

**MINOR PROBLEMS: JUVENILE DELINQUENTS AND THE CONSTRUCTION OF A
PUERTO RICAN SUBJECT, 1880-1938**

by

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University of Pittsburgh, 2014

This dissertation focuses on the creation of a juvenile delinquent subject in Puerto Rico, studying why concerns about children and youth transgressions emerged and evolved in the island after the mid 19th century. Furthermore, it analyzes the creation and evolution of new state institutions to prosecute, contain, and reform delinquent youth between 1880 and 1938. It also traces the experiences of the children and the families targeted by these institutions. The dissertation answers the following questions: 1) How was juvenile delinquency conceived and defined, and by whom? 2) What practices, policies and institutions were developed to deal with juvenile delinquents? 3) How did “juvenile delinquents,” their families, and those targeted by the new institutions experience these measures?

By focusing on a diverse set of actors, from policymakers to the children and families who they targeted and by paying attention to both the colonial and global contexts, this dissertation makes several contributions to the scholarship on Americanization, Latin American legal history, the history of childhood in the region, and of the limits of colonial relationships. It reveals how the development of juvenile justice systems contributed to notions of nation and citizenship in Latin America and the Caribbean. This dissertation suggests that the comprehensive study of juvenile delinquency is essential to understand the construction of national subjects in Latin

America and the Caribbean. Children and youth were essential subjects in the process of creating ideal citizens that would contribute to national progress. Finally, the dissertation builds on recent scholarship about the Puerto Rican colonial experience to demonstrate how local actors and initiatives shaped key areas of life in the island.

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1.0 INTRODUCTION

Ten-year old Pablo Rodríguez had swallowed his neighbor's canary alive well before he appeared before the newly founded juvenile courts of Puerto Rico in 1915. The bird incident, as bizarre as it may have been, did not land him before Judge Domingo Sepulveda, judge of the Juvenile Court of Ponce, but rather a robbery. In August of 1915, Pablo Rodríguez stole a mere one dollar and fifty cents, spending 37 cents of that amount. The juvenile courts, which had begun operations a few months before the incident, took notice. In the case dossier, Pablo Rodríguez was identified as a “delinquent child.”¹ The two other possible categories of identification of “orphaned child,” or “destitute child” had been crossed out. His odd behavior, a proclivity for eating live animals, did not come to light until after he had been classified as a “delinquent child.”

The case's preliminary report recognized that Pablo may be a “degenerate,” but

¹ The terms *joven delincuente* (youth/juvenile delinquent), *delincuente juvenil* (juvenile delinquent), and *niño delincuente* (delinquent child) were used throughout the period under study. “Joven delincuente” and “delincuente juvenil” were used interchangeably in discussions of juvenile delinquency both in the media, as in policy reports, and legal discussions around children who committed crimes. “Niño delincuente,” however, was the legal term found in court cases. Children tried for criminal offenses were tried under the category of “niño delincuente” and if found guilty of a crime, they were found to be a “delinquent child.” Throughout this work, I have used the terms “niño delincuente” or “delinquent child” when related to the creation of the legal category and children who appeared before the courts. I have chosen to use the term “juvenile delinquent” throughout the rest of the discussion to differentiate those processed from the more general concerns and discussions.

still categorized him as a delinquent child. His parents saw him as one as well. His father, Rafael Ruiz, deemed his son incorrigible because Pablo did not seem to respond to his many punishments, which included a two-day stint inside a nailed wooden box. According to the father, “since he [Pablo] has been able to use his feet, he has been taking what doesn’t belong to him and we always punish him.”² According to Rafael, Pablo went about his neighborhood stealing from neighbors, and he simply did not know how to prevent his child’s delinquent tendencies. At the recommendation of a friend, the father reported the boy’s latest offense in hopes that the courts would send Pablo to the Escuela Correccional de Menores in Mayagüez, the only institution for juvenile delinquents on the island. At the time of Pablo’s accusation, the institution had just become directly attached to the juvenile courts, forming part of a new comprehensive juvenile justice system that the island had never seen before.

Without this system, Pablo may not have received the scrutiny and attention that led the courts to declare him unbalanced later on. But the system existed, and this made a difference in Pablo’s treatment by the legal system of the island. Indeed, concerns about juvenile delinquents, the reformatory discourse invoked by Pablo’s father, and the institutions to contain juvenile delinquents shaped the experience of Pablo and his family in significant ways. Why were young delinquents suddenly constituted as subjects requiring special attention? Why was a juvenile justice system created and how did the system work? This dissertation sets out to answer these questions, which have received limited scholarly attention not only in Puerto Rico but also in Latin America as a whole.

² “Contra Pablo Rodríguez por Hurto,” 1915, Ponce, Corte Juvenil de Puerto Rico (CJPR), Fondo Judicial, Tribunales, caja 61-10, Archivo General de Puerto Rico (AGPR).

1.1 CHILDHOOD, CRIME AND NATION MAKING IN PUERTO RICO

This study seeks to contribute to several bodies of scholarship: to the emerging literature on children and youth, to the scholarship on crime and punishment in Latin America, particularly in relation to children and youth, and to the growing field of studies of state and nation making in Puerto Rico.

In the past two decades, the study of crime and criminal justice in Latin America has grown and expanded. Scholars of Latin America have come to identify justice systems in the region as crucial sites for the formation of modern nation states. Historians concur that, having shed the colonial yoke, the political leaders and elites of newly independent nations sought to establish modern liberal states through the creation of new legal codes and institutions.³ During this process political leaders and elites showed great concern for the seeming unruliness of working class children and youth. They set to reform them, in the process articulating conceptions of ideal citizens. Discussions about juvenile delinquents proved a crucial arena for the development of national ideologies. They also led to the creation of new state structures and new forms of social and legal power aimed at producing modern national subjects.⁴ The juvenile justice and juvenile correctional systems, specifically, sought to regulate youth and

³ See for instance, Ricardo Salvatore and Carlos Aguirre, eds., *The Birth of the Penitentiary in Latin America: Essays on Criminology, Prison Reform, and Social Control* (Austin: University of Texas Press, 1996); Carlos Aguirre, Ricardo D. Salvatore and Gilbert Joseph, eds., *Crime and Punishment in Latin America* (Durham, NC: Duke University Press, 2001); M.C. Mirow, *Latin American Law: A History of Private Laws and Institutions in Spanish America* (Austin: University of Texas Press, 2004); Sueann Caulfield, Sarah C. Chambers, and Lara Putnam, eds., *Honor, Status, and Law in Modern Latin America* (Durham, NC: Duke University Press, 2005).

⁴ The first of these was Marc Szcuhman, *Order, Family and Community in Buenos Aires, 1810-1860* (Stanford: Stanford UP, 1988).

families in the service of newly conceived national projects. Hence, an understanding of these institutions and their histories will contribute significantly to understanding the process of nation and state formation in Latin America after independence. It will also contribute to the small, but growing field of legal studies in modern Latin America.

The literature about children and childhood in Latin America and the Caribbean is still in its nascent stages, although historians have begun to study the relationship between children, the family, and the emergence of a nation state.⁵ This literature emphasizes how discussions and policies centered on children served as a tool to discuss, negotiate, and implement nation-building projects.⁶ Elites conceptualized children as future citizens, their misdemeanors as a sign of impending chaos, a threat to the project of building civilized nations. Government officials, as well as professionals concerned with reforming society, debated the threat of juvenile delinquency and discussed policies to handle it. For instance, during the Pan-American Child Congresses from 1916 to 1942, feminists, hygienists, criminologists and doctors engaged in discussions of “problem children,” their families and the threat of juvenile delinquents. While their opinions and

⁵ For a thorough discussion of the beginning and development of this historiography, see Asunción Lavrin, “Mexico: A Historiographical Study of Childhood,” in *Children in Historical and Comparative Perspective*, ed. J.H. Hawes and N. Ray Hiner (New York: Greenwood, 1991), 421; Tobias Hecht, introduction to *Minor Omissions*, ed. Tobias Hecht (Madison: University of Wisconsin Press, 2002); and Bianca Premo, “How Latin America’s History of Childhood Came of Age,” *Journal of the History of Childhood and Youth* 1, no. 1 (2008): 63–76.

⁶ Sonya Lipsett-Rivera, “Introduction: Children in the History of Latin America,” *Journal of Family History* 23, no. 3, 222. For a similar treatment of the subject, see also Elizabeth A. Kuznesof, “The House, the Street, Global Society: Latin American Families and Childhood in the Twenty-first Century,” *Journal of Social History* 38, no. 4 (2005): 859–872.

proposals differed greatly, for the most part participants in these conferences agreed on the need to save and reform children while preventing crime among them.⁷

Scholars have mostly focused their research on the writings and initiatives of reformers and professionals. They have given much less attention to the study of juvenile delinquents themselves and how the institutions handling these children functioned in practice. With few exceptions, such as Donna Guy's study of Argentine women's prisons, and Eugenia Rodríguez Saenz' research on sexual crimes against Costa Rican youth, most historians have concentrated on the study of Casas de Beneficiencia, orphanages, and schools.⁸ These institutions were part of the state's disciplinary projects but their main goal was to keep children out of the justice system. The literature's focus on rhetoric, intellectual debates, and concepts does not reveal the whole story about the experience of juvenile delinquents. Although the "juvenile delinquents" as subjects were constructed by new legal institutions that sought to further define and control the children

⁷ Donna Guy, "The Pan-American Child Congresses, 1916 to 1942: Pan-Americanism, Child Reform, and the Welfare State in Latin America" and "The Politics of Pan American Cooperation: Maternalist Feminism and the Child Rights Movement, 1913–1960," in *White Slavery and Mothers Alive and Dead* (Lincoln: University of Nebraska Press, 2000); Irine Rizzini, "The Child Saving Movement in Brazil," in *Minor Omissions: Children in Latin American History and Society*, ed. Tobias Hecht (Madison: University of Wisconsin Press, 2002), 165–180.

⁸ For some examples of work that focus on these other institutions see Teresita Martínez-Vergne, *Shaping the Discourse on Space: Charity and its Wards in 19th Century, San Juan, Puerto Rico* (Austin: University of Texas Press, 1993); Nara Milanich, *Children of Fate: Childhood, Class, and the State in Chile, 1850–1930* (Durham, NC: Duke University Press, 2009); and most recently, Jaime Pensado, "Between Cultured Young Men and Mischievous Children: Youth Transgression and Protest in Late Nineteenth Century Mexico," *The Journal of the History of Childhood and Youth* 4, no. 1 (2011): 26–57. For authors focusing on the study of juvenile crime and delinquent children see Donna Guy, "Girls in Prison: The Role of the Buenos Aires Casa Correccional de Mujeres as an Institution for Child Rescue," in *Crime and Punishment in Latin America*, ed. Ricardo D. Salvatore, Carlos Aguirre, and Gilbert M. Joseph (Durham, NC: Duke University Press, 2001); Eugenia Rodríguez Sáenz, "¿Víctimas Inocentes o Codelincuentes? Crimen Juvenil y Abuso Sexual en Costa Rica en los Siglos XIX y XX," in *Entre la Familia, la Sociedad y el Estado: Niños y Jóvenes en América Latina*, ed. Barbara Potthast-Jutkeit and Sandra Carreras (Madrid: Iberoamericana, 2005), 173–202.

cast as dangerous, the juvenile justice system was not only the stuff of dreams and ideologies, but of very real penal institutions and social actors.⁹

As in the rest of Latin America, the study of these institutions is just beginning for the case of Puerto Rico despite the abundant literature concerning the process of nation building in the island. Authors such as Francisco Scarano and Kelvin A. Santiago-Valles, for instance, have studied how local and American elites developed conceptions of proper citizenship to facilitate social control.¹⁰ Francisco Scarano has looked at how local elites constructed the image of the “jíbaro,” or native peasant, to articulate new understandings of proper citizenship. Furthermore, the Liberal Party, in opposition to Spain’s colonial oppressive agenda, used the symbol of the “jíbaro” to forge a national identity. Santiago-Valles, in turn, explains how discourses and practices of Americanization constructed all Puerto Ricans as criminals, effeminate, or child-like subjects not ready for self-government, an argument my own research problematizes.

Other scholars have pursued a multidirectional approach to nation building and colonialism in Puerto Rico. They see nation making and colonialism as processes involving colonial and local elites, as well as other actors who interacted in rather complex ways. Teresita Martínez-Vergne, for instance, first recounts how the Puerto

⁹ In making this statement, I draw from David S. Tannenhaus’ work on the creation of a juvenile justice system in the United States. In his 2004 monograph, he urges shifting focus away from the study of the creation of ideologies and ideas about juvenile delinquency to a careful attention of the accretion process that birthed youth penal institutions. See David S. Tannenhaus, *Juvenile Justice in the Making* (Cary, NC: Oxford University Press, 2004), xxviii.

¹⁰ Francisco Scarano, “The Jíbaro Masquerade and the Subaltern Politics of Creole Identity Formation in Puerto Rico, 1745–1823” *The American Historical Review* 101, no. 5 (1996): 1398–1431; and Kelvin Santiago-Valles, *“Subject People” and Colonial Discourses: Economic Transformation and Social Disorder in Puerto Rico: 1898–1947* (New York: SUNY Press, 1994). Following in Scarano’s footsteps, Lillian Guerra also traces the struggles between various classes to claim the popular figure of the jíbaro and deploy it in the process of a class-based identity formation. See Lillian Guerra, *Popular Expression and National Identity in Puerto Rico: The Struggle for Self, Community, and Nation* (Gainesville: University Press of Florida, 1998).

Rican Liberal Party used a newly created discourse of spatial order to control and marginalize problematic populations: those who posed a threat to established social norms and modernizing projects such as the poor, freed slaves, working class women, and children. Liberals erected the Casa de Beneficiencia to deal with these marginalized groups. This institution, however, also opened up opportunities for marginalized groups to use and redeploy the discourse on space to their own benefit, in the process expanding conceptions of national identity.¹¹ In her study on the politics of sexuality and race in the city of Ponce, Eileen Findlay analyzes how the Liberal Party sought to reform the working classes while also marginalizing those who did not fit into a discourse of honor.¹² Much like Vergne, Findlay sees the openings that members of different classes used to redefine honor codes by including themselves in it.¹³ Together, these works demonstrate how measures of social control, imposed by American and local elites, became battlegrounds for groups from all levels of society attempting to define modern Puerto Ricans.

As part of this new literature concentrating on marginal groups, historians have begun to study questions of criminality and penal repression in Puerto Rico. Historical treatment of this subject has generally followed two paths: a structural approach that focuses on the economic sphere and, recently, an approach that begins to incorporate an analysis of social actors on the ground. Blanca Silvestrini and Fernando Picó fall into the

¹¹ Martínez-Vergne, *Shaping the Discourse*.

¹² Eileen J. Suárez Findlay, *Imposing Decency: The Politics of Sexuality and Race in Puerto Rico, 1870–1920* (Durham, NC: Duke University Press, 1999). More recently other historians have also employed similar frameworks in their analyses. See for instance Laura Briggs, *Reproducing Empire: Race Sex, Science and U.S. Imperialism in Puerto Rico* (Berkeley: University of California Press, 2002); and Solsiree del Moral, *Negotiating Empire: The Cultural Politics of Schools in Puerto Rico, 1898–1952* (Madison: University of Wisconsin Press, 2013).

¹³ *Ibid.*, 10.

first category. Blanca Silvestrini's monograph draws on newspaper articles to explore the connection between economic changes in the island and the incidence of violent crimes. Silvestrini finds that periods of high incidence of reported violent crimes in Puerto Rico correlated with periods of political, economic and social tension.¹⁴ Fernando Picó, in various books, combines microhistory with quantitative analyses to chart crime and punishment trends in Puerto Rico. Like Silvestrini, he connects criminal behavior and forms of punishment to changes in socio-economic structures.¹⁵

Most recently, however, other authors have sought to study how criminals were defined as well as criminals' own actions. They see the creation of a criminal subject as a contested process. Santiago-Valles, for instance, combines this new approach with a more traditional structural one to discuss the criminalization of the Puerto Rican citizenry. Drawing on Silvestrini and Pico's frameworks, he connects the criminalization of Puerto Ricans to the rise of American capitalism in the island. He argues that Americans, aided by local members of the elite, criminalized the survival practices of a mostly peasant population and thus guaranteed the creation of a labor force for the emerging industries in the island. Yet, he also demonstrates the ways in which the Puerto Rican newly proletarianized population engaged with and responded to American criminalizing efforts.¹⁶ Most recently, Maritza Maymí-Hernández, in her monograph on the medicalization of Puerto Rican children, briefly discusses the emergence of a

¹⁴ Blanca Silvestrini, *Violencia y Criminalidad en Puerto Rico, 1898–1973: Apuntes para un Estudio de Historia Social* (Río Piedras: Editorial Universitaria de la Universidad de Puerto Rico, 1980).

¹⁵ Fernando Picó, *El Día Menos Pensado: Historia de los Presidarios en Puerto Rico, 1793–1993* (Río Piedras, PR: Ediciones Huracán, 1994); and Fernando Picó, *Los Irrespetuosos* (Río Piedras, PR: Ediciones Huracán, 2000).

¹⁶ See for instance, Santiago-Valles, "*Subject People*."

discourse on delinquent youth through categories such as street, abandoned and delinquent children. Maymí-Hernández concludes that varied actors—elites, parents, children—at times in alliance and other times at odds with one another, shaped these categories.¹⁷

Some scholars have gone a step further, using a framework that recognizes the contested nature of these historical processes while questioning the monolithic categories of colonizer and colonized. Ellie Walsh's work on the intervention of protestant missionaries on the island examines the process of Americanization in Puerto Rico from 1898 to the 1930s to shed light into how imperial relations evolved in practice. Throughout, she argues for a multidirectional and never monolithic colonial dynamic. Walsh's cast of characters—U.S. Protestant missionaries, colonial officials, elite, working class and poor Puerto Ricans—engaged in alliances, contestations and negotiations *vis a vis* the new colonial Americanization project. For instance, members of a small professional middle class in Puerto Rico favored Americanization and missionary projects because it complemented their own modernizing projects. Seemingly, during the 1930s, as nationalism arose on the island and American missionaries saw the negative impact U.S. colonial policies had on the island, they staunchly criticized Americanization. By unpacking the messy layers and machinations of social actors that have long been seen as either colonized or colonizer, Walsh complicates our understanding of colonial dynamics.¹⁸

¹⁷ Maritza Maymí-Hernández, "Gobernar es Prever: Las Subjetividades Infantiles, el Cultivo de la Niñez y la Ilusión de un Mejor Porvenir, Puerto Rico, 1870–1920," (PhD diss., University of Puerto Rico, 2004).

¹⁸ Ellen Walsh, "Advancing the Kingdom: Missionaries and Americanization in Puerto Rico, 1898–1930s," (PhD diss., University of Pittsburgh, 2007).

In the same way, Solsiree del Moral's work on public education in Puerto Rico unpacks the process of Americanization on the island that has long been conceived as a monolithic force. Rather than focus on two static groups—the colonized and colonizer entangled in a process of negotiation—Del Moral looks at the intermediaries, those actors who did not belong to one or another group but that took from both to create a completely different project. Specifically, del Moral looks at the way public school teachers took and discarded from the colonial project to craft a unique Puerto Rican educational project, one that would promote their specific version of ideal citizen. For instance, public schools teachers embraced new hygienic, sanitary, and health projects not because they supported an Americanization project, but because they believed that this would help whiten and regenerate students, and thus, the nation. Together, these works present a complex world that is neither top-down or bottom-up, but much messier, and thus nuanced.

1.2 THIS STUDY'S APPROACH

My own research builds on the frameworks established by some of these authors and stands with the new literature put forth by scholars like Ellen Walsh and Solsiree del Moral. Following Findlay and Vergne, my research pays attention to the interactions of multiple actors in the process of nation formation. At the same time, following Guy and Saenz, it looks at the rise of juvenile institutions of control and containment as indispensable sites for the construction of criminal subjects and the evolution of a variety of new discourses and practices. I will combine these two approaches to examine not

only the discursive formulations of juvenile delinquency, but also the policies and institutions that sought to control this new Puerto Rican subject. Moreover, my research reveals the extent to which the development of the juvenile justice system reflected and contributed to notions of nation and citizenship. In the process, I will include the comprehensive study of crime and punishment, specifically of crime and punishment of youth, as an essential space for problematizing the colonial relationship and the history of the island as a whole.

To address these issues, I first trace the public debates over juvenile delinquency on the island to track the growing concerns with juvenile delinquents. Specifically, I look at colonial officials, other mainland actors, members of the Puerto Rican elite, and professionals, such as jurists and medical professionals, who were involved in reform projects both in the metropolis (first in Spain and later in the United States) and throughout the island. By looking at the debates and conversations these actors engaged in, I reconstruct the images, ideologies, and language used to construct a threat of juvenile delinquency. In this process, I also shed light onto how these debates contributed to forging a model of ideal citizens.

Next, I historicize the rise of the juvenile justice and correctional system on the island, exploring the relationship between two sets of actors: those involved in the creation and the operation of the juvenile justice and correctional system and their targeted population. I look at this relationship by studying the rarely, and in some instances never, used archival documentation available on the Juvenile Courts in the cities of San Juan, Ponce, Bayamon, Arecibo, Humacao, Aguadilla, Guayama, and Mayagüez, the Escuela Correccional de Menores in the city of Mayagüez, and the youth

section in the city of San Juan's prison, the Galera de Menores. All these institutions treated and housed the delinquent youth of the period under study. The Galera de Menores in San Juan and the Escuela Correccional de Mayagüez served as the main holding sites for minors from early on in the 20th century. The juvenile courts came into existence in 1915 as part of efforts to target the newly constructed juvenile delinquent. By looking at these institutions, I define the individuals and groups specifically involved in the creation of juvenile delinquent subjects, and the resulting institutions. I also define the measures used to deal with the delinquent behavior of Puerto Rican children. Through this process, I uncover how these measures stood at odds or reflected the predominant discourse on juvenile delinquents.

Finally, I analyze the ways in which the target population, which included juvenile delinquents and their families, and in some cases their communities, engaged with both the discourse on crime and with the juvenile justice system. This was a particularly difficult, but not impossible, endeavor. Using official correspondence, government reports, and newspaper coverage, I reconstruct public reactions to the new system. I also draw on court cases, the majority previously unexamined by historians, from the period between 1880 and 1938. Using these cases, I analyze how delinquent youth and their families experienced courts and institutions of containment/reform before and after the formal establishment of a juvenile justice system.

1.3 CHAPTER ORGANIZATION

Although my study focuses on linking debates about youth and crime to institutional and social practices, it is important to understand that the institutions that emerged to handle juvenile delinquents reflected new abstract concerns with juvenile delinquents. Chapter One, thus, traces the evolution of these concerns about juvenile delinquent behavior. This chapter analyzes the context in which the institutions to contain juvenile delinquents evolved, and argues that the discourse on juvenile delinquency emerged at the end of the 19th century as a result of a growing focus on the progress of the nation and on civilizing poor and working class families. Indeed, wayward and unruly children became an object of concern for elite reformers and the state during the 19th century. This initial concern and the discussions that followed were influenced by ideas about childhood and delinquency circulating around the world, echoed from England to Japan. I argue, then, that the discourses and concerns about juvenile delinquency in Puerto Rico predated American intervention.

Initial concerns for the children were included in discussions about the family conditions of the poor and working classes. Elite and middle class professionals sought ways to prevent children from meandering into a life of crime that they thought was bred by a poor or working class environment. Discussions about the threats faced by children in negative family environments provided a way for the state and other reformers to intervene in family life as a whole. Once these families became a focal point for reformers, individual members within the family unit evolved into subjects of concern. By the twentieth century, children, and specifically wayward children, became a separate category in need of attention. Their reform and treatment became a measure of the

progress of the nation, and debates over juvenile delinquency centered both on the threat of the delinquent child and on the more progressive forms to handle them. The category of “delinquent child” was born. Institutions to reform and contain them followed.

Chapter Two provides an overview of these institutions, demonstrating their failures and successes in handling juvenile delinquents. The institutions that sprouted to stave off the threat of the juvenile delinquent in Puerto Rico were scarce and fragile at first. They evolved by piecemeal reforms and lacked the support of colonial powers or the local government of the island. Early institutional efforts sought to create a new and modern institution that would reflect Puerto Rico’s progress at a time that juvenile delinquents had not been constituted as a separate subject. Hence, the first of the institutions to contain children, the Casa de Beneficiencia, was created to provide and reform all sorts of deviant actors. These included but were not limited to children. It housed together all sorts of subjects of concern, from prostitutes, or the insane, to wayward children. Despite their unclear composition, institutions such as the Casa provided a space where the similarities and differences between new subjects of concern became evident, giving way to more specialized institutions. In this sense, the rise of these institutions began to delineate the category of juvenile delinquent—a category that became more defined as new methods and institutions targeting the specific group emerged.

A thorough look at the Escuela Correccional de Menores in Mayagüez, considered the perfect model of the juvenile delinquent reformatory project, follows. This school attempted to fulfill critical aspects of the reformatory project: save, reform, and educate a new cadre of model citizens. The institution failed to meet many of the

reformatory ideals while succeeding in further concretizing the juvenile delinquent subject. Such process did not occur simply at an official level. The Escuela Correccional's purpose, successes, and failures were also defined by the wayward children that came in contact with it, and by their families. These actors also contributed to the institution's evolution and unraveling. I conclude the section with a look at the Galeras de Menores, a less ambitious project that illuminates the benefits and shortcomings of the reformatory discourse. I argue that although these institutions did not always operate as intended, their ultimate success lay in the reification of a discourse on juvenile delinquency. Through them, the juvenile delinquent became a socially- and criminally-identifiable subject. This paved the way for the creation of an island wide juvenile justice system in 1915.

The Juvenile Courts of Puerto Rico brought together the separate efforts of earlier years, providing a centralized system of juvenile courts. The Escuela Correccional, the Galera de Menores, and the newly formed Juvenile Courts came together in a system that targeted a specific group of wayward children—young boys that could be handled and reformed. This system is the focus of Chapter Three. Though the several institutions that composed the juvenile justice system emerged during the 20th century, wayward youth were being distinguished as separate legal subjects before then. As early as the 19th century, under the Spanish colonial system, age mattered for sentencing purposes. However, although Puerto Rican children during colonial times received different treatment for their age when facing a judge, they ended up serving time alongside adults. The process of constituting delinquent youth as separate legal subjects predates American occupation of the island.

When conceptualizing the juvenile courts, Puerto Rican jurists looked to global trends and to changes in penal systems across the globe for cues on which processes to implement to handle juvenile delinquents. At the time the juvenile justice system was created, concerns about children's behavior circulated across the globe. Puerto Rico was not unique in looking at developments in the penal treatment of juvenile delinquents in the United States. The American system was at that time recognized as a model to follow and was emulated by countries such as Spain and England. I argue that Puerto Rico's impetus to replicate the American model was linked to these worldwide trends, not just to Puerto Rican-American relations.

The Juvenile Courts of Puerto Rico produced some changes in the treatment and experience of juvenile delinquents and their families. For instance, as part of the judicial proceedings, the state was supposed to conduct thorough investigations of the delinquent children and their families. In this way, parents also came under scrutiny of the state, becoming subjects and suspects in ways that had not happened before. In turn, as the opening example of Pablo Rodríguez shows, parents were also complicit in the reification and reformation of delinquent children. At the same time, the deeper involvement of the courts in the family life of delinquent children gave parents some power in shaping outcomes for their children. In this way, those targeted by the juvenile justice system also defined the courts, how they engaged with them, and as a result the delinquent child.

One of the areas in which changes appeared to have been limited is in the gendered construction of youth delinquents, which continued to be overwhelmingly male. In fact, one of the most important aspects that changed with the American intervention in issues of juvenile delinquency was the new attention given to girls, a long ignored target

of juvenile delinquency policies. Before this, girls are noticeable for their absence from court records and other documents available. To be sure, at times girls were a subject of concern during the period before US intervention. Yet, they interacted with the evolving juvenile justice system only peripherally, as they were seen to belong in the private sphere, in the home. Their invisibility in the public sphere during the first two decades of the century made it so that the constitution of the female juvenile delinquent was also a delayed process. This is precisely why I discuss the criminalization of young girls in Chapter Four, alongside the delayed process of American intervention in the island. Here, I shift the focus away from Puerto Rican actors to showcase the role that American officials and reformers played in the creation of the Puerto Rican juvenile delinquent subject and in the institutions to handle them. One of those roles was that of bringing attention to young girls as a serious subject of concern for the juvenile justice system.

It's not a coincidence that the United States role in the creation of a juvenile justice system across the island is left for the final chapter. American intervention in juvenile delinquency on the island was delayed until the 1920s, after the United States had worked out its own juvenile justice system. Hence, the first part of this chapter summarizes the evolution of the juvenile justice system in the United States to better understand Puerto Rican-American dynamics in issues of juvenile delinquency. As in the rest of the world, the juvenile courts in America evolved by piecemeal. Specifically, they first emerged through local efforts in individual cities across the country, later those municipal efforts turned into state efforts. They did not become a Federal initiative until the 1920s. In 1921, the newly formed Children's Bureau launched a project to centralize the system of juvenile courts across the nation. It is at this point that American policies

had a clear impact on Puerto Rico. The American intervention in juvenile delinquency in Puerto Rico, then, was part of larger national efforts to work out federal-state relations.

The delayed intervention allowed local actors to shape the juvenile justice system in Puerto Rico. When the United States finally tried to intervene, the juvenile courts were already in existence and very much Puerto Rican made. Within Puerto Rico's patriarchal society, this translated into a system that was male-led and male-focused. The women of the Children's Bureau began to change this focus, as they recruited Puerto Rican women into their ranks and began to give attention to girls' delinquent behavior. This shift manifested itself in efforts to create a reformatory school for girls. The women of the Children's Bureau met many obstacles as they sought to create a reformatory school for girls, showcasing the limits of colonial projects, particularly those put forth by female colonizers.

In the Conclusion, I sketch out the changes that took place after 1938, which ushered the decline of the Juvenile Courts. During this time, the rise of the social sciences and professions in the island led to the medicalization of delinquent youth. The criminal child passed from being considered a wayward threatening subject in need of reform to a sick subject in need of treatment. These changes contributed to the weakening of the juvenile courts and led to an era of intervention outside of the courts. Finally, I synthesize my arguments, make some speculations, and suggest areas for further research.

By the time Pablo faced the courts, his parents and his community deemed him a delinquent child. The courts, however, found him otherwise. In fact, during the trial, the prosecutor reported that Pablo belonged into a different category, that of degenerate.

“The...child who...has stolen a purse and some money from that purse. I touched his head, and I became convinced that this was a degenerate. This child takes fish, and eats them raw; he takes shrimp and eats them alive, and then he laughs, he is always laughing. He is more crazy than delinquent.”¹⁹ This characterization required thorough research, so studies of the child and his family life followed. These studies revealed that the child had suffered from epilepsy attacks at the age of three. A medical examiner rendered his expert opinion. He also categorized Pablo as a degenerate, a condition exacerbated by “his culture and lack of education.”²⁰ Though it is impossible to tell whether Pablo was mentally disabled or not, the courts most likely found him potentially difficult to reform. He was placed in the custody of his grandfather who did the state’s bidding by keeping an eye on the child and reporting on his progress. Pablo did not belong in the Escuela Correccional, an institution created to handle and reform another kind of child. Pablo was not a delinquent, but children like him helped to define the purposes and scope of the Puerto Rican juvenile justice system. Who these institutions targeted, how they came about, and how they affected the lives of children is the focus of this project.

The image of the juvenile delinquent and the institutions that emerged to treat, contain, and reform them, altered the daily lives of children, youth, and other social actors in Puerto Rican society. A more complete story, not only of the strategies put forth to construct national subjects in contemporary Latin America but also of their impact on people’s experiences, emerges by studying the development of juvenile justice systems. At the same time, this study shows the limits and ambiguities of the colonization process in Puerto Rico. The creation of the juvenile justice system in Puerto Rico shows just how

¹⁹ “Contra Pablo Rodríguez por Hurto,” 1915, AGPR.

²⁰ Ibid.

dynamic, contradictory, and flexible colonial dynamics were, as they appeared as a relatively minor factor in the creation of a juvenile criminal subject on the island. The creation of a juvenile delinquent subject and institutions to handle them in Puerto Rico was linked to larger global trends. These trends included the U.S. influence but were not dictated by them, bringing into question Puerto Rican historiography's focus on colonial dynamics. My study attempts to encourage a rethinking of the historical lens used to understand the history of places and people that happen to exist in a colonial arrangement.

2.0 CHAPTER 1: IMAGINING THE PUERTO RICAN JUVENILE DELINQUENT

In 1894, Juan José Potous, mayor of the city of Ponce, Puerto Rico believed that the city was in severe need of a “[h]ome for the correction of abandoned and vicious children.”¹ Potous was one of the many voices in Ponce’s government discussing the city’s pressing need for institutions to handle unruly children. Echoing Potous, in 1897, Manuel Domenech, Ponce’s municipal architect, drafted a report condemning the municipal jail’s dire state. This report, produced the year Puerto Rico achieved a short-lived autonomy from Spain, condemned Ponce’s jails for being a “disgrace to the City,” a space in shambles that threw together “the old and the young; the inmate kept there for preventive measures and the delinquent who serves time; the innocent with the guilty; the good with the bad.” It described the institution as “lacking of any humanitarian and charitable sensibility...an offense to a learned and progressive population.”² Domenech, who later created a bill to create a correctional school for delinquent children on the island, proposed a plan to improve prison conditions. He emphasized, in particular, the

¹ Informe Sobre las Necesidades de la Ciudad de Ponce, Fondo Ayuntamiento, Gobierno, Alcalde, Informes, 1895–1926, caja G36-A, Archivo Histórico Municipal del Municipio Autónomo de Ponce (AHMP).

² Memoria del Estado Actual de la Carcel de Ponce, Fondo Ayuntamiento, Judicial, Informes, 1836–1940, caja S-144, AHMP.

need to separate “young inmates” from the adult population. With this proposal, Domenech sought to implement measures that would capture the progress of the city, and of the island of Puerto Rico.

Despite the growing number of voices supporting institutions and actions to address concerns over abandoned and unruly children, plans and discussions of the time remained unrealized until the next century. Eight years after Domenech’s suggestions, with Puerto Rico now under United States occupation, Ponce’s officials set in motion a plan to establish a reform school for the delinquent youth in Puerto Rico. The U.S. appointed governor of the island, Beekman Winthrop, lauded Ponce’s “progressive attitude.”³ The reform school became a reality in 1907, when it was built in the nearby city of Mayagüez, another one of the island’s main cities. By 1915, with the creation of juvenile courts, a comprehensive system of dealing with the delinquent youth of Puerto Rico emerged island-wide.

Although the juvenile delinquent as a subject of concern and a centralized juvenile justice system fully emerged in Puerto Rico during the first half of the 20th century, they were preceded by debates and discussion over children’s offenses that emerged long before then. More specifically, the Puerto Rican juvenile delinquent arose out of Puerto Rican elite and middle class professionals’ concerns for the wellbeing of the nation, its progress, and its development towards autonomy at the end of the 19th century.⁴ They did not, as scholars on crime in Puerto Rico have suggested when

³ Private Secretary of the Governor of Puerto Rico to the Mayor of Ponce, 25 March 1905, Fondo Ayuntamiento, Judicial, Informes, 1836–1940, caja 1, doc. 20, AHMP.

