

**MOTHER KNOWS BEST:**

**MARY MARGARET BARTELME AND THE CHICAGO JUVENILE REFORM  
MOVEMENT**

**MARY MARGARET BARTELME**

**(1866-1954)**

Kendall Burton  
Women in the Legal Profession  
Autumn 2002  
Prof. Barbara Babcock  
Erika Wayne

## TABLE OF CONTENTS

<b>INTRODUCTION.....</b>	<b>3</b>
<b>THE EARLY YEARS .....</b>	<b>6</b>
<b>THE JUVENILE COURT ACT OF 1899 .....</b>	<b>10</b>
<b>THE COOK COUNTY JUVENILE COURT.....</b>	<b>17</b>
<b>JUDGE BARTELME.....</b>	<b>30</b>
<b>CONCLUSION.....</b>	<b>36</b>
<b>FUTURE LEADS .....</b>	<b>37</b>
<b>TIMELINE .....</b>	<b>38</b>
<b>BIBLIOGRAPHY.....</b>	<b>42</b>

## INTRODUCTION

Mary Margaret Bartelme was the first woman elected judge in a court of high jurisdiction in the state of Illinois.<sup>1</sup> Before her judicial appointment, she had been the first woman to serve as an assistant to a judge.<sup>2</sup> She had been the first woman appointed public guardian in Illinois,<sup>3</sup> and the first woman to speak in front of the Illinois State Bar Association.<sup>4</sup> She was also one of many dedicated and passionate social reformers in Chicago during the Progressive Era, and may not have put too much importance in being first. Bartelme did seem to place importance in the small but meaningful differences she made in the daily lives of the children she met during her years working as public guardian and in the Cook County Juvenile Court.

Mary Bartelme's personal philosophy and approach towards rehabilitating the delinquent children brought before first as a judicial assistant and then as a judge is best summed up with her oft-repeated quote:

"There are no bad children. There are confused, neglected, love-starved and resentful children, and what they need most I try to give them-understanding and a fresh start in the right direction."<sup>5</sup>

Like many of the progressive women and men around her, she placed the blame of juvenile delinquency firmly on poor parenting, inadequate public services and social conditions. She believed Chicago lacked appropriate public entertainment and recreational facilities,<sup>6</sup> leading poorer children to seek adventure in the shadier Chicago establishments and in misbehavior. She advocated for higher quality movies to be shown in Chicago's three-cent theaters, for chaperoned

---

<sup>1</sup> *Practical Concerns*, BAR NONE: 125 YEARS OF WOMEN LAWYERS IN ILLINOIS, at <http://www.chicagobar.org/public/barnone/sect4.asp> (1999).

<sup>2</sup> *Legal Advocacy and Social Reform*, BAR NONE: 125 YEARS OF WOMEN LAWYERS IN ILLINOIS, at <http://www.chicagobar.org/public/barnone/sect6.asp> (1999).

<sup>3</sup> *Id.*

<sup>4</sup> *Bar Association Meetings*, 23 GREEN BAG 493, 493 (1911).

<sup>5</sup> June Sawyers, 'Suitcase Mary' Leads a Crusade for Needy Girls, CHI. TRIB., March 12, 1989, (Sunday Magazine), at 8.

<sup>6</sup> WOMEN BUILDING CHICAGO 1790-1990 68 (Adele Hast & Rima Lunin Schultz eds., 2001).

dances at neighborhood schools and community centers, and for more neighborhood parks.<sup>7</sup> She wanted the minimum working age for girls raised from fourteen to sixteen, in order to keep them in school longer,<sup>8</sup> and promoted sexual education as a method of discouraging girls from giving in to temptation.<sup>9</sup> She believed that poverty was the primary cause of delinquency<sup>10</sup> and feared modern society's emphasis on such items as silk stockings, satin shoes, and make-up served as an impetus for young girls who could not afford such luxury items to turn to crime.<sup>11</sup>

In her own time, Mary Bartelme was relatively well known both in her hometown Chicago and internationally, and also appeared to be well liked. She was honored at the Chicago Women's World Fair as a "famous woman,"<sup>12</sup> and the Queen of Romania spent a day in her courtroom to observe her methods.<sup>13</sup> She was described by her contemporaries as having "a brilliant mind, a keen insight, and a kind heart,"<sup>14</sup> "poise, cool judgment, and a fine, discriminating sense of justice,"<sup>15</sup> as well as "rare patience and tact."<sup>16</sup> As for her physical appearance, newspapers described her as "surprisingly small"<sup>17</sup> and a "trifle old-fashioned in appearance,"<sup>18</sup> but with eyes whose "twinkle . . . is never long off duty."<sup>19</sup>

---

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Gwen Hoerr McNamee, *The Bartelme Years, in A NOBLE SOCIAL EXPERIMENT? THE FIRST 100 YEARS OF THE COOK COUNTY JUVENILE COURT 1899-1999* 68 (Gwen Hoerr McNamee ed., 1999) [hereinafter THE FIRST 100 YEARS].

<sup>10</sup> *Id.* at 67.

<sup>11</sup> *Id.*

<sup>12</sup> Helen Burling, *The Women's World Fair*, THE WOMAN CITIZEN, May 2, 1925, at 14, 28.

<sup>13</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 68.

<sup>14</sup> Gwen Hoerr McNamee, *The Bartelme Years, in THE FIRST 100 YEARS, supra* note 9, at 64.

<sup>15</sup> *America's Only Woman Judge*, THE LAW STUDENT'S HELPER, July 1913, at 7, available at <http://www.law.stanford.edu/library/wlhbp/> (last visited 4/02/03).

<sup>16</sup> *Installation of Judge Mary Bartelme*, CHICAGO LEGAL NEWS 165, 166 (Dec. 13, 1923).

<sup>17</sup> Betsy Greenebaum, *The Court of Another Chance*, THE WOMAN CITIZEN, August 1927, at 13.

<sup>18</sup> *America's Only Woman Judge*, THE LAW STUDENT'S HELPER, July 1913, at 7, available at <http://www.law.stanford.edu/library/wlhbp/> (last visited 4/02/03). Bartelme had expressed some frustration regarding the public's and her profession's fascination with female appearance. In her speech before the Illinois State Bar Association regarding "A Woman's Place at the Bar," she remarked that unlike women lawyers, male lawyers do not have to undergo the "measuring up" of his clothes, appearance or attitude towards the opposite sex in order to be accepted in the profession. See *Addresses Delivered Before The Illinois State Bar Association*, 43 CHICAGO LEGAL NEWS 556, 556 (1910-1911). Years later, in 1923, reporters would ask her what she was planning to wear on the bench, a question not generally posed to newly elected male judges. See *Practical Concerns*, BAR NONE: 125 YEARS OF WOMEN LAWYERS IN ILLINOIS, at <http://www.chicagobar.org/public/barnone/sect4.asp> (1999).

Bartelme seemed to be a woman of some contradictions, both traditionally "motherly" and non-traditionally ambitious. She may have broken social conventions herself by remaining unmarried and pursuing a professional career first as a lawyer and then as a public servant, but she continued to endorse many traditional values. Bartelme embraced her image as "mother" to the city's unfortunate children, and described her own work as 'essentially maternal'.<sup>20</sup> She emphasized the importance of work and education, and believed that middle-class values would benefit most children and families.<sup>21</sup> She encouraged immigrant families to learn English and adopt American ways, and did not openly challenge racial segregation.<sup>22</sup> Bartelme encouraged girls who wanted careers to pursue them, and encouraged those who wanted marriage to learn the new "scientific" methods of cooking and housekeeping.<sup>23</sup>

I chose to write a biography of Mary Margaret Bartelme in part because of her complexity-it is difficult for me to tell whether her use of traditional feminine and maternal values and her stances on divisive issues such as race were borne out of pragmatism or true belief. Regardless, Bartelme appeared to have lived her life as she encouraged others to live their own. She tried throughout her legal career to treat all children as unique individuals who deserved the opportunity to lead healthy, satisfying lives and she donated her own time and money to the causes she believed in as often as she encouraged others to do so. Bartelme was unable to leave the legacy she desired since she was ultimately unable to change the conditions that produce delinquency or effect enough permanent structural changes to ensure her personal approach to rehabilitating youth would be continued. However, her untiring efforts to create a better system improved the lives of many women and children in her own time, which may be legacy enough for anyone.

---

<sup>19</sup> Greenebaum, *supra* note 17, at 13.

<sup>20</sup> Gwen Hoerr McNamee, *The Bartelme Years, in THE FIRST 100 YEARS, supra* note 9, at 64.

<sup>21</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 68.

<sup>22</sup> Gwen Hoerr McNamee, *The Bartelme Years, in THE FIRST 100 YEARS, supra* note 9, at 64.

<sup>23</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 69.

## THE EARLY YEARS

Mary Margaret Bartelme was born on July 24, 1866<sup>24</sup>, in a farmhouse in Chicago, Illinois.<sup>25</sup> Her parents, Jeannette and Balthazar, had emigrated from Alsace, France,<sup>26</sup> and her father was a well-known builder and contractor.<sup>27</sup> Mary Bartelme was the middle child. For much of her life, she lived with her older brother, Alfred, and younger sister, Adeline.<sup>28</sup> She attended West Division High School, graduating with honors<sup>29</sup> in 1882.<sup>30</sup> Following high school, she spent a year at Cook County Normal School, and became a schoolteacher.<sup>31</sup>

After her mother's death in 1891, Bartelme decided to pursue a different career.<sup>32</sup> Bartelme had wanted to become a physician as a young girl.<sup>33</sup> She arranged a meeting with a woman doctor, who suggested she explore the legal profession as well and arranged an appointment for her.<sup>34</sup> The doctor arranged a meeting with Myra Bradwell,<sup>35</sup> the first woman to apply for admission to the Bar and the founder of the *Chicago Legal News*.<sup>36</sup> After her conversation with Bradwell, Bartelme became committed to pursuing a legal career.<sup>37</sup>

Bartelme entered Northwestern Law School in 1892,<sup>38</sup> the only woman in her class,<sup>39</sup> although Northwestern had a reputation for supporting its female law students.<sup>40</sup> Bartelme

---

<sup>24</sup> Gwen Hoerr McNamee, *The Bartelme Years*, in THE FIRST 100 YEARS, *supra* note 9, at.

<sup>25</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 68.

<sup>26</sup> NOTABLE AMERICAN WOMEN: THE MODERN PERIOD 60 (Barbara Sicherman & Carol Hurd Green eds., 1980).

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Miss Mary Bartelme*, CHICAGO LEGAL NEWS, at <http://www.law.stanford.edu/library/wlhbpb> (last visited 4/04/03).

<sup>30</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 66.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* Bartelme was described as being so deeply saddened by her loss that she had been unable to continue teaching. *Id.* It is not clear how the two events are connected—perhaps her mother had been the person who encouraged her to teach, or perhaps the loss simply forced Bartelme to re-evaluate her own life's goals.

<sup>33</sup> Sawyers, *supra* note 5, at 8.

