges into giving them custodial sentences and at times manipulated in order to secure food and shelter, ulterior motives and deception not being the preserves of adults. Likewise, the hundreds of escape attempts from Whittier in the 1930s can be considered as resistance.<sup>419</sup> Young inmates showed a willingness to work against the power structure within Whittier such as testifying to the 'Spanish investigation' despite the threat of reprisal, and concerted efforts of witness suppression and intimidation so severe that parents complained children felt suicidal as a result. Civil rights groups, humane societies, and the press showed a willingness to work to exposing the mistreatment of 'troublesome' youths. A notable aspect of the *Los Angeles Examiner's* successful campaign for a true inquiry is that ethnicity of Moreno and Levia are rarely mentioned in the narrative it presented. In death, the newspaper elevated them to the status of other 'little boys' as 'young Americans', whereas through their lives in the Reformatory they were known by a series of racial slurs. In death they became recognised by their citizenship and not their ethnic heritage. This angle of attack was key to the successful campaign for criminal investigations fronted by

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<sup>419</sup> Interpreting escape attempts from reformatory school settings as part of a pattern of resistance or maintain agency of one's life was influenced by: Tamaca Myers & Joan Sangster, 'Retorts, Runaways and Riots: Patters of Resistance in Canadian Reform Schools for Girls, 1930-1960', *Journal of Social History*, 34, (Spring, 2004), pp.669-697.

an unlikely alliance between a Republican newspaper and Mexican American Civil rights groups. It was also necessary given official efforts to silence and discredit witnesses by sending them to mental institutions. The fact that this success came after almost erasing the ethnicities of the dead boys from the newspaper narrative is revealing of the culture of ‘Californians and others’ in the state. Only when their ‘otherness’ was obscured by their being branded Americans did enough people listen.

This chapter is not a simple narrative of oppression or mistreatment. Discrimination and the realities of abuse are discussed – to ignore them would be to ignore history, and advocate for the ignorance of the voices of historic victims would be to condone the same in a contemporary sense. But individual resistance is also a theme that is emitted from the evidence as is efforts to maintain elements of agency and certain officials willing to work to expose abuses in the system. The relationship between young outsiders and California’s juvenile justice system was complex, part in thanks to young people’s own resistance and motives, but also because doing what the state wanted, what finances demanded, and what was best for the children were not always inclusive of one another. What has been comprehensively shown is that fair and equal treatment was not given to all youngsters. Various components of society in Californian including the state’s law enforcement, judiciary, and juvenile institutions embodied a culture of ‘Californians and others.’

## Conclusion

The deaths of inmates Benjamin ‘Benny’ Moreno and Edward Levia at Whittier State School between 1939 and 1940 prompted public indignation, protests, and grief. The professional discourse following the deaths immediately sought to blame the constitutions of the individual boys involved. The official narrative of the boys’ deaths was unpalatable to many members of the public including young Shirley Abbott of Bakersfield. Rather than Moreno and Levia, the environment that they died in was the focus of suspicion. Thanks to the efforts of the boys’ families, their supporters, and relentless investigative journalism spearheaded by the *Los Angeles Examiner*, a third investigation led by Benjamin Barr Lindsey, uncovered the true nature of conditions within juvenile custody. The state’s Director of institutions and Whittier’s Superintendent were shown to have deliberately covered-up circumstances surrounding the deaths alongside a wider pattern of physical, psychological, and sexual abuse. Aspects of the versions of events put forward by Californian officials were proven impossible. It would be natural for one to assume such a high-profile scandal would bring the winds of change. Whilst Superintendent Milne was relieved of his duties and two guards received prison sentences of less than a year, significant, substantive change did not come.

It was not until 1982 over four decades in after Levia’s death that California’s Department of Youth Authority would furnish those working in law enforcement, juvenile justice, and youth corrections with information on suicide prevention strategies and the signs of suicidal behaviour in children. That same year, the Youth Authority released an official report which claimed the department was doing a ‘good job’ because there had *only* been fifteen inmate suicides in Youth Authority custody between 1976 and 1981. The professional discourse that had shaped responses to Moreno and Levia’s deaths were very much still at play. The place of death, in a correctional facility, designated these youths as something different, as flawed individuals. That status simultaneously seemed to absolve the

surrounding environment and adult authorities of any blame. In 1989, the Bureau of the Census began collecting data on a national level, and the United States finally began to record deaths by suicide and other causes in juvenile custody.<sup>420</sup> Moreno and Levia's deaths were undeniably a lost opportunity to implement change in order to protect young people in custody.