⁴ Teresita Martínez-Vergne speaks of this in Chapter 5 of her book *Shaping the Discourse on Space*. In it, she argues that, concerned with the progress and order of the nation, Puerto Rican Liberals created a discourse on spatial order to control and marginalize problematic populations.

discussing the criminalization of the poor and marginal classes on the Island,⁵ emerge solely out of U.S. colonial enterprises in Puerto Rico. In fact, this chapter argues that local actors used discussions about the problem of delinquent youth to air concerns over the behavior of the poor and the working population of the island, which they believed threatened the progress of the island. These early discussions laid out the foundation for the debates and institutions that did materialize during the 20th century.

As part of an effort to rethink the mechanisms through which Puerto Rican subjects became recognized and contained, this chapter traces the creation of a new separate category of concern, that is, the juvenile delinquent. It follows the process of creation of juvenile delinquent subjects. Such subject evolved from concerns for children in the context of unstable families and a dangerous environment to a concern about children as separate social subjects. Among these was the juvenile delinquent. This evolution had roots in the 19th century, and it responded to circumstances on the island, changes in penal practices occurring in Europe and the United States, as well as to the new global concerns with the well being of children that emerged throughout the 19th century. These elements combined to identify children as a specific category of concern by the end of the century. The new focus on children allowed elites and middle class professionals to identify different behaviors and flesh out the traits that came to define

At the very end of the 19th century, children became a source of concern as a new social problem. In my explorations, I draw on her general sketch of the treatment of children during the latter part of the 19th century. I expand on her work by focusing on and tracing the changes and continuities in the conception and treatment of children through time.

⁵ In his work on the discursive creation of the Puerto Rican subject, for instance, Kelvin Santiago-Valles connects the criminalization of the Puerto Rican working classes to the Americanization project on the island. See Santiago-Valles, *“Subject People.”*

juvenile delinquents. By the early 20th century, juvenile delinquents were a concrete and well-defined object of concern for the elites, middle class professionals, and the state.

This chapter also highlights important continuities in the discussions and debates about children in crime such as a permanent concern with the progress of the nation. Indeed, efforts to build a cultured, progressive nation remained an underlying theme through the years, from the end of the 19th century well into the middle of the 20th century. From early on, actors concerned with Puerto Rico's progress measured it through the treatment of delinquent youth. As Domenech's report suggests, the way children were regarded, treated, molded, and contained revealed the island's level of progress. In this sense, the concern with youth transgressions responded to efforts to build a civilized and modern Puerto Rican nation.

2.1 DESTITUTE CHILDREN AND BENEFICIENCIA

Limited scholarship exists today about the state, elites and middle class professionals' treatment of children in Puerto Rico before the mid 19th century. Yet, using primary sources and the work of historian Teresita Martínez-Vergne, it is possible to trace a growing concern with children back to the 1840s. Specifically, this growing concern had roots in Spain, where *juntas de beneficencias*, "committees charged with dispensing a modern form of charity," were established. These juntas were tasked with "protecting the poor and destitute, rehabilitating casual criminals, and assisting the

temporarily unemployed.”⁶ They arrived in Puerto Rico on 1837, with the new Spanish constitution.⁷ Shortly thereafter, the city of San Juan’s *junta de beneficencia* founded a *casa de reclusión* (a reformatory for women), and a *casa de beneficencias*, *La Casa de Reclusión y Corrección*, a state-run institution dealing with the poor and other marginal groups. The Casa aimed to provide “shelter, support, keep occupied, teach, and moralize poor disabled adults, abandoned orphans less than fifteen years of age, and destitute insane individuals.” For a fee, it also served as a school, training and correctional facility for unruly children of the wealthy, women who had committed crimes, and criminals accused of minor offenses.

The Casa marks one of the first attempts by local elites to categorize and separate different deviant elements of society. The discussions around the formation of the Casa exemplified such efforts. Writing to request funds to erect the establishment, the Governor General took care to differentiate between several different groups in need of attention. He wrote,

It is strange and surprising that in as large and prosperous a community as this, not an asylum exists for the care of orphans of the aged and helpless [sic], and the indigent suffer from want of food...It is hard to conceive that such a condition exists, but that it does so is a deplorable fact, and one of its most regrettable result is its deleterious [sic] influence upon the habits of the people and its tendency to corrupt the public morals. In order that the courts may control vice and correct it in its incipiency it is also necessary to provide other means than those afforded by the penitentiary [sic], but of a like nature.⁸

⁶ Martínez-Vergne, *Shaping the Discourse*, 39.

⁷ *Ibid.*, 40.

⁸ Federico Degetau, report about the evolution of public charity and the Board of Charities of Puerto Rico, ca. 1894, Colección Mergal, Papeles de Federico Degetau (Originales), Centro de Investigaciones Históricas de la Universidad de Puerto Rico (CIH).

As this text suggests, during its first few years, the Board of Charities began demarcating members of society—the orphans, the aged, the helpless, the indigent, the early criminal—that would become subjects of concern as the century progressed. During its inception, however, the Casa still grouped all these “diverse elements” under the same roof. It “housed together incorrigible boys and girls, orphans studensprospective [sic] midwives, soldiers, indigents, women sentenced for concubinage and incest, and the insane.”⁹ Distinguishing between different actors was the first step in creating separate categories that called for different forms of reform and control. As the century progressed, the Spanish elite and middle class professionals began paying individual attention to each category, and children came more into focus.

In the mid-nineteenth century, Puerto Rican (and Spanish) elite and middle class professionals began to offer assistance to children in need and to their guardians. They offered advise on proper behavior, hygienic measures, and family rearing. They also dispensed money to individuals who sought the assistance of the *junta de beneficencia* or Board of Charities. In the 1860s children began to receive more specialized attention, as elite and middle class professionals became concerned about the interactions of all these groups once seen as “the helpless.” In 1861, one of the first measures implemented to address such concerns was to build “for the boys a two story stone building contiguous to Beneficiencia.” Stronger measures followed the Spanish Revolution of 1869, and “the provincial Deputation” proceeded “to the entire separation of inmates according to a proper classification.”¹⁰ It is difficult to define precisely what the Spanish authorities

⁹ Ibid., 7.

¹⁰ Federico Degetau, “Origen y Desarrollo del Movimiento Protector de la Infancia y del Juventud Delincuente,” ca. 1900, Colección Mergal, Papeles de Federico Degetau (Originales), CIH. See

meant by “proper classification.” Interestingly, it seems like officials at the time had not really worked out what this meant either.

Although it is difficult to determine what authorities meant by proper classification, increasingly age became a differentiating factor. During this time, the Board of Charities showed particular concern over the dangers of grouping young girls with immoral women and young boys with criminals. The board feared that within the walls of the Casa de Beneficiencia girls became prostitutes and boys learned the latest crime techniques.¹¹ Along with these concerns, young boys and girls who were deemed to be at risk came even more into the focus of Puerto Rican authorities, elites and middle class professionals. Slowly, young boys and girls at risk of becoming criminals became an identifiable group and a separate object of concern.

2.2 MISERY AND VICE: THE FAMILY AS A CRIME INCUBATOR

During the late 19th century, members of Puerto Rico’s social and political elite had grown increasingly worried with the wave of crimes and other social problems affecting the Island. Misery, a string of ailments, and vices seemed prevalent, and concerned citizens believed that these “new ailments” resulted from the drastic socio-economic changes Puerto Rico saw during the 19th century. In response to new concerns about an unruly population, Puerto Rico’s social and political elite responded by

also Martínez-Vergne for a thorough account of the works of the Casa de Beneficiencia during the 19th century.

¹¹ Degetau, report about the evolution of public charity, ca. 1894.

identifying, categorizing, and intervening in the lives of members of the lower and working classes. Children and their family became a central concern during this time.

During the 19th century, Puerto Rico suffered from drastic and rapid socio-economic changes that shook the island's social fabric. The island "went from insignificant colonial possession to budding commercial entrepot."¹² Specifically, as Spain began losing its grip over its empire, it refocused its attention on the once ignored island.¹³ Puerto Rico's expanding coffee and sugar industries also contributed to Spain's renewed interest in the island. Puerto Rico's new economic potential granted Puerto Rican creoles and propertied classes power to negotiate more involvement in the local government, securing more autonomy for the nation.

These new concessions ended when Puerto Rico became the second greatest producer of sugar in the Caribbean.¹⁴ By the mid 19th century, Spain began tightening its grip over one of its few remaining colonies. During this time, Spain placed trade and land restrictions on the island, and imposed an authoritarian regime.¹⁵ These measures favored Spanish merchants heavily, and affected local producers and consumers. Following these measures, the economy declined.¹⁶ Amidst economic contraction, the island also began feeling the effects of rapid population growth due to a decrease in

¹² Martínez-Vergne, *Shaping the Discourse*, 4.

¹³ Aside from Martínez-Vergne, for a thorough overview of the period, see Francisco Scarano, *Puerto Rico: Cinco Siglos de Historia*, 2nd ed. (Bogota: McGraw-Hill, 2003), chaps. 14–17; Francisco Scarano, *Sugar and Slavery in Puerto Rico: the Plantation Economy of Ponce, 1800–1850* (Madison: University of Wisconsin Press, 1984); Fernando Picó, *A History of Puerto Rico: A Panorama of its People* (Princeton, NJ: Marcus Wiener Publishers, 2006), chaps. 10–12.

¹⁴ Scarano, *Cinco Siglos*, chaps. 14–17.

¹⁵ Martínez-Vergne, *Shaping the Discourse*, 4.

¹⁶ See Martínez-Vergne, *Shaping the Discourse*; Francisco Scarano, *Cinco Siglos*; and Cesar Ayala and Rafael Bernabé, *Puerto Rico in the American Century: A History Since 1898* (Chapel Hill: University of North Carolina Press, 2007), introduction and chap. 1.

mortality rates. As historically occurred during industrialization in America and Europe, rapid economic changes in Puerto Rico reconfigured family structures, labor practices and divisions, and brought about demographic changes that altered people's daily activities.¹⁷ With population growth, a decline in mortality rates, and socio-economic decline, the working class and poor, children included, took their lives to the streets. Small acts of transgression such as "disturbing the peace, escaping work obligation, drinking in excess, and so on" became more visible.¹⁸ These changes in the second half of the century gave members of the elite and propertied classes pause, and they sought ways to curtail them.

As the century neared conclusion the elite and professional classes, who regarded themselves as "advanced thinkers,"¹⁹ began reacting and discussing the "vices" of the lower and working classes in an attempt to restore the social order. For instance, in 1895, *El Buscapié*, one the most widely read newspapers at the time, printed a series of articles discussing the pressing problems of crime threatening the Island. The series spurred from the premise that the rise in crime contradicted the benign and restrained demeanor of the Puerto Rican people. This puzzled the author, Manuel Fernández Juncos, as he could not understand what caused these criminal behaviors. In the first column, one out of a dozen

¹⁷ For a discussion of these changes in Europe see for example, Philippe Ariès, *Centuries of Childhood: A Social History of Family Life*, trans. Robert Baldick (New York: Random House, 1962); Anna Davin, *Growing Up Poor: Home, School and Street in London: 1870–1914* (London: Rivers Oram Press, 1996) For a look at these changes in the United States, see Vivian Zelizer *Pricing the Priceless Child: The Changing Social Value of Children* (New York: Basic Books, 1985); Christine Stansell, *City of Women: Sex and Class in New York 1769–1860* (Chicago: University of Illinois Press, 1987). For a discussion of these changes at a global level see Peter Stearns, "Conclusion: Change, Globalization and Childhood", *Journal of Social History* 38, no. 4, (Summer 2005) 1041–1046 and Peter Stearns' *Childhood in World History* (New York: Routledge, 2006).

¹⁸ Martínez-Verge, *Shaping the Discourse*, 5–10.

¹⁹ Manuel Fernández Juncos, "Aumento de la Criminalidad," *El Buscapié*, July 19, 1894.

dedicated to this problem, Fernández Juncos, who was also the founder of the paper, asked, “Why are those who once were docile and of a kind spirit, killing, hurting, robbing, and, in essence, running the full scale of crimes, as if we were dealing with people prone to these kinds of behavior or by a town degenerated by hereditary law and force of habit?” Fernández Juncos was most likely influenced by the ideas and questionings of European positivist thinkers circulating at the time that saw crime as a result of both biological and social deterministic forces, which if understood could be corrected.²⁰ Unable to explain why the island was rife with crime when “[n]o perturbing social element had come to complicate the ethnic composition of this society,” he called on jurists, doctors, authorities, and other experts to answer “such an important and transcendental question/issue.”²¹

The jurists, doctors, and authorities the paper called on did not waste time in weighing in on the issue of rising criminality. The debates focused on the reasons and solutions for the increase in criminal acts. Though disagreements existed about the factors fueling the rise in crime across the island, jurists, doctors, and clergymen agreed

²⁰ Positivism in the context of crime was a philosophy of science that connected criminal behavior to biology. To be sure, Cesare Lombroso, one of the central figures in the creation and evolution of this theory of crime also argued that other causes, such as environment, could also produce criminals. For the prevalence of Cesar Lombroso’s theories in the area of crime specifically, see Pablo Piccato, “‘Cuidado con los rateros’: The Making of Criminals in Modern Mexico City” in *Crime and Punishment in Latin American History: Law and Society Since Late Colonial Times*, ed. Gilbert Joseph, Carlos Aguirre, and Ricardo Salvatore (Durham, NC: Duke University Press, 2001), 233–272; Pablo Piccato, *City of Suspects: Crime in Mexico City, 1900–1931* (Durham, NC: Duke University Press, 2001). For a thorough view of how European scientific thought was adopted and adapted throughout Latin America, see Nancy Leys Stepan, *The Hour of Eugenics* (Ithaca, NY: Cornell University Press, 1991). Kelvin Santiago-Valles also begins to explore how these theories may have affected penal institutions in Puerto Rico in “American Penal Forms and Colonial Spanish Custodial-Regulatory Practices in Fin de Siecle Puerto Rico,” in *Colonial Crucible: Empire in the Making of the Modern American State*, ed. Alfred W. McCoy and Francisco Scarano (Madison: University of Wisconsin Press, 2009), 87–94.

²¹ Ibid.

that the vices of the proletarian classes were a central problem. For instance, Dr. Antonio José Amadeo reacted to the initial article's claim that without the presence of "new perturbing social elements" to introduce new criminal practices into the island, the rise in crime posed a conundrum. For Amadeo, the introduction of new social elements, read ethnic elements, had nothing to do with crime in Puerto Rico. Citing Cesare Lombroso's theory of the insane criminal, he recognized that "human beings are born with certain pathological signs, as well as certain incorrigible inclinations."²² Certain criminals in Puerto Rico indeed fit into this category. However, he argued, the majority of crimes in Puerto Rico could not be attributed to genetics or physical peculiarities that may be introduced into the island by new social elements but rather to "a weak nervous system caused by poor hygiene, education, that let them [the working classes] fall prey to the vices of alcoholism, gambling, and vagrancy, which are three important factors in crime on the Island."²³ Essentially, it was not the people but the circumstances that contributed to unruly behavior. Amadeo's perception offered an opportunity to correct and curtail crime through intervention and correction. Much of the discussions focused on these circumstances, such as family environment, that produced criminals from an early age.

The discussions involving children centered on the ways in which crime began at an early age, fueled by a toxic environment. They reveal a concern for the role those adults who had already succumbed to a wretched environment played in shaping children's wayward behavior. Eugenio Lorenzo, priest of the island's main church, suggested as much when providing his perspective on crime, "Those who have not acquired from an early age work habits and have grown up amidst vice, developing bad

²² Antonio José Amadeo, "La Criminalidad," *El Buscapié*, July 27, 1894.

²³ *Ibid.*

instincts and wandering the most dangerous places, have been trained for robbery, fighting and constant chaos.”²⁴ Children, however, were not to blame for such fate.

As other authors contended, family dynamics contributed to the spread of criminal behavior. Offering his opinion on the matter of criminality on the island, for instance, M. González García believed that workers dealing with poor economic conditions went through stages from drinking to vagrancy. The worker did not go on this progression alone, though. As he “evolved through this evolution, his children have been preparing to pursue the same evolution.”²⁵ Similarly, Demetrio Varela spoke of a self-perpetuating pattern where parents, because they forgot and ignored “their duties and the great influence that the ideas acquired in infancy have in all other facets of life” paved the way to their children’s perdition.²⁶ Children, then, at the turn of the century were seen as victims of parental transgressions, regardless of what had caused these parental transgressions. Children became the key to curtailing such transgressions in the future. If toxic dynamics and parenting could be corrected, the innocent children could be spared a life of crime.

During the 19th century, then, these discussions remained focused on the adults and the responsibility concerning the future of the nation. It is important to note that during this period whenever children were mentioned it was in this specific context. That is to say, children in danger of becoming criminals were invoked to underscore the harmful and toxic environment of the families of the working and poor classes. As such, discussions of children and crime served as a tool to condemn and alter the behavior of an

²⁴ Eugenio Lorenzo, “La Criminalidad,” *El Buscapié*, August 18, 1894.

²⁵ M. González García, “La Criminalidad,” *El Buscapié*, August 12, 1894.

²⁶ Demetrio Varela, “La Criminalidad,” *El Bucapié*, September 1, 1894.

entire group and enroll them in a national project of reform. The child, and specifically the delinquent child as an individual source of concern, came later.

One of the initial solutions proposed in these discussions was that of interfering in the family to ensure that children experienced proper rearing conditions. This led to discussions about possible state interventions in the home, in the private sphere. Children were the main concern of such interventions. José de Diego, who later played a key role in the creation of the Escuela Correccional, called for the creation of “something like the probation system of the United States for the delinquent youth.” De Diego considered the system, a British model established in Boston in 1887, a very original way of handling delinquent youth, whereby “the young man who commits a first offense, does not go directly to prison, leaving the ruling on hold [fallo en suspenso], with the threat of carrying it through at the first recidivism.” Parents were also held responsible by the system, as they had to ensure the moral and proper education of the child on probation.²⁷ de Diego’s writings exemplify nascent efforts at the end of the century to shape behaviors and demand obedience from delinquent youth without invading the “privacy of the household.”²⁸ These early efforts at once challenged and upheld the traditional

²⁷ José de Diego, *Apuntes Sobre Delincuencia y Penalidad* (San Juan, PR: Tipografía La Correspondencia, 1901), 21–22.

²⁸ I am borrowing here from Martínez-Vergne who suggests that Liberal reformers in Puerto Rico were committed to upholding the sanctity of the home. This posed a problem for their reform projects, which hindered precisely in intervention within the private sphere. This contradiction created a tension that was evident in the interventions of this century and early 20th century. See Martínez-Vergne, *Shaping the Discourse*, chap. 5.

relationship between the state and the family, and more specifically of *patria potestad*, which ascribed families to the private sphere, under the fathers' power.²⁹

The system de Diego proposed provided officials with a way to intervene indirectly in the private sphere while upholding traditional family dynamics, which had also been threatened by the unruly behaviors of the working classes and the poor. Yet, as wayward and unruly children came into the focus of elite reformers and the state, the state's role in the rearing of children was redefined. Prior to the late 18th century, states rarely intervened in the home. Children were thought to belong to the private sphere, and more specifically within a mother's realm but under the protection of *patria potestad*.³⁰ Under *patria potestad*, fathers held the right to exert full control and power over their families, and the "right—even the moral and civic obligation—to punish their children."³¹ They also had to provide for them, a fact later used by the juvenile courts to exert more control over children whose fathers did not provide for them, or over children who lacked a father figure in their lives. In these cases, *patria potestad* granted the government an entrance into the private sphere."³² At the end of the 19th century and well into the beginning of the 20th century, however, the role of local and island wide authorities in the life of children was still undefined and quite tenuous.

²⁹ For a discussion of the concept of *patria potestad* in Latin America during Colonial times, see Bianca Premo, *Children of the Father King: Youth, Authority, and Legal Minority in Colonial Lima* (Chapel Hill: University of North Carolina Press, 2009).

³⁰ Martínez-Vergne, *Shaping the Discourse*, 129.

³¹ Premo, *Children of the Father King*, 110.

³² Bianca Premo speaks of this exact process in her article, "Minor Offenses: Youth, Crime and Law in Lima," when discussing states' attempts to intervene in a previously private space: "The power of the father over his family, of a master over his slave, of a bishop over his priests, and finally, of the king over all his subjects—these were the interrelated hierarchies on which civil order was founded." Bianca Premo, "Minor Offenses: Youth, Crime and Law in Eighteenth-Century Lima", *Minor Omissions*, ed. Tobias Hecht (Wisconsin: University of Wisconsin Press, 2002), 116.

For citizens of the island no consensus existed on whether wayward and unruly children should be policed and how. In fact, newspaper articles showed a tension between concerns for the behavior of the children running in the streets and the way island officials treated them. This tension suggests that the public was still weary of intervention in the life of children.

On the one hand, articles often denounced the behavior of children in the streets and called for ways to reform them. For instance, in 1894, a newspaper condemned the behavior of a group of children bothering a vagrant. “In the capital, a poor hunchback who makes a living through odd jobs has been trampled by a *turba* of children. Any time they come outside, the children taunt him and beat him. These savage acts are not fitting of an enlightened population.”³³ Two years later, another report used similar language, condemning “a turba of children” for congregating on a street to throw rocks at pedestrians. The children, according to the paper, did not limit themselves to causing havoc on the streets. Their behavior threatened the wellbeing of the community. “Yesterday, late in the afternoon, one of these [stones] entered the house of Don José A. Rivera, hurting his wife on the forehead.” The outlet clamored for the attention of the “authorities” to put an end to these kinds of very dangerous behaviors.³⁴ Important in both articles was the attention to children as part of large groups, or *turbas*, that could cause mayhem in society. The association to *turbas* is particularly telling. The term, meaning a group of disorganized and chaotic individuals, was ascribed to dissenting groups on the island. In earlier centuries, it had been used to speak of unruly slaves. Late in the 19th century it became synonymous with aggressive and unruly behavior that

³³ *La Democracia*, December 6, 1894.

³⁴ *La Democracia*, June 5, 1895.

disturbed the order of the island.³⁵ Seen from this angle, the children, compared to dissenting elements of society, represented a threat.

Despite concerns about unruly children, harsh treatment against them received as much, if not more, condemnation. As early as 1892, a concerned young man denounced the police for mistreating a boy in his household. The paper reported,

On the 18th of the last month...my family was victim of the biggest of abuses: an officer of public order, inconsiderate, irate, or crazy, had the audacity, the gall, of entering my mother's house and snatching from my mother's arm a child, who he took to jail against her protests...I trust the magistrates will do me justice if Martínez's abuses of power warrant punishment.³⁶

The paper joined the young man in the accusation, demanding that something be done to punish the treatment of the minor. They did the same a year later, when a young boy by the name of Asisco Rivera reached out to the paper to report how two cops had stopped him in a store during the evening to ask for his *cédula de trabajo*, his work card. As the child had recently stopped working due to an illness, he did not have the papers with him. Yet, he took the officials to his boss who vouched for him to no avail. The cops still took the boy to jail, where he spent the night. In the morning, according to the paper, "they woke him up, and Rivera accounts that he heard the Sargent say, 'Take him a bit further away from El Coto and give him a beating.'" The two cops did as ordered, taking the child past Ponce's city limits, and released him only after beating him. The paper lamented the incident, but lamented the prevalence of such incidents even more: "It

³⁵ For an overview of the *turbas* see Ayala and Bernabé, *Puerto Rico in the American Century*, 54–61; and Mariano Negrón Portillo, *Las Turbas Republicanas* (Río Piedras, PR: Ediciones Huracán, 1990).

³⁶ "En Aibonito," *La Democracia*, February 23, 1892.

seems futile to publicize what happened. Before today we have already denounced several acts like this one and little attention must be paid to the media when these kinds of affronts keep happening.”³⁷

Such media outcry revealed the public’s uncertainty toward state efforts at a time when the delinquent child and his behavior were still being worked out. This uncertainty regarding the proper approach towards minors’ offenses, continued well into the 20th century, and helped define the new subject of youth delinquent. In 1902, for instance, *La Democracia* denounced a policeman’s persecution of a young boy. According to the article, the young boy had been selling adulterated milk when the police approached him. When the child saw the cop, he ran away, and the policeman retaliated by shooting at him three times. When he finally caught up with the child, he beat him with a stick before taking him to jail. At that point, the jailer refused to take the child in and released him. The reporter frowned upon the police’s actions, establishing that “we cannot be happy with the fact that a police sets to kill a poor young boy for such a simple fault.” Beyond the reporter’s condemnation, the jailer’s refusal to take in the child revealed a palpable tension between concern for children’s wellbeing and about their unruly behavior.³⁸

The tension evident in these articles between wanting to police and to safeguard children evolved from the mixed view of children as innocent creatures perfectly capable, in reality, of criminal behavior. An article written in 1894 for *El Buscapié* about children’s outing captured some of these tensions, “For most people, [the child] is a little irrational one...whose reason has not yet been developed, cannot direct his own acts.”³⁹

³⁷ “Noticias,” *La Democracia*, August 21, 1893.

³⁸ *La Democracia*, May 27, 1902.

³⁹ *El Buscapié*, January 26, 1894.

These “adorable beasts,” as the author called them, were incapable of erroneous acts. Yet, they were out in the streets, committing transgressions, and deserved to be punished. In this article, as in others, children were construed both as victims and accomplices of their unruly behavior.

This dual imagery of the innocent/unruly child emerged in earnest in Europe, the United States and Latin America during the late 18th century. During this period, intellectuals identified the need to pursue reforms to protect, mold, and safeguard children.⁴⁰ Based on Rousseauian ideas of education and the true nature of humanity, children during this period were perceived as innocent creatures that needed guidance, proper care and more importantly, education. Both education and legal reforms sought to protect children.⁴¹ With legal reforms, however, came efforts to contain and reform wayward and unruly children, whose behavior was condemned by these reformers.⁴² While children were imagined as innocent creatures, their behavior posed a threat to society. The dual imagery that evolved from this complex view of children informed the discussions on children and their treatment. This impacted the life of children committing crimes, as they came to represent the unfortunate consequence of poor parenting and lack of intervention.

⁴⁰ Lipsett-Rivera, “Children in the History of Latin America,” 221.

⁴¹ See Premo, *Children of the Father King*; also see Kuznesof, “The House, the Street, Global Society,” 863; Sáenz, “Victimas Inocentes o Codelincuentes?” 173–202; and Sandra Carreras, “‘Hay que Salvar la Cuna el Porvenir de la Patria en Peligro...’ Infancia y Cuestión Social en Argentina (1879–1920),” in *Entre la Familia, la Sociedad y el Estado: Niños y Jóvenes en América Latina*, ed. Barbara Potthast-Jutkeit and Sandra Carreras (Madrid: Iberoamericana, 2005), 16.

⁴² See Stearns, *Childhood in World History*; Davin, *Growing Up Poor*; and Stansell, *City of Women*.

In Puerto Rico, articles protecting and condemning children, like those published in *El Buscapié*, provided a space to work out which kids were good and which required policing. The media chastised those children who had been roaming the streets, causing havoc in the public sphere. These deserved some degree of policing. In contrast, they decried authorities' interventions in cases where children were at home or at work. Unlike the truants running the streets, the children deemed as victims (like Asisco, the young boy with his mother and the child making a living selling milk) were regarded as innocent, hard working, or too young to consciously commit any crimes. In these cases, official intervention was regarded as an affront to the private sphere and family life. In some instances, this affront to the home, as in the Arecibo case was quite literal. Indeed, as the discussions about delinquent youth progressed, they served to clearly demarcate the place kids could occupy on the island—behind closed doors, in the private sphere, a realm local authorities could not intervene in. At the same time, these discussions began providing a clearer picture of the behaviors that could render a child a delinquent, the behaviors in need of attention and correction.

As Puerto Rico entered the 20th century, and the number of children roaming the streets of Puerto Rico increased,⁴³ the tension and concerns over official interventions in the home diminished, and the trope of the innocent child in need of defense and reform became a tool wielded to further intervene in the life of children and their family. The question of the century was precisely how to and through what institutions to pursue these interventions.

⁴³ In PR, by 1899, 75% of the population were young people under the age of 21. Though public schools existed, by 1917 only 152,000 of the 420,000 school age children attended school. During this same period about 20,000 children were estimated to be “street children.” Martínez-Vergne, *Shaping the Discourse*, 119–131.

2.3 THE JUVENILE DELINQUENTS COME TO INTO FOCUS

As the state and other institutions began paying attention to the family, a delinquent youth became more clearly defined. The 20th century brought about a shift away from early discussions of wayward and unruly children in the context of the family. The delinquent child emerged as a separate category of concern. Discussions about juvenile delinquency began focusing more and more on delinquent children themselves, their proper treatment, and the behaviors that characterized this class of wayward children. At the same time, debates from the 19th century and early 20th century found articulation in new laws and acts targeting delinquent youth, texts that also helped demarcate the new category of legal and social concern.

In 1901, José de Diego published a book, *Apuntes sobre la Delincuencia y La Criminalidad*, on crime in Puerto Rico that first identified the juvenile delinquent as a separate category. In fact, this is the first text in my findings that described children committing crimes as *delincuente joven* (juvenile delinquent). The use of such a specific term speaks to the concretization of the category at the onset of the 20th century. By this time, José de Diego, supporter of Puerto Rico's independence from Spain and later from the United States, had been appointed by the U.S. government to the Executive Cabinet. Written three years after the invasion of the United States and only a year after the end of the American military government on the Island, *Apuntes* provides a glimpse into the new debates on the penal treatment of minors and understandings of criminal youth that took place at the turn of the century.

In his book, de Diego took issue with the treatment of criminal youth by the penal system and encouraged changes to the punishments given to juvenile delinquents on the

island. He based his arguments on the belief that delinquent behaviors and motivations differed greatly from those of an adult criminal. As he argued, “Between the perverse criminal and the unfortunate delinquent, lies an anthropological chasm: the incorrigibility or reform, and between those that can be purified and returned to the center of society the majority are the youth who lacked the necessary courage and experience to resist life’s passions and sadness.”⁴⁴ The juvenile delinquent, thus, was seen as impulsive and naïve, incapable of resisting his surroundings. Though at fault for his acts, the juvenile youth was not to blame for them, for he lacked the formation and knowledge to make wiser decisions. More importantly, this subject had the potential for reform that the adult population lacked.

It is also important to notice de Diego’s attention to an “anthropological chasm” between a common delinquent and an unfortunate delinquent. Such attention speaks to the influence in the discussions of delinquency of positivist theories circulating the globe at the time. De Diego relied on positivist criminology to paint a picture of the delinquent youth and the measures to treat them.⁴⁵ He praised the Elmira prison model, a reformatory facility for first time felons between the ages of 16 and 30, for separating the boys it targeted into populations: “the good ones, those in “ad experimentum” and the perverse or incorrigible ones.”⁴⁶ This separation facilitated the process of reform, one de Diego supported for the youth of Puerto Rico. In Elmira, all the children spent time “dedicated to agriculture, the industries, arts...literary and moral education. They are

⁴⁴ de Diego, *Apuntes*, 21.

⁴⁵ Positivist theory circulated in Europe and the United States, but it was particularly popular in Latin America. That De Diego made reference to this particular theory underscores the fact that his purview went beyond the United States.

⁴⁶ *Ibid.*

transformed, reformed, and in a word, they are redeemed through education, through virtue, and through work.”⁴⁷ De Diego’s praise of Elmira reveals what he saw missing in juvenile delinquents—those traits the process of reform promised to instill. The juvenile delinquent lacked education, virtue, and work.

The children lacking these traits embodied the delinquent youth and became the target of measures. The discussions around these measures and the process of reform itself breathed life into the new category. Hence, children outside of the schools, without schooling, who did not work or were deemed incapable of holding a job because of their level of preparation came under the scrutiny of Puerto Rican authorities.

At this time, members of the Puerto Rican government began taking notice and addressing the treatment of children within the penal system. For instance, sometime between 1899 and 1900, Federico Degetau, Secretary of the Interior and member of the Insular Board of Charities conducted a thorough investigation of abuse accusations at the Boys Charity School, an institution created in the 1880s to house a mixture of abandoned, delinquent, and vagrant children. Enrique González, one of the children in the school had accused Mr. Delvaille, the school’s acting superintendent, of using excessive punishment against him, splitting his ear. Delvaille did not contest the charges, and instead excused his actions with a bizarre claiming that he was “surprised that he had not [sic] idea he should have touched the ear. He had simply intended to flog the child.” It is difficult to ascertain why Delvaille made a distinction between a beating and hurting a child’s ear, but it’s possible that he saw a distinction in the fact that flogging was sanctioned by the institution. As much was revealed when Delvaille asserted that he had been following

⁴⁷ Ibid.

directions of Dr. Ruiz, the institution's physician, to punish the child. Degetau expressed dismay for the behavior of appointed officials inside of the school. Upon completing the investigation, he concluded that in "the good name of the Board of Charities, the prestige of the American administration, and the culture of Puerto Rican society...they cannot tolerate that remains[sic] unpunished such acts of cruelty perpetrated against helpless infants." Degetau took issue with the treatment of wayward children inside a state-supported institution.⁴⁸

Degetau's recommendations to request the resignation of the superintendent and punish his behavior went unheeded. In protest, he resigned from the Board of Charities. Degetau crafted his resignation following the decision of the Board to support Delvaille despite his admissions to flogging the child. He addressed the resignation directly to Governor Davis, the U.S. military governor, who had appointed Degetau to the Board. In it, he criticized the actions of the U.S. officials as hypocritical. He wrote that the decision to keep Devaille in his post, "contradicted with the imposition of punishments that neither you nor any other officer of the Army and the Navy of the United States could apply with impunity to the soldiers, already robust men." Essentially, failing to dismiss Delvaille condoned the poor treatment of "feeble boys, helpless because of their age and their conditions, whose stress put them under the official protection." Degetau concluded that he was unable to bare such a contradiction in the name of the United States itself, but more importantly of "this cultivated Puerto Rican society" and his own conscience. By questioning this contradiction, whereby the U.S. forbade mistreatment of American soldiers but turned a blind eye to the mistreatment of Puerto Rican boys, Degetau

⁴⁸ Federico Degetau, documents related to the Delvaille case, ca. 1899, caja 2, cartapacio VI, docs. 1-30, Colección Mergal, Papeles de Federico Degetau (Originales), CIH.

accomplished several things. First, he effectively placed Puerto Rican society at par if not above the colonial power.⁴⁹ More importantly, comparing robust men to feeble helpless boys painted a stark picture of the juvenile delinquent, setting him apart from adults.

As the category of juvenile delinquent took shape, it was further defined by the media, jurists and middle class professionals, and often as part of discussions of the penal treatment of children. On January 13th, 1914, for instance, *La Democracia* lamented the treatment of delinquent youth in the jails of Puerto Rico. “Not a day goes by that we see two or three children being confused with members of the underworld. It’s a rather painful picture to see the faces of these children emaciated by misery, exhausted from physical pain, and morally and physically drained.” The paper drew a clear picture of delinquent behavior while invoking old tropes of the innocent nature of the juvenile delinquent: “The majority of these children commit their crimes quite innocently: they steal from us, others wander the streets and plazas without course because they have no known parents, and so that someone pity them at some point, one day they throw a stone in plain sight and the police arrives to give them lodging.”⁵⁰ Contrary to reports that focused on the behavior of the police against innocent creatures, the media now focused on the delinquent himself, his behavior, his demeanor, and his ultimate fate.

Even the penal population decried the treatment of children as a mechanism to decry more general affronts against the prison population, and in the process singled out children as a special group, more innocent and fragile than the general penal population. In 1902, inmates in the Galeras de San Juan penned a letter complaining about the

⁴⁹ Ibid.