<sup>34</sup> CHICAGO PORTRAITS: BIOGRAPHIES OF 250 FAMOUS CHICAGOANS 24 (June Skinner Sawyers ed., 1991) [hereinafter CHICAGO PORTRAITS].

<sup>35</sup> *Id.*

<sup>36</sup> *Chicago Women's History: Biographical Information About Chicago Women*, at <http://www.chipublib.org/003cpl/chgowomen.html#biographies> (last visited 4/04/03).

<sup>37</sup> Sawyers, *supra* note 5, at 8.

<sup>38</sup> NOTABLE AMERICAN WOMEN: THE MODERN PERIOD, *supra* note 26, at 60.

performed well in law school, and reportedly had been treated with "kindness and courtesy" by her male classmates.<sup>41</sup> One of her law professors commented that Bartelme had "maintained a high degree of excellence" throughout law school, and in his assessment had performed just as well as any of her other classmates.<sup>42</sup> Bartelme arguably may have performed better than many of her classmates, since the same professor acknowledged that she might have had more demanded of her and her work judged more closely due to her sex.<sup>43</sup>

Bartelme's scholarship was recognized outside of the classroom as well. Her student annotation *Synge v. Synge* was named best annotation by the *American Law Register and Review* of Philadelphia, winning a 75\$ prize.<sup>44</sup> Her note had analyzed the court's ruling enforcing a contract for a mutual will between a husband and wife.<sup>45</sup> After her graduation in 1894,<sup>46</sup> Bartelme's student thesis on spendthrift trusts was published both in the *Chicago Legal News*<sup>47</sup> and in the *Northwestern Law Review*.<sup>48</sup> However, by the time of its publication, the woman who had encouraged her to become a lawyer, Myra Bradwell, had died of cancer.<sup>49</sup> In the final paragraph of her thesis, Mary Bartelme endorsed Myra Bradwell's motto "Lex vincit" a phrase that may have summarized her own activist approach to law as well. In the same paragraph, Bartelme stated her answer to the question "what laws shall govern": "not those which follow precedent but those which will procure just and beneficent results to persons living under them."<sup>50</sup>

---

<sup>39</sup> Id.

<sup>40</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 66.

<sup>41</sup> *Miss Mary Bartelme*, CHICAGO LEGAL NEWS available at [www.stanford.edu/group/WLHP/articles/clnbartelme.htm](http://www.stanford.edu/group/WLHP/articles/clnbartelme.htm).

<sup>42</sup> Id.

<sup>43</sup> Id.

<sup>44</sup> Id.

<sup>45</sup> Mary M. Bartelme, *Synge v. Synge*, 42 Am. L. Reg. 721, 721 (1894).

<sup>46</sup> NOTABLE AMERICAN WOMEN: THE MODERN PERIOD, *supra* note 26, at 60.

<sup>47</sup> *Miss Mary Bartelme*, CHICAGO LEGAL NEWS, at <http://www.law.stanford.edu/library/wlhbpb> (last visited 4/04/03).

<sup>48</sup> Mary M. Bartelme, *Nichols v. Eaton*, 2 N.W.L. REV. 177 (1894).

<sup>49</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 66.

<sup>50</sup> Mary M. Bartelme, *Nichols v. Eaton*, 2 N.W.L. REV. 177, 190 (1894).

Bartelme was admitted to the Illinois State Bar the same year she graduated from law school,<sup>51</sup> and was admitted to the United States Bar two years later.<sup>52</sup> Upon graduation, she immediately opened a general law practice, Barnes, Barnes & Bartelme, with two male partners<sup>53</sup> Bartelme practiced law, specializing in probate, for approximately three years.<sup>54</sup>

Her three years before the probate court impressed Judge Christian C. Kohlsaat enough that he lobbied the current governor to appoint her to the post of public guardian.<sup>55</sup> Governor Tanner appointed her Cook County's public guardian in 1897.<sup>56</sup> Traditionally, the public guardian had been responsible for the placement of orphans and handled the estates of minor wards of the State.<sup>57</sup> The post had been abused in the past, used to swindle widows and orphans of much of their inheritances.<sup>58</sup> Once in office, Bartelme stopped the corruption and expanded the duties to include caring for the physical and emotional needs of her wards.<sup>59</sup> She visited children's homes personally, and kept donated clothes on hand to assist the needy women and children who passed through her office.<sup>60</sup> She occasionally took children into her own home when there were no available alternative placements.<sup>61</sup> Bartelme and her sister Adeline ultimately raised two former state wards as their own after the death of the orphaned girls' foster parents.<sup>62</sup>

Bartelme remained in her position as Cook County public guardian for sixteen years.<sup>63</sup> Although she had been the first woman to serve as public guardian in Illinois,<sup>64</sup> Bartelme

---

<sup>51</sup> *Miss Mary Bartelme*, CHICAGO LEGAL NEWS, at <http://www.law.stanford.edu/library/wlhbp> (last visited 4/04/03).

<sup>52</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 66.

<sup>53</sup> *Id.*

<sup>54</sup> Gwen Hoerr McNamee, *The Bartelme Years*, in THE FIRST 100 YEARS, *supra* note 9, at 64.

<sup>55</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 66.

<sup>56</sup> *Miss Mary Bartelme*, CHICAGO LEGAL NEWS, at <http://www.law.stanford.edu/library/wlhbp> (last visited 4/04/03).

<sup>57</sup> Gwen Hoerr McNamee, *The Bartelme Years*, in THE FIRST 100 YEARS, *supra* note 9, at 65..

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 66.

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> Sawyers, *supra* note 5, at 8.

perceived the duties of the office primarily as "maternal".<sup>65</sup> Newspapers apparently agreed with her assessment, referring to her as the "mother of all the city's needy children."<sup>66</sup> Judge Kohlsaat also praised her as the "little mother" to her many wards, "many of them larger than she" was, and noted she governed them better than most of their parents.<sup>67</sup> Bartelme's untiring efforts to personally attend to her wards made her "deservedly popular" with both the bench and the Bar.<sup>68</sup>

During her first years after law school, Bartelme became actively involved in Chicago social and civic life. Bartelme helped found the Chicago Business and Professional Women's Club, an organization created to support working women and provide basic services they could not obtain elsewhere.<sup>69</sup> When she served as club president in 1902, the club acquired three floors in downtown Chicago.<sup>70</sup> The new space included exercise rooms and showers, reading rooms, lounges, and dining rooms, all services ordinarily unavailable to working women.<sup>71</sup> Bartelme appears also to have taught Medical Jurisprudence at Northwestern University, and served as the fundraising chairwoman for the Women's and Children's Hospital.<sup>72</sup>

Bartelme was also dedicated to the women's suffrage movement. She gave public speeches in favor of the federal amendment to grant women's suffrage,<sup>73</sup> and the *Chicago Tribune* published her response to its query regarding women's desire to vote.<sup>74</sup> She argued on both occasions that it was only just to allow women equal opportunity to shape the laws of the nation since women are equally subject to them.<sup>75</sup> Bartelme also claimed that women could improve the nation's laws, especially on matters that affected them personally, such as divorce and the welfare

---

<sup>64</sup> Gwen Hoerr McNamee, *The Bartelme Years*, in *THE FIRST 100 YEARS*, *supra* note 9, at 64.

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *The Law and the Lady*, 6 W. VA. BAR 227, 227(1899).

<sup>68</sup> *Miss Mary Bartelme*, CHICAGO LEGAL NEWS, at <http://www.law.stanford.edu/library/wlhbpb> (last visited 4/04/03).

<sup>69</sup> *Practical Concerns*, BAR NONE: 125 YEARS OF WOMEN LAWYERS IN ILLINOIS, at <http://www.chicagobar.org/public/barnone/sect4.asp> (1999).

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> CHICAGO PORTRAITS, *supra* note 34, at 24.

<sup>73</sup> *Congressman Foss Cordial to His Constituents*, THE SUFFRAGIST, Sept. 18, 1915, at 8.

<sup>74</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 66.

<sup>75</sup> *Id.* See also *Congressman Foss Cordial to His Constituents*, THE SUFFRAGIST, Sept. 18, 1915, at 8.

of children.<sup>76</sup> Bartelme served as the second vice-chairwoman of the National Woman's Party, an organization formed to help secure a federal amendment granting women the right to vote,<sup>77</sup> and held an office in the Chicago Suffrage Club.<sup>78</sup>

Bartelme addressed the Illinois State Bar Association in 1911, the first woman to speak before the Association.<sup>79</sup> She was given the topic "A Woman's Place at the Bar", a topic she announced she would not have chosen herself as she was unable to "fix or define the place of another", believing instead that "each must seek and find that for himself or herself."<sup>80</sup> Bartelme spoke of some of the inequalities faced by women entering the legal profession, and clarified that places at the Bar were best determined by qualifications rather than sex.<sup>81</sup> She addressed the unspoken question of whether women could successfully manage both careers and families. Bartelme stated her belief that women would lose interest in motherhood and marriage after entering a career, but only if they had desired marriage and motherhood in order to escape the social approbation of remaining single or needed the financial support.<sup>82</sup> For women who freely chose both careers and families, she stated that she believed that their increased education and broader knowledge of the world would greatly enrich and improve family life.<sup>83</sup> At the end, Bartelme segued into the topic that she perhaps would have chosen if she had been allowed- the welfare of Chicago's children and reforming juvenile law.<sup>84</sup>

### THE JUVENILE COURT ACT OF 1899

---

<sup>76</sup> *Congressman Foss Cordial to His Constituents*, THE SUFFRAGIST, Sept. 18, 1915, at 8.

<sup>77</sup> *Congressional Union for Woman Suffrage and National Woman's Party*, THE SUFFRAGIST, Nov. 25, 1916, at 2.

<sup>78</sup> NOTABLE AMERICAN WOMEN: THE MODERN PERIOD, *supra* note 26, at 61.

<sup>79</sup> *Bar Association Meetings*, 23 GREEN BAG 493, 493 (1911).

<sup>80</sup> *Addresses Delivered Before The Illinois State Bar Association*, 43 CHICAGO LEGAL NEWS 556, 556 (1910-1911).

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *Id.* at 557.

While Bartelme was committed to the advancement of women, much of her professional and public life would be devoted to the reform of juvenile laws and institutions, and the welfare of children. Bartelme has been described as the single most important person in sustaining the juvenile court during its tumultuous first 25 years.<sup>85</sup>

Not long after she had been appointed public guardian, Bartelme spoke at a juvenile reform meeting at the Chicago State Board of Charities.<sup>86</sup> She impressed the organizing committee, which included Jane Addams, with her apparent commitment to children, her awareness of the circumstances and the issues, and her expertise in the law.<sup>87</sup>

Bartelme, like many other social reformers in Chicago, was critical of the manner in which the law treated juvenile offenders and homeless children. Judge Merritt W. Pinckney, the third judge to preside over Cook County Juvenile Court,<sup>88</sup> claimed the state had failed either to supervise or provide care for neglected or abandoned children prior to 1899 until they had entered the penal system.<sup>89</sup> More explicitly, a prominent citizen serving as superintendent for a private child-placing society joked that as far as state supervision was concerned, he could have taken all 20,000 dependent children in his care and drowned them in a lake without any questions asked, if drowning hadn't been a crime.<sup>90</sup>

Reformers also criticized the practice of treating juvenile offenders as adults. Illinois criminal law statutes had set the age of criminal responsibility at ten years in 1827.<sup>91</sup> Children ten years or older could be arrested by the police, tried in the police courts, and if convicted, either

---

<sup>85</sup> Martha Neil, *Pioneers in Juvenile Justice to be Honored*, CHICAGO DAILY BULLETIN, Dec. 10, 1999, at 3. See also Gwen Hoerr McNamee, *The Bartelme Years*, in THE FIRST 100 YEARS, *supra* note 9, at 64. (described as "one of the most influential individuals in the work of the juvenile court in its first 30 years.")