On a narrow level, the Whittier scandal demonstrates the lasting power of labels that are applied to people in both life and death. On a wider level, the lack of concrete change that followed it in California are greatly revealing of the state-wide culture in which the deaths occurred and the responses to them were crafted. The label of 'delinquent' was applied to reformatory school inmates. This, especially historically but also in a contemporary sense, comes with significant connotations. The delinquent child was and to an extent still is viewed as troublesome and intrinsically flawed in their constitution to the point where they may be predisposed to self-destruct. Even in death that label stayed with the children concerned, becoming a very convenient excuse for those whose duty it was to look after them. The label of a delinquent child allowed people, many of whom had a vested interest in doing so, to absolve the state and its institutions of responsibility. Even some who spoke of the two deaths as tragedies were inclined to view the suicides of some 'flawed' youths as unavoidable.

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<sup>420</sup> National Conference on Prevention and Control of Juvenile Delinquency, "Report on Institutional Treatment of Delinquent Juveniles" (Washington, DC: United States Government Printing Office, 1947); US Senate, Committee on the Judiciary, *Hearings before the Subcommittee to Investigate Juvenile Delinquency, Part 20: Conditions in Juvenile and Young Offender Institutions* (Washington, DC: United States Government Printing Office, 1971), 5053-148. In 1982 the California Department of Youth Authority addressed the issue of suicide, publishing a summary of signs of suicidal behaviour and prevention strategies designed for "persons who are in any way involved in the arrest, intake, reception, and supervision and care of minors in detention" (p. 7). California, Department of Youth Authority, *Suicide Prevention in Juvenile Facilities* (Sacramento: Department of Youth Authority, 1982); Kathleen W. Jones, 'Two Deaths at Whittier State School: The Meanings of Youth Suicide, 1939-1940', *The Journal of the History of Childhood and Youth*, 8:3, (2015), pp.419-425.

The second label that the Whittier scandal demonstrates the power of is that of death by 'suicide.' Deaths are immediately categorised by a label such as suicide, accident, or murder. Historians need to grapple with the significance of the categorisations that can be applied to a death. These are powerful labels with immense staying power. For instance, an abundance of scientific and testimonial evidence casting doubt on the assertion that Benny Moreno died by suicide has been known for quite some time. Yet historians, often without critique, caveat, or qualification continue to robotically repeat the label 'suicide.' Firstly, as this thesis has demonstrated, there is significant doubt over that. One wonders if the powerful testimony given by institutionalised youths of colour would have been given more credence in the historical narrative if it had come from a white adult. The label of suicide, quickly applied, shaped the immediate response to Moreno's death from authorities, by the public, and in the press. It has also shaped how historians have dealt with it in the eight following decades. The profession needs to carefully think about how categorisations of death have impacted the sources it considers and the role they must play in categorising the deaths they deal with.

The lack of change following the Whittier scandal was made possible by state-wide and institutional cultures which made inaction acceptable. The truth was that in California during the Great Depression some people were seen to matter more than others. Unquestionably, the fact that Moreno and Levia were Mexican American youths of colour shaped responses. Unquestionably, national scientific narrative surrounding delinquency shaped responses. The fact that, for whatever combination of biases, reasons, and circumstances, change was not ultimately required speaks of the culture this thesis contends with, a culture of 'Californians and Others.' By several measures Moreno, Levia, and their fellow inmates could be considered 'others' in California, denoted as inferior, delinquent,

Mexican Americans in a state whose institutions were moulded around ideas of white Californian biological and cultural supremacy.