⁵⁰ S. Dalmau Canet, “El Problema de la Infancia,” *La Democracia*, January 13, 1914.

treatment of the inmates by one of the jailers. They wrote, "There's in the jail a jailer called Joaquin an inhumane and cruel man, even with the minors who he whips."

Though the letter outlined general grievances, the inmates also evoked the treatment of children as a sign of the brutality of the prison. These kinds of accusations pushed for a rethinking of the penal treatment of children and for further clarification of the delinquent subject.

On the heels of these discussions, concerns for the rise of juvenile delinquency took center stage, and overshadowed previous discussions on the rise of crime more generally. As Abelardo M. Díaz Morales, journalist, essayist, and Baptist minister, offered in an article for *La Democracia* in 1915, "it is a generally known fact and widely commented that delinquency among children has grown in alarming proportions across the island, this is a rather grave issue that calls for careful study and the help of the sanest and most influential elements of Puerto Rican society."⁵¹ Indeed, during this time, worries about the rising crime rates of children and youth became more pronounced. The media, government officials, and members of the elite, Díaz's "saner and more cordial elements of society," now turned their attention to meticulously outlining and classifying those behaviors that characterized delinquent youth. A clearer picture of what constituted a delinquent minor emerged.

Efforts to explain the increase in crime and in minors committing crimes took a back seat to efforts to sketch how the young criminals behaved. Writing in 1912, Díaz Morales consciously bypassed the discussion of the circumstances that led to juvenile delinquency in favor of a sketch of their behavior. As he stated, "Let's leave the study of

⁵¹ Abelardo M. Díaz, *La Democracia*, May 7, 1914.

the causes [of juvenile delinquency] for later, and let's expose briefly the disastrous effects of the pernicious home life, the indifference of the authorities, and cynicism of those who corrupt children." The result of these conditions was the archetype of the delinquent youth. Díaz Morales saw children roaming the streets as "stray dogs." The children were "vagrants smoking in the streets, fighting with one another in the middle of the plaza, bothering passengers at the train station, and frequenting bars and other places of vagrancy and perdition."⁵² Their most frequent crimes, he argued, were rape, murder, and suicide, perhaps meant to underscore the urgency of the rising instances of juvenile delinquency. Díaz Morales description of delinquent youth was much more precise, an aspect that had been missing from earlier discussions of wayward youth.

Indeed, the focus on delinquent behavior suggests that by the 1910s a clear picture of the juvenile delinquent and their behavior had emerged. At this time, jurists turned their attention specifically to the actions of the delinquent child. In his writings on *La Delincuencia Infantil in Puerto Rico*, Luis Samalea Iglesias, judge of the San Juan courts, in 1916 provided a sketch that echoed that of other jurists of the time, including Martin Travieso and Pablo Berga, in which delinquent behavior was still traced back to the family but the emphasis was now on the delinquent himself. Iglesias did dedicate a paragraph in a document of fifteen pages to connecting juvenile delinquency to a toxic environment. He argued that delinquent children "are born, offsprings always of parents who have cohabited without any other sanction other than a clandestine union; they grow up, far from all correction and guidance, or without the warmth of paternity or witnessing

⁵² Abelardo M. Diaz, *Por el Bien de Nuestros Niños* (Caguas, PR: Tipografía de Barreiro, 1912), 16.

the father's or mother's continuous drunkenness, and their public scandals.”⁵³ According to the jurist, these children grew up watching their mothers prostitute themselves and resorted at first to acts of mendacity, before engaging in vagrancy and ultimately crime.

The bulk of the document, however, was devoted to outlining the behavior of the juvenile delinquent in Puerto Rico. In fact, he wrote the essay as a result of the rising number of delinquent children, and after public officials had discovered “several gangs of children dedicated to stealing..caught in the act...and after being caught, confessing to many others [crimes].” These children, according to Iglesias, lamented getting caught and being unable to continue in their crime sprees, clearly “premeditated by minds that were wide awake.” His writings are void of the tension between innocent or delinquent child that had characterized earlier discussions. This suggests that the category of juvenile delinquent itself provided a space to work out the tension between concern for and concern of wayward children. To Iglesias, these children were clearly of a delinquent nature, even if they appeared innocent. He believed that children started committing crimes at an early age, of seven years or so, and were very good about feigning “illness...abandonment..and hunger.” Yet, they committed crimes, intoxicated by the effects of tobacco and alcohol.⁵⁴ It is important to note here Iglesias's attention to the forethought of the delinquent youth. Though he still saw potential for reform in these wayward children, he also regarded them in a different category from other innocent creatures, such as abandoned or orphaned children. As such, they deserved a specialized treatment.

⁵³ Luis Samalea Iglesias, *La Delincuencia Infantil en Puerto Rico: Notas Para una Conferencia* (San Juan, PR: Real Hermanos, 1916).

⁵⁴ *Ibid.*, 1–4.

Iglesias, further defining the delinquent child, categorized and carefully outlined the main crimes committed by them. Beyond the vices of alcohol and tobacco, the children dedicated themselves to robbery, prostitution, vagrancy, violence, social and public disruptions. In Puerto Rico, robbery and prostitution were “the most common inclinations” of delinquent youth. To curtail them, he called for measures that would reform rather than correct or punish delinquent children, measures that followed the patterns of the Escuela Correccional, the Boys Charity School and the Girls Charity School.⁵⁵

Iglesias’ call for specific measures to treat delinquent children points to another change brought about by the new attention on the delinquent child: new laws and bills to deal with them. Indeed, beyond the discussions of the poor penal conditions of the time, and a careful look at the delinquent child himself, experts began proposing new methods to handle and reform the delinquent child. Shortly after his writings on crime, for instance, José de Diego crafted the bill that would establish the Escuela Correccional de Menores in 1907. Furthermore, during the first few years of the 20th century, municipalities rolled out a number of ordinances criminalizing the public behavior of children. For instance, the city of Manatí passed a long list of ordinances in 1916 to limit children in public spaces. According to these regulations, children were prohibited from roaming the plaza alone after 7:00 pm and the streets after 8:00 pm, or during school hours. They were also not allowed to run freely, whistle, or speak loudly during events in the plaza. Children of school age could not engage in public sales during school hours or be allowed into public places during that time. Finally, children were not allowed into

⁵⁵ Ibid., 5.

cafes, pool halls, cafetines, or liquor stores. Parents or guardians, as well as the owners of establishments would be held responsible if children were found in such places.⁵⁶

Similar acts and ordinances were passed by other municipalities such as Caguas, Arecibo, and San German.⁵⁷ For instance, in 1907 Caguas passed an ordinance that children under 15 who wanted to work in public jobs such as “selling bread, fruits, fried goods in the streets, shining shoes, carrying water, or any similar job” had to get a special license. The ordinance, which had already been passed in other towns, was meant to keep children from jobs that would allow them to acquire “habits that in the future [would] turn them into degenerate beings, a true social plague.”⁵⁸ In San German, several ordinances passed in 1916 echoed those passed in Manatí. For instance, children were not allowed to play games in the Plaza after 7 PM although they were allowed to play in it during the day. Children could not use bikes, tricycles or any other sort of children’s vehicle on the sidewalks. They were also forbidden from playing anywhere during public acts or festivities. The police had the power to stop these behaviors and hold the children’s parents or representative responsible for them.⁵⁹ The debates on family and poverty from the earlier century found expression in these new bills and laws.

As these institutions and laws emerged during the second decade of the 20th century, more concrete methods of reform and containment made it into public

⁵⁶ Ordenanzas Adoptadas por el Concejo Municipal de Manatí PR, 23 Abril 1915, Sección 29-34, Fondo Policia de Puerto Rico, Policia-Querellas, caja 61-62, 1914–1919, AGPR.

⁵⁷ Ordenanza para Proteger la Asistencia a las Escuelas Públicas, 30 January 1907, Fondo Secretaria, Instrucción Pública, Correspondencia General, caja 10, Archivo Histórico Municipal de Caguas (AHMC); and Una Ordenanza Reglamentando los Juegos de Niños en la Plaza Principal, 12 March 1915, Fondo Archivo de San German, Justicia, Comunicaciones, caja 38, AGPR.

⁵⁸ Ibid.

⁵⁹ Ordenanza Reglamentando los Juegos de Niños, 12 March 1915, AGPR.

discussions on juvenile delinquency. An article crafted on March 1914, days before the new legislature convened to discuss, among many other bills, a bill to create a juvenile justice system on the island, *La Democracia* reported, “[W]e protest the reclusion of children in the galeras departments of presidio and against the bad habit of having young delinquents cohabiting with big criminals. We need the legislature to pass a law that strictly prohibits children younger than 14 from being condemned to serve their sentences in the prisons of the island. They should be held in “ad hoc” establishments, like, for instance, the Mayagüez penitentiary.”⁶⁰ Aside from this, it supported the establishment of juvenile courts following the French and Spanish models. Though the bill took a year to pass, articles like these began suggesting real solutions to the problem of juvenile delinquency. By doing so, they carved spaces for the troublesome youth, and effectively reinforced the juvenile delinquent as a new subject of concern.

The new spaces that arose to contain juvenile delinquents during this time also helped shape them. For instance, up until the creation of the Escuela Correccional and the Juvenile Courts, even as late as 1914, a clear demarcation did not exist between the delinquent youth, the vagrant youth and the abandoned children of Puerto Rico. In fact, as shown through discussions in the late 19th and early 20th centuries, all wayward children were seen as “indigent children” in need of saving. Clearer demarcations evolved in practice with the creation of institutions and new methods for handling delinquent children. For instance, with the creation of the Escuela Correccional, juvenile delinquents became effectively separated from the rest of the penal population. The law provided for the reclusion into the Escuela Correccional of any child under 18 that had

⁶⁰ S. Dalmau Canet, “Tribunales para Niños: La Delincuencia Infantil,” *La Democracia*, March 2, 1914.

been “condemned by any court of the island for any crime, except murder or homicide, or that had been living in squalor and without work for lack of paternal guidance, or that is incorrigible, and that they are accused and proven by the courts to be so.” The courts had the discretion, in theory, to funnel these children away from penitentiaries and into the new reformatory school.⁶¹

After the creation of the juvenile courts, the category of delinquent child became even more specific, as efforts were made to separate delinquent children from abandoned and desamparado youth. Though all delinquent, abandoned, and desamparado children were tried before the same juvenile court, attention was paid, both in paper and in practice, to the distinction. For instance, the court forms included all three categories and requested that court officials clearly mark the category to which the accused child belonged. Officials also paid much attention to differentiating between the categories, particularly between the abandoned and delinquent youth. Such attention made the difference between a child spending his time in the Correccional or elsewhere, with a tutor or in the Asilo de Beneficiencia. This is precisely what happened to Antonio Torres and Damaso Rivera, two of the first boys prosecuted in 1915 by the newly founded juvenile courts.

On August 12 of 1915, attorney Leopoldo Torres took a young Damaso Rivera before the courts. As the file explained, the child “ha[d] not been accused of any crime. It seem[ed] like this child ha[d] a brother in the Escuela Correccional and that he commit[ted] wrongdoings to get sent to the Escuela Correccional, but these wrongdoings

⁶¹ To Create and Establish in Porto Rico a Correctional School for Delinquent Youths, H.B. 119, 3rd Assembly (1905).

[did] not constitute faults. This [was] a [desamparado] child.”⁶² The child, roaming the streets—an act considered a crime in earlier years—was given to the custody of the attorney to care for him.

Antonio Torres did not fare as well as Damaso. Antonio had been accused of throwing rocks at pedestrians. Despite the accusation, the court papers initially marked Torres as an abandoned child. When the judge sentenced him to the Escuela Correccional, the Attorney General sent him a letter clarifying the laws and procedures around abandoned children. The Attorney General cited a section of the law passed on 1915 pertaining to the detention of abandoned children in institutions for delinquent youths, “No abandoned child should be held past the time he comes of age, nor in a place where delinquent children are held, except when such reclusion is absolutely indispensable.” The secretary of the courts responded that the category had been an error and that the child was indeed a delinquent child, belonging to the Escuela Correccional.⁶³ One line on judicial forms separated an abandoned child from a delinquent child.

A few things are worth mentioning about the two cases. First, is the fact that the first child, Damaso, was fatherless. He was also motherless for the purposes of the court, as Damaso’s mother refused to care for him. Unlike Damaso, Torres lived with his mother though not with his father. By sending Torres to the Correccional, the state effectively took over the parental role and intervened in the home of the boy. Second, Damaso’s acts were considered innocuous, though it is unclear from the documents what

⁶² “Contra Damaso Rivera,” no charge, 1915, Ponce, CJPR, Fondo Judicial, Tribunales, Tribunal Supremo, Escuela Correccional, tarea 61-10, AGPR.

⁶³ “Contra Antonio Torres por Haber Arrojado [word is unclear] Piedras a las Personas que se le Acercaban en Actitud Violenta,” 1918, Ponce, CJPR, Fondo Judicial, Tribunales, Tribunal Supremo, caja 59, AGPR.

this meant. This particular difference proved quite arbitrary, and left the definition of criminal behavior to judges themselves, who tended to qualify children with families as delinquents and orphaned children as abandoned or desamparado. The abandoned and desamparado child was excused for his behavior. He received more leniency than the delinquent child, who now became less of a victim and more of an aggressor in need of reform—whether he was to blame for his criminal behavior or not.

2.4 CONTINUITIES AMIDST THE CHANGES

Despite shifts in the discussions and debates about juvenile delinquents, several constants remained from the 19th century through the first half of the 20th. One of the essential features that remained in some form or another in discussions of juvenile delinquency was the role of the family and of a child's environment in the formation of juvenile delinquents. Well into the 1940s, the juvenile courts determined whether a child could return to the home or not based on the conditions of the family and their environment. For instance, Martin Medina, who was accused of robbery in 1935, spent six years in the Escuela Correccional before his sister requested his release. Upon requesting the release, the entire family, their home, and their environment came under scrutiny. A court official surveyed the family and the environment, recommending Medina's release. The sister's house was described as having a "good aspect inside and outside...all the rooms are well kept, the furniture is all well kept, and the general aspect suggests good taste...The mentioned house is located about a fifteen minute walk from the Avenida Fernández Juncos, Santurce, and it is practically near the Milagrosa Church,

the Dr. Hernandez School, the bus stop, and other places necessary for the spirit and the body.” Martin’s sister and the rest of the family were all in good health and with good jobs. Martin was released both because of his behavior in the Escuela Correccional and because of the environment he would inhabit once out.⁶⁴

Eugenio Rodríguez Rodríguez, a child sent to the Escuela Correccional in 1936 for the exact same crime—robbery—was not as lucky. His mother requested his release three years later, in 1939. Upon further investigation, the court found that the mother, who lived in a barrio of Mercedita’s Central, a sugar refinery, lived in “a ranch..not painted...with three divisions...in the first there are three benches and a makeshift bed where Sra. Joaquina Mateo, the inmate’s second cousin, sleeps...in the next there are two twin beds where the minor’s mother, Rosa Rodríguez and her concubine Emilio Torres sleep...” The family lacked any other furniture and utensils. Furthermore, the mother was described as a woman of “vida alegre,” a prostitute, suffering from syphilis, who refused to get treatment for fear of getting worse. Eugenio was denied release, but not before the police informed the Central’s hospital of the mother’s condition. Intervening with the mother’s decision to not seek medical assistance may not have been possible had Eugenio not been a charge of the state.⁶⁵

Hence, discussions of delinquent children from the 19th century onward provided a gateway for the state and other reformers to intervene in the behavior of entire families within the poor and working classes. Federico Degetau suggested as much when speaking of the responsibility of the elite and more educated classes to intervene in

⁶⁴ “Contra Martin Medina por Hurto,” 1935, Ponce, CJPR, Fondo Judicial, Tribunales, Tribunal Supremo, Escuela Correccional, tarea 61-10, AGPR.

⁶⁵ “Contra Eugenio Rodríguez Rodríguez por Hurto,” 1935, Ponce, CJPR, Fondo Judicial, Tribunales, Tribunal Supremo, Escuela Correccional, tarea 61-10, AGPR.

improving the condition of the least educated and the poor. When writing about the intervention of the upper classes, he stated,

much as we see in any family, where the parents, older brothers, the strongest, help the weakest, so in society, the State, the learned classes, richest and influential, those who can be considered better endowed for their life conditions, shall take care in a paternal manner of its most unlearned siblings, more miserable or weaker, and they will with the same love that a father uses to educate their children watch for their interests, both physical and moral.⁶⁶

Degetau relied on the image of the state as a parental figure, an image consistently deployed in discussions of children committing crimes.

Other thinkers concurred with Degetau's stance. For instance, Franco D. P. Acuña, praised the Escuela Correccional for being "a provident and moralizing institution [that] must necessarily give results that will perpetuate the memory of its authors."⁶⁷ Writing at around the same time in support of the creation of institutions and measures to morally educate children, José Rodríguez Arias argued that children across the island, despite advances in education put forth by the American system, failed to receive proper moral education because "the official stance is that education should be given in the home and instruction in the schools."⁶⁸ These thinkers believed that it was up to Puerto Rican officials and elites to save from "moral and social, political and religious wreck all those children who are [o]rphans of pity and justice who only need a friendly voice to tell

⁶⁶ Federico Degetau, "Origen y Desarrollo," ca. 1900, CIH, 5.

⁶⁷ Franco D. P. Acuña in Exhibit G: Annual Report of the Governor of Porto Rico by the Director of Health, Charities and Correction, Office of Territories Classified Files, 1907–1951, Territories: Porto Rico, Reports of Governor, file 9-8-22, Record Group (RG) 126, box 787, NARA.

⁶⁸ José Rodríguez Arias, "La Moral y la Escuela" in *Conferencias Dominicales Dadas en la Biblioteca Insular de Puerto Rico* (Bureau of Supplies, Printing, and Transportation, 1914), 42, CIH.

them, ‘wake up and walk’ to regenerate and become a man for life.’⁶⁹ By moralizing and purifying wayward children, these actors also secured their own role as protectors and savers of the lower classes more generally, and as safe keepers of the progress of the nation.

This concern for lower and working class children and their families was tied to concerns for the progress of the nation, which remained constant from the 19th century well into the 20th century. For instance, in 1887, the Sociedad Protectora de Niños sent out a request for funds and support for its cause. Founded on that same year, the Society believed that "the children snatched from misery and the retinue of evils and vices it tows along would become the men who would contribute to the progress or regression of the country, depending on their degree of moral culture and intellect." The society set to remove children from the environment that threatened the entire moral fabric of the country. As Teresita Martínez-Vergne argues, by the end of the 19th century, and more specifically during its last two decades, efforts started “not just to control the space in which [children] moved... nor to rehabilitate them within a certain context...but rather to manipulate their nature.” By manipulating their nature, they could ensure the creation of proper national subjects and of the progress of the nation.⁷⁰

This connection between concerns for children and concerns for the nation remained strong as the century progressed. Writing in 1915, Iglesias echoed the sentiments of the Sociedad Protectora de Niños. Concerned with the rise of juvenile delinquency on the island, he asked, “Are we going to build a country that is psychologically ill?...Are we going to build a country on the foundation of a hospital of

⁶⁹ Canet, “El Problema de la Infancia.”

⁷⁰ Martínez-Vergne, *Shaping the Discourse*, 117.

social perdition?”⁷¹ The problem of childhood was seen as an important problem to the point that the future of Puerto Rico hinged on solving it. Dealing with the problem, was thus, “a very important fact in our future life, in the progress of our social and political evolution.”⁷² In Puerto Rico, ruled by colonial powers, the methods for staving off childhood delinquency became a measure of progress. Any steps suggested or taken that did not fuel the progress of the nation were denounced. Martin Travieso did just that when speaking in favor of the creation of the juvenile justice system, “What we are doing today with our children is antiquated, absurd, inhumane and antipatriotic.”⁷³ By condemning old methods, he called for a system that he believed was decidedly progressive, sound, and patriotic. Dealing with juvenile delinquency and envisioning new methods to treat them and educate them in moral values was key to the island’s progress. This shaped the discussions, and more importantly, the goals of the real institutions for delinquent youth that emerged through the period. Such institutions are the focus of the next two chapters.

⁷¹ Samalea Iglesias, *La Delinuencia Infantil*, 7.

⁷² Canet, “El Problema de la Infancia.”

⁷³ Arias, “Moral y la Escuela,” CIH, 42.

3.0 CHAPTER 2: INSTITUTIONS OF CONTAINMENT

On September 27, 1915, six months after the creation of the juvenile court system on the island, fourteen-year-old Rafael Flores appeared before Judge Domingo Sepulveda. Rafael Flores had stolen six dollars from Ramon Rivera, a farmer. Rafael, an orphan, arrived at Rivera's house five days before the theft looking for food and lodging. After stealing the money, Rafael went to Delicias Street, one of the city's most transited streets, until Rivera found him. The boy did not attempt to hide or run away from Ramon Rivera. Instead, he confessed to the crime and returned the money. When the courts questioned him, Rafael explained that he had taken to the streets after his parents' death. He led a vagabond life and lived off handouts and odd jobs in various cities throughout the island. This life took a toll on the boy and on the communities he visited. Neighbors and strangers in these cities tried to help him out by telling Rafael that if he stole something he would be sent to Mayaguez's Escuela Correccional, a correctional facility for juvenile delinquents.¹

Rather than continue wandering the island in starvation, Rafael followed their advice: he stole from Ramon Rivera to be sent to the Escuela Correccional. To some Puerto Ricans, the Escuela Correccional was something of a safe haven. Being sent to

¹ "Contra Rafael Flores por Hurto," 1935, Ponce, CJPR, Fondo Judicial, Tribunales, Tribunal Supremo, Escuela Correccional, tarea 61-10, AGPR.

the Escuela Correccional would save Rafael from a life wandering the streets, looking for food and employment. Despite this perception, the Escuela Correccional had not been created to function as a house of respite or lodge but as a place of reform, a model reformatory school that would show Puerto Rico's place among progressive nations. However, Rafael, as many other children before and after him, redefined the institution's purpose. He became a "delinquent youth" to use the newly established juvenile court system for his own benefit. In the process, he helped define and redefine notions of child delinquency and the juvenile justice system itself.

This chapter explores the ways in which projects concerned with the creation of a modern progressive Puerto Rican nation inhabited by productive citizens led to the emergence of institutions of containment and reformation for delinquent youth. In theory, the creation of a juvenile justice system was a manifestation of a series of efforts to construct a modern Puerto Rican subject and nation. For instance, as we saw in the previous chapter, the impetus to separate from Spain's repressive colonial rule and to legitimize Puerto Rico's stance as a modern and progressive nation prompted officials in the city of Ponce to reform Puerto Rico's penal system. Many of the measures implemented during this time to reform the penal system intended to shape Puerto Rico's citizens to serve the nation. This was particularly the case with a new group of concern: delinquent children. Delinquents were constructed not only in public debates but also in the confines of the state institutions created to deal with them. The new institutions dealing with and containing juvenile delinquents served as sites for the construction of criminal subjects. They contributed to the evolution of a variety of new discourses and practices concerning juvenile delinquency.

At the same time, the new institutions did not always operate as intended. More often than not, issues of resources and cultural norms informed the operation of these places and the treatment of children. The institutions to contain and reform Puerto Rican youth rarely worked to reform and correct unruly behavior, working better in theory than in practice. In fact, what transpired behind closed doors often found itself at odds with the moralizing and progressive discourse of the time. Because of this, places like the Galera de Menores and the Escuela Correccional also had unintended consequences for the children accused of offenses across the island. Ultimately, however, the institutions created to handle juvenile delinquents succeeded in giving shape and concreteness to a delinquent subject. Whether or not the institutions operated as expected, they legitimized and breathed life into an entire new system that contributed to create an ideal young citizen serving the nation.

This gap between rhetoric and practice has received little attention from scholars of children in Latin America, as well as from academics of society and crime in Puerto Rico. Scholarship on juvenile delinquency tends to focus on rhetoric, language, and concepts that do not reveal the extent to which these concepts actually affected people. Scholars of children and childhood in Latin America as well as scholars of crime in Puerto Rico have concentrated mostly on how intellectuals and professionals debated issues of criminality and the formation of a modern, progressive society.² Less attention has been given to the study of how reform institutions operated in practice and how

² To be sure, these works are important in understanding the context and debates in which historical events surrounding juvenile delinquency unfolded. For examples of this, see Kelvin Santiago-Valles, *Subject People*; Lila Caimari, *Apenas un Delincuente, Crimen, Castigo y Cultura en la Argentina, 1880–1955* (Buenos Aires: Siglo Veintiuno Editores, 2004); and Carreras, “Salvar en la Cuna,” 173–202.

inmates—those labeled and classified as juvenile delinquents by the new institutional system—experienced those institutions and their social reformist programs.

Part of the problem with tracing the experiences of delinquent children within the institutions built to contain them has to do with the dearth of evidence on the subject, and the limited access to documents on the subject. For the case of Puerto Rico, specifically, the Escuela Correccional and the Galera de Menores discussed throughout this chapter left behind very little evidence. The glimpses we do get come from court cases. Others come either from brief moments when the institution themselves opened their doors to newspapers to showcase themselves in the best light possible, or from those instances when tragedy or abuse forced the doors of these institutions to be opened to the public. Despite their inherent biases, these sources allow us to piece together how children experienced institutions dealing with juvenile delinquency. They allow us to listen to the voices of some of the children targeted by the system of those deeply concerned with juvenile delinquency.

By studying how reform institutions operated and how inmates, their families, staff members, the press, and state officials perceived them, it is possible to move beyond abstract debates about reform and analyze how these institutions contributed to reify, via reformation and containment, the new juvenile delinquent subject as someone in need of education, discipline, and guidance. An analysis that centers on institutional practices and inmate experiences has another important advantage: it allows us to illustrate the wide gulf that separated stated reformist goals from penal and disciplinary practices at institutions such as the Escuela Correccional, which was supposed to be a model institution of reform.

By looking at what happened in these institutions of reform across the island, we can trace the changes in the interactions of delinquent children and their families with state authorities. The successes and failures of the institutions crafted to handle and contain juvenile delinquents in Puerto Rico changed the nature of the relationships between delinquent children and the state.

3.1 COLONIAL INSTITUTIONS FOR BOYS AND GIRLS: CASA DE BENEFICIENCIA AND ASILOS

On 1946, a 63 years old prisoner compared the treatment he received in an adult prison to the treatment he had received in the Casa de Beneficiencia as a child during the late 19th century. This prisoner, simply listed as “Case 15” on sociologist’s José Colomban Rosario’s book *Problema de la Criminalidad en Puerto Rico*,³ spent most of his young life housed in the Casa. As “Case 15” recounts, he had come from a wealthy family and spent his early youth attending school, always well kept by his family. When his father died, “still during the times of Spain, my mother placed me in Beneficiencia until I turned 20.” Case 15 spent his childhood engaging in behaviors later condemned by the state. His “pranks,” as he described them, involved “making knots on his peers’ sheets, running away whenever possible, and stealing money and other goods.” These childhood pranks seemed to have escalated because he was in and out the prison system

³ José Colomban Rosario, *Problema de la Criminalidad en Puerto Rico* (Río Piedras: Universidad de Puerto Rico, Colegio de Pedagogía, 1952). José Colomban Rosario was a journalist, sociologist, and university professor who published books and newspapers articles on social issues in Puerto Rico during the 1930s and ’40s.

six times in his adult life. The one that landed him in prison during the time of Colombar's study was a robbery and attempted murder, as he attacked a bystander who refused to give him money. It is important to note that, at some point, he also most likely went to jail as a child or adolescent during Spanish times. When describing the conditions of his adult prison, he referred back to the conditions of the penal institutions of his youth, "[t]his jail is very good. It is much better than the one from Spanish times."⁴ Indeed, the Casa de Beneficiencia and prisons of the 19th century could not compare to the penal institutions that emerged later on. At that time, these institutions were still working out how to handle and contain children.

It is not surprising that Case 15 recalled the Casa de Beneficiencia in such a way, as a place where he could engage in all sorts of innocent mischiefs. The Casa de Beneficiencia stands as the main example of early efforts to define, separate, and categorize subjects of concern, including children. The institutions that evolved around this period, of which the Casa is a prime example, attempted to deal with children in fair, humane and just ways, accentuating the island's level of progress. As the first of their kind, these institutions were dynamic works in progress, testing grounds for proper civilizing practices. Their approaches were novel and untested, which may help explain why most often than not the institutions failed to trace a specific path for themselves. Shaky as they were in their beginning, their rise informed the definition of delinquency and delinquent children, shaping the centralized juvenile justice system of the 20th century.

⁴ Ibid., 190.

Before the creation of the Casa de Beneficiencia, poor and wayward children were handled through private efforts. As Federico Degetau recounts in a letter describing the condition of children in Puerto Rico written to the president of The American Humane Association sometime between 1898 and 1900, “the condition of the children in the Island of Puerto Rico of the rich families is good. Many poor and helpless boys are protected and educated by them.”⁵ Before the creation of institutions like the Casa de Beneficiencia, and even later, upper and middle class families brought in children from impoverished families to work for them or apprentice under them.⁶ The government was marginally involved in protecting children, mostly through the Ayuntamientos (town councils) in charge of dispensing money to parents requesting assistance. Beyond that, they offered little in terms of institutions, neglecting children except orphans who “had an Insular establishment where they were fed and educated.”⁷ In fact, earlier in the century, Spanish authorities dismantled a fledgling body, the first Boards of Charities, curtailing efforts to provide a centralized tool for handling the poor. According to Degetau, the

⁵ Federico Degetau, loose papers related to the treatment of children and animals in Puerto Rico and benevolent institutions on the island predating American intervention, ca. 1899, Colección Mergal, Papeles de Federico Degetau (Originales), caja 10, cartapacio IV, CIH. The particular letter cited here is not dated, but was written in response to a letter sent on March 13, sometime between 1898 and 1900. This can be ascertained because Degetau makes reference to the military government of the island that operated only from 1898 to 1900. The majority of this section is based on a report written by Federico Degetau during the period of transition from Spanish colonialism to American colonialism. As secretary of the interior and a member of the Insular Board of Charities, he crafted several reports on the status of children and charity institutions in Puerto Rico. These reports, part of a newly released collection, provide a history and glimpse into both the institutions of the 19th century and the sentiments of officials at the end of the century about their successes and failures. The documents are particularly important because of the dearth of evidence available on the subject.

⁶ Ibid. This was a particularly common practice throughout Latin America. See for instance, Martínez-Vergne, *Shaping the Discourse*, 118–152; and Guy, “Girls in Prison.”

⁷ Degetau, papers (treatment of children and animals, etc.), ca. 1899. Little is known about the Sociedad Protectora de Niños. More research is needed to understand the role of the Sociedad in the lives of Puerto Rican children.

dismantling occurred due to “the political reaction in Spain,” most likely meaning the reinstatement of absolutist rule that brought about a conservative period in Spain and its colonies.⁸

The Casa de Beneficiencia, then, provided a new space for poor and problematic children, a space they shared with all sorts of actors, from the mentally ill to adult criminals. Initially, the Casa had been intended for female criminals. Concerned with the interactions between men and women in the penitentiaries, the governor of the island approved a loan of 4,000 pesos to build a space for female prisoners. Soon, the project took a different turn, as the men appointed to undertake it “issued a proclamation, requesting the assistance of all the people in caring for the Island’s helpless.”⁹ Specifically, they sought to help orphans, the aged, and the helpless. The funds were used to build an institution that could handle all these people in need, and it became a “general space for public beneficence.”¹⁰ What this would mean, precisely, remained to be seen.

The obscure origins of the institution set the stage for its messy evolution, and for the problems that evolved from it. The Casa’s main building was completed in 1844, when it opened its doors to mental patients. Other groups followed, as the purposes of the place remained unclear. A school for soldiers, one for midwives, and a “two story stone building” for the boys were housed in the Casa, the boys building included orphans,

⁸ Ibid., 3–4

⁹ Ibid., 5

¹⁰ “A los Habitantes de la Isla de Puerto Rico La Junta de Beneficiencia Creada por el Superior Gobierno de la Misma,” 27 January 1841, Fondo Secretaria, Beneficiencia, Correspondencia General, caja 4, AHMC.

boys in need of correction, and boys who paid for their tuition.¹¹ As Degetau suggests, the Casa evolved quite haphazardly, defining itself as it went. The Board of Charities grew increasingly concerned about the mixing of seemingly different subjects of concern, such as children and prostitutes, as well as about the methods used to handle such diverse groups. The erratic evolution, one that only became evident when theory became practice, led policy makers to push for distinction and specialized treatment of the groups within the confines of the Casa.

In 1869, the newly formed local legislature of the island, now in charge of the Casa, began to recognize the need to define the institution's purposes. Specifically, they were set on "proceeding to the entire separation of inmates according to a proper classification."¹² This suggests just how disorganized day-to-day operations were. At this time, the Casa was seen as a "[t]ower of Babel composed of variable elements of opposed interests and requirements. This necessarily [sic] resulted in confusion and disorder where peace and tranquility should prevail."¹³ In addition to mixing all individuals in one space, the Casa used obsolete and cruel methods such as "chains, shackles, and corporal punishment."¹⁴ By delineating outdated and condemnable practices, officials also began to clarify what was expected from these institutions—order, peace, tranquility; and to outline methods to achieve these goals.

The government in Madrid, for instance, reacted harshly to the fact that the Casa housed together orphans and those sentenced by the courts. This violated a Supreme Court decision of 1833, whereby "temporary detention for correctional purposes without

¹¹ Degetau, papers (treatment of children and animals, etc.), ca. 1899, 7.

¹² *Ibid.*, 8.

¹³ *Ibid.*, 8–9.

¹⁴ *Ibid.*, 9.

formal investigation should not exceed 30 days.” Despite this ruling, it was common for accused criminals to spend up to three years in the Casa.¹⁵ This posed a problem, as it kept criminals awaiting sentencing in close proximity to children. Practical needs contributed to the gap between practice and theory in this instance, as the penitentiary was filled to capacity and could not accommodate those awaiting trial. Similarly, the institution lacked a qualified director and had great difficulty filling its posts. Vergne suggests that this was the case because of the low pay public officers received.¹⁶ Yet, one must also add the demands that the colonial government placed on its public servants, even despite poor compensation. The case of the Casa’s music instructor reveals the difficulties the institution faced in trying to fulfill its civilizing mission. Felipe Gutierrez, the Band Master of San Juan’s Cathedral, volunteered his services to the institution in 1858 in exchange for help in the church. He even donated instruments that were used to create the Beneficiencia Band. Despite his generosity, and despite not having a formal appointment, soon the government began demanding more of his time, even going as far as to fine him “a peso for each day that he failed to teach the boys.” Gutierrez resigned from his position teaching music for free.¹⁷

In light of these realities, the Casa made efforts to create specialized departments for each of the groups it housed. Children, for instance, were divided so that “the

¹⁵ Ibid., 13.

¹⁶ In her assessment of the Casa de Beneficiencia’s operations, Martínez-Vergne argues that the Casa “fluctuated between rigidly imposing its will and bending to human circumstances and to practical considerations.” An example of this was the laxity in appointing people to positions within the Casa. Despite efforts to appoint expert and well-trained members of society, the Casa had to be flexible with its appointments due to the “scarcity or qualified or even willing participants.” She cites low pay as one of the reasons for a dearth of willing participants. See Martínez-Vergne, *Shaping the Discourse*, 145–146.