<sup>86</sup> Gwen Hoerr McNamee, *The Bartelme Years*, in THE FIRST 100 YEARS, *supra* note 9, at 65.

<sup>87</sup> *Id.*

<sup>88</sup> Karen Clanton, *At the Helm: The Presiding Judges of the Juvenile Court*, in THE FIRST 100 YEARS, *supra* note 9, at 74.

<sup>89</sup> Sophonisba Breckenridge & Edith Abbott, THE DELINQUENT CHILD AND THE HOME, app. II at 203 (1912).

<sup>90</sup> *Id.*

<sup>91</sup> Gwen Hoerr McNamee, *The Origin of the Cook County Juvenile Court*, in THE FIRST 100 YEARS, *supra* note 9, at 14.

fined or sent to prison.<sup>92</sup> While children between the ages of ten and eighteen couldn't serve time in a state penitentiary, they could serve eighteen months or less in a county jail or city prison alongside adult offenders.<sup>93</sup> In 1898, almost 2,000 boys had been committed to the Chicago House of Correction for various crimes, including truancy, killing birds, and stealing rides on the railroad.<sup>94</sup> By 1883, the Chicago Women's Club had created a school for boys awaiting trial or serving sentences and had secured women matrons for police stations and jails in an effort to improve conditions,<sup>95</sup> but they felt changes still needed to be made.

Alternative institutions and organizations had been established to address some of the problems of the juvenile law system. The first of the state reform schools had been opened in 1855, and supporters praised its emphasis on crime prevention and education rather than punishment.<sup>96</sup> However, the schools also had their critics. Both dependent children, who had been abandoned or neglected by their parents, and delinquent children, who had committed a crime, were housed together in the reform schools.<sup>97</sup> Also, dependent children could be sent to reform schools without either the consent of a judge or any formal hearing.<sup>98</sup> In 1870, the Illinois Supreme Court sided with the reform school critics, holding that confining children without either a criminal conviction or consent of a judge was unconstitutional.<sup>99</sup> As a result, the reform schools accepted only delinquent children.<sup>100</sup>

---

<sup>92</sup> Julia C. Lathrop, *The Background of the Juvenile Court in Illinois*, in *THE CHILD, THE CLINIC AND THE COURT* 291 (1925).

<sup>93</sup> Gwen Hoerr McNamee, *The Origin of the Cook County Juvenile Court*, in *THE FIRST 100 YEARS*, *supra* note 9, at 15.

<sup>94</sup> Timothy D. Hurley, *Origin of the Juvenile Court Law*, in *THE CHILD, THE CLINIC AND THE COURT*, *supra* note 92, at 321.

<sup>95</sup> Julia C. Lathrop, *The Background of the Juvenile Court in Illinois*, in *THE CHILD, THE CLINIC AND THE COURT*, *supra* note 92, at 291.

<sup>96</sup> Gwen Hoerr McNamee, *The Origin of the Cook County Juvenile Court*, in *THE FIRST 100 YEARS*, *supra* note 9, at 14.

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> *Id.* at 15. See *People v. Turner*, 55 Ill. 280 (1870).

<sup>100</sup> Gwen Hoerr McNamee, *The Origin of the Cook County Juvenile Court*, in *THE FIRST 100 YEARS*, *supra* note 9, at 15.

By 1870, a number of private organizations had also emerged to care for abused and neglected children.<sup>101</sup> For example, child-placing societies such as the Illinois Humane Society placed abandoned children and children whom had been abused or neglected in suitable private homes and institutions.<sup>102</sup> Institutions such as the Chicago Orphan Asylum and Chicago Home for the Friendless would accept poor women and children, but were not large enough to meet the demand.<sup>103</sup> Probate and county judges could also commit dependent children to “industrial schools,” institutions supported both by county funds and private donations.<sup>104</sup> Although the industrial schools were also challenged for confining children without first obtaining criminal convictions, the Supreme Court of Illinois upheld the practice.<sup>105</sup> The Court had determined the industrial schools were closer in nature to a regular school than a prison.<sup>106</sup>

Chicago women's organizations, such as the Chicago Women's Club, joined other individuals and groups<sup>107</sup> in the attempt to solve some of the inadequacies in the treatment of juveniles. In 1895, the Chicago Women's Club drafted a bill providing for a separate court and probation staff for children, but they abandoned their legislative effort after the Club's legal advisors questioned its constitutionality.<sup>108</sup> Mary Bartelme was a member of the Chicago Women's Club, and formed part of its legislative committee.<sup>109</sup> As the legislative committee had been formed to review proposed bills and organize public support for desired legislation, she may

---

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> *Id.* at 14-15.

<sup>104</sup> Julia C. Lathrop, *The Background of the Juvenile Court in Illinois*, in *THE CHILD, THE CLINIC AND THE COURT*, *supra* note 92, at 292.

<sup>105</sup> Gwen Hoerr McNamee, *The Origin of the Cook County Juvenile Court*, in *THE FIRST 100 YEARS*, *supra* note 9, at 15. *See* *In re Ferrier*, 103 Ill. 367 (1882).

<sup>106</sup> Gwen Hoerr McNamee, *The Origin of the Cook County Juvenile Court*, in *THE FIRST 100 YEARS*, *supra* note 9, at 15. *See also* *In re Ferrier*, 103 Ill. 367 (1882).

<sup>107</sup> Julia C. Lathrop, *The Background of the Juvenile Court in Illinois*, in *THE CHILD, THE CLINIC AND THE COURT*, *supra* note 92, at 292-293. Individuals such as judges, prison wardens, lawyers, and clergymen, and organizations such as the Illinois Bar Association and State Board of Charities, all expressed interest in developing a juvenile court law. *Id.* at 293.

<sup>108</sup> *Id.*

<sup>109</sup> *State Federation News*, *THE CLUB WOMAN : WOMAN'S WORLD* 19 (April 1901).

have been part of the team that advised against the initial juvenile court proposal.<sup>110</sup> However, the Chicago Women's Club was able to persuade Chicago judge Richard Tuthill to hold special weekly sessions in his courtroom just for juvenile boys.<sup>111</sup>

The Chicago Women's Club continued to work towards the creation of a juvenile court. In 1898, the Illinois State Conference of Charities devoted its entire conference to the topic "The Children of the State."<sup>112</sup> Mary Bartelme and Lucy Flower, another social reformer and Chicago Women's Club member, both took part in the discussions, which included proposals to establish a juvenile court in Chicago.<sup>113</sup> Bartelme was also part of the Club group that approached the Chicago Bar Association and Chicago City Council to support a separate court for children.<sup>114</sup> Julia Lathrop, a Hull House resident and social reformer,<sup>115</sup> feared that any bill proposed primarily by women's organizations would be ignored by the Illinois legislature for simply being a "woman's measure."<sup>116</sup>

In response to the pressure applied by the Chicago Women's Club, the Chicago Bar Association formed a special committee to draft the legislation, selecting Judge Harvey B. Hurd as its chairman.<sup>117</sup> Judge Hurd, with substantial assistance from social reformer Lucy Flower, drafted the bill that would become the Juvenile Court Act.<sup>118</sup> The bill was passed by the Illinois

---

<sup>110</sup> *Id.*

<sup>111</sup> Gwen Hoerr McNamee, *The Origin of the Cook County Juvenile Court*, in *THE FIRST 100 YEARS*, *supra* note 9, at 15.

<sup>112</sup> Julia C. Lathrop, *The Background of the Juvenile Court in Illinois*, in *THE CHILD, THE CLINIC AND THE COURT*, *supra* note 92, at 293.

<sup>113</sup> *Id.*

<sup>114</sup> Gwen Hoerr McNamee, *The Origin of the Cook County Juvenile Court*, in *THE FIRST 100 YEARS*, *supra* note 9, at 17-18.

<sup>115</sup> *Chicago Women's History: Biographical Information About Chicago Women*, at <http://www.chipublib.org/003cpl/chgowomen.html#biographies>.

<sup>116</sup> Gwen Hoerr McNamee, *The Origin of the Cook County Juvenile Court*, in *THE FIRST 100 YEARS*, *supra* note 9, at 18.

<sup>117</sup> Timothy D. Hurley, *Origin of the Illinois Juvenile Court Law*, in *THE CHILD, THE CLINIC AND THE COURT*, *supra* note 92, at 323.

<sup>118</sup> Julia C. Lathrop, *The Background of the Juvenile Court in Illinois*, in *THE CHILD, THE CLINIC AND THE COURT*, *supra* note 92, at 294.

State Legislature and became law July 1, 1899.<sup>119</sup> The Act provided for the creation of a separate juvenile court to regulate the treatment of both dependent and delinquent children, and the creation of a probation department to support the Court.<sup>120</sup> The Act codified a different philosophy of the treatment of juvenile offenders and dependent children, focusing on rehabilitation rather than retribution.<sup>121</sup> Judge Pinckney explained the Court was intended to stand in relation to the children brought before it as a 'sorrowful parent' anxious to root out the motives behind misbehavior.<sup>122</sup> Judge Julian Mack, the second judge to preside over the Juvenile Court,<sup>123</sup> also described the relationship of the State and its representative, the Court, to the child as a parental relationship, intent more on correcting behavior rather than punishment.<sup>124</sup>

After the passage of the Juvenile Court Law in 1899, many of the reformers turned their energies next to solving the problem of the placement of children awaiting hearings. Not all children could await their hearings at home, since not all parents would or could assure the Court that their child would appear on the scheduled day. In addition, some homes were not deemed safe for the child, and some children had no home to return to at all. The very first detention home was actually a remodeled barn, and was neither sufficiently large nor sufficiently secure to effectively house the children.<sup>125</sup> Sadly enough, the barn, which routinely crowded twenty-four or more boys in a ten by fifteen-foot room and used a bucket as a bathtub, was considered an improvement over the prior system of housing the boys in police stations.<sup>126</sup>

---

<sup>119</sup> Timothy D. Hurley, *Origin of the Illinois Juvenile Court Law*, in *THE CHILD, THE CLINIC AND THE COURT*, *supra* note 92, at 325.

<sup>120</sup> Gwen Hoerr McNamee, *The Origin of the Cook County Juvenile Court*, in *THE FIRST 100 YEARS*, *supra* note 9, at 18.

<sup>121</sup> Karen Clanton, *At the Helm: The Presiding Judges of the Juvenile Court*, in *THE FIRST 100 YEARS*, *supra* note 9, at 74.