This thesis began with a desire to lift the concept of ‘Californians and others’ from a strand of historiography led by Weiler, Theobald, Donato, and Hanson concerned with the state’s Depression-era schooling and ask if it extended beyond the classroom.<sup>421</sup> That question can be considered emphatically answered in the affirmative – this culture of ‘Californians and others’ shaped children’s lives outside of the classroom and particularly in any interactions with the state or legal authority. The main overlapping groups considered within, lone transient youths, domestic white migrants and Mexican Americans were all legally white in California and as U.S. citizens had their rights of citizenship clearly defined. However, their right to exist in California was contested through illegal deportation, unconstitutional vagrancy laws, unconstitutional floating sentences, and illegal local initiatives such as the LAPD’s border patrol. It is worth pondering on the fact that these different groups of people in California were ‘othered’ through similar mechanisms. The same applies to practices of school segregation into Migratory schools and illegal Mexican schools. Even dealing with different groups of outsiders, similar rhetoric was deployed, and a similar process of ‘othering’ occurred.

This thesis demonstrates that the culture of ‘Californians and others’ was both permissive and powerful in Depression-era California, defining numerous aspects of marginalised children’s lives. It was not just public perception, personal hostilities, or press rhetoric, powerful as all those factors are in shaping lived experiences. ‘Californians and

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<sup>421</sup> Kathleen Weiler, ‘Schooling Migrant Children: California, 1920-1940’, *History Workshop Journal*, 37:1, (1994), pp.117-142; Paul Theobald & Ruben Donato, ‘Ethnicity and Class: The Schooling of Dust Bowl and Mexican Migrants During the Depression era’, *Educational Horizons*, 71:3, (1993), pp.142-149 & Ruben Donato & Jarod S. Hanson, ‘Legally white, Socially Mexican: The Politics of De Jure and De Facto school segregation in the American Southwest’, *Harvard Educational Review*, 82:2 (2012), pp.202-226.

others' was a distinction encapsulated in the very structures and fabric of society that worked to materially undermine the life prospects and experiences of non-white and non-Californian young people. 'Californians and others' resulted in *de facto* second-class citizenship through discriminatory legislation and extrajudicial law enforcement policies targeting 'undesirable' people. Status as either Californian or 'other' could determine or influence a child's access to a good quality education, how they were treated by the juvenile justice system, what access they were allowed to vital economic aid in the form of social welfare, the quality of relief given to them by the state, and their access to potentially-life saving emergency medicine. The impact of this culture was discriminatory, dehumanising, and at times deadly with higher mortality rates amongst children denied the same standard of food relief as others, and several related deaths in juvenile custody.

In examining the prevalence and impact of a culture of 'Californians and others' on the lives, and at times deaths, of marginalised children this thesis has met its primary aim. The analytical framework deployed in order to do clearly has the potential to be used in future research. It has been deployed here within tight constraints, considering children who were, at least in theory, equal according to the law. There is scope to apply to concept of a culture of 'Californians and others' elsewhere, such as a more general or adult-focused history. Furthermore, the concept of 'Californians and others' can clearly apply to children or people who the law specifically designated as an 'other', such as African Americans, Native Americans, and Asian Americans, all of whom the law permitted to be segregated in schools during the Depression-era. Rather than *de facto* second-class citizens, the concept of 'Californians and others' applied to those who were marked out as second-class citizens *de jure*.

From the start of this thesis it is recognised that whilst on one level this would be a narrow, state-level study, of marginalised children, it would simultaneously have the potential

to speak to a wider New Deal narrative. Identified at the start was the seemingly incompatible juxtaposition between the dominant New Deal narrative, often enthusiastically singing the praise of President Franklin D. Roosevelt and an approach to governance more willing to intervene for the betterment people's lives, and another historical narrative which declares the twentieth century the 'failed century of the child.'<sup>422</sup>

New Deal historiography is vast, expansive, nuanced, and still changing. The first trend as recalled by Martin Keller in a 1999 survey was the dominance to two perspectives. Historians have sought not only to explain how and why the New Deal happened but to also suggest that it was either fundamentally good or bad. In this respect, New Deal scholarship is an area where contributors' own politics are often exposed. Scholars like Richard Hofstadter and Arthur Schlesinger pointed not only to the New Deal's 1930s popularity but situated it as part of a longer noble tradition of American reforms. The 'rebels' as Keller calls them came from opposite ends of the ideological spectrum. Conservatives like Raymond Moley and Edgar Robinson made no secret of the fact they felt the New Deal had changed America for the worse. On the other hand, scholars like Barton Bernstein and Paul Conkin criticised New Deal architects for being too willing to compromise. This thesis does not intend to moralise the history of the New Deal in this sense. But in emphasising that there was no New Deal for youth, it certainly provides ammunition to the perspective that the New Deal could have done more to help, supporting criticisms from the Left by scholars including Bernstein and Conkin.<sup>423</sup>

As Mason B. Williams argues, the ascent of the Regan coalition in the 1980s cast the New Deal era in a new light with historians writing of a 'new deal order' which had as Gary

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<sup>422</sup> Judith Sealander, *The Failed Century of the Child, Governing America's Young in the Twentieth Century*, (Cambridge University Press, Cambridge, 2003).