¹⁷ Degetau, 14-15.

incorrigible may not affect the minds of these whose opening careers, fate has not given over to misfortune.”¹⁸ In 1870 Dr. Francisco Hernandez was brought in as Commissioner of the Beneficiencia. He crafted specific classifications, separating corrupt women from young innocent girls who should have been “enjoying the openness and happiness of a home life.” According to him, the Casa had been operating like a jail or penitentiary, turning anyone within its walls into a criminal.¹⁹ Hernandez’s captured the tension that informed a myriad of institutions that emerged in the 20th century. On the one hand, classifying and separating children identified some as worthy of reform and specialized attention. Yet, they had also spent time in the Casa, with criminals, engaging in behaviors that were later criminalized. Though perhaps fixable through specialized intervention, the pranks Case 15 could get away with as a child living at the Casa would not be so easily tolerated in the next century. On that front, the Casa delivered, as it paved the way for new institutions, such as the Escuela Correccional and the Galera de Menores, to deal with these intolerable behaviors.

3.2 THE ESCUELA CORRECCIONAL: THE VISION

As discussed in the previous chapter, the way children interacted in places like the Casa de Beneficiencias and Asilo de Niños led policy makers to create new categories and to discuss the need for specialized institutions of containment. For instance, by housing “innocent” and “delinquent” children together in the Casa, officials and

¹⁸ Degetau, papers (treatment of children and animals, etc.), ca. 1899, 9–10.

¹⁹ *Ibid.*, 10–11.

professionals identified the need to separate “abandoned” from “delinquent” children. This led to the creation of regulations and policies distinguishing children who committed crimes both from “innocent” children and from the adult criminal population. It also led to the creation of new institutions, such as the Escuela Correccional and the Galera de Menores. One of the most important institutions to arise from the new classification of children was the Escuela Correccional—theoretically, the biggest institution of juvenile containment and reform in the island during the first half of the 20th century.

As the previous chapter showcased, discussions unfolded at the end of the 19th century around the need to separate wayward, poor, and miscreant children from the adult criminal populations. These discussions led to several institutional initiatives. In 1887, The Sociedad Protectora de Niños created a house for the poor, for the children “ripped away from misery and the processions of harms and vices that it brings them.” These children, whose moral and culture was seen as the key for the progress or the regression of the country, had to be separated and removed from elements who contribute to their corruption.²⁰ Similarly, in 1895, a report by Juan José Potous about the needs of the city of Ponce also spoke about the pressing demand for a space for correcting delinquent children.²¹ Potous saw the creation of an Asylum to correct abandoned and vicious children as a necessary marker of Ponce’s progress. However, despite all this talk, at the beginning of the 20th century all discussions about separating criminal populations had failed to materialize.

²⁰ Fernando de Sagarro to the Municipal Mayor of the Capital City of San Juan, 18 February 1887, Fondo Documentos Municipales de San Juan, Beneficiencia, 1887–1889, exps 23-36, legajo 27, pieza PI, AGPR.

²¹ Informe Sobre las Necesidades de la Ciudad de Ponce, 1895–1926, AHMP.

The new criminal code of the 1880s provided for the specialized treatment of children. As will be discussed in the next chapter, laws began to describe age as a special circumstance that called for special treatment. In the courts, then, judges began paying more attention to age when sentencing children. Yet, until 1908, when the Escuela Correccional opened its doors, children sentenced to prisons and correctional facilities simply served shorter sentences in adult institutions. José de Diego denounced this practice, “In Puerto Rico, despite the Code, there are no correctional sentences, because we have no places of correction: penitentiaries and jails are cages of men like cages of wild animals, without any other purpose than imprisonment.”²² De Diego’s declarations summed up the state of penal and correctional institutions at the beginning of the 20th century.

It would take work at the local level, by members of the Puerto Rican elite, to bring to life the institutions for juvenile delinquents in the 20th century. This was no easy task. Just as the Spanish government had neglected the needs of children, the American military government disregarded efforts to build a reformatory for juvenile delinquents. Yet, this was an issue of concern for local politicians and members of the elite. As early as 1900, the city of Mayagüez requested funds and authorization to erect an escuela correccional. The military government denied the request, arguing that, “While the Military Governor appreciates the fact that the work would be of great good to Puerto Rico, he regrets exceedingly that the finances of the Island do not permit of furnishing of any aid for the undertaking...”²³ These words did not deter local efforts.

²² de Diego, *Apuntes*, 20.

²³ J.S. Battle to mayor of the city of Arecibo, 15 March 1900, Fondo Municipio de Arecibo, caja 40, AGPR.

José de Diego was one of those men instrumental in turning rhetoric into reality. He championed penal reform that would bring Puerto Rico's practices into line with those of Europe and the United States, deemed more progressive. He marveled at the work being done around the world to implement correctional methods. "In Holland, in England, in France, in Germany, in all the modern nations there are magnificent centers where delinquents are divided by age, sex, nature of crime, and sentence. Even Spain, still behind in this direction, has founded in Madrid a Model-Jail and an excellent Correctional Asylum. The United States marches ahead of this scientific progress in penal systems."²⁴ De Diego hoped to push Puerto Rico in the same direction by creating a Correctional Facility for delinquent youth modeled after the Elmira Reformatory. The Elmira Reformatory, the first of its kind in the United States and the rest of the world, was built in New York in 1864, and according to de Diego, stood as "the most brilliant effort of the past few years for the individual reform of youth."²⁵ In it, children were educated and trained in agricultural and industrial jobs, arts, literature, and morality. Essentially, they were reformed and civilized through "education, virtue, and work." De Diego envisioned a similar space in Puerto Rico, as close to the Elmira Reformatory as the island's scant resources would allow.²⁶

As president of the only locally elected lawmaking body in Puerto Rico, the House of Delegates, de Diego soon went to work on making his goals a reality. Under his guidance, the House of Delegates passed a bill for the creation of a Escuela

²⁴ de Diego, *Apuntes*, 21

²⁵ Ibid.

²⁶ Ibid., 21–22.

Correccional. Although some sources suggest that de Diego crafted the bill,²⁷ the official bill was penned and introduced by Manuel V. Domenech, Mariano Abril, and Loreto Jesús Montalvo.²⁸ It is not surprising that Domenech, the Ponce architect who had once expressed concern over the state of the Ponce jail and encouraged the separation of inmates in it, would have crafted the bill. The same can be said for Mariano Abril, director of *La Democracia*, one of the newspapers that started discussions about crime on the island, and consistently covered crimes committed by youth, wayward children, and the police and government treatment of these subjects. Regardless of the author, it is important to note that the bill did not pass in the House until de Diego took over the presidency of the body. Domenech submitted this bill initially in 1902, and it went unnoticed until 1905, a year after de Diego was elected to the House.

In March of 1905, the bill “To Create and Establish in Puerto Rico a Correctional School for Delinquent Youth” was approved. The school would be run by the Director of the Department of Health, Charity, and Correction, and it would “serve for the detention, education, discipline, industrial education, and to reform juvenile delinquents.”²⁹ Though the bill did not establish a specific location for the institution, it revealed its modernizing mission by locating the school solely in one of the ten most important cities on the island. Most likely, this provision intended to showcase the institution as a sign of the island’s civilized nature. The objective of the institution, cited here in its entirety, underscores this purpose:

²⁷ “Historial de la Escuela Correccional, Escuela Correccional a los Habitantes de la Isla de Puerto Rico la Junta de Beneficiencia Creada por el Superior Gobierno de la Misma,” (n.d.), caja 10, cartapacio IV, doc. 1-A, Archivo Histórico de Mayagüez (AHM).

²⁸ To Create and Establish, H.B. 119, 1905.

²⁹ Ibid.

It is the object of this institution to provide young boys and girls detained in it, in the forms that will be outlined later, instruction in the principle of morality and of those branches of knowledge that are generally taught in public schools. They will also be instructed in the principles of mechanical and industrial arts, farming occupations and in those practical trades that are most fitting to their age, strength, capacity, and sex, and that will give the most promise of granting them a livelihood once out of the establishment.³⁰

Although the bill passed in 1905, the Escuela Correccional did not open its doors until 1908. As de Diego foreshadowed, resources and practical limitations delayed the construction of the institution. One of the biggest challenges they faced was deciding on a location for the project. The bill stated that the cities interested in housing the Correccional would have to donate the land for its erection, and the government would help fund the construction. Though this seemed like a simple endeavor, the Director of Health, Charities, and Correction and member of the House of Delegate, Franciso de P. Acuña, took his time to approve a locale. Though I did not find evidence that would explain the delay, the available evidence does highlight the dearth of resources and funds of the government of Puerto Rico and the municipalities. The cities of Ponce and Mayagüez, Domenech's and de Diego's respective hometowns, jumped at the opportunity to house the institution but were slow to secure the necessary location, funds, and approval for it. Ponce acted rapidly, and on May 1905, only two months after the bill passed, the city submitted a list of seven possible plots they could donate. All the plots on the list required the construction of a new building.³¹ Despite Ponce's and Mayagüez swift actions, the Director of Health, Charities, and Correction must have bypassed these

³⁰ Ibid., p. 3–4.

³¹ "Expediente Sobre el Establecimiento en Esta Ciudad de una Casa Correccional para Jóvenes Delincuentes y una Granja Modelo," 1905, Fondo Ayuntamiento, Judicial, Informes, 1836–1940, caja S-144, AHMP.

options. In 1907, the school had not yet been built. This was most likely for the same reason the Military government had denied the erection of the facility in 1900: lack of funds to support the project.

In 1907 de Diego offered a viable solution. Since 1905, he had been laboring to ensure that the Escuela went to Mayagüez, and he “continuously wrote to the mayor of Mayagüez, attorney Mariano Rivera Palmer, requesting that he take immediate action to search for an interim location for the school, to keep Mayagüez from losing the opportunity to house it.”³² De Diego knew the practical limitations faced by the island. By recommending the use of an interim building, he ensured that Puerto Rico did not stay behind, as Madrid once had, in its efforts to reform its penal system,

De Diego’s efforts ultimately paid off when the mayor approved the donation of the former jail of Mayagüez as a provisional correctional facility until a new building was finalized. The Director of the Department of Health, Charities, and Correction approved the donation, committing to defray all the costs of painting and fixing up the building, and of completing the new Escuela Correccional.³³ It is likely that the donation of a building requiring very little work and government funds was the deciding factor on the school’s location. It also informed the spirit of the institution well after the juvenile courts were established in 1915. Such a spirit tried but ultimately failed to match Jose de Diego’s vision.

³² “Historial de la Escuela Correccional,” AHM, 1.

³³ *Ibid.*, 1–2.

4.0 CHAPTER 3: CORRECTING THE CORRECTIONAL FACILITY: THE REALITY OF THE ESCUELA CORRECCIONAL

The problem with an institution to reform and correct delinquent youth is that it has the potential to reify and perpetuate such behavior. Because of this, reform and correction are never quite achieved though they are pursued at all cost. Historian Donna Guy shows precisely how this process works in her article on girls in Argentine prisons. In it, she posits that the process of rehabilitating through incarcerating served to classify and ascribe roles to girls, redirecting their place in society but not necessarily rehabilitating them. If anything, the process of rehabilitation underscored their inferior status. I draw partly on this argument throughout this section, as this process illuminates what happened in the Escuela Correccional, an establishment meant to reform in a space meant to punish.³⁴

When the Escuela Correccional opened in 1908, it was greeted with great fanfare. Reporting in 1906, the Director of the Department of Health, Charities and Correction promised, “The inauguration at Mayagüez of the reform school for youthful delinquents which has been estimated for on the present budget will be an innovation during the present year. Suitable preparations are being made for its installation and there is no doubt that such a provident and moralizing institution must necessarily give result that

³⁴ Guy, “Girls in Prison.”

will perpetuate the memory of its authors.”³⁵ Similarly, the Attorney General wasted no time encouraging judges to make use of the facility, alerting them to “start sentencing children to the Escuela Correccional.”³⁶ Jurists and officials alike saw the Escuela Correccional as an innovation and hailed it as the ideal institution to deal with the problem of delinquent youth.

From its inception, then, the Escuela had a lot to deliver, and at first glance it seemed to be poised to do just that. It was located on a remote road, at the margins of the city in Guanajibo, close to the sea. Its location seemed to provide an ideal environment for children to breath fresh and healthy air. Yet, despite this promise, until 1915 it held “the character of a penal or semipenal institution...the building was built with iron bars in all doors and windows, and with dark dungeons to lock up the kids, imparting to it an aspect of a prison.”³⁷ The building itself was simply a large white edifice of concrete with barred windows and doors, capable of accommodating about 40 kids. The area was quite isolated. No roads connected to it, and the surrounding areas were barren, lacking vegetation or much greenery. Inside, the building was equally austere, as it was furnished with the tools and items from an Industrial School in Mayagüez that was no longer operating.³⁸

For over 20 years, the Correccional was in a constant state of remodeling, as it never quite met the need for space for the number of children declared juvenile delinquents by the courts. Many of the reports on the Escuela Correccional included a

³⁵ Acuña in Exhibit G: Annual Report of the Governor of Porto Rico, 1907–1951, NARA.

³⁶ J.H. Brown to All the Judges of the Courts of the Island, 10 December 1907, Fondo Archivo de San German, Justicia, Comunicaciones, caja 38, AGPR.

³⁷ Pablo Berga y Ponce de León, *De La Delincuencia Juvenil y de Los Tribunales Para Niños* (San Juan, PR: Imprenta Real Hermanos, 1930), 24.

³⁸ H.J.R.3, 4th Assembly of Delegates, 1908.

request to remodel the facilities or expand them to accommodate more boys.³⁹ Writing in 1915, for instance, Governor Yager reported that the buildings of the reformatory were filled to capacity.⁴⁰ The same complaint was articulated by the judges of the juvenile courts and by social scientists in 1917, as well as by the Attorney Generals reporting on the status of the Correccional during the 1920s.⁴¹ The school was never big enough, though efforts were consistently made to remodel it and fix the problem. Beyond that, the Galera de Menores was created near the San Juan penitentiary in 1913 to contain juvenile delinquents while space opened up in the Correccional. The Galera was intended as a temporary stop for juvenile delinquents but this was rarely the case, as children generally spent extended periods of time in them. Eventually, the Galera was seen as an added institution of reform. The Correccional simply fell short in terms of capacity despite efforts to turn it into a reformatory beacon.

As the years progressed, then, the Escuela Correccional did see slow but steady changes. Sometime in 1911, a house for the director was added.⁴² The house, a small edifice away from the main building stood in stark contrast to the main building. Its style and architecture made it quaint and private. By the 1920s, a special cottage home was

³⁹ See for instance Manuel Camuñas, “Report of the Director of Labor, Charities, and Correction,” in *Report of the Governor of Porto Rico to the Secretary of War* (Washington, D.C.: Government Printing Office, 1912).

⁴⁰ Arthur Yager, *Fifth Annual Report of the Governor of Porto Rico* (Washington, D.C.: Government Printing Office, 1915).

⁴¹ See for instance Howard L. Kern, *Segundo Informe Anual del Attorney General de Puerto Rico a la Asamblea Legislativa Sobre el Trabajo de las Cortes Juveniles de Puerto Rico para el Año 1916* (San Juan, PR: Negociado de Materiales, Imprenta y Transporter, 1917); Fred K. Fleagle, *Social Problems in Porto Rico* (Boston: D.C. Heath, 1917); Salvador Mestre, *Report of the Attorney General of Porto Rico* (Washington D.C.: Government Printing Office, 1920); and Mestre, “Report of the Attorney General,” in *Report of the Governor of Porto Rico* (Washington, D.C.: Government Printing Office, 1923).

⁴² As much is evident from photographs from the school taken by James W. Hyman between 1911 and 1913. James W. Hyman, 1911–1914, “Mayaguez Reform School Addition,” photograph provided by Rene Cabrerias from his personal research at the AGPR.

built free of bars for the well-behaved children.⁴³ It wasn't until the 1930s when the school began showing signs of the vibrant environment imagined as the healthiest environment for the reformation of children. At that point, a road connected to the school, and thick foliage surrounded the institution. Before then, however, the children had to live amidst constant renovations, playing and treading between construction materials. Photographs from the 1911 and 1913 remodeling jobs show children surrounded by lumber and the debris from constructions in progress.⁴⁴ Indeed, though the island's officials made every effort to improve the school's infrastructure, the Escuela Correccional never became the paragon of scientific progress de Diego and Domenech had envisioned.

The school conditions did not prevent those involved in it from parading it as a model to follow. For instance, on March 6, 1913, the school's doctor invited the editor of *La Democracia* to tour its facilities. Such efforts to showcase the school's offerings begin to give us an insight into what went on behind closed doors. The journalist accepted the invitation, leaving behind a record of life in the institution worth citing at length. He arrived at the school on a Saturday, by boat, as it was impossible to reach the Escuela by road. The boat only got him part of the way, however, and he had to continue his journey on foot. As he recounts, "First by car, then by yola, and then by foot, we traveled kilometers with several serious dangers that the government must try to correct

⁴³ Photographs show this cottage as does a testimony given in 1922 by Epifanio Vázquez, an inmate of the school. In it, he refers to this building as "The Honor's Cottage." See "Contra Juan José Rodríguez," several accusations, 1915, Ponce, CJPR, Fondo Judicial, Tribunales, Tribunal Supremo, Escuela Correccional, tarea 61-10, AGPR.

⁴⁴ Hyman, "Mayagüez Reform School Addition," AGPR.

as soon as possible.”⁴⁵ This particular detail is significant: since the Correccional’s inception, members of the House of Delegates had crafted bills pushing for a road that would facilitate access to the school, connecting it to the city of Mayagüez.⁴⁶ As the journalist’s description shows, this need had yet to be met five years after the Correccional’s creation. The lack of roads spoke to the failures of the institution’s founders to push for improvements and adjustments.

Despite these setbacks, the journalist praised the institution for its proximity to fresh air and the potential it had to reform the island’s juvenile delinquents. In fact, the journalist solely took issue with the school’s infrastructure, praising the staff. According to him, the director, doctor, and police in the school showed nothing but a professional demeanor and a commitment to reforming Puerto Rico’s youth. The space itself, however, was lacking: “The deficiencies of such a place are many, being the main ones the following: small size, poor ventilation, poor lighting.”⁴⁷ The infirmary proved equally sparse, as did all other departments in the institution. The entire facility was in need of much reform, “provide it with water and electricity. We have to open the roads so that we can connect the school to Mayagüez.”⁴⁸ It seems an irony that an institution meant for reform would be in need of reform. Yet, this tension between what the institution promised and what it delivered plagued the Correccional during the first half of the century.

⁴⁵ V. Soler, “Una Visita a la Escuela Correccional de Mayagüez,” *La Democracia*, March 6, 1913.

⁴⁶ Providing for the Construction of a Road Between the Reform School located at Barrio Guanajibo or Mayagüez and Road No. 2, and for Other Purposes, H.B. 9, 2nd Assembly (1908).

⁴⁷ Soler, “Una Visita.”

⁴⁸ *Ibid.*

One of the most glaring failures of the institution was that of fulfilling the provision of being a house of reform for both boys and girls. It is unclear why the law stated that both boys and girls would be housed in the Correccional, but the unfulfilled promise reveals much about gender dynamics in Puerto Rico—where girls were seen to belong squarely in the private sphere, the home. Because of this, the male-led reforms around juvenile delinquency did not recognize young girls as a threat. Rather, as it will become evident in later chapters, they were seen as innocent victims in need of protection. At the same time, it is likely that the provision of the Escuela Correccional that promised to house both boys and girls was more symbolic than anything, a way for the state to claim responsibility over all children of Puerto Rico, girls included.

Beyond this first contradiction between ideal and reality, the ways children and their families experienced the institution changed after children spent time in it. From the outside, as we saw at the beginning of this chapter, the school seemed like an appealing respite for those children struggling to survive in the island amidst economic hardships. As the case of Rafael Torres shows, the appeal of the school even drove children to commit crimes to secure a space in it. Julio Camacho Guidicelli was one of these kids. According to declarations from a witness, Emilio Gonzalez, on February of 1935 he had seen Julio set fire to an acre of sugar cane. According to González, the next day, the child confessed to his son, a different Rafael Torres, that he had committed the crime because “his dad made him work all the time and never let him go out and he did this because he wanted to be sent to the Correccional.” Rafael Torres in his own testimony confirmed Emilio’s testimony. Interestingly, Julio denied the accusation but did not deny telling Rafael that he wanted to be sent to the Correccional. Even if both parent and son

were fabricating the story, their testimonies stand as examples of the currency the Escuela Correccional had earned as the place where those seeking an escape from life's hardships could go.⁴⁹

Because of issues of capacity, getting into the Correccional was no easy feat. It was, however, the dream of many children like Julio. Angela Negrón Muñoz discovered as much during a visit to the Sección de Menores de la Carcel de San Juan in 1939. Every single child she interviewed on that occasion expressed a burning desire to enter the Escuela Correccional. These kids had already been found delinquent by a judge and were awaiting their turn for a space to open up in the Correccional, which at the time housed close to 250 children. The exchanges reveal much about the way children at the time came to view the Correccional. Two of the children interviewed were Domingo and Francisco. Their interviews went as follows:

-Who brought you here?

-They sent me from the court because a policeman took me to the police station and from there took me to the Juvenile Court.

-Why?

-Because one day I went to get water at a cafetín and the guy who was doing the dishes got my arm dirty with ash, and I went out and dumped a pot of soil on him, and he grabbed me and took me to the police.

-Do you remember your parents?

-Not my dad because he left when I was six months old, according to my mom.

She used to wash floors and made money that way but she sometimes got sick and

⁴⁹ "Contra Julio Camacho Guidicelli por Incendio," 1935, Ponce, CJPR, Fondo Judicial, Tribunales, caja 61-10, AGPR.

we had no food and since she got a little old...

-You went to work?

-Yes m'am. Who told you?

-I know.

-But I could not find anything, now I would like to go to Mayagüez soon.

-What do you want to learn there?

-I want to learn to be a musician, and if they don't want that I would also learn to...be a barber...or...be a shoemaker, I want to work...⁵⁰

Another child, Francisco, was even more adamant in his desire to be at the Correccional:

-You are the youngest one of all, right?

-I'm nine years old.

-Where do you live?

-In the Caleta of Las Monjas.

-With your dad?

-I'm an orphan. I ran away from home, and they stuck me in here.

-Why did you do that?

-Because it was really bad there.

-And here how do you feel?

-Very badly.

-The others told me that it was good here. What happens to you?

⁵⁰ Angela Negrón Muñoz, "Unas Horas en la Sección de Menores de la Carcel de Distrito de San Juan," *El Mundo*, July 16, 1939.

- That I want to go to Mayagüez. I wish they would take me in this round...! Don Lugo is very good with us but I want to go to Mayagüez.
- How long have you been here?
- On the 25th I will have been here for a month and fourteen days.
- In Mayagüez what do you want to learn?
- To make pretty furniture so I can make a living when I'm older. You don't know when they are sending us? I wish they would take me in this round!⁵¹

Along with the story of Rafael Flores, the stories of Julio Camacho Guidicelli, Domingo and Francisco reveal some distinct patterns about the children targeted by the Escuela Correccional. First is the fact that these children made themselves targets worthy of being locked up. Stealing coins and waiting patiently to be caught, causing a fire, dumping pots over a stranger in a public space, these were all visible offenses. That this is the case suggests a certain level of intentionality behind the acts. It is almost as if the children, all willing and eager to attend the Correccional, set themselves up to be caught. In doing so, they modeled themselves into ideal juvenile delinquents, and in the process reified the category, gave it a palpable character, and reaffirmed the need for the institution.

At the same time, it is important to note that the children themselves evoked the language of reform espoused by the elites and middle class citizens of the island since the 19th century, discussed in the previous chapter. The kids spoke of wanting to attend the Correccional to work, making themselves useful citizens and gaining a livelihood once

⁵¹ Ibid.

outside the institution. Further, as was evident in Flores's and Camacho's cases, children were not the only ones to buy into the mission of the Escuela Correccional. Neighbors and communities encouraged the children's delinquent behavior to ensure their entrance into the institution. Even parents often found themselves relinquishing their role and handing off their children to the state. Toribio Marques's and Luis Santana's parents were among these.

Toribio Marques came before the juvenile courts on August 31, 1915. He was accused of "living off the public streets because his father could not keep him because he was incorrigible and of bad character."⁵² This child was only 11 years old when he went before the judge. He had been brought to the prosecutor on many occasions before this one, and the fiscal always returned him to his father. On this occasion, however, the father, Francisco Marques, refused to take him back. He requested that the child be taken to the judge, as he simply could not contain him anymore. He explained that he had been able to educate and rear other sons, but that this particular one was out of control. The judge questioned the father, who reaffirmed his inability to contain the child. He argued,

-Once he stole a pair of gold glasses from me and sold them for three cents. He also took my watch from my chest and sold it; a gold pin that I had, he also took it and sold it.

-He sleeps in the house at night, no?

-He doesn't sleep; at four pm he leaves.

-Have you tried tying him up?

-I've tied him with chains and he even left with the chains. He hangs

⁵² "Contra Toribio Marquez por Vagar," 1916, Ponce, CJPR, Fondo Judicial, Tribunales, caja 61-10, AGPR.

out with some shoe shiners, older than him, and he does whatever they tell him to do.

-And you think you can't dominate him?

-I thought once of putting him on a boat and sending him off...

-Do you want to send him to the Escuela Correccional?

-Wherever the Court wants to send him.

Toribio, like many other kids before the courts, did not deny his behavior and accepted the charges the father made against him. Whether this was intentional, to be sentenced to the Escuela Correccional, is unclear. Regardless, he was sentenced to the institution. He spent over five months in the Galera de Menores before entering the Escuela Correccional, where he spent at least three years. There, he dedicated himself to the shoemaking trade.⁵³

Luis Santana's parents, Alberto Santana and Cornelia Cruz, used a similar script to get their son into the Escuela Correccional. Just like Francisco Marques, they also demonstrated a deep interest in having their son in the institution. Luis Santana, also a repeat offender, appeared before the court on October of 1915 for stealing two diamonds. When queried, both parents spoke of their inability to care and educate for the child, to ensure that he became a hardworking adult. It wasn't for lack of effort, they said, but because of the child's demeanor. Alberto Santana recounted his efforts to educate and advise his son with no avail. He spoke of his other children, all of whom had obeyed him and had grown up to become good men. When the judge asked him if he could keep the boy in his house, the father responded, "No sir! Your honor can send him to San Juan or

⁵³ Ibid.

to the Correccional.” His mother provided a similar testimony. She was convinced that the only option for her son was to be sent to the Escuela Correccional. “I want him to be taken somewhere where he will learn to work but where I can write to him.”⁵⁴ Like Toribio, Luis did not testify at length and did not deny his crime. When the judge asked whether he had committed the offense, he responded with a short, “Yes, sir.”⁵⁵ Luis was also sentenced to the Escuela Correccional. He spent over a year in the Galera before being sent to the Correccional.

Although the cases cited above cannot reveal the parents’ intentions, they do reveal complicity with the discourse on juvenile delinquency circulating at the time. More importantly, these parents believed in the mission of the Escuela Correccional. This showcases one of the successes of the institutions: the debates and discourses that led to the creation of the Correccional had filtered from the top down to the groups it intended to target, making them part of the reformatory project. Such success, however, could not have been possible without the right conditions—that is the realities of impoverished and working families unable to tend to their children. These two factors came together to reify the reformatory project and its institutions. This may explain why parents contributed to policing themselves and their children, willingly passing on their parental and correctional duties to the state, through the Escuela Correccional.

As much as the Correccional succeeded in becoming an ideal of reformatory institution to children and their parents, it was able to do so only from afar. The children and parents who actually experienced the institution quickly realized its shortcomings.

⁵⁴ “Contra Luis Santana por Hurto,” 1915, Ponce, CJPR, Fondo Judicial, Tribunales, caja 61-10, AGPR.

⁵⁵ Ibid.

For instance, once Luis Santana entered the institution, their parents came face to face with the realities of the place. After spending three years in the Correccional, both child and mother begged for Luis's freedom. In a letter penned to his mother, Luis wrote, "I must tell you that I'm fine of the stomach so don't send me what you speak of because I don't need it anymore...mom can you please speak with the judge about my exit...you take care of me."⁵⁶ What the letter doesn't say reveals as much about the conditions Luis lived in as what it does say. His mother had clearly offered Luis something he could not mention to help with his ailments in the Correccional. It is most likely that she wanted to procure food or medicine for him, as these weren't readily available in the Correccional.⁵⁷ At the same time, Luis refrained from mentioning precisely what the mother offered. This was most likely a precaution, as all the letters that left and entered the institution were scrutinized.⁵⁸ The simple letter, perhaps the unspoken message included in it, drove the mother to request an acquittal. She was particularly concerned about the treatment Luis was receiving in the Correccional and about Luis's health. She revealed as much in the testimony she gave after requesting his release,

-Did you send a letter to the governor of Puerto Rico requesting the release of your son Luis Santana who is in the Escuela Correccional?

-Yes, sir.

-Why did you send this letter?

-Because I am sick and because I have been there twice by foot, and the last time I went he was very sick and pale.

⁵⁶ Ibid.

⁵⁷ As much was evident from several accounts that surfaced in 1926 discussing the conditions of the Correccional. This scandal will be discussed at length later on in this chapter.

⁵⁸ "Contra Luis Santana por Hurto," 1915, AGPR

-Is that what he said?

-That's what I saw.

-And how do you know that he couldn't eat?

-Because I went there on Christmas Eve, and as he is my only child, I want him to be with us.

The court denied her request, as the Director of the Escuela Correccional did not approve of Luis's release. According to the reports, the child was not prepared, in training or behavior, for his release. Further, the judge himself questioned the truth of the mother's and the son's testimonies, a theme that recurred in other cases. The judge's incredulity reveals one of the strongest features of the reformatory and progressive discourse around the Correccional: because it was said to operate as a modern reformatory institution, it was assumed to operate as such. The burden of the proof remained squarely on the children and their families.

Decisions such as the one to deny Luis's exit underscored a reality parents may not have fully understood when they requested that their children be sent to the Correccional: according to the law, once sentenced to the Escuela Correccional, a child would stay in it until he turned 21 or until the courts deemed it fit. Indeed, despite the Correccional's reputation as a just, benign institution, similar to any other public school, the Correccional was ultimately a place of containment for delinquents. This affected children's experiences in significant ways. Once in, the children would spend years in the institution before being freed. They could spend between 8 to 10 years behind bars, quite literally. Luis Santana was finally released when he was somewhere between 18 and 20. His frustration with the institution became evident shortly after the court denied

his mother's request. His conduct worsened, being the worst it had been since his entrance into the school. He only improved once the director of the school began writing to his mother to encourage her to submit a second request for release. This one was approved.⁵⁹

As Luis's case suggests, actual conditions at the Escuela Correccional may have been somewhat removed from the ideal it projected. Instances of runaway children and documented acts of rebellion provide a closer glimpse about the realities faced by the children at the Correccional. The Libros de Requisitorias de la policia, as well as police Querellas or complaints, for instance, are filled with numerous complaints, case files, and warrants for the arrest of children running away from the school, as well as some of the supporting institutions of containment.⁶⁰ In 1914, for instance, Olimpio Delgado ran away from the Correccional seven times to see his mother.⁶¹ A year later, Guillermo Dapena, discussed at length in the next chapter, also ran away to return to his home. His father returned him to the Escuela.⁶² This problem of children trying to run away from the Correccional continued well into the 1930s and 40s.

⁵⁹ Ibid.

⁶⁰ The Libros de Requisitorias were books filled with orders to capture criminals kept at each police station on the island. Querellas are complaints filed by civilians with the police. Both of these prove many efforts of children to run away from the Escuela and other penal institutions. See for instance, Fondo Policia de Puerto Rico, tarea 57-P, caja 7, AGPR; and Fondo Policia, Querellas y Ordenanzas Municipales, tarea 61-62; 1914-1919 (also includes 1905), AGPR;

⁶¹ "Contra Olimpio Delgado por Hurto," 1915, Ponce, CJPR, Fondo Judicial, Tribunales, caja 61-10, AGPR.

⁶² "Contra Guillermo Dapena por Hurto," 1915, Ponce, CJPR, Fondo Judicial, Tribunales, caja 61-10, AGPR.

E. Combas Guerra wrote about this around 1930, shortly after the Correccional was renamed Escuela Industrial in an attempt to clean up its image.⁶³ Combas Guerra captured an exchange he had with escaped children and the officers who had captured them that reveals one of the main reasons behind attempts at escaping from the Correccional. The two officers in the story seemed to have known Guerra for they stopped in their jeep to greet the journalist. Guerra, noticing the boys in the back, inquired about their identity. The children, the first officer replied, were “among the many that are around here who have escaped from the Correccional.”⁶⁴ At the mention of the Correccional, the second officer chimed in to correct his friend, according to Combas Guerra, with some sarcasm, for the school was now to be called Escuela Industrial. Following this exchange, Combas Guerra turned to the boys:

-Do a lot of you run away?...

-In droves...

-How did you escape?

-I held on to a car that was passing by the Escuela’s road...

-And why do you run away? Don't you realize that you are better off in the school? It seems like you live well there; you get lodging, food, an education, entertainment, so you leave reformed...Don't they treat you well there?⁶⁵

The last question marked the end of the interaction, as the kids refused to respond to Combas Guerra’s question about the kind of treatment they received at the Correccional.

⁶³ An Act to Amend the Title and Section 1 and 14 of “An Act to Create and Establish in Porto Rico a Reform School for Juvenile Delinquents,” and for Other Purposes, Approved March 9, 1905, No. 61, 12th Legislature, 2nd Session (1930); and E. Combas Guerra, “En Torno a la Fortaleza,” *El Mundo*, ca. 1930.

⁶⁴ Guerra, “Camino a la Fortaleza.”

⁶⁵ *Ibid.*

The officer's sarcasm over the name change and the kid's silence reveal much about the nature of the school and the treatment children received within it. Despite its new name, the school did not operate or treat its children as an Industrial school. This was underscored by the children's escape attempts. This problem of children running away from the Correccional was such that, in the 1940s, a law was enacted to punish anyone who helped children escape from the institution.⁶⁶ The conditions of the school were not the idyllic space many expected.

The school's remote location and the dearth of evidence related to delinquent children on the Island make it difficult to ascertain the extent of the poor treatment within the Correccional. The evidence that does exist showcases the most extreme cases of mistreatment. Yet, the daily conditions in the Correccional may not have been as severe. Regardless, even looking at these exceptional cases of intense abuse bring to light the chasm between the ideal reformatory institution and the children's experiences. As such, they do provide a sketch, limited as it may be, of life inside the Escuela Correccional. Two particular incidents, one buried deep within the files of a specific case and another made public in 1926, allow us to begin to reconstruct life for the children at the institution.

The case of Juan José Rodríguez reveals the tense dynamics between inmates and school officials early on in its creation, as well as how the Escuela Correccional and the state reacted against rebellious and misbehaved students. Juan José Rodríguez entered the Escuela Correccional in 1916 for burglary. Interestingly, Rodríguez spent very little

⁶⁶ An Act to Provide Punishment for the Assisting of Intervention in the Flight of Persons Confined in the Asylums or Industrial Schools for Children of Puerto Rico, and the Disturbing of Order or Discipline or Work in Said Asylums or Industrial Schools, and for Other Purposes, No. 32 (1942).

time at the Galera de Menores, where children generally spent at least five months. A note on the monthly reports sent about each delinquent child may explain why this was the case. Juan, according to the report, “had the very bad vice of committing acts against nature for which there has to be a very effective vigilance over him.”⁶⁷ It is unclear what is meant by acts against nature in this particular instance, but his dossier reports instances of sexual advances made against other boys. Hence, it is likely that the “acts against nature” were of a sexual nature in this instance as well. Reports of his conduct at the Escuela Correccional suggest as much, whereby a boy, Oscar Santiago, accused Juan of threatening to beat him if Oscar did not pop his zits and cut him if he did not kiss him. He accused Juan of trying to “tease and put his arm around” him.⁶⁸ Similar acts committed in the Galera must have put Juan on the fast track to the Escuela Correccional, and under careful scrutiny from the officials in the institution, which was supposed to have the resources the Galera de Menores lacked to deal with these cases.