<sup>122</sup> Breckenridge & Abbott, *supra* note 89, app. II at 205.

<sup>123</sup> Karen Clanton, *At the Helm: The Presiding Judges of the Juvenile Court*, in *THE FIRST 100 YEARS*, *supra* note 9, at 74.

<sup>124</sup> Gwen Hoerr McNamee, *The Origin of the Cook County Juvenile Court*, in *THE FIRST 100 YEARS*, *supra* note 9, at 19.

<sup>125</sup> *Id.* at 21.

<sup>126</sup> *Id.*

In 1901, Mary Bartelme, Lucy Flower, and Julia Lathrop were among a group of women who secured an old house on West Adams St. to serve as a detention home.<sup>127</sup> The Juvenile Court Committee (JCC), an organization that had grown from the probation committee of the Chicago Women's Club, maintained the new detention home for seven years.<sup>128</sup> The probation committee had originally been created to provide volunteers to staff the newly created Juvenile Court probation department, and to raise funds to hire salaried probation officers.<sup>129</sup> While the Juvenile Court Act had both authorized the creation of a probation department and stipulated children were to be detained in a "home-like" setting, it had failed to provide adequate government funding to do either.<sup>130</sup>

The West Adams St. house, acquired by women social reformers and managed by the JCC, was likely the closest a Chicago detention home ever got to the spirit of the Juvenile Court Act stipulation. Girls and dependent children were confined inside the house, and boys were kept in the refitted stable in the backyard.<sup>131</sup> The detention center was constantly monitored by various women's organizations, which frequently sent representatives over to inspect the quality of the food and cleanliness of the home.<sup>132</sup> Classes were held to keep the boys occupied and out of mischief, and the woman superintendent was over seventy years old.<sup>133</sup> Louise deKoven Bowen, one of the heads of the JCC, claimed the detention home staff had very little trouble with

---

<sup>127</sup> *Id.*

<sup>128</sup> Eileen Ford, *Private Initiative and Public Support: The Chicago Juvenile Protection Association, in A , in THE FIRST 100 YEARS*, *supra* note 9, at 30.

<sup>129</sup> *Id.*

<sup>130</sup> See Mrs. Joseph T. Bowen (Louise deKoven Bowen), *The Early Days of the Juvenile Court, in THE CHILD, THE CLINIC AND THE COURT*, *supra* note 92, at 300. Cook County initially provided only 11 cents per child each day to pay for food, and provided some services, such as the use of the county physician and transportation from the home to the Court. *Id.* Wealthy social reformer Louise deKoven Bowen was highly critical of some of the services provided by the County. Transportation services had encompassed at times an aging cart (which nearly resulted in children falling out onto the street) and a lame ex-Fire Department horse (who pulled the cart at such a rapid pace it nearly strangled its companion, described as a "very small horse"). See Louise deKoven Bowen, *GROWING UP WITH A CITY* 109-111 (1926).

<sup>131</sup> Mrs. Joseph T. Bowen (Louise deKoven Bowen), *The Early Days of the Juvenile Court, in THE CHILD, THE CLINIC AND THE COURT*, *supra* note 92, at 300.

<sup>132</sup> *Id.* at 302.

<sup>133</sup> *Id.*

the children, and reported only a few incidents of misbehavior.<sup>134</sup> However, the number of children soon outstripped the capacity of the home, and the Court and JCC convinced the city to build a new detention home in 1907.<sup>135</sup>

### THE COOK COUNTY JUVENILE COURT

The Cook County Juvenile Court was the first juvenile court established in the United States,<sup>136</sup> so perhaps it was unsurprising that it had many critics, especially in its early years. Supporters of the juvenile court believed that the State had both the right to judge how parental control was exercised in the family, as well as the right to re-organize and re-shape the family when that control was not exercised for the benefit of the child.<sup>137</sup> Juvenile delinquency was blamed primarily on the "virus of their surroundings", and could be counteracted with proper discipline and guidance.<sup>138</sup> It was within the discretion of Juvenile Court judge to remove a child from his or her negative environment and place the child either in an institution or in a suitable private home.<sup>139</sup>

The Court's ability to remove a child from his or her home, temporarily or permanently, incensed one of its more persistent critics, lawyer William H. Dunn.<sup>140</sup> Dunn's attention was drawn to the court in 1909, after the Court had refused to release his business partner's children,

---

<sup>134</sup> *Id.* at 302-303. Bowen reported only one boy had escaped, but returned the same evening with two stolen chickens to supplement the detention home's dinner. *Id.* at 303. Bowen also had great faith in the elderly superintendent's ability to manage the children. On one occasion, the old woman discovered a group of delinquent boys sitting on the stable's guard and poking at him with his own revolver. Apparently, she scolded them and told them to untie the guard and apologize to him, which the boys promptly did. *Id.* at 303.

<sup>135</sup> Gwen Hoerr McNamee, *The Origin of the Cook County Juvenile Court*, in *THE FIRST 100 YEARS*, *supra* note 9, at 21.

<sup>136</sup> Urban A. Lavery, *Some Tendencies of Social Legislation*, 9 ILL. L. REV. 24, 29 (1914-1915).

<sup>137</sup> Breckenridge & Abbott, *supra* note 89, at 13.

<sup>138</sup> Karen Clanton, *At the Helm: The Presiding Judges of the Juvenile Court*, in *THE FIRST 100 YEARS*, *supra* note 9, at 75 (quoting first Juvenile Court judge, Judge Richard Tuthill).

<sup>139</sup> *Id.*

<sup>140</sup> David S. Tanenhaus, *"Rotten to the Core": The Juvenile Court and the Problem of Legitimacy in the Progressive Era*, in *THE FIRST 100 YEARS*, *supra* note 9, at 25.

who had been made wards of the court.<sup>141</sup> After two years of monitoring the Court's activities, Dunn alleged that the Juvenile Court declared children delinquent or dependent in order to sell them as cheap labor to farmers.<sup>142</sup> In addition to accusing the Court of child trafficking, he petitioned for an injunction based on claims that the Court had denied due process, interfered with the parent-child relationship, and invaded privacy.<sup>143</sup> His claims were bolstered by similar accusations published in the *Chicago Examiner*, and an investigation into the Cook County Juvenile Court was launched.<sup>144</sup> Dunn was not the Juvenile Court's only problem. In 1911, the Chief Probation Officer of the Cook County Juvenile Court was investigated and placed on trial on charges of incompetence.<sup>145</sup> The evidence did not sustain the charges against the Chief Probation Officer,<sup>146</sup> and Dunn's lawsuit was dismissed in 1912.<sup>147</sup>

The Juvenile Court survived Dunn's attack on its legitimacy, and the investigation of its probation department.<sup>148</sup> However, some changes were made in its organization shortly afterwards, perhaps in part to respond to its tarnished image. The Court's caseload had been steadily rising, and greater public concern was being directed to female delinquency.<sup>149</sup> The Juvenile Court judge at the time, Judge Merritt W. Pinckney, was suffering from ill health<sup>150</sup> and requested an assistant to handle the girls' cases.<sup>151</sup> He requested a woman be appointed as assistant, as he found it impossible as a man to ask the girls brought before him the necessary

---

<sup>141</sup> *Id.* Dunn's business partner had been held as a suspect in an investigation of the mother's mysterious disappearance. *Id.*

<sup>142</sup> *Id.*

<sup>143</sup> *Id.*

<sup>144</sup> *Id.*

<sup>145</sup> Breckenridge & Abbott, *supra* note 89, app. II at 202.

<sup>146</sup> *Id.*

<sup>147</sup> David S. Tanenhaus, "Rotten to the Core": *The Juvenile Court and the Problem of Legitimacy in the Progressive Era*, in *THE FIRST 100 YEARS*, *supra* note 9, at 25. Dunn filed another injunction against the Cook County Juvenile Court in 1917 challenging state funding of child welfare institutions. His injunction, though eventually overturned, successfully cut funding to the Court for about a year, forcing the Court to pay employee salaries with private donations. *Id.* at 27.

<sup>148</sup> Gwen Hoerr McNamee, *The Bartelme Years*, in *THE FIRST 100 YEARS*, *supra* note 9, at 65.

<sup>149</sup> *WOMEN BUILDING CHICAGO*, *supra* note 6, at 67.

<sup>150</sup> *Editorials: The Retirement of Judge Merritt W. Pinckney From the Juvenile Court of Chicago*, 7 J. AM. INST. CRIM. L. & CRIMINOLOGY 642, 642 (1915-1916).

<sup>151</sup> *WOMEN BUILDING CHICAGO*, *supra* note 6, at 67.

questions and obtain their trust.<sup>152</sup> Judge Pinckney may very well have had Bartelme in mind for the position. He was familiar with her as the Cook County public guardian, and had occasionally asked for her advice in regards to her wards.<sup>153</sup>

In 1913, the Circuit Court judges unanimously appointed Mary Bartelme to the new position of assistant to the judge,<sup>154</sup> and Judge Pinckney assigned her all the delinquent girls' cases.<sup>155</sup> Technically, since the law of 1899 hadn't provided for a judicial assistant, Bartelme was employed as part of the probation department.<sup>156</sup> She had no power to render a decision in a case, but instead issued a recommendation to the presiding judge.<sup>157</sup> In practice, her recommendations were rarely reversed.<sup>158</sup>

Once she was appointed, Bartelme began to introduce new court practices.<sup>159</sup> Perhaps the most obvious change was Bartelme's decision to hear the cases of delinquent girls in private.<sup>160</sup> Initially, both boys and girls cases were heard in open court. When the Juvenile Court first started holding hearings, all dependent cases were scheduled for the same morning hour and all delinquent cases for the same afternoon hour.<sup>161</sup> Since the court heard 60 to 80 cases a day, the courtroom was almost always overcrowded.<sup>162</sup> Between 150 and 300 people commonly attended the hearings, occupying every available seat and windowsill.<sup>163</sup> Children scheduled for the day waited outside of the courtroom to be heard, and were brought up through the crowd by a court official when they were called.<sup>164</sup> When the Court moved to a separate building in 1907,

---

<sup>152</sup> T.S. Stribling, *Mary Bartelme: Friend in Court*, THE WOMAN CITIZEN, Nov. 17, 1923, at 9.

<sup>153</sup> *Id.*

<sup>154</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 67.

<sup>155</sup> Helen Rankin Jeter, THE CHICAGO JUVENILE COURT 27 (1922).

<sup>156</sup> *Id.* at 28.

<sup>157</sup> *Id.*

<sup>158</sup> *Id.*

<sup>159</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 67.

<sup>160</sup> Gwen Hoerr McNamee, *The Bartelme Years*, in THE FIRST 100 YEARS, *supra* note 9, at 65.

<sup>161</sup> Gwen Hoerr McNamee, *The Origin of the Cook County Juvenile Court*, in THE FIRST 100 YEARS, *supra* note 9, at 19.

<sup>162</sup> *Id.*

<sup>163</sup> *Id.*

<sup>164</sup> *Id.*

hearings were held in a smaller courtroom and a separate waiting room for parents and children was established,<sup>165</sup> but the hearings remained open to the public.