<sup>423</sup> Martin Keller, 'The New Deal: A New Look', *Polity*, 31:4, (1999), pp. 657-663.

Gerstle and Steve Fraser put it, ‘decidedly shaped American political life.’<sup>424</sup> An important caveat to these discussions is that historians who frame their analysis of post-war America with ‘the New Deal’ are not actually engaging with the New Deal itself but instead a complex cocktail of policy legacies and historical memory of the New Deal. This lasting political perception of the New Deal is not necessarily accurate to the events or policies of the 1930s. Especially when this New Deal order has been questioned during periods of conservative ascendancy historians have sprung to a defence of the New Deal and Franklin D. Roosevelt. It is no coincidence that after Richard Nixon’s election John Salmond declared ‘Franklin Delano Roosevelt did not fail’ at the end of a short study. Likewise, Eric Rauchway’s *Why the New Deal Matters* (2021) is part history and part response to the rise of Donald Trump.<sup>425</sup> Rauchway is alive to the New Deal’s limitations, particularly as regard to race and racism, but still joins those whose histories have sought to eulogize the New Deal, upholding a New Deal order they perceive to be under threat.

Mason Williams observes that New Deal historiography has continued to revisit ‘classic questions’ but that historians have managed to highlight areas of neglect by tackling these questions with new approaches, particularly regarding race. Williams’s historiographical survey details different political, economic, and social approaches, highlighting the way focuses on race and gender have changed our historical understandings of it. Age is a theme which Williams does not touch upon. But this is because it is very much a work-in-progress in its infancy. Regarding youth, historians have covered the limited youth provisions of the NYA, CCC, and AFDC and the very peripheral playground-building of the

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<sup>424</sup> Mason B. Williams, ‘The Great Depression and the New Deal – A Historiographical Survey’, in Jerald Podair & Darren Dochuk, eds., *The Routledge History of the Twentieth-Century – A Historiographical Survey*, (Routledge, Abingdon, 2018), p.28 & Steve Fraser & Gary Gerstle, eds., *The Rise and Fall of the New Deal Order, 1930-1980*, (Princeton, Princeton University Press, 1989), p. x.

<sup>425</sup> John A. Salmond, *The New Deal*, (London, Frederick Warne, 1970), p.43 & Eric Rauchway, *Why the New Deal Matters*, (New Haven, Yale University Press, 2021).

WPA.<sup>426</sup> The significant change in the relationship between young citizens and governance in the New Deal era was a change in ‘ideas and ideals’, more so than the practical measures implemented.<sup>427</sup> There is more work to be done to achieve an accurate historical understanding of children’s experiences of the New Deal, something which should have been more have a priority given that as of 1935 minors constituted forty percent of relief rolls.<sup>428</sup>

This thesis has benefited from and builds upon the work of scholars who have analysed the New Deal from a feminist perspective. This is no surprise as the development of children’s history more widely owes a lot to the adjacent field of women’s history. In particular, conceptually this thesis has benefited from Alice Kessler-Harris’s *In Pursuit of Equity*, which places the imagined patriarchal American family headed by a male breadwinner at the heart of New Deal design.<sup>429</sup> Kessler-Harris details how this meant that women were denied economic citizenship and by extension full adulthood. The structuring of relief around the male breadwinner had a profound impact on children who did not have that family structure in their life, cutting them off from the majority of relief programs. Children were (and are) denied economic citizenship and political power and they must rely on those with it acting for them. A lesson which can be learned from the New Deal era relating to youth policy and programs is the pitfalls of structuring government relief through inflexible family structures.