Although it is unclear what kind of vigilance was exerted on Juan in the Galera and later in the Correccional, it is clear that he received some kind of special attention. The sheer size of his record speaks to that. His case file also reveals Juan’s rebelling against the treatment he received. There’s some discrepancy on the records as to his behavior, fluctuating from good to poor through his time in the Correccional. For instance, a report from the director on March 27, 1919 stated that, “since he was returned from his escape, he has been showing an insubordinate and disrespectful conduct. Since I

⁶⁷ “Contra Juan José Rodríguez por Hurto,” 1915, Ponce, CJPR, Fondo Judicial, Tribunales, caja 61-10, AGPR.

⁶⁸ Ibid.

took over the institution, I have been studying his character trying to advise him and improve his conduct with no avail.”⁶⁹

Apparently, most of his disrespect had to do with his opinion of the institution as an undesirable establishment. Juan had written to his sister numerous times asking to be taken out of it. In these letters, he had begged her to take him out of the school or forget about him forever, explaining that he preferred to be sent to prison rather than spend any more time at the Correccional. The director intercepted these letters and reprimanded Juan for his behavior several times. The report also provides clues as to the actions of the Correccional’s staff that may have elicited Juan’s behavior. First, is the fact that his letters were clearly being intercepted, for which he consistently got in trouble. He was also forced, literally, to stay in the Correccional after he felt ready and prepared to take up a trade. As the director himself admitted, “when we tried to get him into the building by force, he ran away.”⁷⁰ It seems like the more this happened, the more Juan’s conduct worsened. It wasn’t until Juan participated in an assault and mutiny attempt against some staff members that he was released from the school for “during his stay in the school, he has demonstrated a wayward, incorrigible, and rebellious character against all discipline, having participated most recently in an assault attempt perpetrated by the inmate Erasmo Flecha, against the ayo primero of such institution, Sr. Doingo [sic] del Valle.”⁷¹ Ironically, Juan José was essentially kicked out of the Correccional for the exact same reasons he had been locked in the institution in the first place, a fact that brings to question the goals and practices of the institution.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

The use of force in the Escuela Correccional was not unusual, and the mutiny Juan José participated in was the result of the harsh treatment children experienced within the institution. During the month of February of 1922, Juan José was involved in a series of attacks against the doctor of the institution, Dr. Del Valle, and a military instructor, Mr. Plácido Aviles, for the treatment they received from these. The plans came about in retaliation for the punishments dished out by these officials. On February of 1922, the doctor beat some of the inmates for smoking. The inmates, in turn, spent a week planning to retaliate by knifing the doctor. The plan was a very well orchestrated one, one that required the participation of several of the youth in the institution. Antonio Torres, a younger inmate asked to give testimony of the incident, explained,

They thought that when del Valle came into the galera, they would break the bulbs...turn off the bulbs. The one who was going to turn them off was Angel Silva. Afterwards, Flecha would use the commotion to go to Juan José Rodríguez who had the knife, and he would take it away from him, he would then go to the commotion again and he would injure Mr. del Valle, and between Dionisio Velez, Eduardo Colondres, and Juan José Rodríguez, and Erasmo Flecha, they would attack Mr. del Valle in the dark.⁷²

Interestingly, the boys plan depended solely on Mr. del Valle's own aggressive nature. They had planned to provoke him by misbehaving, and conducting the attack when he came to punish the boys in the galera. This is precisely what happened. The first blow in this occasion was delivered by an assistant who punched one of the boys, Flecha, to force him into the dungeon of the institution.⁷³ This fact is important because it underscores the consistent practice of harsh punishments in the Escuela. These kinds of punishments were the norm and came to be expected. The boys knew that any small

⁷² Ibid.

⁷³ Ibid.

infraction would be met with a harsh punishment, and this provided the perfect vehicle for their plans. Had del Valle or the assistant reacted differently, the assault may not have happened. The institutionalized violence made it possible.

Like the doctor, the ayo had a tendency to beat the children who disobeyed him. A second strife ensued when he beat two other children, Eduardo Colondres and Pedro Flores. As one of the witnesses declared to the Correccional's director, Enrique San Millan, "[o]ne morning when we were going to drink coffee, Eduardo Colondres was out of the line and the ayo primero commanded him to join the line and slapped him, and then Eduardo Colondres told him that he was abusing him and pulled out that [a chaveta] and was about to cut him, and Pedro and I took it away from him." Although Pedro intervened to stop the possible fight, he ended up hurt in the altercation. The ayo hit Colondres over the head with a rifle and threw a stick at him that also hit Flores.⁷⁴ This violence flew in the face of the reformatory rhetoric of the time.⁷⁵ It continued unnoticed for years, until 1926, when a scandal around the treatment of children in the Correccional made it to the papers.

Prior to 1926, some efforts had been made to bring to light the inhumane treatment in the Escuela. One can imagine that many other children penned letters like the ones presented here, asking parents and family members to petition their release, suggesting poor conditions in the school. Further, in July of 1925, months before the 1926 scandal, Rafael Rijos, a former ayo and military instructor, tried to bring to light the abuses perpetrated against the children. He appealed to the interim Attorney General,

⁷⁴ Ibid.

⁷⁵ For instance, as early as 1908, laws had passed against corporal punishment in public schools. See: To Abolish Corporal Punishment in the Public Schools, H.B. 151, 4th Assembly (1908).

Luis Muñoz Morales, asking him to look into the way the school was run by Director Enrique San Millan. José V. Cintrón, a former medical assistant, joined him in the efforts to expose what was happening. Specifically, they recounted how the Director, on several occasions asked the assistant to “apply to the inmates the punishment of burning their parts with iron, and I myself on many occasions took inmates to have the assistant impose the cruel punishment of the times of the Torquemada and Inquisition and not admissible in a school for minors in Puerto Rico.”⁷⁶ As Rios’s accusations made the news, the jurist and fiscal Samaela Iglesias conducted an investigation and published a report that confirmed the employees’ statements. According to Rijos’s, however, the report did not change things, and the issue was neutralized when the Attorney General, George C. Butte, exonerated both the director and Rijos.⁷⁷

The discussion resurfaced a year later, fueled by an action by the children within the Escuela Correccional itself. These children, most likely aware of the occurrences of the prior year, managed to sneak a letter past the officers in the Correccional to *El Mundo*. Though *El Mundo* did not reveal its source, it explained that the children had begged a person walking past the school to deliver the letter for them, bypassing the institution’s staff. They had to do this because all letters leaving the school were censored before being sent out. The newspaper reported, “on March 12, we received a letter penned by several inmates of the ‘Escuela Correccional’ who denounced horrors

⁷⁶ Rafael Rijos González to the Secretary of the War Department, 20 December 1925, Records of the Bureau of Insular Affairs, 1914–1945, General Records Relating to More Than One Island Possession, Territories: Porto Rico, Reports of Governor, file 27354, RG 350, box 1222, NARA.

⁷⁷ Ibid.

and asked for our help.”⁷⁸ In the letter, the inmates spoke of the kinds of punishments that were daily practice in the institution. They wrote, “The inmate José M. López, was beaten in front of his mother by the shoemaking instructor, Arnaldo Gaud, and the mother complained to the Director.” The complaints must have gone unheard, as the boys now saw themselves asking for help outside the school.

The letter led the editors of the paper to scout the school, to check on its status. To ensure they got a glimpse of the reality of the institution, they set to visit the place twice. Once as civilians and a second time identifying themselves as journalists. The first impressions suggested that the children’s letter was accurate. The Escuela Correccional was not the reformatory haven many imagined. The paper reported, “the building, which hasn’t been painted in years and looks more like a dungeon than a reformatory school, rests on top of a mountain eliciting sadness from passersby. It seems to be set on proclaiming the misery hidden behind its walls.”⁷⁹ Apparently, the misery inside closed walls echoed the outside. Although the first article did not reveal the details of what they saw, they confirmed that the school was simply horrible for the inmates housed in it. They were able to confirm as much despite being guided at all times by one of the guards in the institution and denied entrance into the school the second time when they revealed their credentials.

Despite the little information revealed in the first article, it spurred the reaction of former inmates and employees of the Correccional who stepped forth to confirm the accusations about the inhumane treatment practiced in the school. Together, the

⁷⁸ “Se Impone Una Investigación Inmediata en La Escuela Correccional,” *El Mundo*, March 22, 1926.

⁷⁹ *Ibid.*

testimony of these actors painted a macabre picture of conditions at the institution that had been going on for many years, at least since 1917.⁸⁰ In the articles, officers declared how they had seen, assisted in, or committed inhumane acts against children. Francisco Cuevas supported everything that *El Mundo* was publishing, praising their work, “El Mundo is realizing a noble and honorable campaign. I worked at the Correccional, and I sustain that everything published by your paper today is accurate.”⁸¹ Rijos came forth again to provide the same account he had given to the Attorney General a year before. Rijos, who had been one of the first employees confessed, “I myself followed orders to torture one of those poor inmates, Agustín Kortright, to whom the medical assistant José V. Cintrón, had to apply the iron...I’ve seen the children tortured with iron cry of pain and despair.”⁸² These testimonies reveal a sustained environment of abuse encouraged by the director of the institution, one that most likely began as soon as the Correccional opened its doors. In fact, attempts at going against these abusive practices were discouraged. Those members of the staff who refused to help or showed compassion towards the children were also punished and fined. As the case of Rijos shows, other times they ran the risk of losing their job.

Some employees simply opted to turn a blind eye to these occurrences and leave the institution. This is precisely what a former medical assistant, Salcedo, did. As he recounted, “I witnessed how many of the inmates were brutally beaten...On many occasions, the director asked me to burn the poor inmates with iron but I always had the

⁸⁰ One of the testimonies given was by a young man who had spent eight years in the institution and was released in 1925.

⁸¹ “Eduardo Ruperto Sostiene que en la Correccional Se Aplica el Cauterio,” *El Mundo*, March 27, 1926.

⁸² “Aplicanse Hierros Candentes a los asilados de la Correccional,” *El Mundo*, ca. March 1926.

courage to refuse to do so.”⁸³ Aside from this, Salcedo had to cure many of the injuries caused by torture, and watch children starve given the quality of the food they were served.⁸⁴ He even unknowingly administered laxatives to children who were sent to him because they refused to eat the rotten food served in the school. “I followed this order at first, thinking that I was accomplishing a noble and just cause, but when I realized that the laxative had also become a form of punishment, I refused to administer it, like I had done with the iron.” Courage could only sustain Salcedo for so long, as ultimately he quit his post. He was one of five assistants to quit the post in a single year. Another, Bocanegra, did not last a day, he “entered at 2:30 in the afternoon and left an hour later horrified.”⁸⁵ Those employees who did last were either complicit in the acts or found ways to curtail them. Such was the case of José V. Cintrón, the officer who had joined Rijos in 1925 in his efforts to shed light on the abuses, who told the children to scream and pretend that they were in pain on many of the occasions he was ordered to burn them with the iron.⁸⁶

Inmates also came forth to speak of the treatment they had suffered during their time in the Correccional. According to their testimonies, many were submitted to torture or forced to help with them. Luis Morales recounted an occasion in which, because of a small fault, he had been stripped naked and beaten before being forced to sleep naked in a dungeon, full of water. At the same time, he was asked to help punish Kortright, a boy who was featured in many recounts. “I remember very well the day when they asked me

⁸³ “Al Pracicante Salcedo se le Exigió que Aplicara Hierros Candentes a los Asilados,” *El Mundo*, March 31, 1926.

⁸⁴ *Ibid.*

⁸⁵ “La Pésima Calidad de la Comida Provocó un Envenenamiento en la Correccional,” *El Mundo*, March 29, 1926.

⁸⁶ “El Dr. Butte Debe Investigar o Renunciar,” *El Mundo*, March 28, 1926.

to help hold the inmate Kortright so that they could burn him with the iron, the most horrible punishment you can imagine.”⁸⁷

The dungeon where Luis Morales and many other children spent sleepless nights was one of the many methods of torture used in the Correccional. This dungeon, as described by a former inmate Bernardo Lopez, was “about 48 inches long more or less and 24 inches wide. All the walls are painted black. There, the punishment is to sleep naked, without a bed. Sometimes they wet the floor for those who have committed bigger faults.” Some of the other preferred methods of punishment were that of brandishing children with an iron, and the “48,” a procedure whereby children were injected with a solution that made them ill, causing nausea and vomiting. Another form of punishment was starvation. Pablo Silva recounts how he was left to starve for 15 days while in the dungeon:

When I was first put in the dungeon, I was given lunch consisting of a little bit of rice with chickpeas that could barely feed a nightingale...in the afternoon and during the fifteen days that I spent in the dungeon my lips did not taste anything and when I screamed with screams that came from the depth of my soul asking them to not let me die of hunger, beatings was all the food I got.⁸⁸

Those who ate, ate soups with worms, rotten milk, and spoiled items. Indeed, the poor quality of the food was another constant complaint in all the testimonies, from children and staff alike. Angel Olavaeria, speaking of the drinking conditions, confided, “the inmates drink like animals the water that is served in a huge trashcan, without cups,

⁸⁷ “Yo Ayudé a Aguantar al Asilado Kortright para que le Aplicaran el Hierro Candente,” *El Mundo*, April 5, 1926.

⁸⁸ “Pablo Silva, Ex-Asilado de la Correccional, Sostiene que Durante 15 Dias Experimentó la Tortura del Hambre,” *El Mundo*, April 3, 1926.

and they drink like that, as if out of a water dish.”⁸⁹ The children who refused to consume the spoiled food and water were sent to be punished. Even the simple act of not eating could ensure a direct path to torture at the Escuela Correccional.

Beatings were the norm, and many inmates echoed Eduardo Colondres’s experience of being beaten by rifles. In fact, an inmate, Juan Concepción spoke of having a gun pointed directly at him by San Millan, the director himself, “On another occasion, they had put me in a dungeon. San Millan was returning from San Juan and he must have been in a bad mood because for a minor offense he entered the dungeon, gun in hand, put it on my temple and threatened to shoot me.”⁹⁰ The spectacle was stopped by an ayo who intervened fearing that San Millan “would do something crazy.” This was not the last time Millan and his officers pointed a gun at an inmate. Another inmate, Marcelo Clemente had a gun pointed at his chest as a preamble to other tortures.⁹¹

Beyond sharing his past experiences, Juan Concepción came forth to reveal his wounds to those who did not yet believe the accusations, and to encourage an investigation from the Justice Department. He showed the wounds to the editors, one was a “horrible scar” near his mouth caused by a beating with a blackjack, and another “the scar that was left by the knife of another one of the employees.”⁹² Concepción stands out for the frequency of his beatings, reported by many of his peers, and the insignificant nature of the acts that led to these punishments. On one occasion he was tied up and beaten simply for trying to help Salcedo. When he saw Salcedo go for some

⁸⁹ “El Dr. Butte Debe Investigar o Renunciar,” *El Mundo*

⁹⁰ “Estoy Listo para Mostrar a las Autoridades la Cicatrices que Llevo en Mi Cuerpo, Evidencia de la Tortura a la Que Me Sometieron,” *El Mundo*, April 1, 1916.

⁹¹ *Ibid.*

⁹² *Ibid.*

chickens he knew were not meant for the inmates but for a special dinner and for the Director, he advised him not to take them. San Millan ordered he be punished for the transgression. Ultimately, Juan Concepción, much as had happened with Juan Rodríguez, was pardoned under extreme circumstances, after receiving a severe beating from the institutions' officers. Given these conditions, and the constant threat of violence, even the most well behaved children, those who did not suffer the kinds of atrocities described by *El Mundo* and children like Juan Concepción, must have lived in a state of constant fear. It is difficult to envision effective reform measures in such an environment.

A deep disconnect existed between the intended purposes of the Escuela and how it actually operated. Yet, the institution continued to operate under these conditions for the first half of the 20th century. Efforts to remodel the infrastructure and reform institutional practices abounded, but ultimately this tension between rhetoric and practice remained. That this was the case reveals much about the power and shortcomings of the discourse on juvenile delinquents in need of reform. On the one hand, stamping the seal of reformation on the Correccional from its inception sustained it and its inhumane practices for quite some time. The praises of the Correccional as a model institution of reform granted it longevity. Yet, at the same time sustaining an institution that did not quite stand to its ideal prevented the materialization of a real space of reform, as actors on the ground engaged in all sorts of practices, including torture, to achieve the ideal. Ironically, such acts ultimately led to the scrutiny of both discourses and practices of reform, as was evident in the debates and changes that would emerge in the late 1930s condemning the system in place.

Interestingly, the institutions that did not need to meet the ideal of reform circulating at the time ended up operating better, or at least regarded as such. This may have been because the lack of concern with meeting an ideal projection led to real concrete efforts to serve the juvenile delinquents in their care. This was the case with the Galera de Menores in San Juan. From its inception, it received less glorification and support than the Escuela Correccional. It arose in 1913 as a supporting institution for the Escuela Correccional and in response to concerns about children interacting with the adult penal population in the jails and prisons of the island. Early on in 1906, the Supervisor of Prisons had described the San Juan's penitentiary as "hardly worthy of being called a penitentiary, as there is only one large ward where prisoners, without regard to crimes, have to be confined together."⁹³ Coupled with this was the prevalence of children in the penitentiary of San Juan and the eight municipal jails across the island even after the creation of the Escuela Correccional.⁹⁴ The Galera sprouted as a halfway stop for children headed to the Correccional. It was built in 1913 with "all the comforts and sanitary necessities...furnished with the necessary material, and a teacher, who will be in charge of giving minors a proper education in reading, accounting, etc."⁹⁵ The austere and simple purpose of the institution may have contributed to its improvement through the years.

As no grand trope accompanied the Galera's creation, it opened up the space for concrete measures to benefit inmates. Early on, many were critical of the institution. As early as 1914, a year after it opened, *La Democracia* scrutinized it. On March 2, 1914, it

⁹³ M. Camuñas in Exhibit G: Annual Report of the Governor of Porto Rico, 1907–1951, NARA.

⁹⁴ Acuña in Exhibit G: Annual Report of the Governor of Porto Rico, 1907–1951, NARA.

⁹⁵ Superintendent of Prisons to the directors of the penitentiaries, July 1, 1913, Fondo Departamento de Justicia, Subfondo Procurador General, caja 5, AGPR.

wrote, “then, like now, we protest against the reclusion of children in departmental galeras in the penitentiary.”⁹⁶ Similarly, in 1930, Angela Negrón Muñoz, a journalist and social reformer, visited the institution, harshly criticizing it for “inhumane conditions.” During this visit, she saw a “disgrace to our civilization.”⁹⁷ At some point, then, the Galera’s trajectory paralleled that of the Correccional. But when she visited the Galera again in 1938 to check up on its situation, she found a very different place.

Her description of the new institution and the treatment children received there stands in stark contrast to that of the Escuela Correccional put forth by the same paper in 1926. She wrote, “knowing the scant budget that the Justice Department has to sustain and educate these children, we admire even more the changes.”⁹⁸ Negrón Muñoz goes on to describe a small and austere institution with a concerned and dedicated jailer, San Millan’s counterpart. Unlike the Escuela Correccional’s director who encouraged and often directed the inhumane treatment of inmates, in the Galera the director ensured the wellbeing of his inmates. During a stop at the lunchroom, for instance, he reprimanded an ayo who refused to give two of the children a second set of spoons. Negrón Muñoz noted this in her article, praising the jailer but admonishing the ayo. Despite the mishap, she was pleased to find a clean and spotless space, with a dedicated staff.

To be sure, Negrón Muñoz was not without complaints, yet these seem minimal vis-a-vis the complaints brandished against the Correccional. For instance, she took issue with the lack of decorations or proper placements in the dining hall and wrote, “Where are the white tablecloth, the napkins, the silverware, and most importantly, a person who

⁹⁶ Canet, “Tribunales para Niños.”

⁹⁷ Muñoz, “Unas Horas en la Sección de Menores.”

⁹⁸ Ibid.

sits here, using this space, eating along the children, teaching them without saying a word the good manners that the educated people use while eating.”⁹⁹ It is telling that the concerns around the Galera had to do more with children’s etiquette, the lack of proper white linen on the tables, than with their treatment. In contrast, the concerns about the Escuela Correccional expressed by the media in 1926 centered on the forms of torture that had gone unnoticed for years. Perhaps another unintended consequence of anointing the institution as the solution to the problem of delinquency on the island was that the ideal had to be met at all costs, even if the cost stood at odds with the ideal itself.

4.1 CONCLUSION

On April 2, 1926, amidst the scandal covered by *El Mundo*, a mother, Josefina Mercado, composed a letter about the son she once sent to the Escuela Correccional. She wrote,

I had a son who was 16, who was my only treasure on this earth. He liked the movies and influenced by bad friends, he stole a chick of a coin. The affected neighbor formed a scandal, called the police, and as I was a widow and defenseless, I watched with real horror as they took my son. They locked him up in the Correccional. I was told that he was going to come back out a real man, and I trusted in justice.

Time passed, and one day I received a news that made me go crazy. My son, my only treasure on this earth, had died in the Escuela Correccional, away from me, far from my love.

Now, reading the horrors that are committed there, thinking about what my son - must have suffered, I have spilled tears of blood, I have felt that my heart is

⁹⁹ Ibid.

destroyed...I thought that the Correccional was a space of reform not a den of torture.¹⁰⁰

Josefina Mercado was not alone. Nobody imagined the Correccional was a den of torture. Those engaged in debates on juvenile delinquency and the institutions needed to handle these children never intended to submit them to the kinds of tortures that many children suffered in the Correccional. This is where a history that looks at penal reform only through the debates and rhetoric of specialists and professionals crumbles. It misses a crucial aspect of the story: how reform institutions operated in practice. On the ground, events unfold quite differently, informed by practical circumstances and by the attitudes of actors on the ground, including staff, children, and family members. The Correccional ultimately failed to deliver the kind of reform it was supposed to produce, be it because of the constant lack of resources to accommodate for all the potential criminal youth on the island or because of its punitive character. Its shortcomings, however, also had important consequences for it drove a new cadre of concerned elites and government officers to push for more and improved methods to handle delinquent youth, such as the juvenile courts that emerged in 1915 in Puerto Rico. These courts emerged with the promise to provide a more comprehensive method than the Escuela could afford for dealing with juvenile delinquents.

¹⁰⁰ Josefina Mercado, "El Grito de Angustia de una Madre," *El Mundo*, April 5, 1926.

5.0 CHAPTER 4: THE JUVENILE COURTS OF PUERTO RICO

Some youth paid with their lives for their crimes; others received leniency for the exact same offense. That is precisely what happened to two young boys at the turn of the century. On the 27th of June 1900, Bernabé Acevedo, José Torres, Ramon Troche, Juan Torres and Antonio Torres Acevedo were convicted of murder and rape. As the court records reveal, late in the evening of the 13th of September of 1898, a group of about 40 to 50 men¹ entered the house of the victim, assaulted him and his family, robbed them, and violently mutilated the old man, who died as a result of being hung during the burglary. Two of the accused were also charged with raping one of the women in the house.² The only five men identified were tried in an insular court, under Spanish Criminal codes, and found guilty. After various contested rounds in the district courts, and the Supreme Court, the five were sentenced to death by the garrote. It is important to note at this point that although the accused were tried in the insular courts, the appeals and final judgment were actually fought out, deliberated, and cast under the laws of the

¹ “Contra Bernabe Acevedo y Otros por Robo con Homicidio y Violación,” Ponce and San Juan 1898–1902, Tribunal del Distrito de Ponce and Tribunal Supremo de Justicia de Puerto Rico, Fondo Justicia, Procurador General, tarea 59-A-31, caja 5, AGPR. The nature of the description and the crime suggests that the group was part of the turbas that formed during the first two years of the American occupation. The turbas were groups of men who took it upon themselves to carry out the American occupation throughout the island. The 40–50 men entered the house of the victim in the name of the American guard of Adjuntas.

² Ibid.

United States. The sentence was quite contested both by the Puerto Rican populace, many who called for clemency for what they deemed to be an excessive and harsh punishment, and within the courts themselves. In the initial trial, one of the judges dissented; during the appeal, the Chief Justice of the Supreme Court, Justice José Severo Quiñones, dissented as well. Given the contested nature of the case, the Chief Justice requested the Attorney General's opinion on the case. Attorney General James Harlan saw no legal grounds for lowering the sentence or even for clemency. That is except on one account, which he overturned.

His one recommendation concerned one of the two minors accused in the group, Juan Torres Acevedo. Juan Torres Acevedo, around 19 to 20 years old at the time of the appeals in 1902, had been between 15 or 16 years of age at the time of the crime and considered a minor. What's more, he was the son of Juan Torres, one of the accused men. The Attorney General argued that if anyone deserved clemency on this case, it was Antonio who had been under his father's care, and thus, unlikely of sound mind during the night of the murder. He advised the governor, "I am willing to believe that this young man was not altogether a free agent on the occasion, acting upon his own incentive and following his own criminal impulses."³ Juan Torres Acevedo's sentence was commuted.

Among those executed by the garrote on June 2, 1902 was Ramon Troche Cadeno. According to Harlan, who followed the estimations of the director of the prison housing the criminals, Troche had been 20 in 1900 and somewhere between 18 and 19 years old at the time of the murder, still considered a minor then. Despite his young age, the Attorney General did not deem him worthy of mercy. In his decision, Harlan recognized

³ Ibid.

that Troche's age was indeed too young and thus may deserve clemency. Yet, the age issue was overshadowed by his recidivism. He explained that Troche was "a man of criminal tendencies. Although still a young man, being under sentence of death by an insular court for participation in this crime, he was also sentenced by the United States Provisional Court for another murder."⁴ At issue, aside from his two criminal charges were also the criminal history and tendencies of his family members. Harlan went as far as listing the members of Troche's family who were accused of crimes and committed into penal institutions, something he did not do for the adults accused.⁵ Harlan's actions underscored the need to explain away the execution of a delinquent youth at the turn of the century amidst rising concerns across the globe about the treatment of children, including delinquent children.⁶

This particular case concerns us for several reasons. First, at a simple level, unpacking key details around the considerations given to the two young accusers help us begin to sketch a blueprint of the juvenile justice system that slowly emerged from the 1880s well into the 20th century. For instance, the imprecise treatment of Torres speaks to the dynamic nature of the category of delinquent youth, as well as of the institutions that arose to contain them. Questions about juvenile delinquents and the methods to treat them were still being worked out at the turn of the century, and well after the creation of the juvenile courts across the Island and the rest of the world. Hence, in many ways,

⁴ Ibid.

⁵ Ibid.

⁶ As David S. Tannenhaus explains, a transatlantic social movement emerged in the 1880s and 1890s "to solve the problems of crime and poverty." Delinquent youth became a central object of concern and attention during the movement. See, Tannenhaus, *Juvenile Justice*. For an exploration of how this movement reached as far as Japan, see David Richard Ambaras, *Bad Youth: Juvenile Delinquency and the Politics of Everyday Life in Modern Japan* (Berkeley: University of California Press, 2005).

Torres's execution came as a result of a system of law that recognized youth as a separate category but that at the turn of the century had not quite determined what this meant in terms of treatment, sentencing, or even age.⁷ This uncertainty would dissipate and evolve as the 20th century progressed and the new category of delinquent child was fully constituted.

Added to that, the justice system's treatment of Troche also revealed what came to be an increasingly prevalent trend in the juvenile justice system. In the process of putting him on trial, the entire family was put on trial. As we will see, as the courts began to intervene further with the delinquent youth of Puerto Rico from the mid 19th century onward, they began to use the incidence of criminal behavior in family members of the accused as a negative indicator in the potential for reform. As the century progressed, the Troches of the island, that is, those delinquent youth unlikely to become of service to the nation were left to hang dry, in Troche's case quite literally. That this was the case seems to suggest that the juvenile justice system developing in Puerto Rico since the mid 19th century did not necessarily intend to deal with all kinds of juvenile delinquents. It meant to target only the ones it could handle and mold. The juvenile justice system, then, served as a funnel to shape proper Puerto Rican subjects.

Second, the hodgepodge that was this particular judicial proceeding captures the kind of hybrid legal system that emerged in Puerto Rico after 1898, and that continued in the island well into the 20th century. The system incorporated practices and

⁷ At this time what constituted a juvenile delinquent in terms of age had yet to be defined, and pinpointing the age of a minor was difficult given the inaccuracies of documentation at the time. Even when baptismal records were available, they did not always establish the exact birth date of a child. Hence, the age limit of juvenile delinquents varies and differs from one document to another.

understandings developed under Spanish colonialism with new measures developed at the local level and sanctioned by the American colonial powers. The focus of this chapter is the process by which the juvenile justice system emerged in Puerto Rico from the 1880s and more formally in 1915, merging Spanish and American forms into a system that was uniquely Puerto Rican both in its successes and failures.

Harlan's logic spoke to this hybridity. Both his suggestion to commute Torres Acevedo's sentence and deny mercy for Troche Cadeno echoed the Spanish legal codes already present on the island long before the American intervention. Specifically, they spoke to the understanding, outlined in the Spanish Penal Code, that some youth could commit crimes with full knowledge of their intentions and other youth were not aware of their actions and could commit crimes without criminal intent. In Harlan's eyes, Troche Cadeno's re-incidence and his family history were proof enough that the youth had criminal tendencies that could not be corrected. The fact that Juan had been under his father's tutelage proved to the Attorney General that he had not been of sound judgment during the incident. As a U.S. appointed official, using Spanish law, ascribing to Puerto Rico's codes, Harlan straddled the American and Spanish legal systems in his decision and recommendations. Attorney Luis Llorens Torres recognized as much when making a final appeal for clemency on the day of the execution, "I admire your great intelligence with which such perfection you have been able to penetrate in the spirit of the complicated Spanish legislation."⁸ To be sure, such tension between the innocent and naturally criminal child were not only a part of the American and Spanish understandings

⁸ "Contra Bernabe Acevedo y Otros por Robo con Homicidio y Violación."

of children and childhood delinquency. This concern for and concern about children's behavior circulated throughout the world around that time, including Puerto Rico.⁹

Just as Harlan's final recommendations were influenced by the two legal systems, the process of constituting minors as delinquents and crafting institutions to handle this new category of concern in Puerto Rico was not solely the result of American intervention on the island. In fact, the treatment of children by the courts as a separate category predates the American occupation. As this chapter demonstrates, by the 1880s, age began to matter in the courts of Puerto Rico. The models that emerged at that time remained dynamic: the understanding of delinquent youth and the institutions to handle them evolved and adapted through time, sometimes successfully and sometimes unsuccessfully, responding to fresh challenges, new forms, and basic institutional constraints. One of these new interventions was the entry of the United States into Puerto Rico, which for the case of juvenile delinquents took place much later in the century than American intervention in other matters. Hence, while American colonialism did play a role in the creation of a juvenile justice system, at first it was a gradual one, and only increased after 1915. As we will see, circumstances in Puerto Rico and in the United States contributed to this evolution. That this was the case has repercussions for our current understandings of the United States' role in Puerto Rico. It has been understood

⁹ See Potthast and Carreras, eds., *Entre la Familia, la Sociedad y el Estado*, for a discussion of how these tensions already existed in Latin America. For a discussion of how it circulated in the United States, refer to Michael Grossberg, "Changing Conceptions of Child Welfare in the United States, 1820–1935," in *A Century of Juvenile Justice*, ed. Margaret K. Rosenheim et al. (Chicago: University of Chicago Press, 2002), 3–41. Also, Stearns, *Childhood in World History* for a discussion of the changes in the treatment of youth and rising concerns about delinquent youth that emerged throughout the Western World during modern times. See Ambaras, *Bad Youth* for a look into the rising concern with delinquent children in Japan during the same period.

that the American intervention propelled all sorts of changes that took place during the 20th century. For the case of the juvenile justice system, not everything can be attributed to that colonial dynamic. In fact, the juvenile justice system of the island was a locally made creation, fueled by discussions and changes happening at a global level.

5.1 THE COURTS AND THEIR TREATMENT OF YOUTH DURING THE 19TH CENTURY

The Spanish penal code had long included children as a separate category, and thus, this category of criminal jurisprudence was embedded in Puerto Rico well before the American intervention. The successive versions of the Spanish penal codes of 1822, 1850, and 1870 differed mostly on the cutoff ages proposed, delimiting the age of a child as a mitigating circumstance. The shifting of age limits in the legal codes affecting children and youth in Puerto Rico continued into the 20th century, regardless of the colonial power intervening on island affairs. Aside from the fluctuating age limits in Spanish penal codes, between 1850 and 1870 the codes also reflected the evolution in the treatment of children, identifying the kind of children who could or could not be processed as a separate category. The 1850 code, for instance, stated that children between the ages of 9 and 15 could sometimes commit crimes and be penalized accordingly when they intentionally committed a fault. At the same time, being under 18 at the time of the crime was considered a mitigating circumstance. Whenever that was

the case, and when the child acted out of their own accord, they would receive a more lenient punishment.¹⁰

The 1870 code also added a provision that established that those children between the ages of 9 and 15 who were tried and found innocent would be returned to parents with a clear warning to the parents of their responsibility to watch and care for the children. If parents could not comply with the stipulation, the innocent child would be turned over to a Casa de Beneficiencia. This provision marked the beginning of government intervention not only into the lives of children and youth but also in the affairs of the entire family. As it will become clear shortly, it continued to shape the legal system into the 20th century.

The changes in the 1870 code responded to the evolution of criminology and the penal systems unfolding internationally. The onset of various historical processes contributed to changes in the treatment of criminals, the penal system and forms of discipline across the globe. Specifically, several factors came together to propel these changes: demographic changes brought about by industrialization and the rise of imperial projects across France, Britain, Germany, the United States and Japan; a more mobile population that resulted from these industrial changes; and the rise of accumulation and capital across the world.¹¹ New concerns about how to foster civilized societies with self-controlled citizens emerged from these changes. Social Darwinist and positivist thought addressed these concerns by suggesting new prison and legal models that

¹⁰ José Sainz Cantero-Caparro, “Fundamentos Teóricos y Antecedentes del Sistema de Responsabilidad de Menores,” *Estudios Jurídicos*, 2004:5135–5162; and *Código Penal Vigente en las Islas de Cuba y Puerto Rico* (Madrid: Tipografía Pedro Nuñez, 1886), 13–16.