Hearings were held in the small courtroom of the new building in a formal manner.<sup>166</sup> The probation officer who had investigated the complaint or who had filed the initial petition against the child made a brief statement of the facts to the judge.<sup>167</sup> After the brief presentation of the facts, the judge would question the child and then the parents, if parents were present.<sup>168</sup> The questions posed by judge had been described as "friendly," intended to elicit the child's version of events without evidencing a desire to trick or trap the child into self-incrimination.<sup>169</sup> After the child and the parents were questioned, anyone else concerned with the case would make a statement.<sup>170</sup> The children were only rarely represented by attorneys in the initial hearing.<sup>171</sup> If the judge's decision was contested, then another hearing was held. In the contested hearing, attorneys were generally present and conducted the questioning.<sup>172</sup> In cases regarding dependent children, a jury of six was required to commit a child to a manual training or industrial school.<sup>173</sup>

After Bartelme was appointed, the cases of delinquent girls were heard privately and less formally in a room adjoining the juvenile courtroom,<sup>174</sup> although the cases of delinquent boys and dependents continued to be heard in open court. Bartelme's decision to hear the girls' cases privately may have been motivated in part by the public's apparent fascination with juvenile delinquents, especially delinquent girls. For example, the Court was required by law to notify a

---

<sup>165</sup> *Id.* at 21.

<sup>166</sup> Jeter, *supra* note 155, at 59.

<sup>167</sup> *Id.* Juvenile court law allowed a case to be brought to the attention of the court either by a petition filed by a "reputable citizen" or by the police. Whenever a citizen issued a complaint, a probation officer from the investigative division would determine whether enough evidence existed to warrant a hearing before the court. *Id.* at 35.

<sup>168</sup> *Id.* at 60.

<sup>169</sup> *Id.*

<sup>170</sup> *Id.*

<sup>171</sup> *Id.*

<sup>172</sup> *Id.*

<sup>173</sup> *Id.*

<sup>174</sup> Gwen Hoerr McNamee, *The Bartelme Years, in THE FIRST 100 YEARS*, *supra* note 9, at 65.

child's parents of upcoming hearings.<sup>175</sup> In cases in which the parents could not be found, the Court fulfilled this requirement by publishing a notice in the newspaper.<sup>176</sup> Unfortunately, the practice of publishing the notice attracted curious crowds to watch the transport of children from the detention home to the courtroom.<sup>177</sup> When delinquent girls were housed in an entirely separate detention home in 1915, crowds of men and boys would gather under its windows to shout up at them and pass them contraband items, such as tobacco.<sup>178</sup>

While the public may have been interested in the cases of both delinquent boys and girls, girls' reputations were likely more at risk from the publicity. Boys and girls were brought before the Juvenile Court on different criminal charges, and at different stages in their lives. The boys were generally younger, between the ages of 12 and 15, and the majority was charged with stealing, malicious mischief, disorderly conduct and the generic "incurability."<sup>179</sup> Girls were generally older, 16 or 17,<sup>180</sup> and generally accused of crimes of a sexual nature.<sup>181</sup>

Many girls were also arrested for incurability, but the term meant something entirely different when applied to an adolescent girl. Boys could be charged with incurability for loitering, disobedience, or truancy.<sup>182</sup> Girls, on the other hand, were usually charged with incurability for staying out at all night in "vicious company," keeping a room in a suspect portion of the city, or attending the rougher dancehalls.<sup>183</sup> The charge of "immorality" was reserved for only the worst girl offenders, such as those girls actually found living in houses of

---

<sup>175</sup> Anne Meis Knupfer, *The Chicago Detention Home*, in THE FIRST 100 YEARS, *supra* note 9, at 53.

<sup>176</sup> *Id.* at 53.

<sup>177</sup> *Id.*

<sup>178</sup> *Id.*

<sup>179</sup> Breckenridge & Abbott, *supra* note 89, at 26-27. "Malicious mischief" encompassed miscellaneous acts such as destroying railroad switches, throwing stones, shouting obscene names, and breaking into basements without taking anything. *Id.* at 30. "Disorderly conduct" included behaviors such as starting fights on street cars, climbing the elevated railroads, or running off to spend their earned money. *Id.* at 31.

<sup>180</sup> *Id.* at 26.

<sup>181</sup> *Id.* at 37.

<sup>182</sup> *Id.* at 30.

<sup>183</sup> *Id.*

prostitution, as it was considered extremely harmful to a girl's reputation to be labeled "immoral."

184

The nature of the crimes committed by delinquent girls also led them to be institutionalized more often than delinquent boys.<sup>185</sup> Reportedly, the number of commitments was high due to the seriousness of the offense and the difficulty in properly supervising a delinquent girl in her own surroundings.<sup>186</sup> Although Bartelme criticized institutional commitments for delinquents, her court records reveal that she herself sentenced girls to institutions more often than placing them on probation.<sup>187</sup>

Under Bartelme's system, cases were heard in her office, and the public was kept out.<sup>188</sup> Only people directly connected with the case and officers of the court were allowed into the room.<sup>189</sup> Women filled all the official roles, including clerk, bailiff and the probation officers.<sup>190</sup> Ordinarily, the only men present in the room were fathers or the occasional police officer, if the complaint had been made to the police rather than to the Court.<sup>191</sup>

The proceedings themselves were more informal, with the parents and the girl in question usually sitting at Bartelme's desk.<sup>192</sup> If the complaint had been made to the police, a police officer would make a statement, followed by the observations of the investigating probation officer.<sup>193</sup> Bartelme would then encourage the girl to present her side of the story, making every effort to "establish confidential relations with [her] and make her feel . . . she has a real friend

---

<sup>184</sup> *Id.* at 36.

<sup>185</sup> *Id.* at 41. Fifty-one percent of girls who have committed their first offenses were sent to institutions, and 37 percent were sent home and placed on probation in the first ten years of the court's existence. Fifty-nine percent of boys who appear in court the first time were sent home on probation, and 21 percent were committed to institutions. *Id.*

<sup>186</sup> Jeter, *supra* note 155, at 86.

<sup>187</sup> NOTABLE AMERICAN WOMEN: THE MODERN PERIOD, *supra* note 26, at 61.

<sup>188</sup> Greenebaum, *supra* note 17, at 13.

<sup>189</sup> *Id.*

<sup>190</sup> Gwen Hoerr McNamee, *The Bartelme Years, in THE FIRST 100 YEARS*, *supra* note 9, at 65.

<sup>191</sup> *Id.*

<sup>192</sup> *Id.*

<sup>193</sup> Jeter, *supra* note 155, at 61.

genuinely interested in her welfare."<sup>194</sup> However, Bartelme did not always appear welcoming or comforting towards the girls who appeared before her. She stated that in order to administer aid to a girl, it was sometimes necessary to "appear very hard."<sup>195</sup> Bartelme was also well known for her practice of keeping large numbers of handkerchiefs in her office, as girls often broke down in tears during their sessions.<sup>196</sup>

After the facts of the situation had been explained, Bartelme would then discuss the charges with the parents and probation officer to determine the best solution.<sup>197</sup> She attempted to persuade the parents to agree on what she perceived to be the best course of action, and then she recommended the disposition of the case.<sup>198</sup> The probation officer was charged with presenting the recommendation to the judge for his approval.<sup>199</sup> If the parents wanted to contest the decision, then the girl's case was heard in open court before the judge during the week reserved for contested cases.<sup>200</sup>

In addition to holding hearings privately, Bartelme continued the practice she had begun as public guardian of using her position to donate basic items to the needy. Bartelme arranged for contributions to provide suitcases of clothes<sup>201</sup> and other necessary items to needy girls that appeared before her, leading to her christening as "Suitcase Mary" by Chicago journalists.<sup>202</sup> The Chicago Women's Club, with Bartelme's assistance and direction, established a Service Council for the express purpose of obtaining the funds for the suitcases and supplies.<sup>203</sup> A club of ten women met once a week in Evanston, Illinois to sew dresses, making approximately 150 dresses

---

<sup>194</sup> *Id.*

<sup>195</sup> Greenebaum, *supra* note 17, at 14.

<sup>196</sup> *Id.*

<sup>197</sup> Jeter, *supra* note 155, at 61.

<sup>198</sup> *Id.*

<sup>199</sup> *Id.* at 62.

<sup>200</sup> *Id.*

<sup>201</sup> Gwen Hoerr McNamee, *The Bartelme Years, in THE FIRST 100 YEARS, supra* note 9, at 67.

<sup>202</sup> *Id.*

<sup>203</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 67.

to order per year.<sup>204</sup> Bartelme distributed suitcases to her delinquent girls in the belief that a girl's morale was affected by wardrobe and appearance.<sup>205</sup>

Perhaps one of the more significant changes introduced by Bartelme was her creation of an alternative to placing a girl on probation in her own home or sending her to a state institution.<sup>206</sup> The Juvenile Court judge could commit delinquent girls to either the State Training School for Girls at Geneva, the House of the Good Shepherd, or the Chicago Home for Girls.<sup>207</sup> The State School would not receive pregnant girls, and so they were committed to the Chicago Home for Girls, a Protestant institution.<sup>208</sup>

The judge could also place girls under the supervision of a probation officer. The guidelines for probation officers assigned to supervise girls and their families were more detailed than they were for probation officers assigned to supervise boys.<sup>209</sup> The minimum guidelines set for probation officers assigned to monitor delinquent girls required them to visit their homes each month, verify the girl's employer and wages, and keep track of her progress in school.<sup>210</sup> The probation department also had an ambitious set of goals for its family supervision officers. The probation officers assigned to monitor the girl and her family was charged with reconstructing the home environment. The probation officer was encouraged to find new living arrangements for the family, instruct mothers on the appropriate care of their children and proper money management, obtain legal services or medical aid if necessary, obtain employment for various members of the family, and send "children and mothers to the country for vacations."<sup>211</sup> It is unlikely the overworked probation officers were able to devote the level of personal attention suggested to each family under their supervision.

---

<sup>204</sup> *Id.*

<sup>205</sup> Greenebaum, *supra* note 17, at 14.

<sup>206</sup> Gwen Hoerr McNamee, *The Bartelme Years, in THE FIRST 100 YEARS*, *supra* note 9, at 66.

<sup>207</sup> Jeter, *supra* note 155, at 88.

<sup>208</sup> *Id.*

<sup>209</sup> *Id.* at 71.

<sup>210</sup> *Id.* at 73.

<sup>211</sup> *Id.* at 72-73.