This thesis also further underlines the limitations of a national New Deal narrative. Historians of the United States, quite understandably, are often looking for that national

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<sup>426</sup> Mason B. Williams, ‘The Great Depression and the New Deal – A Historiographical Survey’, in Jerald Podair and Darren Dochuk, eds., *The Routledge History of the Twentieth-Century United States*, (Routledge, Abingdon, 2018).

<sup>427</sup> Richard A. Reiman, *The New Deal & American Youth, Ideas & Ideals in a Depression decade*, (University of Georgia Press, Athens GA, 1992).

<sup>428</sup> Joseph M. Hawes, *Childhood between the Wars, American Childhood, 1920-1940*, (Twayne Publishers, New York, 1997), p.122.

<sup>429</sup> Alice Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20<sup>th</sup> Century America*, (New York, Oxford University Press, 2001).

American story be that of the New Deal, youth culture, or something else. Any national narrative will always be an extremely crass generalisation of over 3,000 American counties each with policies, population, experiences, and environments of their own. At state level and below local policy has a big impact, sometimes extremely positive and sometimes extremely negative. Some Californian counties chose, for instance, to segregate Mexican American children despite state law not permitting them to do so. Some chose to exclude domestic migrants, American citizens no-less, from hospital care or emergency relief. At the same time, local officials worked well beyond their official remit and the designation of their funds to help people at a grassroots level, for example 'healthcare education' offered by the nurses of the Bureau of Child hygiene who were not officially permitted to provide medical care to migrants. It is necessary to delve down to a local level to understand how a large national program, such as the New Deal, reaches people on the ground. From doing that, this thesis has detailed the complex relationship overlapping groups of marginalised youths in the Golden State enjoyed or at times endured with the New Deal. Non-child specific support helped those who remained with families. At times, vital relief, such as that provided to transient families and youths by FTS, was hastily withdrawn and not adequately replaced. In times of crisis, the CSRA and FSA reacted by providing emergency food and healthcare. There was more of a safety net than a cursory look at the New Deal infrastructure for youth would suggest but it was a net with some very large holes within it. There is still room for New Deal historiography to consider age and stages of the life cycle in its analysis and given that children represent a significant demographic the lack of space they have been afforded in the historical narrative is something that requires further correction.

### *Children's muffled voices in History*

At the conception of the project the research was intended to be a genuine children's history,

constructed from historical children's testimony. That proved to be too lofty a goal, even before global circumstances changed the nature of carrying out historical research. Fragments of children's voices were found in documents such as police or reformatory school records, in newspapers, and in rare child-authored letters. This was supplemented by the echoes of childhood found in adult contributions to subsequent oral history projects. This did not yield enough. It remains true that children's presence in the past is not reflected in many historical narratives, particularly outside of specifically youth-focused histories. It remains true that children are seen but not actually heard in many youth-focused histories. Rather than children's histories, these are histories of childhood, an adult-controlled social construct built from adult voices and perspectives. Though evidently undesirable none of this is a result of some discipline-wide conspiracy against the young. Instead, it reflects the challenges of writing children's history and the unavoidable nature of the 'source problem' that comes with it. But what can be done about this, especially if one is minded to address the saturation of the history of youth with adult voices and address children's lack of representation in the historical narrative?

A synthesised approach may be the best bet – after all the 'source problem' is not going to suddenly disappear. Even though the dominance of one has become problematic the history of childhood and children's history remain complimentary to one another. The ideal of childhood exists also in the mind the of the child. In this thesis, where possible, historical children's perspectives were sought and listened to where possible, and this has been consequential. For instance, regarding Whittier state school, privileging the voices of historical young inmates has challenged not just the adult perspectives espoused, sometimes in bad faith, at the time but also where historians have stuck to those perspectives. It is remarkable that works which are broadly sympathetic to racial inequality, and to children's vulnerability in an institutionalised setting, parrot that questionable narrative of death by

suicide regarding Benny Moreno.<sup>430</sup> With the testimony of numerous historical children and scientific evidence presented that doubt the official version of events why is the label of suicide repeated without so much as caveat or qualification when there is compelling evidence to the contrary? Why is the word of a discredited eugenicist who was not there still having the final say in these historians' narratives rather than youths of colour who witnessed it? Brian Sutton-Smith wrote of a 'triviality barrier', where childhood being seen as a necessary biological phase before the adult life that 'really counts' as a barrier to children and children's history being taken seriously.<sup>431</sup> A second triviality barrier exists beyond children and childhood being viewed as less important or consequential as adults and adulthood in some quarters. Children's evidence is viewed by many as being inherently unreliable to the point where highly questionable adult evidence is preferred. Going forward it should be best practice to interrogate oneself in order to counteract what is likely on most occasions an unconscious bias, asking 'how would I view this information had it come from an adult?' If the answer is that the source would be viewed any differently, the reasoning behind that must be forcefully interrogated.