¹¹ For a discussion of the changes that led to a reconceptualization of the penal system, see Michele Foucault, *Discipline and Punish: The Birth of the Prison*, 2nd ed. (New York: Vintage Books, 1995), 84–85 and 220–222.

supported “the learned intervention of the government and trained specialists.”¹² The focus of the law and penal institutions began to shift towards reforming and rehabilitating the salvable and separating them from deprived and immoral figures who were born criminal, and had no chance of improving. These changes had repercussion for the treatment of children. As Peter Stearns argues, throughout the Western world, “reformers introduced new codes of juvenile justice by the late nineteenth century, with separate courts and separate penal institutions—the reform schools.”¹³

The penal and judicial reforms set forth by the Spanish empire aimed at dealing with the social, economic, and demographic changes it was undergoing. Heeding to the criminological and penological trends circulating throughout Europe, Spain turned to the United States, as this nation was at the forefront of advancements in penal practices related to juvenile delinquents. For instance, it took cues from the Auburn mixed model of penal reform to craft the 1870 penal code and in 1889 used the model of the Elmira Reformatory in New York to reorganize Spain’s North African presidio. Much as elsewhere across the world, Spain based its new penal codes and laws on the American model.¹⁴ The separation of children within judicial procedures that arrived in Puerto Rico at the end of the 19th century followed an American model already filtered through Spanish colonialism. This may help explain the lack of immediate American intervention in the treatment of delinquent Puerto Rican youth.

The new code reached the colonies in 1879, when Spain extended it to them. Certainly, the expansion and development of the penal system implemented by Spain in

¹² Santiago-Valles, “American Penal Forms.”

¹³ Stearns, *Childhood in World History*, 62.

¹⁴ Santiago-Valles, “American Penal Forms.”

1879 and the demographic changes and upheavals unfolding across the island and the rest of the Caribbean contributed to this measure. The 19th century saw a shift in Spain's colonial policy towards Puerto Rico. For centuries, Spain had ignored its possessions in the Caribbean. However, as the rest of Latin America struggled for independence and slipped away from Spanish control, the Spanish crown sought to tighten its hold on its possessions in the Spanish Caribbean.¹⁵ This period saw economic and population expansion but also a higher degree of repression. Throughout, colonial authorities policed the Puerto Rican population, and attempted to shape them into proper subjects.

The implementation of the penal codes of 1879 came on the heels of these changes. During the time, Spain seemed particularly concerned with the delinquent youth of the island. Writing about Puerto Rico's crime statistics from 1877 to 1881, José Jimeno Agius, the General Inspector of Finance of the Philippines, called attention to the "extreme surge to which the number of processed under the age of 17, which increased to 10% of the total."¹⁶ Jimeno himself did not know whether to attribute the rise to lack of resources or jobs or simply to age, but at any rate, the increase seemed alarming enough that it was worth noting.¹⁷

With the new penal code, the courts began processing children as a different category. Whereas I have not found evidence that suggests courts in Puerto Rico

¹⁵ As Francisco Scarano suggests, the moment seemed ideal for exploiting the island's economic potential: "Sugar and coffee prices went up through the roof, due to Haiti's destruction and the wars ... the British had just abolished the slave trade in 1807 to its Caribbean colonies ... it was hoped that its capacity to produce would diminish at any moment." At this point, Spain moved to take advantage of the situation by refocusing its attention on its own Caribbean possessions. Scarano, *Cinco Siglos*.

¹⁶ José Jimeno Agius, *La Criminalidad en España* (Madrid: Establecimiento Tipografico de el Correo, 1886), 117–129.

¹⁷ *Ibid.*

processed children differently before the new codes of 1879 reached the island, between the 1880s and 1890s, judges were indeed paying attention to it. Judges paid particular attention to age, attempting to follow the codes with as much precision as possible in the time. In 1884 judges began to rely on the baptismal certificate to determine a child's age, and more importantly, a child's sentencing. On April 17, 1884, the trial judge ruled on the case of Juan Mirabal, a 17-year-old boy from San Juan accused of injuring Don José Maria [Salinas].¹⁸ The judge found the boy at fault of "a crime of grievous bodily harm...for which he condemned him to two months and a day of *arresto mayor*." The sentence of "arresto mayor" was based on the crime and attenuating circumstances and could include up to six months in prison.¹⁹ The only mitigating circumstance cited was that of age: "Considering that we can only appreciate in this crime and in the person of its author the specific circumstance that he is older than 15 and younger than 18." There was no question that at the time of the crime, Juan Mirabal had been "seventeen years, nine months and twenty four days of age, as proven by the baptism certificate." Two months, the two months he would spend in jail, kept Juan from a harsher punishment.²⁰

In the absence of a birth certificate or baptismal certificate, judges at the time took measures to confirm an accurate age, or age range. Specifically, they relied on the expertise of doctors to determine the possible age of those found guilty of a crime. This is precisely what happened to Juan Ortíz Collazo, alias "Maguelles." Ortíz Collazo had been accused alongside two others, Carlos Ortíz and Esteban Rodríguez y Morales, of

¹⁸ Given the state of the documentation, it is difficult to tell whether his last name was accurately Salinas.

¹⁹ *Código Penal Vigente en las Islas de Cuba y Puerto Rico*, 27.

²⁰ "Contra Juan Mirabal por Lesiones," Tribunal de Primera Instancia, Records of Spanish Governors, Political and Civil Affairs, 1884–1890, box 9, AGPR.

robbery in 1899. On March 31, 1899, Francisco Cordova, of the insular police, detained the three after seeing them on a road with a calf that did not belong to them. Upon interrogating them while detained, only Esteban Rodríguez and Carlos Ortíz gave a definite age. Juan, according to the information recorded by Cordova, “manifested that he was called Juan Ortíz y Collazo, and went by the nickname of Maguelles...of 18 to 20 years of age.” To corroborate the information, at the beginning of the trial on April 1, the examining magistrate requested the baptism certificate of the two youngest accused. Esteban’s partida confirmed his age as 19. The priest of the church of San German reported that he had been unable to locate Juan’s partida. On April 5th, the court requested that medical experts, doctor Euripides López Quiñones and doctor Eleuterio Quiñones Cardona, determine the age of the accused. On April 6 the two testified to their findings, providing a “declaración facultativa” of the accused. They testified that “Juan Ortíz Collazo alias Maquelles, for his physical aspect and his intellectual development seems to have between 19 to 20 years of age.” With such a confirmation, he was old enough to be sentenced without any mitigating circumstances.²¹ Such a practice of requesting a medical expert to clarify the age of likely delinquent youth continued into the 20th century.

Indeed, a couple of years made the difference between jail time and freedom, at least in the early stages of a case. For instance, on April 1895, Santiago Caballero, identified at first as a day laborer younger than 9 years of age, was accused of stealing from another child, Fernando Santiago. Santiago Caballero had entered a store where the other child had stopped for a glass of water and taken a package containing the other

²¹ “Contra Carlos Ortiz por Hurto,” 1899, San German, Corte de Justicia de Mayagüez (CJM), Fondo Criminal de Mayaguez, Varios Pueblos, SLP018, AGPR.

boy's money. According to the policeman investigating the events, the boy said, "that that money he found inside of a package that he found on the street and that it wasn't true that he had stolen it." Whether it was true or not, the policeman could not ascertain, and instead of taking the child into custody, as was customary with adult cases, he decided to "amongst other things, leave the judgment to his Excellency the President of the Audiencia de lo Criminal de Mayagüez." The child was left free to be tried in an oral trial later in the year.²²

Once the child was freed, getting him back to court proved a challenge. It is important to note that outside from the initial investigation, the boy's version of events was not captured in the records. His mother Euladía Caballero, however, did intervene in the case. Because of the boy's age, the mother was asked to accompany the minor to the case. In early September, Fernando Delgado wrote a letter dictated by the mother establishing that given his age and their state of poverty, Santiago Caballero would be unable to attend the oral trial unless the courts provided some way to get the child from the city of Barceloneta, where the family lived, to Mayagüez, where the trial would take place. Delgado wrote that Santiago was "a boy younger than ten years of age, and thus unable to make it on his own to the Audiencia de lo criminal... On the other hand, since the one presenting her argument is utterly poor, lacking the resources to take such a painful journey... she is unable to accompany her cited son." The other mother involved in the case, the mother of the accuser, also wrote a letter excusing his presence in trial for he was ill. Little else is shown in the records about the motivations of the intervening

²² "Contra Santiago Caballero por Hurto," 1895, Barceloneta, Audiencia Criminal de Mayagüez (ACM), Records of Spanish Governors, Audiencia Territorial, AGPR.

mothers. Yet, the initial decision to let the boy go during the investigation and the intervention of the two women kept Santiago free for four months.

By the end of September of 1899, Santiago Caballero had been brought to jail by “force of the Civil Guard.” Though Caballero ended up serving jail time, he had been treated as a juvenile delinquent, and with all the nuances the term had under the Spanish penal code, which included different treatment for children under nine and over nine.²³

The special treatment of delinquent youth was particularly evident in cases involving several accused, where some of the accused were minors and others were tried as adults. On November 1894, Juan Aponte Ortíz, a 17 years old day laborer, was tried for assault and battery alongside his brother Manuel Ortíz, a 22 years old day laborer. The brothers had gotten into a fight with three other laborers and had injured them with their machetes. Manuel was accused of injuring just one of the three victims, rendering his hand useless. Juan, the youngest of the two, on the other hand, injured two of the other boys, leaving one invalid of a hand. Despite the fact that Juan caused significantly more damage to the victims, his sentence was more lenient. Since “Juan Ortíz, who was found guilty of a count of bodily harm and of a count of grievous bodily harm, appearing in Juan the mitigating circumstance of being younger than eighteen and older than fifteen,” he received a sentence of three months and eleven days of prison and 465 pesetas, and a day of jail for every 12 and a half pesetas he was unable to pay. His brother Manuel, found guilty on one count of bodily harm, did not fare as well. He was

²³ “Contra Manuel Ortíz Aponte por Lesiones,” Records of Spanish Governors, Municipalities, San Juan, 1880–1890, box 578, AGPR.

sentenced to a year, eight months and 21 days of *arresto mayor*, 200 pesetas and a day in jail for every 12 and a half pesetas he was unable to pay.²⁴

Much like Juan Aponte Ortíz, when Juan Elías Nieves, a 17 years old laborer from the city of Naguabo, stole a cow, he fared much better than his accomplice. Elías had committed the crime alongside Pedro María Rivera, 28 years of age. Though both had awaited trial in jail for skipping the oral trial, Nieves received a two-months sentence, probably served while awaiting trial, and Rivera a 4-months sentence.²⁵

At this point, it is important to note that like Nieves, the majority of the minors processed before 1908, when the *Escuela Correccional* opened its doors, ended up in the same harsh facilities as adults. In some instances, as previously discussed, they were also sent to the *Casa de Beneficiencias* in San Juan, but this was not the majority. For the most part, the main difference between those processed as minors and adults rested in the amount of time they spent in jail. Hence, though judges in the 19th century were already paying attention to issues of age during court proceedings and sentencing, during the 20th century age distinctions deepened.

Although the attention placed on delinquent youth was not quite sufficient for the reformers of the next century, the focus on age at the end of the 19th century provided the foundation for the measures that emerged during later years. In fact, between 1900 and 1915, the creators of the juvenile courts would hold on to this fact when establishing new laws and rules to target this particular population. The bills to establish a *Escuela Correccional* sought to expand on the work that the Puerto Rican courts started under

²⁴ *Ibid.*

²⁵ “*Contra Pedro Ma. Rivera y Juan Elias Nieves por Hurto,*” Fondo Judicial de Puerto Rico, Sala de Justicia, *Sentencias de Juicios Orales (Criminal)*, caja 54, AGPR.

Spanish colonialism. The same can be said for the creation of the juvenile justice system in 1915.

The transition from Spanish to American occupation did not bring about immediate changes to the way the law treated juvenile delinquents. Changes took place in the judicial system and structure, but not where it concerned the treatment of juvenile delinquents. In the first place, upon their arrival, American policy makers attempted to cast themselves as the saviors from Spain's oppressive regime. Much like Spanish colonial officials had once done, Americans employed a discourse that at times criminalized and at others pathologized the entire population to justify control of the island.²⁶ Under this guise, the American government consistently denied requests from Puerto Rican elected officials for a chance at self-government.²⁷ Yet, despite the discourse, the changes made to the legal system and to the judicial system on the island occurred gradually and were often times fueled by local politicians and the local elite. In fact as late as 1907, a report of the governor of the island included a letter from the Attorney General at the time speaking to the gradual transition: "In the application of the new laws of procedure, practice, and evidence, there is a tendency on the part of the Porto Rican members of the legal profession to infuse, in some extent, into those laws the spirit of the legislation and the jurisprudence of Spain." In Puerto Rico, nine years after the American intervention, attorneys still interpreted U.S. laws using Spanish laws.²⁸

²⁶ For the discourse on crime see Santiago-Valles, *Subject People*; for the discourse on Puerto Ricans as pathologized others see Briggs, *Reproducing Empire* (see intro., n. 11).

²⁷ Ronald Fernandez, *The Disenchanted Island: Puerto Rico and the United States in the Twentieth Century*, 2nd ed. (Westport, CT: Praeger, 1996).

²⁸ Frank Fenille, "Annual Report of the Attorney General of Puerto Rico," in *Report of the Attorney General of the United States for the Year 1907* (Washington: Government Printing Office, 1907); this was also the case in 1912. See Howard Kern, "Schools and Courts of Porto

Aside from the slow process through which Puerto Rican jurists and legal professionals adapted to the American system, factors in the United States also contributed to diminishing the American role in the creation of a juvenile justice system across the island. At the time of the United States intervention in Puerto Rico, the United States's own juvenile justice system was still being worked out piecemeal, from state to state. The courts in the United States evolved alongside other reforms taking place during the 19th century. For instance, states adapted the British model of reformatories, and many sprout in the United States between the 1820s and 1880s, anteceding the courts. The first of these, the New York House of Refuge was a private institution supported with some state funds that opened in 1825. The Lyman School for Boys, the first state run one, followed in 1846.²⁹ Reformatories, and other institutions intended for saving children marked the first official steps in policing, controlling, and reforming juvenile delinquents. By the turn of the century, several states had begun instituting juvenile justice systems across the nation. The Cook County Juvenile Court in Chicago, the first juvenile court in the United States, began operating only a year after the American invasion of Puerto Rico, in 1899.³⁰ The Colorado juvenile court, which the juvenile court of Puerto Rico was modeled after, followed in 1903.³¹ These were all

Rico,” in *Report of the Thirtieth Annual Lake Mohonk Conference of Friends of the Indian and Other Dependent People* (New York: Lake Mohonk Conference of Friends of the Indian and Other Dependent People, 1912).

²⁹ Arnold Binder, Gilbert Geis, and Dickson D. Bruce, *Juvenile Delinquency: Historical, Cultural, and Legal Perspectives*, 3rd ed. (Cincinnati: Anderson Publishing, 2000), 315–318.

³⁰ David S. Tannenhaus, “The Evolution of Juvenile Courts in the Early Twentieth Century: Beyond the Myth of Immaculate Construction” in *A Century of Juvenile Justice*, ed. Margaret K. Rosenheim et al. (Chicago: University of Chicago Press, 2002), 42; and Tannenhaus, *Juvenile Justice*.

³¹ Sanford J. Fox, “Early History of the Court,” in *The Future of Children* 6, No. 3 (Winter 1996): 29–39.

local experiments pushed by reformers at the state level and they had yet to be sanctioned as a formal structure at a national level. It wasn't until the 1920s, eight years after the creation of the Federal Children's Bureau, that the American reformers began to push for the standardization of the courts across the nation. In fact, the more explicit intervention of the United States government in the affairs of the delinquent youth of Puerto Rico emerged at around the same time. By then, the juvenile justice system had already been operating in Puerto Rico for five years.

One of the earliest attempts from the colonial government to create a juvenile justice system on the island stands out as an isolated incident. In 1910, the then Attorney General of the Island, Foster V. Brown, convened a meeting of judges, prosecutors, and attorneys in the Governor's mansion. As Judge Domingo Sepulveda remembers in his 1917 letter reporting on the work of the juvenile courts, on that occasion, "Governor Colton spoke fervently to the Assembly about the urgent need to establish juvenile courts, whose thought was enthusiastically received by the assembly members."³² And still some time would pass between this moment and the legislature's acceptance of a bill to establish the juvenile justice system in the island. This fact stands at odds with the trajectory suggested by other scholars of the island, which reveals that Puerto Rico became a testing ground for a myriad of social and legal measures in the United States through the 20th century.³³ The creation of Juvenile courts does not follow this chronology.

³² Kern, *Segundo Informe Anual*, 52.

³³ See for instance, Findlay, *Imposing Decency*; Briggs, *Reproducing Empire*; and del Moral, *Negotiating Empire* (see intro., n. 11).

During the first half of the 20th century, any changes to the treatment of children followed the same pace as other changes to Puerto Rico's judicial system, and they came about quite gradually. The judicial system of the island had suffered a short period of rapid structural changes. The foundations for these changes were laid during the first two years of American intervention, from 1898 to 1900. At first, the military government of the island set "to leave undisturbed the existing conditions, believing it to be in the best interest of the Island that the former system of laws, though unequal and oppressive in many respects...[be maintained] rather than to run the chance of chaos and disorder by instituting changes with which the people were unfamiliar because of their language and the general lack of education which prevails."³⁴ Despite the sentiment, between 1898 and 1900 the justice system saw rapid changes. Specifically, the judicial and legislative systems were reorganized during this period: The laws of the island would now be determined by the House of Delegates, elected by the people of Puerto Rico, and by the Executive Council, appointed by the governor. These circumstances, coupled with the trials and tribulations of the juvenile justice system in the United States, likely contributed to the untraditional chronology the creation of the juvenile justice system followed on the island.

For the first ten years of the century, children were frequently processed just as adults were processed. This is to say, they were seen as a special category of concern in name but not in practice. For instance, although he was ultimately absolved, in 1907 Enrique Vilardebó of 17 years awaited trial in the jail of the district of Guayama while he

³⁴ John Rutter Brook to the War Department, 30 November 1898, cited in Trías Monges, *El Sistema Judicial de Puerto Rico* (Santo Domingo: Editorial de la Universidad de Puerto Rico, 1988), 48.

waited trial for “admitting to unintentionally murdering the young man, Bartolomé Martínez.”³⁵ Vilardebó had committed the crime in Aibonito, and much like 17-year-old boys during the 19th century, awaited trial in one of the district jails. If children and youth committed crimes in the vicinity of the city of San Juan, they awaited trial in the galeras. However, as was discussed in the previous chapter, the majority of the youth awaited trial in district or municipal jails, with the rest of the penal population.³⁶

Furthermore, until the creation of the Escuela Correccional, these young delinquents were bound to return to the municipal jails, either after being found guilty or while waiting sentencing, a step that would change after 1915. Luciano Echevarria, in 1902, four years into the American occupation and two years after the judicial reforms established by the military, awaited trial in the municipal jail of Caguas for biting another child on the arm. According to the judge presiding the open court, “he should condemn and condemn he does Luciano Echevarria as author of a crime of injury with the sole mitigating circumstance that he is younger than twelve years of age.” The sentence was taken to the custodian of the jail, giving him authority to keep the child until sentencing.³⁷ This treatment differed slightly from the treatment given by the courts to children between the 1880s and 1890s. Specifically, this particular judge cited a higher age limit as one of the mitigating circumstances. Yet, fluctuations in age limits were

³⁵ “Contra Enrique Vilardebó por Homicidio Involuntario,” 1907, Aibonito, Corte de Distrito de Guayama, Fondo Judicial de Guayama, Tribunal General de Justicia, Tribunal Superior de Guayama, 1907, caja 611, AGPR.

³⁶ In 1913, for instance, five years after the creation of the Correccional, Martin Travieso reported 426 children under the age of 21 incarcerated with the rest the penal population. Martin Travieso, “Jovenes Delincuentes y Modo de Corregirlos,” in *Conferencias Dominicales Dadas en la Biblioteca Insular de Puerto Rico* (Bureau of Supplies, Printing, and Transportation, 1913), 67.

³⁷ “Contra Luciano Echevarria por lesiones,” 1902, Caguas, Juzgado de Paz de Caguas, Secretaria, Judicial, Judicios, 1902, caja 26, AHMC.

quite common in the 19th century and continued to be so in the 20th century. Age, then, at the beginning of the century mattered in similar ways as it did during the 19th century.

The treatment of children in the courtrooms changed after the creation of the Escuela Correccional in 1907. The law establishing the Escuela Correccional dictated that, “any time that a person, male or female, of sound reasoning, whose age does not exceed 18 years of age, having been condemned to any district court or court of the United States in Puerto Rico, excepting in murder cases, the Court can, if it believes that the accused fits these conditions, instead of condemning him to be confined to a penitentiary or prison, determine to have him placed in the Escuela Reformatoria para Jovenes.”³⁸ In practice, the Correccional solely housed boys, and the courts tried very few girls. Hence, the changes that ensued after 1907, applied mainly to young boys.

The new law also provided for the treatment of youth within lower, municipal courts. Judges in the municipal courts had to “immediately place the referred person along with all the documents and antecedents related to the process, at the disposal of the District Court.” With the creation of the school, the court procedure evolved in several ways. As previous cases suggest, between the opening of the Escuela and 1915, when the juvenile justice courts opened, children were still tried and sentenced by a municipal judge, and sent to the same institutions as adult criminals. However, after the creation of the Escuela Correccional, these municipal judges would hand over the case to one of the five district judges, established in the main cities of the island in San Juan, Ponce, Mayagüez, Arecibo, and Humacao with the clear annotations about the juvenile status of the child. Following the new procedures, on 1911, three years after the Escuela

³⁸ To Create and Establish, H.B.119, 1905.

Correccional opened, Gabriel Castejón, municipal judge of Cayey, passed on the case of José Dolores Roque to the judge of the district of Guayama. Though Castejón had sentenced Dolores Roque to a year in prison, he recognized that “since he is under 16 years of age, it is ordered that the accused be taken to the Honorable Judge of Guayama’s district court” because the law creating the Escuela Correccional stipulated as much.³⁹

Once in front of a municipal judge, children continued to do very little talking, but parents found themselves contributing more to the outcome of a case. In fact, one of the changes the records of the time reveal is the amount of attention given to the parents over the children, a trend that would change with the creation of the juvenile courts in 1915, where judges spoke at length with the accused children. Another point of the new law established that “courts would expedite an order requesting the parent of the person cited or the tutor, or with whomever the cited lives or resides with, or if the person does not have any friends, or kin, then the person appointed by the Court during the proceedings...must allege the causes or reasons that may exist to stop the decree of the detention of the cited accused person in the escuela reformativa para juvenes delincuentes to be educated, corrected, and reformed.”⁴⁰ Parents then did most of the talking whenever possible. The case of Benigno Rodríguez provides an example of the kinds of exchanges that took place in the courts prior to the establishment of the juvenile justice system. On January 1910, Benigno Rodríguez, a 13-year-old from the town of Cidra, was tried for robbing a store. Both the mother of the accused and the accused

³⁹ “Contra José Dolores Roque por Hurto Menor,” 1911, Cayey, Corte de Distrito del Distrito Judicial de Guayama Puerto Rico, Fondo Judicial de Guayama, Tribunal General de Justicia, Tribunal Superior de Guayama, 1907, caja 625, AGPR.

⁴⁰ To Create and Establish, H.B. 119, 1905.

were questioned during the proceedings by the judge. The mother was questioned more extensively than the child. The interrogation follows:

Judge: What is the name of the witness?—Ysabel Rodríguez.

J: Do you know the child Benigno Rodríguez?—Yes, sir. He is my son.

J: How old is he?—13.

J: Is the child biologically yours or out of matrimony?—He is biologically mine.

J: Who is the father?—José Dolores Miranda.

J: Is he acknowledged [by him]?—No, sir.

J: Does your son have an occupation or job?—None, my mom had him in the country; she had him in school and he ran away from there.

J: Did he spend a long time in school?—About six months.

J: Does he know how to write or read?—He knows how to sign his name.

J: Does he have a career?—None.

J: Are you aware of the fact that your son has been condemned by this court for a crime of robbery in the first degree?—I don't know anything.

J: What is your son's conduct?—During the time that he was with my mom in the country, he was fine.

J: Is he mischievous?—As a child, the only fault he has is that he ran away from my mom.

J: Do you have any reasons to not send your son to the Escuela Correccional de Mayagüez?—I agree with the decision.

J: Where is your son from?—From the [barrio] de Palmas, in Guayama.

In the interaction, the judge surveyed the child's behavior and character as well as his possible social standing when questioning whether he had been recognized by the father or not. Less attention is paid to the mother herself, her conduct, the child's environment, and her ability to handle the child—elements that became more important as time progressed. Still, the new laws began incorporating the parents more deeply into the system, giving parents also an opportunity to intervene in the wellbeing of their children. The child, however, received less attention in the interrogation,

J: What's your name?—Benigno Rodríguez.

J: How old are you?—13.

J: Do you have a career?—No, sir.

J: Do you know how to read and writer?—I know a little bit, but I don't know how to read or write well.

J: You know how to write?—I know how to sign my name.

J: You don't know how to write anything else?—No, sir.

J: Have you been in jail before this incident?—No, sir.⁴¹

And with that cursory interrogation, Benigno was sentenced to the Escuela Correccional.

Despite the new law sending children to the Escuela Correccional, very few children were actually sent directly to it. Instead, they were sent back to a district or municipal jail until space opened up in the reformatory. A handful of children also had the opportunity to return to their parents if the courts saw it fit. Not all parents initially agreed to send their children to the Escuela Correccional as Ysabel Rodríguez did.

⁴¹ “Contra Benigno Rodríguez por Escalamiento,” 1910, Cidra, Corte de Distrito de Guayama Puerto Rico, Fondo Judicial de Guayama, Tribunal General de Justicia, Tribunal Superior de Guayama, 1907, caja 621, AGPR.

Specifically, the municipal court cited parents, as had been done under Spanish law, to allow them to plead for their children and to have them returned to the home. Parents would then be in charge of caring, educating and reforming their children with the warning that a repeat offense meant the child would be sent straight to the Correccional. The move made parents complicit in the process of reforming and correcting children. This is precisely what happened to the boy judge Castejón sent before the judge in Guayama. José had stolen money from a store and earned a sure path to the Escuela Correccional. His mother, however, opposed the decision, and the child was released to her. The child, upon being released to the mother, went on to commit another crime. His father, Pedro Valentín, requested that the child be sent to the Escuela Correccional for he did not want his child on the wrong path. In a letter addressed to the Judge, he wrote,

Sir, I have a son who was recently sentenced to jail, but since he is still a boy, I spoke with the Inspector of Schools to get him into the Escuela Correccional. This process was started, but the mom objected to it, and we had to desist.

Now, this child has committed another fault, and I think that the moment has now arrived to do everything we can to send him to the aforementioned school, to see if he is corrected, which will not happen in any other form.⁴²

This same concern, shared by parents, jurists, and many other Puerto Ricans, for further steering such young children into the right path, led to the formalization of the juvenile courts later in the century.

⁴² “Contra José Dolores Roque,” 1911, AGPR.

5.2 IMAGINING AND CREATING THE JUVENILE COURTS OF PUERTO RICO

Much as with the creation of the Escuela Correccional, the idea of a juvenile court was introduced by a member of the Puerto Rican elite. This law was preceded by a set of measures passed from the beginning of the century to separate the delinquent youth from adult criminals. Discussed already in Chapter 2 were the new institutions of containment established in the first quarter of the century. Then, on March 12, 1914, a law was approved suspending judgment after conviction of minors who were first time offenders. Writing about the law, jurist Pablo Berga saw it as a precursor to the juvenile justice system, and one of the initial forms to separate the juvenile population within the court system. He argued, “the law granted judges the power to suspend a sentence in those less grievous cases when the accused was a minor and as long as he had not been previously convicted of another crime.”⁴³ The law served as a preamble to Act. Number 37 of March 11, 1915, establishing “a system of Juvenile Courts, provided for the care of neglected and delinquent children and for the disposition of all cases of juvenile delinquency.”⁴⁴ Nineteen fifteen marked the formal creation of a centralized juvenile justice system on the island though most of the groundwork had been laid in previous years.

The impetus to create such a system came from Martin Travieso, one of the Puerto Rican members of the Executive Council, Unionist party member and

⁴³ Berga y de León, *De la Delincuencia Juvenil*, 12.

⁴⁴ Pablo Berga y Ponce de León, “Laws of Porto Rico having to do with Dependency and Neglect of Children”, official report, 1931, San Juan, RG 102, Children’s Bureau, roll 1, CIH.

annexationist.⁴⁵ Travieso had been born in Mayagüez, studied law at Cornell University, and earned his American citizenship long before it was made universal to the Puerto Rican populace.⁴⁶ In 1914, the governor of Puerto Rico named Travieso Secretary of State, making Travieso one of the first two Puerto Ricans to fill such a position within the Executive Cabinet. His political leanings were clearly pro-American, and this may have shaped his decision to turn to the United States for clues on how to address the social and political situation of the island. Hence from its inception, the Puerto Rican juvenile justice system was indeed modeled after those emerging in the United States at around the same time. In this sense, what was happening in the United States influenced Puerto Rican policy. Yet, this influence was quite peripheral.

In 1913, Travieso crafted and presented to the Executive Council a bill for the creation of juvenile courts on the island. The bill was meant to uplift the judicial system to the level of civility the island purported. As he explained, “Our community, which has achieved a level of civilization as high as that of any other country in this world, is not governed by force.” Under this principle, Puerto Rico had established a penal code that clearly defined crimes and punishments for those individuals who opted for the path of evil. Yet, the penal measures that had been established thus far, and particularly those targeting delinquent children and youth, fell short *vis a vis* the ideals of progress and civility that the elites and policy makers of the island purported.

⁴⁵ Ayala and Bernabé, *Puerto Rico in the American Century*, 57 (see chap.1, n. 16).

⁴⁶ Martin Travieso, “Citizenship and Self-Government for Porto Ricans,” in *Proceedings of the Twenty Fifth Annual Meeting of the Lake Mohonk Conference of Friends of the Indian and Other Dependent People*, (New York: Lake Mohonk Publisher, 1907), 13.
http://www.archive.org/stream/reportannualmee00peopgoog/reportannualmee00peopgoog_djvu.txt (accessed August 2011).

These laws, Travieso conceded, had gone far in acknowledging exceptions to the universal precept that all men are capable of committing crimes, and recognized that children younger than seven years of age, or children older than seven but younger than fourteen when they were not of sound mind, were incapable of criminal behavior. Travieso, of course, was referring to Article 8 of the Spanish Penal Code of 1870, which Spain had lifted from the American legal code. However, according to him, the provision did not do justice to the civilized nature of the island. In fact, the current system in place had been long abolished in places like Britain and was essentially obsolete.⁴⁷

Puerto Rico, then, was falling behind, as a large population of children between the ages of seven and fourteen inhabited the same penal system as adults.⁴⁸ As he explained,

And this is why in our island's jail, we still see besides the assassin, the thief, and the counterfeiter, and surrounded by an environment of crime, degeneration and prostitution, the gentle child, whose only crime may be stealing fruit to satisfy his hunger or a pair of shoes to dress his naked feet.⁴⁹

These children, despite being processed differently, ended up in the same institutions as adult criminals. Travieso, was unwittingly criticizing the measures based on 19th century American legal codes with his derisions of the current system in place on the island. He firmly believed that this system had to change.⁵⁰

⁴⁷ Travieso, "Jovenes Delincuentes y Modo de Corregirlos," 60.

⁴⁸ Other jurists of the time echoed Travieso's concern. For instance, Enrique Lloreda, judge of Arecibo, praised the efforts of the juvenile courts to usher Puerto Rico into a new era where it was catching up with developments in the treatment of juvenile delinquents across the world. Kern, *Segundo Informe Anual*, 42.

⁴⁹ Travieso, "Jovenes Delincuentes y Modo de Corregirlos," 60.

⁵⁰ *Ibid.*

Travieso, who demonstrated a thorough knowledge of criminal reform throughout history and the world when addressing a group at the Biblioteca Insular in 1913, drew on the newest judicial and correctional practices available at the time to shape the bill. These happened to be evolving in the United States. He focused his research for the bill on the United States because, by his own account, it provided the most modern methods of dealing with juvenile delinquents: “Desiring to find a remedy to offer to the society in which I live, after studying the methods in vogue in the United States, which has had such splendid results redacted a bill, which I presented to the Executive Council in the Legislature’s last session.”⁵¹ As part of his preparation to craft the bill, Travieso did as other countries had done and would continue to do and turned to the American model. Indeed, the juvenile courts first introduced by Chicago in 1899 had been quickly copied by cities across the nation and other countries, including England, France, Italy, Austria, and Germany, some of the main European powers of the time.⁵² Given this fact, we can hardly attribute the creation of the juvenile justice system to the colonial dynamic between Puerto Rico and the United States or to an Americanizing project, although the United States did influence its inception. The move, rather, seemed to fit within a transatlantic movement to reform the treatment of children by the courts.

In fact, Travieso himself suggested as much when introducing his bill. He revealed that he had adapted some of the American models for the Puerto Rican situation.⁵³ For instance, one of the distinguishing features of the law was that it applied to children both in rural and city settings, a divergence from the American codes. It

⁵¹ Ibid., 61.

⁵² Ibid.

⁵³ Ibid., 65.

would not be until the 1920s when the child savers in the Children's Bureau considered extending the juvenile courts to rural areas in the United States.⁵⁴ Hence, though modeled after the courts emerging in states like Illinois and Colorado, Travieso knew that the bill had to be adapted to the Puerto Rican situation.

The law of 1915, "created and established in each and every one of the judicial districts of the Island of Porto Rico a court to be known as the Juvenile Court...which shall have within its district exclusive original jurisdiction of all cases of juvenile delinquency and dependency and cases contributing thereto and of all cases arising under the laws for the protection of children in all such cases said court shall have criminal jurisdiction."⁵⁵ Furthermore, it was intended for

any child who violates any law of Porto Rico or ordinance of any town or city within Porto Rico; or who is incorrigible or who knowingly associates with vicious thieves or persons; or who is growing up in idleness or crime; or who visits or enters a house of ill repute; or who knowingly patronizes any gambling house; or who patronizes or visits any saloon or other place where intoxicating liquors are sold; or who wanders about the streets after ten o'clock at night without being on any lawful business or occupation; or who habitually uses vile obscene indecent language or is guilty of immoral conduct in any place or about any school house.⁵⁶

The law effectively created a separate entity to deal with juvenile delinquents on the island. It established that children would no longer be tried as criminals by a criminal court. The separate entity, however, was built upon the existing judicial structure, which contributed to the breakdown of the courts in practice. For instance, the district judges, now seven, would serve as judges. The municipal judges and prosecutors of the district courts would fill the role of probation officers, "vested with the power to make arrests

⁵⁴ Tannenhaus, *Juvenile Justice*, 111–137.

⁵⁵ Travieso, "Jovenes Delincuentes y Modo de Corregirlos," 65.

⁵⁶ Domingo Sepúlveda to the Attorney General, 8 October 1919, in "Contra Juan José Rodríguez," AGPR.

and to file complaints and prosecute any person coming under the provisions of this Act...and they may deputize the marshal of the municipal court or some other person of good moral character to make an investigation of any case” covered by the new law. Another important feature of this act was the inclusion of provisions to hold parents and other adults accountable for contributing to the delinquency of minors. This disposition helps explain the evolution of the judge and parent dynamic in the court, whereby parents were also put on trial whenever their children were put on trial.