Bartelme opened up the first Mary Club in 1914<sup>212</sup> to serve as a halfway home, providing an alternative to placing girls back in potentially abusive home environments or sending them to state institutions.<sup>213</sup> The child placing division of the Juvenile Court's probation department had also been created in 1914 to arrange private placements for semi-delinquent girls for whom a change in environment was deemed advisable, but who were not considered delinquent enough to send to an institution.<sup>214</sup> Older girls placed in family homes were given salaries of \$1.50 to \$6.00 for the services they provided in the private homes.<sup>215</sup> Delinquents and semi-delinquent girls 15-16 years old or older were usually employed as maids in private homes.<sup>216</sup> Dependent girls were generally employed as "mother's helpers," a somewhat ambiguous position which was supposed to place them under the close supervision of the employer and bring them into a more intimate relationship with the host family.<sup>217</sup> Children under the age of twelve were most often placed in institutions, but some were placed in private homes where they had the opportunity to attend school.<sup>218</sup>

The Mary Club served as a temporary home while girls awaited a private placement, and the Mary Club staff monitored a girl's progress in her new situation. It was thought that girls fresh from the court room were too likely to appear "woebegone" and "friendless" to be attractive to strangers, and were in need of a place in which they could rest and recover their self-possession before venturing out into the world again.<sup>219</sup> Bartelme established the first Club by donating her own home to house dependent girls, garnering financial support from local women's organizations to pay for the trained staff.<sup>220</sup> The Mary Clubs were intended to be home-like institutions where girls could be helped, corrected and encouraged, but not "reformed" in a

---

<sup>212</sup> NOTABLE AMERICAN WOMEN: THE MODERN PERIOD, *supra* note 26, at 61.

<sup>213</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 67.

<sup>214</sup> Jeter, *supra* note 155, at 80.

<sup>215</sup> *Id.*

<sup>216</sup> *Id.*

<sup>217</sup> *Id.*

<sup>218</sup> *Id.*

<sup>219</sup> *Id.*

<sup>220</sup> NOTABLE AMERICAN WOMEN: THE MODERN PERIOD, *supra* note 26, at 61.

punitive sense.<sup>221</sup> The second Mary Club was established in 1916 to house semi-delinquent girls, and the third Mary Club, for African-American girls, was formed in 1921 with the assistance of the African-American women reformers who made up the board of the Friendly Big Sister's League.<sup>222</sup> By 1923, more than 2600 girls had passed through the three homes.<sup>223</sup>

The Mary Clubs may have been developed in part as a reaction to the direction the Juvenile Court detention home had taken. The Chicago Detention Home constructed in 1907 had not been quite as "home-like" as the West Adams house<sup>224</sup> managed by the JCC. The Detention Home had separate facilities for dependent children, delinquent girls and delinquent boys.<sup>225</sup> It was considered important to keep the delinquent girls away from the dependent girls and boys so as to prevent the girls from infecting them either with contagious diseases or stories of their improper experiences.<sup>226</sup> When the overcrowding became too severe, a separate building was constructed to house delinquent girls in 1915, connected to the juvenile court complex by two bridges.<sup>227</sup>

The new Chicago Detention Home continued to offer classes for both boys and girls, provided recreational facilities, and required children to participate in the maintenance of the home,<sup>228</sup> but many felt it had lost most of the intended "home-like" character. The Home did not employ corporal punishment, but children could be placed in isolation cells.<sup>229</sup> The staff monitored children's letters and their interactions with parents and other visitors.<sup>230</sup> A fifteen-foot wall patrolled by a guard was in place by 1920, and bars had been put on the windows to prevent escape.<sup>231</sup> Though undoubtedly more secure and likely more efficient than its previous

---

<sup>221</sup> CHICAGO PORTRAITS, *supra* note 34, at 24.

<sup>222</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 67.

<sup>223</sup> *Id.*

<sup>224</sup> Anne Meis Knupfer, *The Chicago Detention Home*, in THE FIRST 100 YEARS, *supra* note 9, at 53.

<sup>225</sup> *Id.*

<sup>226</sup> *Id.*

<sup>227</sup> *Id.* at 57.

<sup>228</sup> *Id.*

<sup>229</sup> *Id.* at 58.

<sup>230</sup> *Id.*

<sup>231</sup> *Id.* at 57.

incarnations, some of the original reformers were disappointed. As described by Louise deKoven Bowen in 1925, the new Chicago Detention Home had "every appearance of being a jail," the staff seemed to believe that every child was a "potential criminal," and the children were not kept sufficiently occupied nor given enough fresh air.<sup>232</sup> Bartelme likely shared her disappointment in the institutional character of the Detention Home.

While the Mary Clubs established by Bartelme were not intended to replace the Chicago Detention Home, they appeared to be much closer to the original concept of a temporary home for delinquent and dependent children. The first Club, the 'Mary B', housed only eighteen dependent girls at one time.<sup>233</sup> The second club, the "Mary A", was for semi-delinquent girls, and held only eight.<sup>234</sup> While awaiting their private placements, the girls were required to do chores, in order to acquaint them with the "responsibilities" as well as the "joys" of "real home conditions".<sup>235</sup> The girls could not expect any excitement beyond the occasional trip to the movies or theater,<sup>236</sup> but older girls could entertain callers on Sundays inside the Mary Club.<sup>237</sup> Mary Bartelme herself maintained contact with the homes and the children, and told one reporter that the girls in one of the Mary homes had invited her over for a "lovely" dinner cooked all by themselves for her, the home mother, and their high school teachers.<sup>238</sup> Girls remained at the Mary Clubs for different lengths of time, some staying until they finished high school.<sup>239</sup> Malnourished or ill girls could remain until they were healthy enough to go to work or school, and girls who had undergone medical procedures could recover in comfort.<sup>240</sup> Some of the girls who had belonged to a Mary Club continued to write to Bartelme long after they had left.<sup>241</sup>

---

<sup>232</sup> Mrs. Joseph T. Bowen (Louise deKoven Bowen), *The Early Days of the Juvenile Court, in THE CHILD, THE CLINIC AND THE COURT*, *supra* note 92, at 309.

<sup>233</sup> Jeter, *supra* note 155, at 81.

<sup>234</sup> *Id.*

<sup>235</sup> *Id.*

<sup>236</sup> Greenebaum, *supra* note 17, at 14.

<sup>237</sup> Jeter, *supra* note 155, at 81.

<sup>238</sup> Stribling, *supra* note 152, at 27.

<sup>239</sup> *Id.* at 28.

<sup>240</sup> Jeter, *supra* note 155, at 81.

<sup>241</sup> Stribling, *supra* note 152, at 27.

Before a girl was sent to a private placement, an officer of the court investigated the home and interviewed the mistress of the house.<sup>242</sup> Any woman who wished to employ a girl had to agree to certain conditions. Those conditions included allowing the girl to attend night school if she desired schooling, ensuring the girl made a report twice a month in person and alone to her probation officer, and giving the girl a 9:00 curfew.<sup>243</sup> The officer also made sure the girl would be given her own bedroom with a key.<sup>244</sup> Often when a girl reached the age of 16, she desired an occupation other than domestic work, such as a telephone operator or office worker.<sup>245</sup> In that case, the child-placing division of the probation department found her another home where she could pay board while she is working.<sup>246</sup> Before leaving the Mary Clubs for their private placements, girls were given a suitcase filled with a change of underwear, nightgown, comb and brush, new set of clothes, and various other articles deemed necessary to equip a girl for her new career and lifestyle.<sup>247</sup> Although the official guardianship terminated at age 18, many girls continue to ask their probation officer for assistance and advice for a few years afterwards.<sup>248</sup>

Delinquent and dependent boys did not have Mary Club equivalents, although they could receive private placements through the child-placing division. The placement guidelines for boys were less flexible. Delinquent and dependent boys were generally placed in farmer's homes until their period of supervision was completed-at the age of 21.<sup>249</sup> No specific regulations covered the probation officers handling the placement of boys.<sup>250</sup> Farms within a radius of 50 miles were generally investigated prior to the placement, while farms farther than 50 miles were generally not personally investigated by the officer, but instead chosen through recommendations made by

---

<sup>242</sup> Jeter, *supra* note 155, at 81.

<sup>243</sup> *Id.*

<sup>244</sup> *Id.*

<sup>245</sup> *Id.*

<sup>246</sup> *Id.* at 82.

<sup>247</sup> *Id.*

<sup>248</sup> *Id.*

<sup>249</sup> *Id.* at 83.

<sup>250</sup> *Id.*

prominent citizens of the closest town to the farm.<sup>251</sup> The boys did not have the regular reporting requirements of the girls, but were not usually given education-country schools generally objected to young delinquent city boys attending, and many older boys chose not to go despite the encouragement of their officers.<sup>252</sup> A small proportion of dependent boys were committed to child-placing societies, such as the Illinois Children's Home and Aid Society, who handled their placement instead of court officers.<sup>253</sup>

Bartelme's appointment to assistant judge, and perhaps her subsequent activities, led to another challenge to the court in 1915.<sup>254</sup> Complaints had been submitted to the grand jury that Bartelme was acting like a judge without having been elected one.<sup>255</sup> In addition, her decisions acted to separate parents from their children, thereby depriving parents of their constitutional rights.<sup>256</sup> The grand jury appointed a special committee to investigate the administration of the court, interview witnesses, and examine Bartelme's practices.<sup>257</sup> The committee issued a positive report to the grand jury. The grand jury reported to the criminal court of Cook County that while it was not itself competent to determine the legality of employing a judicial assistant, it thought the practice should continue and the law amended to remove all doubt as to the power and duties of the assistant.<sup>258</sup> The grand jury endorsed Bartelme's practices as well as those of the Juvenile Court, and recommended that the Court be given wider jurisdiction over juvenile matters. .<sup>259</sup>

---

<sup>251</sup> *Id.*

<sup>252</sup> *Id.* at 85.

<sup>253</sup> *Id.* at 85-86.

<sup>254</sup> Gwen Hoerr McNamee, *The Bartelme Years*, in *THE FIRST 100 YEARS*, *supra* note 9, at 65.

<sup>255</sup> *Id.*

<sup>256</sup> *Id.* See Jeter, *supra* note 155, at 28. The Court had the power to appoint a guardian for the child with the power to place the child or consent to the child's adoption. Children could be appointed a guardian over the objection of their parents if the judge had determined it was in the best interests of the child. Permanent placements of children with surviving parents were made infrequently-either when the home was declared unfit and without hope of improvement, or when a surviving parent was unable or unwilling to care for the child, and requested a permanent placement. *Id.* at 75-80.

<sup>257</sup> Jeter, *supra* note 155, at 28.

<sup>258</sup> *Id.*

<sup>259</sup> *Id.*

## JUDGE BARTELME

Although Bartelme was frequently thought of as the "lady judge"<sup>260</sup> during her time as a judicial assistant, she lacked the actual authority to render a decision until she was elected to the Circuit Court in 1923.<sup>261</sup> Three years after women finally gained the right to vote Mary Bartelme became the first female judge in Illinois history and the second elected nation-wide.<sup>262</sup> The day after the election, women held rallies in Chicago in celebration.<sup>263</sup>

Mary Bartelme ran for judge on the nomination of the Cook County Republican Party.<sup>264</sup> Judge Thomas Windes had died in office in the second year of his six-year term, creating a vacancy on the Circuit Court bench.<sup>265</sup> At this point in her life and career, Bartelme was a respected member of the American Bar Association, Illinois State Bar Association, Chicago Bar Association, Women's Bar Association, and the League of Women Voters.<sup>266</sup> She was well known in Chicago for her work in the Juvenile Court, and had the support of Juvenile Court justice Judge Victor P. Arnold, former probate court justice Judge Charles S. Cutting, and a leading African-American lawyer, Violette Anderson.<sup>267</sup> The Illinois Women's Bar Association, who would unanimously elect Bartelme as their president in 1927, helped convince the Republican Party to nominate her.<sup>268</sup>

Bartelme campaigned both as the most experienced and capable candidate and, perhaps out of pragmatic concerns, on the premise that her gender naturally qualified her to serve on the

---

<sup>260</sup> Karen Clanton, *At the Helm: The Presiding Judges of the Juvenile Court, in THE FIRST 100 YEARS*, *supra* note 9, at 74.