Through a synthesised approach, historical children's voices have been listened to where possible in this thesis. The result of this is that we can say that a culture of

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<sup>430</sup> The following recent publications refer to the 'suicide' of Benny Moreno without appropriately qualifying it. This is despite all engaging with at least some inmate testimonies and the scientific evidence presented at the Lindsey Commission. See: Jennifer R. Uhlmann, 'Communists and the Early Movement for Mexican-American Civil Rights: The Benjamin Moreno Inquiry and its Aftermath', *American Communist History*, 9:2, (2010), pp.111-139; Miroslava Chavez-Garcia, *States of Delinquency, Race and Science in the Making of California's Juvenile Justice System*, (University of California Press, Berkeley and Los Angeles, 2012); Daniel E. Macallair, *After the Doors Were Locked, A History of Youth Corrections in and the Origins of Twenty-First-Century Reform*, (Rowman & Littlefield, Boulder & New York, 2015); Kathleen W. Jones, 'Two Deaths at Whittier State School: The Meanings of Youth Suicide, 1939-1940', *The Journal of the History of Childhood and Youth*, 8:3, (2015), pp.403-425.

<sup>431</sup> Brian Sutton-Smith, 'Psychology of Childlore: The Triviality Barrier', *Western Folklore*, 29, (1970), pp.1-8.

‘Californians and others’ fundamentally shaped various aspects of marginalised children’s lives in Depression-era California, particularly in their interactions with the state and law enforcement. Where necessary, with few historical children’s voices found to be heard, a more traditional history of childhood has taken over. At time, even that was challenging to maintain, and general points about working-class families, or discriminatory laws, have been suffixed with the explainer that ‘this would also have applied to children.’ Ultimately, it is for others to judge how well this synthesised approach has worked. But it is sincerely hoped that that some type of blueprint may have been provided, of an approach that will allow more historical children’s perspectives to be included in works of history where a full-blown children’s history is either not desired or unviable. The inclusion of children in the mainstream historical narrative as well as a growth in the subfield of the history of children and childhood can only lead to a more complete, accurate, and inclusive understanding of the past.

## **Epilogue**

### **Youth, Civil Rights, and the seeds of a formidable Mexican American Civil Rights Movement**

A recurring theme that runs through the various chapters of this thesis is the contestation of the rights of Mexican American children by the state or some other adult authority. The narrative is not one only of oppression, far from it. At various points this was fought against with tenacity and vigour. Sometimes that occurred on an individual level. For example, in extreme instances, in order to preserve their rights of natural-born citizenship, some children made the agonising decision to leave their immediate family in order to avoid being ‘repatriated’ to a foreign country that they had never previously set foot in. Individual reformatory school inmates made the decision to speak out about conditions or abuses they had witnessed, to their families, newspapers, and finally when they would listen, investigators. They made that choice despite knowing of potential repercussions including sanctioned punishments, potentially life-altering transfer to a state mental institution, or other dark consequences in institutions where both retribution, cover-ups, and abuse – be that physical, sexual, or psychological – were engrained into the system and facilitated by those in positions of power.

On other occasions, this went beyond the individual level, and involved families or communities taking organised action in an attempt to stand up for the rights of young Mexican Americans. At times this was unsuccessful, such as unsuccessful legal challenges to the sterilisation of minor by the state waged by the family of Concepcion Ruiz in 1930, or by single mother Sara Rosa Garcia in 1939. At times, families turned to authorities they recognised and trusted including the Catholic Church or the Mexican Consul. At other times they formed organisations in order to coordinate a response and were successful in their aim, such as the school segregation challenge waged on behalf of Roberto Alvarez in Lemon

Grove California, in 1930, by the *Comite de Vecinos de Lemon Grove*. At times these organisations protested publicly, such as the marches held by *El Congreso de Pueblos de Hobla Espanola* following dissatisfaction with the outcome of the original investigation into the death of Benny Moreno.