Finally, it is important to note that the law became a part of a larger structure to contain, reform, and correct delinquent youth and more often than not their families. Yet, the measure mattered for it changed the sentencing practices of the courts in cases of juvenile delinquency. At the time of the creation of the system, only one third of the 429 children condemned by the courts were sent to the Correccional.⁵⁷ The other two thirds, as we have seen thus far, ended up lost to the penal system, in the galeras, penitentiaries, and jails across the island. One of Travieso’s main concern was that of saving and correcting these children, “How many two thirds of the 420 children condemned by the courts of the Island could we have reformed and saved?”⁵⁸ His bill effectively integrated the Escuela Correccional de Menores into a more centralized system for dealing with the island’s delinquent youth, to better reform the youth of Puerto Rico. It also included a provision whereby children would no longer be held in jail or in galeras except under extreme circumstances. Judges would no longer sentence children or youth to the penal institutions Travieso had condemned. The measure effectively separated the children

⁵⁷ Iglesias, *La Delincuencia Infantil*.

⁵⁸ Travieso, “Jovenes Delincuentes y Modo de Corregirlos,” 67.

population from the adult population in penal institutions, at least in theory. In practice, the story was somewhat different.

5.3 INSIDE THE COURTROOMS

The main principle behind the courts was to provide delinquent youth with a parental, guiding figure. In other words, they intended to make the state a parental figure that would show wayward children how to behave to the benefit of the nation. The environment inside of the courtroom was to be maintained informal and open at all times. The point was to save and earn the trust of the children and not scare them into a life of crime.

Parts of the imagined court did evolve in expected ways. For instance, the courts began trying and processing children with an eye for reforming them. By 1917, the majority of the children processed were processed for petty robberies committed while they wandered the streets. For instance, in 1915 Juanito Santiago, 16, was processed for stealing a hen; In 1915, Guillermo Dapena, 14, for stealing eggs; In 1917 Rosendo Dávila, 12, for stealing shoes, and so forth.⁵⁹ Hence, poverty and hunger fueled these crimes. Judges, recognizing this, conducted proceedings with an eye for reform.

At least some of the judges tried to establish a comfortable and informal environment for the children they prosecuted. Writing in 1917, Judge Andres Crosas of

⁵⁹ “Contra Juanito Santiago por Hurto,” 1915, Ponce, CJPR, Fondo Judicial, Tribunales, Escuela Correccional, tarea 61-10, AGPR; “Contra Guillermo Dapena por Hurto” and “Contra Rosendo Dávila por Hurto,” 1917, Ponce, CJPR, Fondo Judicial, Tribunales, Tribunal Supremo, caja 59, AGPR.

Aguadilla wrote, “it has been my idea in all the cases not to proceed with all the formalities of a court, because I believe that otherwise the young ones may get used to coming to court, and instead of being a judge, I have always tried to take the place of a brother to the children.”⁶⁰

Judges took their time establishing rapport with the children on trial. The conversation between Ponce’s Judge, Domingo Sepúlveda and an eight-year-old child, Angel Arroyo reveals as much. The boy in 1915 went before him accused of “being found wandering the streets after 10 pm.” When Sepúlveda met him, he paid less attention to this crime, focusing on finding out more about the child himself and his daily goings:

Judge: What is your name?

Angel: Angel Arroyo.

J: How old are you?

A: 8 years old.

J: And this woman is your mother?

A: Yes sir.

J: Why did you leave your home?

A: Because I was hungry.

J: You had no food in your house?

A: No sir.

J: There’s no food there ever?

A: Sometimes.

⁶⁰ Kern, *Segundo Informe Anual*, 36.

J: And when there's food, you don't leave?

A: No sir.

J: And when there's no food?

A: I come.

J: Where?

A: To the town.

J: What do you come to town for?

A: To see if I make some money in the hotels.

J: And how do you make money?

A: Watching cars.

J: Do you ask for money?

A: No sir.

J: Yesterday who were you with? Where were you?

A: Yesterday I was at "Las Delicias" and some boys caught me.

J: But yesterday, where were you?

A: With my mom.

J: At home?

A: Yes sir.

J: Did you eat?

A: No sir.

The judge then admonished the mother for letting the child out of her sight and not feeding him properly. He encouraged the boy to obey his mother at all times and not

wander the streets at night, and then released Angel to his mother.⁶¹ The investigations and exchanges of this period differed from the swift questionings of earlier periods, as concerns for youth and about their environment took center stage in the courts.

As the case above shows, judges were granted much leeway to interact with a child and his family and to decide on a child's fate. When trying juvenile delinquents, judges had to, and were encouraged to, consider the "nature of the crime; reputation and previous conduct of the delinquent youth, and the environment in which he lives; and the moral conduct of the parents or those people with whom the child lives."⁶² Hence, the new law would not only put the child on trial but the entire family, and entire communities on trial, securing the state's new parental role.

Because the juvenile justice courts had the power to prosecute those who contributed to a child's delinquency, parents were made complicit in the task of reforming and correcting children even when these children were engaging in behaviors acceptable within the lower classes, such as allowing children to roam the streets late at night running errands or allowing the occasional act of vagrancy to feed themselves. Angel's mother did not think much of allowing him to wander the streets after hours, and of breaking an ordinance preventing children from doing so. She left the courthouse with an admonishment. Other families did not get off so easily.

For instance, on October of 1915, Gil Lopez, who was between 12 or 13, was tried for receiving "two chicks that were given to him to sell for 25 cents, and having sold

⁶¹ "Contra Angel Arroyo por ser Hallado Solo por la Calle Después de las Diez de la Noche," 1915, Ponce, CJPR, Fondo Judicial, Tribunales, Tribunal Supremo, Escuela Correccional, tarea 61-10, AGPR.

⁶² Martin Travieso, "Jovenes Delincuentes y Modo de Corregirlos," *Conferencias Dominicales Dadas en la Biblioteca Insular de Puerto Rico* (Bureau of Supplies, Printing, and Transportation, 1913), 60.

the chickens, he kept the money from the sale.” When his grandmother was questioned, she seemed less concerned with the crime than with convincing the courts that she could not tend to him. She established that she had “a sick son who helps me out asking for money in the streets; this one [referring to Gil] is of the kind that leaves and after 30 days comes back; I knew nothing of his life.” Although the grandmother was listed as Gil’s guardian and seemed vexed with the child, her words suggest that wandering the streets for months on end did not seem uncommon to her. The court made Gil’s father responsible for the child: “The child Gil Lopez is declared delinquent, ordering that he be given to his father, who is obliged to take care of him and educate him; forewarned that he will be punished if he does not do so.”⁶³ With this verdict, the judge, and the state, earned access to both Gil and the rest of his family. Correcting a single child provided a gateway to correcting families and communities as well, and provided the state an easy method for policing its subjects.

This structure worked to consolidate the parental power of the state as parents set to distance themselves from any possible offenses their children may commit. During the first half of the 20th century, the libros de novedades, or books of daily activity held at police stations, are filled with reports from parents reporting their children missing.⁶⁴

⁶³ “Contra Gil Lopez por Quedarse con el Importe de la Venta de unos Pollitos,” 1915, Ponce, CJPR, Fondo Judicial, Tribunales, Escuela Correccional, tarea 61-10, AGPR.

⁶⁴ The libros de novedades were kept at each police station for officers to keep records of the police activities for the days. Many of the entries involved lost properties or accusations of offenses. An example of these is the book of 1905 for the city of Camuy. On October 5, Ricarda Ortega reported that her 15 years old son, Tomás Rosado, had disappeared from the house in September. On October 17, the police officer recorded lost the boy Jesús Porras, of 12 to 13 years, from the house of professor D. Victoriano Porras. In the libro de novedades of the city of Coamo of 1917, on January 9, Juana Colón reported her 12-year-old daughter Amparo Colón lost or possibly taken away from her home. Similarly, in the libro de novedades of the city of Loiza of 1918, in January Benito Montes reported his 12-year-old son, Nicolas, missing. The AGPR holds

While some of these may have very well evolved from a deep concern for the wellbeing of the children, they also spoke to the need for parents to prove that they were doing all they could to tend and properly rear their children. Tied to this dynamic between parents and the state was the surveillance over parents who may or may not be doing their job of caring for their children. This concern was clear any time parents took the stand during proceedings and in their attempt to clear themselves of fault for their children's behavior. The traditional script always included an upstanding and responsible parent, trying hard to care for his children, and a degenerate and delinquent child who simply would not listen to his parents.

On August 16th, 1915, Fernando Joseph, a tailor from Ponce, took the stand on his son's case. Thirteen-year-old Fernando Serrano Yuset had entered a hotel in Ponce and stolen a pair of shoes, a watch, and a gold leotina from some of the guests. According to court records, this was not Fernando's first offense, and the judge queried the father about his ability to watch and correct the child. The interaction is worth quoting completely:

Judge: Who has the child lived with most of his life?

Fernando: At first he lived with his mother and later I went to the courts to claim him, so he would be under my care, and I kept taking him to school.

J: An why did you claim him?

F: Because the mother said that he was very tough, that she couldn't handle him, that he wasn't going to school; afterwards I had to take him myself every day to school. And I had to do this for a long time. I took him all the time, in the morning

many of these, some indexed and some not, from various parts of the city under the Fondo Policia. The ones I surveyed spanned the period from 1905–1918 from the cities of Camuy, Coamo, Cayey, and Loiza. The Fondo Municipal of Arecibo also included libros de novedades from 1891 and 1895.

and at noon, and that's what I did for a long time until I had to tell him that I was going to have to send him to the Institute in San Juan...

J: You mean that he was skipping school?

F: Yes sir, I frequently received letters telling me that he was not attending class, he was meeting with other boys...and many times he would do bad things to me, I would send him to return shoes that I had fixed for a client, he would take the shoes, and when they paid him, he would keep the money. One of the times he skipped school, he went to San Juan, and I went to the police station to file a report and they told me they would look into it, and like 2 or 3 days later, he came back. Correcting him is really an immense task.

J: And you can't keep him?

F: He runs away.

J: And you don't have enough authority to command his respect?

Father: Yes sir, but the times he has run away, he goes to the movies, and to get him, I have to get a cop; he already has that instinct, and he may continue seeing those other boys, and maybe later he will do even worse.⁶⁵

Fernando Joseph, in his speech, invoked a concern of the reformers of the time: that delinquent children would grow up to commit worse crimes. He invoked this concern to drive home the fact that he could not reform or correct him on his own. At the same time, his response was meant, intentionally or not, to shift the blame from the father back to the child and even back to the courts. His son seemed to have an innate feeling that

⁶⁵ "Contra Fernando Serrano Yuset por Hurto," 1915, Ponce, CJPR, Fondo Judicial, Tribunales, Escuela Correccional, tarea 61-10, AGPR.

kept him from behaving properly and responding to his father's authority. Furthermore, the father's authority was weakened because he had to report the child to the authorities if he ran away, and if he wanted to catch his own child when he was misbehaving, he had to do it under the watchful eye of the law, literally.

At the same time that these structures worked to bring parents more fully into the system, on occasions it could also give parents the power to shape the court outcomes for their children. Antonio Torres, a child accused of throwing stones in the docks initially reported that his mother was deceased. He had been categorized as an abandoned child at first until his mother turned up, at which time he was deemed a delinquent child.⁶⁶

Similarly, the boy accused of stealing shoes during 1917, Rosendo Dávila, was involved in an even more complex web of lies that kept him out of the Correccional, for a while.

On June 30th 1917, alongside some other boys, he stole the shoes from the store. Shortly thereafter, he was declared a delinquent child and was sent to be taken from his home in Cataño, where he awaited trial. When the police came to make the arrest, another boy, Rosendo Cepeda claimed that he was Rosendo Dávila, perhaps in an attempt to protect his friend. Cepeda spent 11 days in the Galeras until his mother interceded for him.

Cepeda's mother plead with the courts to look into the case, arguing that her child was not Rosendo Dávila. In fact, he was not. Had his mother not intervened, Rosendo Cepeda would have spent time in the Correccional, where Rosendo Davila ended up.⁶⁷

Indeed, on more than a few instances of the cases studied, a child had lied about their age,

⁶⁶ "Contra Antonio Torres por Tirar Piedras a Personas y Actuar Violento," 1918, Ponce, CJPR, Fondo Judicial, Tribunales, caja 59, AGPR.

⁶⁷ "Contra Rosendo Dávila," 1917, AGPR,

name, or status of their parents. The maneuverings of the parents and even the children significantly impacted how the trials proceeded.

Things did not always run smoothly for the courts, as the system failed to fulfill its purposes in several areas. For starters, the courts did not have a regular schedule for treating juvenile delinquents. Hearings were quite irregular.⁶⁸ While the law did not clearly provide for a regular schedule, it did prescribe that children under sixteen should not be held in adult penal institutions for any other circumstances except emergency circumstances.⁶⁹ Yes, this provision was often ignored. The irregular meetings meant that the delinquent youth of Puerto Rico may await trial in jail for months before going before a judge. Such was the case of Antonio Torres, the 15-year-old boy from Luquillo accused of throwing stones in the dock. He was literally lost within the new system, as he spent more time in the galeras than he should have. In early November of 1917, Antonio had been found “in the Valdes dock at 9 am, throwing stones to the people who came near him, with a violent attitude and getting into fights with other boys.” He waited a month and a half in the galera in San Juan for his sentence. During trial, the judge found him to be a “delinquent child,” but he was released to his mother. Despite this decision, the child was not released. A month and a half later, he was still awaiting release from the galera because of an error or oversight in the procedures.

Torres, clearly distressed with his situation, wrote to the prosecutor, most likely his appointed probation officer, and to the Judge, asking for his release. Both letters, written in lower case and poor grammar, reveal the distress caused to young offenders by

⁶⁸ Helen V. Bary to Children’s Bureau, 9 August 1921, RG 102, Children’s Bureau, roll 2, CIH.

⁶⁹ The superintendent of prisons to the directors of the penitentiaries, 25 July 1915, Fondo Departamento de Justicia, Procurador General, caja 5, AGPR.

the system. The first letter, written to the prosecutor said, “Honorable fiscal, the one writing this letter is the minor Antonio Torres. I went to Court about a month ago and they told me that they were going to send me home with an Insular Police and they haven’t come yet. I’ve been here since November 1917. My mom lives in Luquillo in the farm of Don. Flor Bazques[sic]. You can call him at the Federation of Luquillo. Mom has not come to get me because she is sick.”⁷⁰ The second letter, sent to the Judge who tried him, went deeper into the circumstances that had kept the boy in the galeras for at least five and a half months. His mother, apparently, had gone to the jail to pick him up twice but had been told he had escaped. He wrote, “I was sentenced to go back home...the other two who were with me escaped, but I did not escape. I am still here.” He lamented that the friends who had indeed escaped had been taken back home after being tracked down to be with their families, but he had yet to be let out,

I went to court with some of them and two got off without jail time and I was sentenced to go home and two others. The ones who both escaped [sic] being them Francisco Cruz and Manuel Fernandez. The two of them escaped and I didn’t because I didn’t want to. Francisco Cruz was caught and almost that same day he was sent back home. And I, who behaved the best, I’m still here. It’s been more than 5 months and a half that I am here.⁷¹

Though the boy had been set to return home by the courts a month after the alleged crime, he spent at least five and a half months in the galeras.⁷² He was not alone. During the first half of the 20th century, even after the creation of the juvenile justice system, at least 25 percent of those condemned to one of the penal or correctional institutions in the island were youth under the age of 21, the age when the jurisprudence

⁷⁰ “Contra Antonio Torres,” 1918, AGPR.

⁷¹ Ibid.

⁷² Ibid.

of the courts over children established as delinquents ended.⁷³ Travieso's dream of ensuring the children of Puerto Rico did not mingle with the criminals of the island did not come true with the creation of the courts.

Part of the reason children had to be kept in the galeras was because of lack of resources. As Attorney General Howard S. Kern suggested in 1917, two years after the creation of the courts, "[v]ery inadequate are the institutions of Puerto Rico to tend to children in them according to the system of juvenile courts."⁷⁴ The juvenile delinquency judges agreed. In 1915 the Municipal Judge of Arecibo wrote a letter to the mayor of the city explaining why he was going to have to resort to sending children to the galeras although the law established that this should be a last resort. He explained, "There are going to be times that in my role as probation officer, I will have to send children younger than 16 to the municipal jail because I am not always able to find other facilities."⁷⁵ A lack of sufficient structures, then, prevented the courts from functioning as established on paper.

Lack of resources and funds also affected the actions of probation officers. Given the limited resources, the courts had to enlist citizens to help out with the courts. In fact, the law provided for this by establishing that "the judges of the juvenile courts could name private citizens of good repute"⁷⁶ to act as special probation officers. Yet, these attempts also met with failure. In fact, aside from the dearth of institutions to contain the large number of children the courts processed every year, one of the main complaints

⁷³ Rosario, *Problema de la Criminalidad*, 154.

⁷⁴ Kern, *Segundo Informe Anual*, 22.

⁷⁵ Municipal judge of Arecibo to Alcalde municipal de Arecibo, Fondo Municipio de Arecibo, caja 707, AGPR.

⁷⁶ Kern, *Segundo Informe Anual*, 21–22.

around the inception of the courts was that of the labor of the probation officers.⁷⁷ Such complaints did not assuage with the passing of time, regardless of the varied attempts to fix the problem from both local efforts and American efforts.

Initially, the law had intended to appoint upstanding citizens in each municipality to keep track and follow the behavior of those children processed and found to be delinquent. For instance, the Judge of Aguadilla appointed a doctor, Dr. Buenaventura Giménez, and a priest, Reverend Juan de Gorostiza, to serve as special probation officers. Yet, in reality such a task proved more difficult than expected. First, it was quite difficult to recruit people to do the job, and it was more difficult to recruit enough people willing to perform the job who actually met the court's standards. As Judge Crosas confided when speaking of recruiting more people like Reverend de Gorostiza and Dr. Buenaventura Giménez, "I will try to find people in each city of this district to take over the duties of probation officer, but it may be rather difficult to do so because of the traits that these people must have, because generally those people are rather busy."⁷⁸

Second, even when well-respected figures accepted to serve as probation officers to delinquent children, they either did not do their job with the thoroughness judges and other officials expected, or had a hard time following up with families. Specifically, judges complained that the probation officers failed to get all the facts about families and families' circumstances before and after the trial. Judge Lloreda of Arecibo thought it necessary, even, "to substitute the criminal investigation for a thorough investigation about the environment in which the child lives, and information about his family

⁷⁷ Ibid.

⁷⁸ Ibid., 36.

members and next of kin.” According to him, such thorough investigations were not taking place.⁷⁹

To deal with the problem, the judge or probation officer appointed the parents themselves, the child’s guardian, or someone close to them to report on their progress.⁸⁰ For instance, in 1915, 16 years old Enrique Castro, Jr. was found frequenting a bar. After finding him a delinquent child, Castro was returned to his mother who had to submit monthly “Subsequent Reports” about her son’s conduct. The first one in record was filed by Jesús M. Castro, the child’s uncle, who reported on Enrique’s good conduct and his school progress. He was in 6th grade. The next report submitted to the court, this time by the mother, established that the child was still behaving quite well and now in 7th grade.⁸¹ As this and other cases show, often times, parents or guardians close to the children ended up as wardens of the state. They had to report to the courts on the progress of a child and respond to the courts whenever the child committed other offenses or violated the terms of his release.

From the 1915s onward, then, the juvenile courts of Puerto Rico managed to enroll parents and even wayward children themselves into the narrative of delinquent child, into the newly formed system. Though their successes, as those of the institutions that preceded the courts, were not total, they further turned a once imaginary subject of concern—the delinquent child—into a palpable subject. When United States reformers

⁷⁹ *Ibid.*, 41.

⁸⁰ *Ibid.*, 17.

⁸¹ “Contra Enrique Castro por Frecuentar un café [V]illar y Dedicarse a Juegos Prohibidos por Dinero,” 1915, Ponce, CJPR, Fondo Judicial, Tribunales, Escuela Correccional, tarea 61-10, AGPR.

intervened in this cohesive, albeit flawed, system, they simply set to fine tune a machine that had long acquired a life of its own.

6.0 CHAPTER 5: THE U.S. INTERVENTION ON JUVENILE DELINQUENCY IN PUERTO RICO

The boys of the Escuela Correccional paraded the streets of the city of Mayagüez on December 6th, 1920 in celebration of School Week. These children, who were often isolated from the rest of the city, marched around the city and the plaza carrying signs supporting better educational conditions. The signs included phrases such as “Where a school opens, a jail closes,” “Schools mean progress. Illiteracy, misfortune.”¹ The school’s marching band played music to entertain passersby and bring attention to their festivities. On the first day of the celebration, the children, accompanied by the Correccional’s officials and employees, marched all the way to the house of attorney José Sabater, Speaker of the House, to officially initiate the weeklong celebrations. They marched to his home to ask his support for children’s education within the legislature. The week culminated with a concert given by the school’s band, accompanied by fireworks. The media praised the occasion as a brilliant manifestation of nationhood and talent.² The event provided a formidable spectacle for the U.S. government that launched the School Week initiative.

¹ E. San Millan to the attorney general, 30 November 1920, Fondo Oficina del Gobernador, Correspondencia General, caja 778, AGPR.

² “Desde Mayagüez,” *La Democracia*, December 10, 1920.

Earlier that year, the United States' Commissioner of Education, Dr. P.P. Claxton, had established the holiday "as part of a nation-wide campaign for the improvement of the schools and other agencies of education..."³ The U.S. appointed governor of Puerto Rico at the time, Arthur Yager, supported the measure, seeing it as a great opportunity for "highlighting among local communities the progress of public education on the island." According to E. San Millan, the Escuela Correccional's infamous director, the event proved a success. In a letter to Yager, E. San Millan boasted how the school had celebrated this day by commemorating the institution's efforts at "creating citizens and building *the nation*."⁴ San Millan exuberantly spoke in favor of the efforts of the Correccional in dealing with the delinquent youth. Indeed, San Millan effectively turned a US act intended to bring attention to the deficiencies of the school system in Puerto Rico and the rest of the nation into an opportunity to showcase the excellence of this Puerto Rican institution. He was attempting to defend a system that had started to come under scrutiny by U.S. officials.

A decade later, jurist Jesus M. Rossy also used "helpless" children to defend the efforts of the people of Puerto Rico in building a modern and civilized society. Writing in 1931, he acknowledged that "efforts to help children in need" had been "sporadic," but saw these efforts as significant and in need of recognition. He went on to stave off possible criticism towards past measures by explaining that previous steps had been "simple copies of those that rule the United States right now." He spoke against this, asserting that it was time to "reflect a bit about some of the aspects that come to mind

³ Philander Claxton, commissioner of education, to Arthur Yager, 21 October 1920, Fondo Oficina del Gobernador, Correspondencia General, caja 778, AGPR.

⁴ del Moral, *Negotiating Empire*, 1–5 (my italics).

about the problem of the helpless childhood, so that we may give the world an example that would place us at the same level as all the other nations leading the civilizing efforts.”⁵ Much as San Millan, Rossy used the discussion about “children in need” to exalt Puerto Rico’s position *vis a vis* the gaze of U.S. officials.

San Millan’s and Rossy’s stances reflect a major shift in the history of juvenile delinquency in Puerto Rico—the interest of the United States in issues pertaining to juvenile delinquents and the institutions to contain them. After years of colonial neglect in this particular arena, how can we explain the U.S.’s sudden interest on the trials and tribulations of the Puerto Rican youth?

In an attempt to answer this question, this chapter focuses on the United States intervention in the life of juvenile delinquents in Puerto Rico and in the institutions built to contain them. I argue that North American intervention in juvenile delinquency issues in Puerto Rico was delayed as issues of juvenile delinquency were worked out in the United States itself. This process created a space for Puerto Ricans elites, colonial authorities, and policy makers to determine the shape and form of the juvenile justice system in the island well into the first half of the 20th century. The juvenile justice system in Puerto Rico, by the time American colonial officials intervened in it in the 1920s, was very much a local creation, as is evinced by U.S. efforts to reform and take over institutions dealing with delinquent, orphan, and wayward children. During their intervention, it remained a local creation with an added feature—the gaze of the main federal agency dealing with children in the United States, the Children’s Bureau.

⁵ Jesús M. Rossy, “Niños Abandonados,” 6 January 1931, in Francisco R. Goenaga, *Antropología Médica y Jurídica* (San Juan, PR: Imprenta Venezuela, 1934), 287–295.

The narrative presented in this chapter about the United States' delayed intervention stands at odds with the narrative about traditional methods of intervention in the island, as described by scholars such as Eileen Findlay, Laura Briggs, and Solsiree del Moral, who have portrayed Puerto Rico as a testing ground for new American policies. These scholars analyze the new policies implemented by U.S. officials shortly after 1898 and the ratification of the Foraker Act as part of an Americanization project, and as spaces to contest, negotiate, and define the colonial relationship. U.S. intervention in issues of juvenile delinquency did not unfold in a similar manner. Why was this the case?

Throughout this chapter, I argue that the difference stems in part from the new role children (and Puerto Ricans in general) acquired once they became American citizens in 1917.⁶ While many efforts to control, socialize, and tame the Puerto Rican populace had been deployed before, after 1917, Americans engaged in a distinct process of reforming Puerto Rico's youth both to justify permanent intervention on the island, as discontent with the colonial status started growing, and to ensure the creation of proper citizens in the service of the United States. Indeed, the citizenship status raised the stakes for U.S. officials who no longer needed to simply tame the colonized, but also had to produce new subjects. In this context, it behooved U.S. officials to interfere in the formation of its own citizens. This, I argue, had less to do with defining the terms of the

⁶ I am borrowing here from Solsiree del Moral's recent assessment of the importance of this moment for the treatment of children in Puerto Rico. Specifically, del Moral recognized the date of 1917 as a watershed for educational reform on the island. In her work, del Moral focuses on the way this moment opened up spaces for Puerto Rican teaching professionals to negotiate their own version of national and Puerto Rican identity. See del Moral, *Negotiating Empire*. In this chapter, I focus more on how American reformers' new perceptions of Puerto Rican youth as citizens of the nation may have informed an increased attention to delinquent children on the island.

colonial project and more with working out a centralized system for handling children across the United States as a nation. That intervention in issues of juvenile delinquency mimicked interventions in other states of the Union suggests that the project in Puerto Rico was part of a wider process of outlining federal-state relations.

At the same time, the new intervention stemmed from shifts in the roles of women in American and Puerto Rican societies. Women took to the streets during the first half of the 20th century, carving new spaces for themselves in society and politics. Hence, when American intervention in issues of juvenile delinquency did ensue, it was spearheaded by the women led Children's Bureau, a newly formed Federal Agency created in 1912. These women brought new perspectives to the way juvenile delinquents should be handled, moving away from the penal model prevalent on the island. The intervention of this new group of female reformers also opened up spaces for new local actors to enter the debates on juvenile delinquency, specifically Puerto Rican professional and middle class women such as those associated with the Club Cívico de Damas. The intervention of women produced tangible outcomes such as the addition of a probation officer to the courts, and the creation of the Reform School for Girls, an institution created through the joint efforts of the Bureau and the Club Cívico de Damas—a collaboration that underscores the new kind of American interventionism in the life of juvenile delinquents that was prevalent in Puerto Rico after the 1920s.

6.1 JUVENILE DELINQUENCY IN THE UNITED STATES

There is scant evidence of American interest in Puerto Rican delinquent children

prior to the creation of the Children's Bureau. Though much attention was placed in the earlier part of the century on revamping Puerto Rico's educational system, and on implementing a system of Americanization in the schools, few discussions centered on delinquent children.⁷ Still, some U.S. officials did praise the efforts made to tackle the problem of juvenile delinquency. As mentioned in Chapter 1, as early as 1905, the governor of Puerto Rico recognized the city of Ponce for their efforts to establish a correctional facility for children. As the governor's aid wrote, "I am instructed by the Governor to acknowledge the receipt of your letter of March 21st, in which you transmit to him the resolution of the Municipal Council relative to the establishment of a House of Correction in Ponce. The Governor begs me to congratulate you, as well as the members of the Council, on the progressive attitude of the city."⁸ This is the same language of progress that U.S. colonial officers deployed to praise their own Americanization project.⁹

The reports from the governor of Puerto Rico right after the creation of the juvenile courts on the island echoed these celebratory tones. They included a report from the attorney general of the island, U.S. appointed Howard L. Kern, who praised efforts of

⁷ For a discussion of the Americanization project in Puerto Rico's schools, see Aida Negrón de Montilla, *La Americanización de Puerto Rico y el Sistema de Instrucción Pública, 1900–1930*, 2nd ed. (San Juan: Universidad de Puerto Rico, 1990); José Manuel Navarro, *Creating Tropical Yankees* (New York: Routledge, 2002); and del Moral, *Negotiating Empire*.

⁸ Private secretary to mayor of Ponce, 25 March 1905, Fondo Ayuntamiento, Judicial, Informes, 1836–1940, caja S-144, AHMP.

⁹ On American socializing projects on the island, see for instance Fernandez, *Disenchanted Island*; Frances Negrón-Muntane and Ramon Grosfoguel, eds., *Puerto Rican Jam: Essays on Culture and Politics* (Minneapolis: University of Minnesota Press, 1997); Laura Briggs, *Reproducing Empire*; and del Moral, *Negotiating Empire*, among many others.

the Puerto Rican legislative assembly to “better the social conditions of the island.”¹⁰ Although mentioning that much work still needed to be done to ensure the smooth functioning of the Escuela Correccional, he did not foresee any problems.¹¹ Written during the first quarter of the century, these letters stood in stark contrast with those produced after the creation of the Children’s Bureau in 1912, and more specifically after the period of interventionism that started in the 1920s. At that point, the federal agency began questioning Puerto Rican methods of handling juvenile delinquents, just as it began scrutinizing the approaches employed by other states. Before this period, both in Puerto Rico and in other states across the United States, issues of juvenile delinquency were handled at the local level. Hence, to better understand the chronology of federal interventionism in this area, it is necessary to look at the evolution of juvenile delinquency issues in the United States itself.

States’ interventions within the family in the United States date back to the end of the 18th century and are related to changes brought about by industrialization. Prior to this period, families functioned outside the gaze of political elites. In fact, given that the majority of American families dedicated themselves to agriculture, reproductive patterns and family life remained enclosed within a private, self-contained sphere.¹² This changed during the 19th century, during the industrial revolution, which saw a shift in labor relations and family structures. As an industrial and urban society took shape across the nation, migration to urban centers followed.

¹⁰ Howard Kern, Report of the Attorney General in *Annual Report of the Governor of Porto Rico to the Secretary of War* (Washington: Government Printing Office, 1916).

¹¹ Ibid.

¹² Stearns, *Childhood in World History*.

Concerns about wayward children and youth emerged in the United States in earnest around this time. As urbanization accelerated, birth rates rose, and migration to cities grew, political leaders and elites began to show great concern for the seeming unruliness of working class children and youth visible in cities' cramped spaces. These were seen as endangered by the social conditions surrounding them. To deal with children, the state interfered through education policy, legal reform, and the surveillance of public spaces.¹³ Yet, for the most part, as had happened in Puerto Rico, beyond educational reforms, local governments responded to these concerns by encouraging private entities, such as charities, to supervise and guide families in their child rearing practices.¹⁴

A particular group, upper and middle class women, took on this mission.¹⁵ These women saw work with impoverished classes as an extension of their domestic roles, as a way to expand their reach in the public sphere. They blamed the urban atmosphere as well as the parenting practices of the working class for children's unruly behavior. They set to save these children from their parents and the family environment that begot such urban unruliness.¹⁶ They took to the streets and launched initiatives to teach mothers proper rearing practices, to encourage children's proper behavior, and to support

¹³ On the evolution of conceptions and treatment of childhood in America over time, see Paula S. Fass and Mary Ann Mason, eds., *Childhood in America* (New York: New York University Press, 2000); Michael Grossberg, "Changing Conceptions of Child Welfare in the United States, 1820–1935," in *A Century of Juvenile Justice*, Margaret K. Rosenheim et al. (Chicago: University of Chicago Press, 2002), 3–41; Steven Mintz, *Huck's Raft: A History of American Childhood* (Cambridge, MA: Harvard University Press, 2004); and Paula Fass, *Children of a New World* (New York: New York University Press, 2007).

¹⁴ Stansell, *City of Women*.

¹⁵ *Ibid.*, for more on the cult of domesticity.

¹⁶ For a discussion of these processes see Anthony Platt, *The Child Savers*, 2nd ed. (Chicago: University of Chicago Press, 1977); Davin, *Growing Up Poor*; Stansell, *City of Women*; and ^{Stearns,} *Childhood in World History*.

education reform. In New York, for instance, elite women, through Protestant missions and charity work, intervened in the lives of working class families and thus in the lives of working class children. These women fueled by the emerging cult of domesticity, one that underscored the importance of the home, ventured into working class neighborhoods to encourage mothers to model child rearing practices and behaviors after the missionary's middle class ideal.¹⁷

As part of these efforts, the turn of the 20th century saw the rise of “child savers” in the United States. These “child savers,” as the network of professionals, elite and middle class women, jurists and doctors came to be known, sought to save children and families through state intervention. In fact, these professionals pushed for the creation of the first institutions to reform children. The beginnings of what would become a centralized juvenile justice system in the United States can be traced back to this period. The juvenile justice system that eventually emerged in the late 19th century was “part of a far reaching program that included compulsory schools restrictions on child labor and a welfare system.” The courts themselves emerged from reformer's efforts to socialize and stabilize society and to deal with the increasing problem of children in the streets.¹⁸

As was the case with Puerto Rico, the 19th century saw the emergence of piecemeal policies and institutions to deal with wayward children. For instance, the first House of Refugee was established in New York in 1824 to remove children from noxious

¹⁷ Stansell, *City of Women*.

¹⁸ See Platt, *Child Savers*; Elizabeth Scott, “The Legal Construction of Childhood,” in *A Century of Juvenile Justice*, Margaret K. Rosenheim et al. (Chicago: University of Chicago Press, 2002), 113–147; and David B. Walcott, *Cops and Kids: Policing Juvenile Delinquency in Urban America, 1890–1940* (Columbus: Ohio State University Press, 2005).

family environments, reform, educate them, and keep them from a life of crime.¹⁹ Later in the century, in 1869, the Massachusetts Board of State Charities appointed a state agent to supervise children accused of crimes, the precursor to a juvenile probation system.²⁰ The city of Detroit followed suit, establishing its own proto-juvenile probation system in 1873. In 1877, New York passed legislation to separate children from adult populations in criminal courts.²¹ Along with new policies like these, all sorts of institutions, including rural farm families, correctional facilities like the Elmira Correctional Facility discussed in earlier chapters, and detention homes emerged. These institutions evolved from the English tradition of reform schools, the system England employed at this time to deal with their own problems of wayward children and youth.²²

The first juvenile courts did not emerge in the United States until the very end of the century. In 1897, the first steps towards a juvenile justice system in Chicago came with the creation of the John Worthy School for boys, a house of correction for unruly boys. In 1899, the first official Juvenile Court was inaugurated in Cook County in Chicago, Illinois. During this time, Denver also operated an unofficial juvenile court under Judge Ben Lindsey.²³ This practice of conducting unofficial or informal sessions, without an official docket, was a common procedure in American courts and particularly

¹⁹ Sanford J. Fox, "Juvenile Justice Reform: An Historical Perspective," in *Stanford Law Review* 22, no. 6 (June 1970): 1189–90.

²⁰ Lorna F. Hurl and David J. Tucker, "The Michigan County Agents and the Development of Juvenile Probation, 1873–1900," *Journal of Social History* 30, no. 4 (Summer 1997): 905–35.

²¹ Walcott, *Cops and Kids*.

²² Platt, *Child Savers*; and Victory Bailey, *Delinquency and Citizenship: Reclaiming the Young Offender, 1914–1948* (London: Oxford University Press, 1987).