<sup>261</sup> Sawyers, *supra* note 5, at 8.

<sup>262</sup> Douglas Bukowski, *Reform in the Big City*, CHICAGO SUN TIMES, Oct. 15, 1999, *available at* [www.suntimes.com/century/m1923.html](http://www.suntimes.com/century/m1923.html).

<sup>263</sup> Sawyers, *supra* note 5, at 8.

<sup>264</sup> NOTABLE AMERICAN WOMEN: THE MODERN PERIOD, *supra* note 26, at 61.

<sup>265</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 68.

<sup>266</sup> *Id.*

<sup>267</sup> *Id.*

<sup>268</sup> *Bartelme, Mary Margaret (24 July 1866-25 July 1954)*, at <http://www.libarts.ucok.edu/history/faculty/roberson/course/1493/supplements/chp20/20.%20Mary%20Margaret%20Bartelme%20legalist.htm>

Juvenile Court.<sup>269</sup> Sara Hart, a close friend and one of the founders of the Chicago Detention Home, served as her campaign manager.<sup>270</sup> She won with a margin of more than 14,000 votes.<sup>271</sup> The returns revealed she had lost the city of Chicago to the democratic opponent, D.J. Normoyle, by about 6,000 votes, but had made up the difference in the country towns just outside Chicago.<sup>272</sup> Bartelme was victorious in large part due to the influence of the women's movement. Women's organizations throughout the city of Chicago and Cook County rallied in support.<sup>273</sup> Men also voted for her, in part because many felt that a woman was the ideal choice for making decisions on the welfare of juvenile girls.<sup>274</sup>

Bartelme reportedly viewed her election not only as a personal victory, but also as a victory for all women.<sup>275</sup> On election night, Bartelme was quoted as saying, "I knew a woman could win."<sup>276</sup> The day following her election, Bartelme told journalists that she hoped her victory would encourage women to take an interest in local and national government and in "everything that pertains to the welfare of their country and the world."<sup>277</sup> Her optimism extended to a prediction that one day a woman would serve as President of the United States.<sup>278</sup>

In December of 1923, Bartelme was officially installed as a juvenile court judge.<sup>279</sup> The Juvenile Court had recently expanded, and Bartelme would serve her first term alongside presiding Juvenile Court judge, Judge Victor Arnold.<sup>280</sup> Her installation ceremony was held at the new Juvenile Court building, and opened with a performance by Florence Macbeth of the

---

<sup>269</sup> *Political Office*, BAR NONE: 125 YEARS OF WOMEN LAWYERS IN ILLINOIS, at <http://www.chicagobar.org/public/barnone/sect4.asp> (1999).

<sup>270</sup> *Id.*

<sup>271</sup> *Mary Bartelme First Woman Judge in Illinois Courts*, 17 ILLINOIS STATE HISTORICAL SOCIETY 246 (April 1924-Jan. 1925)

<sup>272</sup> *Id.*

<sup>273</sup> *Id.*

<sup>274</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 68.

<sup>275</sup> *Id.*

<sup>276</sup> Sawyers, *supra* note 5, at 8.

<sup>277</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 68.

<sup>278</sup> *Id.*

<sup>279</sup> *Installation of Judge Mary Bartelme*, CHICAGO LEGAL NEWS, Dec. 13, 1923, at 165, 165.

<sup>280</sup> Gwen Hoerr McNamee, *The Bartelme Years*, in THE FIRST 100 YEARS, *supra* note 9, at 68.

Chicago Civic Opera Company.<sup>281</sup> Judge Arnold, Julia Lathrop, Catherine Waugh McCulloch and Sara Hart all spoke in praise of Bartelme's past achievements as public guardian and as assistant to the Juvenile Court Judge.<sup>282</sup> Her highest praise may have come from her close friend and campaign manager, Sara Hart. After acknowledging the Chicago men's and women's clubs, churches of all denominations, and men and women associated with the court who had supported Bartelme's candidacy, she stated that in the end, "Mary Bartelme herself elected Judge Bartelme."<sup>283</sup> She felt Bartelme's record of public service and competence had won her the election.

As a juvenile court judge, Bartelme was one of 20 judges in the Cook County Circuit Court.<sup>284</sup> Judges were elected by popular vote to serve for a term of six years, and could only be selected as a juvenile court judge by a vote of all the Circuit Court judges in the county.<sup>285</sup> The judge had both administrative and judicial duties in the Chicago Juvenile Court, but could delegate all or a majority of the administrative duties to the probation department.<sup>286</sup> Judge Merritt Pinckney testified that even after administrative duties had been entrusted to the probation department, the judge retained the direction of the general policies.<sup>287</sup> On average, a juvenile court judge heard about 30 cases a day, 5 days a week.<sup>288</sup> The qualifications considered necessary to hold the position of juvenile court justice included training as a lawyer, a deep interest in the problems of children, an understanding of justice from a child's perspective, and the patience necessary to seek out the underlying causes of misbehavior.<sup>289</sup>

---

<sup>281</sup> *Installation of Judge Mary Bartelme*, CHICAGO LEGAL NEWS, Dec. 13, 1923, at 165, 165-166.

<sup>282</sup> *Id.*

<sup>283</sup> *Id.*

<sup>284</sup> Jeter, *supra* note 155, at 26.

<sup>285</sup> *Id.*

<sup>286</sup> *Id.* at 27.

<sup>287</sup> *Id.*

<sup>288</sup> *Id.*

<sup>289</sup> *Id.* (quoting Judge Mack, a former juvenile court judge). Judge Mack also noted the Chicago Court had "been particularly fortunate in its judges, who have been remarkably free of political influence." *Id.* at 27.

As an elected associate justice of the Juvenile Court, Bartelme continued to hear the cases of juvenile girls, but could rule on them with full judicial authority.<sup>290</sup> As a judge, she continued many of the same practices she had started as an assistant to the judge. She stocked her courtroom with handkerchiefs for the many defendants who broke down in tears during her interviews.<sup>291</sup> She rejected the adversarial methods of practicing law, as she felt that traditional adversarial approaches would not facilitate the work of the Juvenile Court.<sup>292</sup> She preferred a collaborative approach, seeking advice from both social science experts and the parents of the child.<sup>293</sup> Attorneys, when present, were not allowed to raise objections in her courtroom, and she directed the questioning of the child and the parents herself.<sup>294</sup> Bartelme also continued to support the Mary Clubs and continued to hand out suitcases to the girls who appeared in her court.<sup>295</sup>

Mary Bartelme continued to emphasize the prevention of delinquency through the provision of public services. She gave children in institutions and foster homes gifts of clothing and money, and often hosted activities for them.<sup>296</sup> In 1925, as part of a movement to provide children with more recreational opportunities, Bartelme supervised organized activities in Chicago parks.<sup>297</sup> The activities she organized included flying kites, playing ball and fishing, and the construction of platforms to allow for classical concerts and dancing.<sup>298</sup> Bartelme also garnered support among women's clubs and other service organizations to form the Service Council for Girls, a division of the Chicago Federated Charities focused on caring for delinquent and dependent girls.<sup>299</sup>

---

<sup>290</sup> NOTABLE AMERICAN WOMEN: THE MODERN PERIOD, *supra* note 26, at 61.

<sup>291</sup> Douglas Bukowski, *Reform in the Big City*, CHICAGO SUN TIMES, Oct. 15, 1999, *available at* [www.suntimes.com/century/m1923.html](http://www.suntimes.com/century/m1923.html)

<sup>292</sup> *Id.*

<sup>293</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 68.

<sup>294</sup> *Id.*

<sup>295</sup> Gwen Hoerr McNamee, *The Bartelme Years*, in THE FIRST 100 YEARS, *supra* note 9, at 68.

<sup>296</sup> *Id.*

<sup>297</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 69.

<sup>298</sup> Gwen Hoerr McNamee, *The Bartelme Years*, in THE FIRST 100 YEARS, *supra* note 9, at 69.

<sup>299</sup> *Id.*

As a juvenile court judge, Bartelme continued to follow the practice of assigning black probation officers to supervise black families.<sup>300</sup> The black community evinced some support for this practice, based on the theory that an African-American would be more effective in communicating with an African-American family than a white officer.<sup>301</sup> Given the extreme racial divisions in Chicago at the time,<sup>302</sup> the theory behind the practice may have been entirely correct. Bartelme also consistently encouraged immigrant families to learn English and adopt American ways.<sup>303</sup> She encouraged the parents to assimilate into American society to better understand the world their children were experiencing, but also continued to tell immigrant children to respect their parents.<sup>304</sup>

Bartelme was re-elected to the bench in 1927, this time as the presiding judge.<sup>305</sup> The Circuit Court had restructured the Juvenile Court again, making Bartelme the only judge, but they did assign her two assistants.<sup>306</sup> As presiding judge, Bartelme dealt with both juvenile boys and girls, and sought to handle the boys' cases as she had been handling the girls' cases.<sup>307</sup> She also attempted to establish similar support programs for boys.<sup>308</sup> Bartelme spoke on "Boys-Our Future Citizens" at a meeting of the Chicago Association of Commerce,<sup>309</sup> likely in an attempt to raise money for services for dependent and delinquent boys.

However, it had become increasingly difficult to find private placements for any children, especially African-American children.<sup>310</sup> The agencies and facilities available to African-American children were both under-funded and incapable of meeting the demand for placements

---

<sup>300</sup> *Id.*

<sup>301</sup> *Id.*

<sup>302</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 69.

<sup>303</sup> *Id.*

<sup>304</sup> *Id.*

<sup>305</sup> Gwen Hoerr McNamee, *The Bartelme Years, in THE FIRST 100 YEARS*, *supra* note 9, at 69.

<sup>306</sup> *Id.*

<sup>307</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 68.

<sup>308</sup> *Id.*

<sup>309</sup> Helen Havener, *Nation Business Women's Week*, INDEPENDENT WOMAN, (May 1932) at 184.