It is worth reflecting on this because the history of Mexican American Civil Rights is at times unheralded and often poorly understood. It is often considered only under the umbrella of the post-war Chicano movement. That is, undoubtedly, a significant part of the story but it is not the whole story. This is worth emphasising when the website of the Library of Congress website makes statements such as this:

In response to the efforts of Dr. Martin Luther King, among others, Hispanic Americans of various backgrounds began organizing their own struggle for civil equality and fairness. In Philadelphia, Chicago, and New York, Puerto Ricans held marches to protest unequal treatment. Among Mexican Americans in the Southwest, this struggle came to be known as the Chicano Civil Rights Movement.<sup>432</sup>

Of course, different Civil Rights groups and movements influenced one another. However, to describe Mexican American Civil Rights causes as a ‘response’ to Martin Luther King is to profligate a falsehood. Hispanics, at a community level had been organising for quite some time. Of *La Tierruca*, sung by Aurora Calderon and recorded by Sidney Robertson Cowell in 1939, the website describes the song as ‘patriotic’ for Puerto Ricans in particular, but declares that it ‘predates the activist period.’<sup>433</sup> Can a song that came about nine years after a successful school segregation challenge by Hispanic people, came after the formation of groups such as LULAC, the CVLG, and *El Congreso de Pueblos de Hobla Espanola*,

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<sup>432</sup> U.S. Library of Congress, ‘The Chicano Civil Rights Movement’, <https://www.loc.gov/item/ihas.200197398/> (13/04/2021). I have raised this with the Library of Congress and hope that by the time anyone is reading this thesis appropriate revisions will be made to the online content.

<sup>433</sup> Ibid.

predate the activist period for Hispanics or Mexican Americans? The answer, of course, is no. The most recognisable, formidable, Mexican American Civil Rights movements did emerge in the post-war era. But this study of Depression-era California shows that the seeds for that movement existed during the Great Depression, and that many Mexican Americans were willing to organise and advocate for their children's rights.

Children's rights are intrinsically linked to and are at times a part of various Civil Rights movements. As the examples of organisation and advocacy discussed in this thesis demonstrate, children are often the catalyst for action. Children and young people bring with them powerful symbolism and people can be said to be willing to take a risk or stand up for their children where they would not themselves. The vast majority of people want their children to experience a better world than they themselves have. This was the reason for robust legal challenges launched against school segregation and forced sterilisations pursued by authorities in Depression-era California. This was the reason why when the Los Angeles Coordinating council failed to provide for Hispanic youths, parents established their own equivalent. That was why campaigners continued to work for the truth surrounding conditions in juvenile justice institutions. That was why protection from white, mostly uniformed, violence was sought following the Zoot Suit Riots. That was why justice was sought following the Wineville Chicken Coup Murders. That was why blatant miscarriages of justice resulting from the original shame trial following the murder at the Sleepy Lagoon were challenged. As well as showcasing the nature of Mexican American organising and rights advocacy in Depression-era California this thesis has also demonstrated the importance of youth in Civil Rights movements.

This is not purely historical. It did not end with the famous children's crusade in Birmingham, Alabama in 1963 or with *Brown v. Board of Education*. Children continue to be at the forefront of the contestation of marginalised people's rights. For instance, in the United

States in 2021, Congressional bills have been tabled aimed at restricting transgender high schoolers' ability to participate in sport. State legislatures have passed bills, some overriding gubernatorial vetoes, to give medical practitioners the right to refuse to provide transgender youths with healthcare.<sup>434</sup> Young people have been and will remain to be in prominent positions in rights-based struggles both as active participants and as inspiration for adult activists whilst they also inhabit a position of huge vulnerability when adults seek to deny them rights and protections.

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<sup>434</sup> See: American Civil Liberties Union Statement on Arkansas Legislature's Vote to Override Veto of Transgender Health Ban <https://www.aclu.org/press-releases/aclu-statement-arkansas-legislatures-vote-override-veto-transgender-health-ban>; 'Mississippi bans trans girls from girls' school sports', *BBC News* <https://www.bbc.co.uk/news/world-us-canada-56275274> (14/04/2021).

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