<sup>310</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 68.

in the late 1920's.<sup>311</sup> In an attempt to assist black reformers, Bartelme turned to religious organizations to encourage their financial support for African-American children.<sup>312</sup> Bartelme also formed a committee comprised of wealthy businessmen and women, called "Friends of the Juvenile Court," to focus on winning financial and community support for the work of the Juvenile Court.<sup>313</sup> She had taken many of their names from a newspaper article announcing Chicago city officials' request for their assistance in resolving the government crisis after the crash of the stock market.<sup>314</sup> In 1931, she hosted a Christmas party for the delinquent and dependent boys living in the Old Town Chicago Boy's Club, and the Friends of the Juvenile Court solicited the community for donations of clothing, tools, and educational and recreational items.<sup>315</sup> Despite her efforts, the financial crisis created by the Depression made it too difficult to address the needs of each individual child with the same level of care prior to the stock market crash.<sup>316</sup>

In 1933, Mary Bartelme retired from the bench, and the Chicago Bar Association held a dinner in her honor that was attended by many of Chicago's leaders.<sup>317</sup> A former president of the Bar Association remarked that the tribute was unprecedented, and unlike anything he had seen in his fifty years' experience.<sup>318</sup> While others praised her years of public service, Bartelme herself was disappointed that she could not have accomplished more. She expressed her frustration in a speech given in honor of her friend Sara Hart, stating that she had "hoped to do more constructive things" during her judicial term.<sup>319</sup> She was unable to leave much of a legacy behind her, as she

---

<sup>311</sup> *Id.*

<sup>312</sup> *Id.*

<sup>313</sup> Gwen Hoerr McNamee, *The Bartelme Years*, in *THE FIRST 100 YEARS*, *supra* note 9, at 70.

<sup>314</sup> *Id.*

<sup>315</sup> *Id.*

<sup>316</sup> *WOMEN BUILDING CHICAGO*, *supra* note 6, at 68.

<sup>317</sup> Gwen Hoerr McNamee, *The Bartelme Years*, in *THE FIRST 100 YEARS*, *supra* note 9, at 70-71.

<sup>318</sup> *Id.* at 71.

<sup>319</sup> *WOMEN BUILDING CHICAGO*, *supra* note 6, at 69.

had been unable to accomplish the structural changes in the laws governing children she had wanted to make.<sup>320</sup>

After her retirement, Bartelme moved to Carmel, California with her sister Adeline, brother Alfred, and a niece.<sup>321</sup> She lived with her brother, and his daughter, until his death.<sup>322</sup> She spent her remaining years tending her flower garden, and converted to the Christian Science Church.<sup>323</sup> Throughout her retirement, Bartelme continued to visit Chicago and kept in touch with her friends and former colleagues.<sup>324</sup> She died of a stroke in 1954, at the age of eighty-eight.<sup>325</sup> One of her final requests was for anyone wishing to send flowers to her funeral to instead send a contribution to a Mary Club.<sup>326</sup>

## CONCLUSION

Many of the judges who presided over the Chicago Juvenile Court did so with an eye towards service rather than prestige.<sup>327</sup> Mary Bartelme was no exception. Bartelme may have had no greater vision than working towards providing troubled children with the opportunity for a normal, happy life. She embraced her role as the "little mother" to a city's children perhaps as much out of belief as pragmatism. In her efforts to understand each delinquent or dependent child that appeared before her as an individual, with his or her own particular needs, she may have surpassed the typical role of the judge. But then, her stated goal was to deal with her charges in "terms of real sympathy and understanding" rather than in terms of legal technicalities.<sup>328</sup> The essence of Mary Bartelme's achievements may have been summed up in a

---

<sup>320</sup> *Id.*

<sup>321</sup> *Id.*

<sup>322</sup> *Id.*

<sup>323</sup> *Id.*

<sup>324</sup> *Id.*

<sup>325</sup> NOTABLE AMERICAN WOMEN: THE MODERN PERIOD, *supra* note 26, at 61.

<sup>326</sup> WOMEN BUILDING CHICAGO, *supra* note 6, at 69.

<sup>327</sup> Karen Clanton, *At the Helm: The Presiding Judges of the Juvenile Court, in THE FIRST 100 YEARS*, *supra* note 9, at 74.

<sup>328</sup> Sawyers, *supra* note 5, at 8.

speech given in her tribute - her work in the community and in the Chicago Juvenile Court will be remembered as "public service honestly and well done."<sup>329</sup>

### FUTURE LEADS

Since Mary Bartelme appeared to have performed so well in law school, it might be interesting to more closely examine her work as a probate lawyer. She may have also employed her training as a lawyer at the Chicago Women's Club and other organizations to which she belonged. If a researcher were willing and able to visit Chicago, much more information on her early life could probably be discovered. For example, the University of Chicago, Illinois apparently has a Bartelme section, replete with newspaper clippings, letters, and other papers associated with Mary Bartelme, in its Special Collections library. It is non-circulating, and apparently too extensive to easily photocopy and mail without very specific requests.

Mary Bartelme was also very active in various women's organizations and in the suffrage movement. It may also be a good lead to pursue more information on that segment of her life. There is some evidence that she continued to advance women's rights while working at the Juvenile Court, such as in her continued support of mother's pensions laws (laws which provided financial aid to poor single mothers).

I would also have liked to explore Bartelme's work with Chicago Juvenile Psychopathic Institute, an institute directed by psychiatrist William Healy devoted to the study of juvenile delinquency. Mary Bartelme apparently worked closely with some of the researchers, activists and psychiatrists associated with the Institute, and she continued to correspond with Ethel Sturges Dummer long after her retirement.

---

<sup>329</sup> Gwen Hoerr McNamee, *The Bartelme Years*, in *THE FIRST 100 YEARS*, *supra* note 9, at 70-71.

**TIMELINE**

<b>1866:</b>	Mary Margaret Bartelme is born in Chicago, Illinois.
<b>1892:</b>	Bartelme enters Northwestern Law School, the only woman in her class.
<b>1894:</b>	Bartelme graduates from Northwestern Law School. Both her student thesis and a case annotation are published in law journals. She is admitted to the Illinois Bar Association. She also founds the Chicago Business and Professional Women's Association.
<b>1896:</b>	Bartelme is admitted to both the Chicago Bar Association and the United States Bar.
<b>1897:</b>	Bartelme becomes the first woman appointed public guardian in Cook County, Illinois.
<b>1899:</b>	The Juvenile Court Act is passed, establishing a separate juvenile court in Cook County.
<b>1901:</b>	Bartelme among the group of women social reformers who secure a house to serve as the Chicago Detention Home.
<b>1913:</b>	Bartelme is appointed assistant to the Juvenile Court judge. She is the first woman to act as judge's assistant in Illinois.
<b>1914:</b>	Bartelme donates her home to establish the first Mary Club, for white dependent girls.
<b>1915:</b>	Bartelme survives a grand jury investigation into the practices of the Juvenile Court, in particular her recommendations for delinquent girls.
<b>1916:</b>	Bartelme establishes the second Mary Club, for white semi-delinquent girls.
<b>1921:</b>	Bartelme establishes a third Mary Club, for African-American girls.

<b>1923:</b>	Bartelme is elected to the Cook County Circuit Court to serve on the Juvenile Court. She is the first woman in Illinois to be elected to a court of such high jurisdiction. Catherine Waugh McCulloch had been elected justice of the peace in Evanston, Illinois prior.
<b>1926:</b>	The Queen of Romania visits Bartelme's courtroom to observe her methods.
<b>1927:</b>	Bartelme is re-elected to the bench, and becomes the presiding judge of the Juvenile Court. She is unanimously elected president of the Woman's Bar Association
<b>1933:</b>	Bartelme retires from the bench and the Chicago Bar Association hosts a dinner in her honor.
<b>1954:</b>	Bartelme dies at the age of 88 in Carmel, California.

## BIBLIOGRAPHY

### BOOKS

A Noble Social Experiment?: The First 100 Years of the Cook County Juvenile Court 1899-1999 (Gwen Hoerr McNamee ed., 1999).

Breckenridge, Sophonisba & Abbott, Edith. The Delinquent Child and the Home (1912).

Chicago Portraits: Biographies of 250 Famous Chicagoans (June Skinner Sawyers ed., 1991).

Jeter, Helen Rankin. The Chicago Juvenile Court (1922).

Notable American Women: The Modern Period (Barbara Sicherman & Carol Hurd Green eds., 1980).

The Child, The Clinic and The Court (New Republic, Inc., ed., 1925).

Women Building Chicago 1790-1990 (Adele Hast & Rima Lunin Schultz, eds., 2001)

### PERIODICALS

“Addresses Delivered Before The Illinois State Bar Association.” *43 Chicago Legal News* 556. (1910-1911).

“America's Only Woman Judge.” *The Law Student's Helper*. (July 1913), at 7, available at <http://www.law.stanford.edu/library/wlhbhp/>.

“Bar Association Meetings.” 23 *Green Bag* 493 (1911).

Bartelme, Mary M. “Nichols v. Eaton,” 2 *N.W.L. Rev.* 177 (1894).

Bartelme, Mary M. “Synge v. Synge,” 42 *Am. L. Reg.* 721 (1894).

Bukowski, Douglas. “Reform in the Big City.” *Chi. Sun Times*. (Oct. 15, 1999), available at [www.suntimes.com/century/m1923.html](http://www.suntimes.com/century/m1923.html).

Burling, Helen. “The Women's World Fair,” *The Woman Citizen*. (May 2, 1925), at 14.

“Congressional Union for Woman Suffrage and National Woman's Party.” *The Suffragist*. (Nov. 25, 1916), at 2.

“Congressman Foss Cordial to His Constituents.” *The Suffragist*. (Sept. 18, 1915), at 8.

“Editorials: The Retirement of Judge Merritt W. Pinckney From the Juvenile Court of Chicago.” 7 *J. Am. Inst. Crim. L. & Criminology* 642 (1915-1916).

Greenebaum, Betsy. “The Court of Another Chance.” *The Woman Citizen* (August 1927), at 13.

Havener, Helen. “Nation Business Women's Week.” *Independent Woman* (May 1932), at 184.

“Installation of Judge Mary Bartelme.” *Chicago Legal News*. (Dec. 13, 1923), at 165.

Lavery, Urban A. “Some Tendencies of Social Legislation.” 9 *Ill. L. Rev.* 24 (1914-1915).

“Miss Mary Bartelme.” *Chicago Legal News*, at <http://www.law.stanford.edu/library/wlhbhp/>.

Neil, Martha. “Pioneers in Juvenile Justice to be Honored.” *Chi. Daily Bulletin*. (Dec. 10, 1999), at 3.

Sawyers, June. “Suitcase Mary' Leads a Crusade for Needy Girls.” *Chi. Trib.*, (March 12, 1989) (Sunday Magazine), at 8.

“State Federation News.” *The Club Woman: Woman's World* 19. (April 1901).

Stribling, T.S., “Mary Bartelme: Friend in Court.” *The Woman Citizen*. (Nov. 17, 1923), at 9.

“The Law and the Lady.” 6 *W. Va. Bar* 227 (1899).

## CASES

In re Ferrier, 103 Ill. 367 (1882).

People v. Turner, 55 Ill. 280 (1870).

**WEBSITES**

*Bar None: 125 Years of Women Lawyers in Illinois*, at  
<http://www.chicagobar.org/public/barnone/sect4.asp> (1999).

*Bartelme, Mary Margaret*, at  
<http://www.libarts.ucok.edu/history/faculty/roberson/course/1493/supplements/chp20/20.%20Mary%20Margaret%20Bartelme%20legalist.htm>.

*Chicago Women's History: Biographical Information About Chicago Women*, at  
<http://www.chipublib.org/003cpl/chgowomen.html#biographies>