²³ Platt, *Child Savers*; Steven Schlossman, *Love and the American Delinquent: The Theory and Practice of "Progressive Juvenile Justice"* (Chicago: University of Chicago Press, 1977); Tannenhaus, *Juvenile Justice*; and Wolcott, *Cops and Kids*.

in cases involving children, where a more personal and lax approach was preferred.²⁴ Other cities followed in 1902 (Cleveland, Buffalo, Milwaukee, Baltimore, NY), and in 1903 juvenile courts were established in another 19 cities. By 1920, 45 out of 48 states operated some form of juvenile court.²⁵ It is important to note, however, that these courts operated individually, evolved at separate paces and did not form part of a more centralized system until after the 1920s.²⁶ It wasn't until 1938 that Federal Legislation passed providing for the nation-wide treatment of children as a special legal category.²⁷

Of these institutions, the Cook County court bears particular importance. Its origins were tightly linked to the creation of the Children's Bureau in 1912, which led the charge for American intervention in issues related to juvenile delinquency in Puerto Rico. A local venture, the juvenile court was spearheaded by Lucy Flower and Julia Lathrop, two social activists and reformers who were part of the child saving movement in Chicago. While Flower belonged to an older generation of reformers, Lathrop was 21 years her junior. Lathrop was a Vassar educated reformer who had spent several years working at the Hull House, a center of social reform in Chicago established by Jane Addams that prepared many of the female reformers of the progressive era.²⁸ While Flower secured funding for the efforts to establish the court, Lathrop led these efforts. Establishing the court did not come easy, as a cadre of detractors objected to its creation. As was the case with the Escuela Correccional and the courts in Puerto Rico, the court

²⁴ David J. Rothman, *Conscience and Convenience: The Asylum and its Alternatives in Progressive America* (Boston: Little, Brown and Co., 1980).

²⁵ Kriste Lindenmeyer, *A Right to Childhood: The U.S. Children's Bureau and Child Welfare, 1912–1946* (Champaign: University of Illinois Press, 1997).

²⁶ Tannenhaus, *Juvenile Justice*.

²⁷ Ibid.

²⁸ Ibid.

evolved at a slow pace and failed to meet its ideals. Budgetary constraints and consistent challenges made its progress difficult. For instance, on inaugural day, the court counted with “almost no public resources with which to operate.”²⁹ Practical limitations retarded the evolution of the juvenile justice system well into the 20th century.

Despite failing to meet the ideals of the activists behind it, the Cook County Court accomplished an important thing: it legitimized the expertise in children’s issues of the women behind the Court. This was a significant accomplishment, as it positioned Lathrop as the ideal choice for a public role implementing child saving initiatives at the national level. Her contacts and her work masterminding the Cook County Court garnered the attention of her friend Jane Addams, who recommended Lathrop to head the Children’s Bureau in 1912.

The Children’s Bureau had been nine years in the making. In 1903, several women’s groups and other welfare activists led by the likes of Jane Addams, Lillian Wald, and Florence Kelly, prominent reformers of the time, came together to campaign for the creation of a federal agency dedicated to the welfare of the nation’s children. The groups, which had been working at local and state levels until this point, were drawn together by the belief that the problems of children and childhood required a nation-wide approach.³⁰ Through grassroots efforts, they earned the support of president Theodore Roosevelt, who in 1909 organized the White House Conference on the Care of Dependent Children. The Conference hoped to convince Congress to approve the bill establishing the creation of the Federal Children’s Bureau. Three years passed before

²⁹ Ibid.

³⁰ Dorothy E. Bradbury and Martha M. Eliot, *Four Decades of Action for Children: History of the Children’s Bureau* (Washington, D.C.: U.S. Government Printing Office, 1956).

President Taft finally signed the bill into law.³¹ From its inception, the agency sought to “to investigate and report upon all matters pertaining to the welfare of children.”³²

During its first few years, the Bureau dedicated itself to research in the areas assigned by Congress. Because of its very limited budget, research efforts took time. Lathrop opted to spend several years investigating and developing initiatives to handle the problem of infant mortality.

To be sure, juvenile delinquency remained a concern during the first few years of the agency, but it could not be tackled because of the agency’s limited resources. As soon as the agency opened, inquiries poured from several states and countries asking about the creation of juvenile courts and institutions to handle juvenile delinquency. For instance, as early as 1915, David Morrison of Oregon, reached out to the Bureau for help with an initiative to establish a Juvenile Court in Oregon. He wrote,

...realizing that Oregon’s provisions for the care of the delinquent boy are not what they should be, we endeavored during the recent session of the Legislature to get that body to authorize a survey of local conditions also of institutions, methods, and conditions in all the other states for the purpose of arriving at some definite plan for improvement. We were not successful with the Legislature and so have decided to take the matter up between ourselves as a private enterprise. We therefore desire to gain all information possible respecting homes of detention, training school, industrial school, reformatories, and the like...³³

Similarly, Hugh R. Wilson, secretary to the American Embassy in Argentina requested information on the juvenile courts of the United States for an attorney friend

³¹ Ibid.

³² Ibid; Marguerite G. Rosenthal, “The Children’s Bureau and the Juvenile Court: Delinquent Policy, 1912–1940 *Social Service Review* 60, no. 2 (June 1986): 303–318; and Margo Horn, *Before it’s Too Late: The Child Guidance Movement in the United States, 1922–1945*, (Philadelphia: Temple University Press, 1989).

³³ David F. Morrison to Julia Lathrop, 19 March 1915, RG 102, Records of the Children’s Bureau, Central File (CF) 1914–1920, box 58, NARA.

who believed that Argentina would “find much assistance on the modeling of this law on the question from the experience of the United States.”³⁴ Other queries like these poured from all over the nation and the world. From Tennessee to Florida, and from Canada to Russia and Japan,³⁵ people sought guidance on the model of juvenile courts to follow.³⁶ The Children’s Bureau, lacking their own material, often referred these letters to local courts such as New York and Chicago.

The available evidence shows that the Bureau shared these concerns for studying how best to standardize juvenile court practices across the nation. From the beginnings of the agency, research and initiatives in the area of juvenile delinquency were part of its legislative mandate. Yet, several years would pass before the Bureau could take on this task. Lathrop often shared her frustrations about her inability to do more for the cause. For instance, in a letter written to Federico Degetau’s wife on April 9, 1916 in response to her request for information on juvenile courts, Lathrop wrote, “I wish it were in the power of the Children’s Bureau to be more useful to you than is now possible in the matter of creating juvenile courts and in the treatment of wayward children.”³⁷ Despite its mandate, it wasn’t until later that the Bureau began making headways in this area.

The first attempts at investigating juvenile delinquency occurred slowly. For instance, efforts were made to compile welfare laws from across the nation, which included legislation on juvenile delinquency. Further, a survey was circulated across the

³⁴ Hugh R. Wilson to U.S. Commissioner of Labor, 16 October 1915, RG 102, Records of the Children’s Bureau, CF 1914–1920, box 58, NARA.

³⁵ For a look at the connection between the development of the juvenile justice system in Japan and other juvenile justice systems across the globe, see Ambaras, *Bad Youth*.

³⁶ See for instance, RG 102, Records of the Children’s Bureau, CF 1914–1920, boxes 57–58, NARA.

³⁷ Julia Lathrop to Ana M. Degetau, 22 May 22 1916, RG 102, Records of the Children’s Bureau, CF 1914–1920, box 57, NARA.

United States, including Puerto Rico, to determine the juvenile courts that employed probation officers. The pressure to focus on issues of juvenile delinquency increased as World War I progressed. The war, according to a missive to Lathrop from the Boys and Girls Club, an organization dedicated to keeping boys and girls off the streets, “raised the economic value of every child...the delinquent boy who is normal may be returned to useful citizenship. Thereby he becomes an asset to the community.”³⁸ At the same time, Lathrop began receiving inquiries from the Secretary of War on the impact of the war on juvenile delinquency. A study from the Bureau itself had shown that juvenile delinquency had increased in warring countries in Europe. The concern was that the war would also increase the rates of juvenile delinquency in the United States at a moment when children were so crucial to the nation.³⁹ Most likely, these concerns drove the Bureau to seek allies for an initiative focusing on juvenile delinquency during the 1917 National Conference of Charities and Correction. As Emma Lundberg reported after the Conference,

Roger L. Baldwin—Reported on the work that the Federal Children’s Bureau is going to do during the coming year in an investigation of the standards of juvenile court work. He read a letter from Miss Lathrop stating that the Bureau will include an investigation of juvenile courts as part of the work of the fiscal year. The Association voted to continue the Committees [sic] on the Development of Standards in Juvenile Court Work for another year, and to cooperate with the Bureau in working out this investigation.⁴⁰

³⁸ Big Brothers and Big Sister International Advisory Council to U.S. Department of Labor, 21 August 1918, RG 102, Records of the Children’s Bureau, CF 1914–1920, box 57, NARA.

³⁹ Several letters between Newton D. Baker, secretary of war, and Julia Lathrop between June and August of 1918 confirm as much. See: RG 102, Records of the Children’s Bureau, CF 1914–1920, box 57, NARA.

⁴⁰ Emma Lundberg to U.S. Department of Labor, 5–11 June 1917, 28 May 1921, Memorandum of Interviews, etc. at the National Conference of Charities and Correction, Pittsburgh, Pennsylvania, RG 102, Records of the Children’s Bureau, CF 1914–1920, box 57, NARA.

The conference marked the beginning of a series of investigations and efforts in the area of juvenile justice across the United States and its territories.

It is at this point that the histories of the juvenile courts in the United States and in Puerto Rico meet. It is important to note the context in which the Children's Bureau entered Puerto Rico. Wayward children became a crucial element of preserving the American nation *vis a vis* the context of war precisely when Puerto Rican children became American citizens with the passing of the Jones Act. The Jones Act was conveniently enacted a month before the United States' entrance into World War I, and as a way to "affirm U.S. control over Puerto Rico."⁴¹ Indeed, by then, discontent with the United States attempts to implement an almost autocratic regime was widespread.⁴² Even former allies to the American cause began questioning it and vying for more control over the island's politics and policies.⁴³ Any kind of attempt from the citizens of the island to exert a Puerto Rican identity or question the measures taken by the United States were seen as a threat.⁴⁴ This is precisely what happened to Juan Asencio Alvarez and José Angel Galiñanez in 1922, a few years after the arrival of the Children's Bureau to the island. The two high school boys were badly beaten and arrested by members of the insular police of Puerto Rico for hoisting two Puerto Rican flags besides the

⁴¹ Scarano, *Cinco Siglos*; and Ayala and Bernabé, *Puerto Rico in the American Century*.

⁴² Fernández, *Disenchanted Island*, 36.

⁴³ This was the case, for instance, of Matienzo Cintrón. See Ayala and Bernabé, *Puerto Rico in the American Century*.

⁴⁴ On this new period of tension between the U.S. Government pushing an Americanization program and mounting opposition to this program, see Fernández, *Disenchanted Island*; Ayala and Bernabé, *Puerto Rico in the American Century*; and Scarano, *Cinco Siglos*.

American flags during a school assembly.⁴⁵ The act was seen as an act of rebellion and disorder against the United States, and contained by the police force led by U.S. appointed George R. Shanton, a former rough rider.⁴⁶

The involvement of the Children's Bureau in the island, as with the rest of the states, occurred at a time when new concerns for turning potential criminals into upstanding citizens. The timing of American intervention into the life of the wayward children of Puerto Rico responded to what was occurring in the United States. Yet, the shape this intervention took was worked out in Puerto Rico. Though the Bureau was working to centralize all efforts in the treatment of children across the United States, it had much difficulty doing this. Because of the constraints it faced, the juvenile delinquency systems remained a local enterprise, requiring separate efforts from counties, cities, and states. Hence, from its inception, the Bureau had to rely on partnerships and collaborations with actors at the local level to execute initiatives. As the rest of this chapter will demonstrate, this is precisely what happened in Puerto Rico.

6.2 THE CHILDREN'S BUREAU CONCERNS REGARDING PUERTO RICO

On September 19, 1923, Grace Abbott, the new head of the Children's Bureau penned the introduction to Helen V. Bary's *Child Welfare in the Insular Possessions of*

⁴⁵ District chief to chief of insular police, "Alteraciones: La Ocurrida en el Teatro Municipal el Dia de la Entrega de los Diplomas," 28 June 1922, Fondo Policia de Puerto Rico, Policia-Querellas, caja 61-62, 1921-1922, AGPR.

⁴⁶ Jeremy Kuzmarov, *Modernizing Repression: Police Training and Nation Building in the American Century* (Amherst: University of Massachusetts Press, 2012).

the United States. Part I: Porto Rico. She wrote, “As this report of developing activities shows, the interest in child welfare touches every brand of the government as well as the private organization in Porto Rico. The Children’s Bureau has never undertaken any piece of work in which the cooperation was more genuine and desire for improvement greater than in Porto Rico.”⁴⁷ The study had been conducted a year before by Helen V. Bary, the director of the Bureau’s Publications Division. The report provided an assessment of local institutions and initiatives to safeguard the welfare of Puerto Rican children. It also marked the culmination of the first excursion of the Bureau into Puerto Rico, and the first forays into the island’s juvenile justice system.

The Bureau had long established relations with local officials involved in the juvenile justice system. For instance, in 1916, Ana M. Degetau, Federico Degetau’s widow wrote Lathrop praising the efforts of the Bureau and the United States in dealing with juvenile delinquents. She said, “Since I was in Washington...I have been greatly interested in the humanitarian [sic] labor of the creation of Juvenile Courts and the treatment of morally deficient children. I have followed ever since the creation of these juvenile institutions in the United States and other Countries, its highly commended labors.”⁴⁸ Similarly, Puerto Rico’s Assistant Attorney General invited Lathrop and the Children’s Bureau to become involved in the island. On February 26, 1916, he wrote,

I read the third annual report of your Bureau with intense interest, and wondered if there might not be something here worthy of your attention. The report of the Attorney General to the Insular Legislature in regard to the enforcement of the juvenile court law is now in press. I shall send you a copy as soon as it is returned

⁴⁷ Grace Abbott, “Letter of Transmittal,” in Helen V. Bary, *Child Welfare in the Insular Possessions of the United States, Part I: Porto Rico* (Washington, D.C.: Government Printing Office, 1923), 3.

⁴⁸ Ana M. Degetau to Julia Lathrop, 9 April 1916, RG 102, Records of the Children’s Bureau, CF 1914–1920, box 57, NARA.

by the printers, for it will express more completely and efficiently than I could the situation here. Like all poor countries, Porto Rico is peculiarly rich in children, and I should think that there is no species of its fauna and flora which could offer so fertile a field for investigation.⁴⁹

Reports from the government of Puerto Rico reached the Bureau before its own incursion into the island. One of these painted a stark picture of the situation on the island. The Annual Report of the Chief of the Children's Bureau reported in 1919,

The Governor of Puerto Rico states that the reform school is still over-crowded, owing partly to the large demands made for space for boys under control by the juvenile courts. Some improvements and enlargements have been made since 1917. The average number of boys in school for 1917-18 was 156, but the number of children had very lately reached 200, which is the maximum capacity of the school, yet this is not sufficient for the needs...the most serious drawback to the effectiveness of the juvenile court has been the lack of adequate facilities to take proper care of the delinquent children.⁵⁰

Another report circulated at the time by the Red Cross singled out local institutions as a cause of concern. Writing on the state of the population of the island, the report established: "It is estimated there are 10,000 homeless children in Porto Rico wandering about town and country, begging, stealing, and living as best they can. These children are mainly illegitimate....There are juvenile courts on the Island, but they are manned by district judges with no particular interest in juvenile work."⁵¹ These letters and reports, much as the requests for more information on the juvenile justice system, were put on the backburner. Yet, they are important to this study for what they reveal about the U.S.-Puerto Rican dynamic *vis a vis* the Puerto Rican juvenile justice system:

⁴⁹ R.W. Perkins to Julia Lathrop, 26 February 1916, RG 102, Records of the Children's Bureau, CF 1914-1920, box 57, NARA.

⁵⁰ Julia C. Lathrop, *Seventh Annual Report of the Chief, Children's Bureau to the Secretary of Labor, Fiscal Year Ended June 30, 1919* (Washington, D.C.: Government Printing Office, 1919).

⁵¹ "Porto Rico: Geography, Climate and Population," Red Cross report, 1920, RG 102, Children's Bureau, roll 2, CIH.

that in practice it was much more tenuous and insubstantial than one may infer from the historiography.

That it was local players who approached the Children's Bureau for assistance challenges the historical narrative whereby colonial authorities imposed programs and initiatives on the island. As these letters show, in the area of juvenile courts, Puerto Rican officials behaved as much of the rest of the world behaved at the time, looking to the United States for a model to follow. Lathrop could not do any more for Puerto Rico than she could do for other states. It is important to note that this fact had less to do with the colonial dynamics being worked out in Puerto Rico than with the resources of the Bureau at the time.

Lathrop had long been interested in intervening in the life of children in Puerto Rico, but the Bureau's lack of resources delayed such excursion. As Helena Valeska Bary, Director of the Publications Division of the Children's Bureau and later main representative of the Children's Bureau on the island, recounted during an interview for the Suffragist's Oral History Project, "She had been interested for quite a while in our insular possessions. From all that she learned, she questioned whether we were really doing an intelligent job in Puerto Rico."⁵² Her interest did not manifest itself until around 1920, when the Commissioner of Education in the island, Dr. Miller, invited the Bureau to expand their work in Puerto Rico by conducting an investigation on the conditions of the children of the island and facilitated the resources to do so. Lathrop had more than an investigation in mind when she sent the first Children's Bureau representative, Estelle

⁵² Helen V. Bary, *Helen Valeska Bary: Labor Administration and Social Security: A Woman's Life*, typescript of oral history interviews conducted between December 29, 1972 and January 14, 1973 by Jacqueline K. Parker (Berkeley: University of California, 1995), <http://content.cdlib.org/ark:/13030/kt6z09n8m9/> (accessed January 2013).

Hunter, to the island. Estelle Hunter went on a month expedition to the island, but refused to return to spend more time in Puerto Rico. Lathrop searched for a replacement for a more permanent stay on the island. Unable to find a candidate outside the Bureau who would meet her standards, she tasked Helen V. Bary, Lathrop's right hand, with the project, signifying Lathrop's deep commitment and interest in the children of Puerto Rico. As Bary recounts, "Miss Lathrop wanted to get something done in a way that would be helpful, not merely to go down and come back and write a report; that would be rather futile."⁵³ To do so, the Bureau had to forge relationships with local actors.

Well before arriving at the island, the women of the Bureau recruited the assistance of local actors. One of these recruits was Beatriz Lasalle, then secretary of the Junior Red Cross, who also worked with the Department of Education, to assist Bary in a yearlong study of the island. According to Bary, Lasalle was an ideal ally for she "had been in the States before. She had had some contact with social agencies."⁵⁴ Shortly after her arrival, Bary also forged strong alliances with the newly appointed director of the Department of Education, Juan B. Huyke, and other government officials such as Judge Pablo Berga of the Juvenile Courts of San Juan. These people would help her determine, and in many ways dictate, the shape of the Children's Bureau intervention on the island's juvenile justice system.

It is important to note that Bary established stronger links on the island with Puerto Rican officials than with American officials. At first, she attempted to reach out to other U.S. appointed officials to no avail. Governor Yager, in office at the time of her arrival, demonstrated no interest in her efforts. As she recounted years later, "I found

⁵³ Ibid., 10.

⁵⁴ Ibid.

governor Yager a difficult person to get along with. He was an old man and very tired and obviously a political appointee. He showed no particular knowledge about Puerto Rico when I tried to talk to him. When I approached the question of doing something, he became deaf.”⁵⁵ She had a similar opinion of Yager’s successor, Governor Reilly, and opted to stay away from him as to not compromise her mission on the island. She was also deeply critical of Dr. Miller, the same official who invited the Children’s Bureau to Puerto Rico. She described him as an opportunist,

...he had been very urgent in his invitation to Miss Lathrop to come in and make the study. But soon after I began talking with him, he told me that he would give us a report on conditions in Puerto Rico for the sum of \$5,000. He had learned evidently from Miss Hunter that we had a budget of \$25,000... I felt very much like saying, ‘millions for defense but not one cent for tribute.’ It struck me as all wrong that he should make these great protestations of wishing to cooperate on the study, and then to find out his first object was to be paid \$5,000 for his cooperation.⁵⁶

Indeed, Bary considered most U.S. appointed officials on the island to be political appointees with little knowledge of the island or interest in its well-being. Bary’s decision to disassociate herself from other U.S. Officials is significant in that it complicates the historical narrative of a monolithic colonial force on the island.⁵⁷ Her decision was also strategic, as she often wrote about the weariness of Puerto Rican local actors to support U.S. initiatives. The Children’s Bureau represented by Estelle Hunt for a short period and Bary for most for the 1920s took a different approach, allying themselves with local actors. In their writings, they often counseled the Bureau in Washington to ally with local actors and allow Puerto Rican representatives to introduce

⁵⁵ Ibid., 121.

⁵⁶ Ibid.

⁵⁷ Historians such as Solsiree del Moral and Ellen Walsh have also begun complicating this dynamic in their studies on the area of education and missionary work on the island.

initiatives and measures with the support of the Bureau.⁵⁸ This decision opened the space for local actors to continue dictating the shape of the island's juvenile justice system. Often times, then, it was difficult to determine whether an initiative was a purely American enterprise or a shared endeavor.

Bary's sympathy towards Puerto Rico and Puerto Rican actors did not immediately translate into an appreciation of the juvenile system of the island. If anything, the Bureau's desire to do something to help the island's children shaped Bary's and the Bureau's critical stance towards local efforts. A memo circulated shortly after Bary's arrival in 1921, for instance, mentioned that one of the Bureau's main goals on the island was to "increase the interest and responsibility of the Porto Ricans in child welfare."⁵⁹ It criticized local officials because "statistics of blindness and other subjects like feeble-mindedness and dependency and delinquency are not available. Little provision for any of these classes exists, and apparently great hardships results [sic]." The letter criticized the procedures of Puerto Rican officials to record, measure, and establish concrete initiatives. Beyond that, it implied that up until that point Puerto Ricans lacked an awareness about child welfare that only the Children's Bureau could provide.

In these early communications, the Children's Bureau deployed a trope used by the elite and middle-class professionals of the island when discussing concerns of wayward children and delinquent youth. The Bureau pushed this rhetoric further,

⁵⁸ Bary, *A Woman's Life*; see also, Interview with Miss Lena Waters, 12 November 1920 and Helen V. Bary, Memo to the Secretary, 14 June 1921, RG 102, Children's Bureau, roll 2, CIH; Helen V. Bary to Grace Abbott, 16 March 1931 and Helen V. Bary to Katherine Lenroot, 29 January 1932, RG 102, Children's Bureau, roll 1, CIH.

⁵⁹ Bary, Memo to the Secretary, 14 June 1921, CIH.

establishing that it wasn't only Puerto Rican families who were failing their children. The elites, policy makers, and other officials also contributed to the problem of juvenile delinquency. Whether intentionally or not, this belief in the inability of the entire island to correct and reform its delinquent children contributed to justifying the United States' intervention on the island, and was part and parcel of establishing Puerto Ricans as colonial subjects.⁶⁰

It is important to note, as well, that the Children's Bureau had similar concerns about the inability of local agents in other states across the nation to correct and reform the delinquent children of the nation. The anxiety about the inability of the nation to develop concrete and helpful standards for the treatment of juvenile delinquency applied equally to American states and territories. This had long been the plight of the Children's Bureau in the American continent, and they extended it to Puerto Rico when its youth acquired the status of children of the nation in 1917 as previously discussed.⁶¹ Under this new arrangement between the United States and Puerto Rico, it behooved the Children's Bureau to do something for the island's children.

The Children's Bureau got to work on the juvenile justice system of the island immediately upon its arrival in 1921. As early as January of 1921, Estelle Hunter had started concocting plans for the "Children's Year" Campaign, which culminated in the kind of "School Week" that E. San Millan had used to showcase the Escuela

⁶⁰ This point has been a subject well documented in the historical narrative of the island. See Santiago-Valles, *Subject People* and Maymí-Hernández, *Gobernar es Prever* (see intro., n. 16).

⁶¹ A report crafted in 1920 suggests as much, as an overview of the Juvenile Courts across the nation revealed inadequate practices for the processing of juvenile delinquents. Evelina Belden, *Courts in the United States Hearing Children's Cases: A Summary of Juvenile-Court Legislation in the United States, Children's Bureau Publication no. 65* (Washington, D.C.: Government Printing Office, 1920).

Correccional. One of the most important aspects of this campaign was the creation of a Child Welfare Commission that included a committee for “delinquent children and juvenile courts.” This committee was tasked with studying the courts’ conditions, their methods of handling the children, and the institutions dealing with juvenile delinquents outside of the courts, including correctional facilities and probation officers.⁶²

The task of surveying and intervening in the juvenile justice system already in place did not come easy for the Children’s Bureau. Court conditions made the process more difficult. Already in August of 1921, Bary reported unfavorably on her attempts to survey the courts of the island. She wrote, “I have been trying to pay a visit to the Juvenile Court here, but its sessions are irregular, whenever the court is not occupied upon ‘more important’ business.”⁶³ The choice of quotations marks to encase “more important” betrayed Bary’s sentiments on the priorities of the courts, and the jurists of the island, as she deemed the cause of the child as being of primary importance. In fact, she often highlighted the disconnect between her priorities, those of the Bureau, the locals and the courts. Writing to Emma O. Lundberg, one of the Bureau’s Juvenile Courts researchers, Bary confided, “Sometimes I think that this underlying lack of responsibility which shows itself in deserted wives and children and in the absence of any civic spirit, is psychologically the root evil of the situation. I suppose it is a direct result of four centuries of tyranny, injustice, and personal cruelty.”⁶⁴ Interestingly, Bary exculpated the children and women of the island in her description, placing the blame squarely on the

⁶² Estelle Hunter to Children’s Bureau, 8 January 1921, RG 102, Children’s Bureau, roll 2, CIH.

⁶³ Helen V. Bary to Children’s Bureau, 9 August 1921, RG 102, Children’s Bureau, roll 2, CIH.

⁶⁴ Helen V. Bary to Emma Lundberg, 17 September 1921, RG 102, Children’s Bureau, roll 2, CIH.

men of the island, both within the family and the government, who had failed to create proper institutions to ensure the wellbeing of children.

A fervent commitment to children and sharp criticism of the male dominated courts helps explain the focus of the Bureau in later years in incorporating systems steeped in the cult of domesticity, that would ensure the well-being of the child through a female probation officer and an extra focus on facilities for delinquent girls. Her interest in these areas was confirmed in her assessment of the laws related to juvenile delinquency,

The laws here seem very good, but the Assistant Attorney General has told me that it is merely on paper. In actual practice, children are sent to jail pending facilities in correctional schools, and other conditions of the same character exists. I wish to do some preliminary work of interviewing both men and women in juvenile court conditions, and later if the Social Service Division can make a survey of the court, including educational work in probation, etc. I believe we can improve conditions materially.⁶⁵

Indeed, the efforts of the Bureau would result in the incorporation of probation officers into the system of the island.

Before this could happen, however, Bary had to survey the conditions of the juvenile courts. She was finally able to do so in the Fall of the same year. On September 21st, she reported on the courts practices. She recounted how the courts met only once every three weeks on Saturday morning, and highlighted that seven distinct juvenile courts existed across the island. These seemed a good aspect of the system, as the Bureau had long deemed specialized courts to be more effective.⁶⁶ Lundberg, in Washington, did not seem impressed with the conditions of the Puerto Rican juvenile courts or with Bary's

⁶⁵ Bary to Children's Bureau, 9 August 1921, CIH.

⁶⁶ Belden, *Courts in the United States Hearing Children's Cases*.

efforts on the island. She wrote back, “Your description of efforts to hear a Juvenile Court Hearing sounds thrilling, but somehow I could get more excited about some form of activity that would offer more concrete results, such as—preventing delinquency or beneficial means of dealing with delinquent children or dependent children.”⁶⁷

While it may seem like Lundberg’s hesitation reflected beliefs about Puerto Rico’s inability as a colonial subject to ensure the wellbeing of its own children, this is not likely the case. In fact, other courts across the nation were under scrutiny from the Bureau at the same time. As David Tanenhaus argues, during this period, “many of these child savers reunited in order to assess the success and failures of the juvenile court movement.” The recidivism rates revealed in these studies confounded jurists who began losing faith in the system. Lundberg’s and even Bary’s assessment of the system responded to national efforts from progressives to “regain lost enthusiasm for the juvenile court movement by consolidating its gains through the creation of uniform standards...”⁶⁸

Through her studies and reports, Bary sought to bring Puerto Rico’s juvenile justice system to the standards of the ideal courts they envisioned; standards that few other courts in the nation met. This began to happen in earnest at the end of the 1920s. Part of the delay had to do with the limited resources of both Puerto Rico and the Bureau. Bary recognized as much early on when she advised the Bureau to nix the idea of agricultural schools as a way to keep children off the streets. “There’s little money to create agricultural schools. The legislature won’t pass the project unless proven they can

⁶⁷ Emma Lundberg to Helen V. Bary, 5 October 1921, RG 102, Children’s Bureau, roll 2, CIH.

⁶⁸ Tanenhaus, *Juvenile Justice*, 127–128.

be self-sufficient,” she wrote.⁶⁹ The other aspect that contributed to the delay was the alleged lack of preparation of local personnel to take over the roles the Bureau imagined. This was the case in trying to fill the position of a superintendent of a potential Correctional facility for girls and for the post of probation officer.⁷⁰ For the former, Bary wrote, “I found in discussing the need of such an institution with some of the people of Porto Rico that they felt the principal difficulty would be to find a properly qualified person for superintendent.” She suggested having a Puerto Rican study in the United States to “gain a very good idea of methods which could be adapted to the special needs of Porto Rico.”⁷¹ That the island’s first paid female probation officer received her training in the United States reveals a similar concern.

Limited resources and training, then, further delayed the American intervention in Puerto Rico’s juvenile justice system. When they finally managed to push their initiatives forward, the results were dismal.

One of the first areas in which the Bureau tried to make headways was in putting together a local committee that could help implement their initiatives, as had been established in the plans of the Bureau in 1921. Hence, in June 1925, the Junta del Bienestar de la Niñez was formed to “study and solve all the problems affecting childhood.”⁷² The Board included the Director of the Department of Education, as well as

⁶⁹ Helen V. Bary to Grace Abbott, 12 September 1921, RG 102, Children’s Bureau, roll 2, CIH.

⁷⁰ H.M. Towner to Helen V. Bary, 6 June 1923, RG 102, Children’s Bureau, roll 2, CIH.

⁷¹ Helen V. Bary to Governor H.M. Towner, 4 May 1923, RG 102, Children’s Bureau, roll 2, CIH.

⁷² An Act to Amend Sections 4 and 5 of Act No. 39, of June 24, 1925, Entitled “An Act to Create a Porto Rican Child Welfare Board Which Shall Study and Solve All Problems Affecting Childhood, Including a Revision of Present Legislation, And for Other Purposes...,” No. 25, (1932), RG 350, Records of the Bureau of Insular Affairs, General Records Relating to More than One Island Possession, General Classified Files, 1914–1945, box 1086, file 26533, NARA.

other actors involved with the island's juvenile courts such as Pablo Berga, judge of the Juvenile Court of San Juan. Five years passed before the first concrete measure was taken by the Junta. Replicating the Bureau's early years, the Committee spent its first few years making an assessment of local conditions. For instance, in 1925, they visited the San Juan galeras to learn about the conditions of the children in them.⁷³ The first report of the Junta was not published until 1927. This period of exploration further delayed any concrete action from the Children's Bureau and its newly formed Junta.

When something concrete finally happened, it was formalizing the post of probation officer on the island. This particular post had long been considered one of the most significant features of the ideal juvenile courts. It was seen as an integral part of the juvenile courts, and essential to the continued existence of the courts. In fact, as mentioned earlier on, the first effort to evaluate the effectiveness of courts across the nation was a survey of probation officers. The probation officer model had been instituted in American Courts since the beginning of the 20th century. It was first implemented in Boston in the 19th century and then incorporated into the Chicago model.⁷⁴ By 1921, every single state of the union had some sort of provision for appointing a probation officer to children who went before the courts. The post was meant to serve as a "system of treatment for the delinquent child...by means of which the child and parent remain in their ordinary environment and to a great extent at liberty, but, throughout a probation period, subject to the watchful care and personal influence of an

⁷³ Primer Reporte de la Junta de Bienestar de la Niñez, 1927, RG 102, Children's Bureau, roll 1, CIH.

⁷⁴ Tannenhaus, *Juvenile Justice*.

agent of the court...”⁷⁵ The probation officer was tasked with investigating the accused child and his family environment before trial and serving as an after-care agent after a child went before the courts. According to Tanenhaus this was a particularly important and distinct aspect of the U.S. courts as it essentially turned the state into “official parents” of delinquent children. It is, thus, significant that the Children’s Bureau wanted this particular addition to the system, which could potentially turn U.S. officials into “official parents” even above the local government. What is more significant, however, was the Bureau’s decision to secure a Puerto Rican woman to take over post.

Well before U.S. intervention in the juvenile justice system, Puerto Rican courts had a form of probation officer. In fact, a report of the Bureau on the status of probation officers across the nation included Puerto Rico as one of the states with some sort of probation officer system. It established that, according to the laws of Puerto Rico, in the matters of probation officers, the “Court may appoint when the judge deems it necessary persons to serve as special probation officers without compensation. No one who has been convicted of crime eligible.”⁷⁶ As has been made clear in previous chapters, however, despite this law, judges often simply relied on parents and other family members to serve as “probation officers.” Although some judges used outsiders to do this work, for the most part the juvenile courts of Puerto Rico rarely relied on a probation officer.

To deal with the problems of unreliable parent accounts and of having unpaid officials or overworked officials follow up on the children’s behavior, on July 1st, 1930,

⁷⁵ Charles L. Chute, *Probation in Children’s Court: Monograph Prepared for the Children’s Bureau*, (Washington D.C.: Government Printing Office, 1921), 7.

⁷⁶ Lulu L. Eckman, Probation Officers, February 1, 1916, RG 102, Records of the Children’s Bureau, CF 1914–1920, box 57, NARA.

the courts added an official probation officer to the system. This position had long been in the making and was supported by the Children's Bureau. The available evidence does not explain precisely why it took seven years from the first recorded discussion of a probation officers post in 1923 for the position to be filled. Yet, it is likely that it was put on hold to give priority to a period of research, acclimation, and education for the Bureau. Despite the delay, introducing this post was one of the first measurable contributions of the Children's Bureau to the juvenile court system on the island.

Miss Monserrate Santana was the first Juvenile Probation Officer on the island. She was a university graduate with four years of teaching experience when she was selected for this role. To fill the role, she spent ten weeks training in the United States under the supervision of Ida H. Curry, the *superintendent of Children's Agencies, State Charities, Aid Association*, in New York State.⁷⁷ As AP Tapping described in a letter recounting the advances of the juvenile courts of Puerto Rico, "Miss K. Lenroot, of the Federal Children's Bureau, planned for Miss Santana to absorb as much as possible of juvenile probation work in that brief period."⁷⁸ Despite all her training, Miss Santana's work did not meet the expectations of the Bureau.

Initially, the experiment of this new probation officer post seemed poised to succeed. Miss Santana went to work first in surveying the conditions of the institutions for juvenile delinquency. Tapping wrote,

Since Miss Santana's return she has studied and made disposition of the cases at present in the 'Galera de Menores.' She is studying the cases of between 40 and 50 younger boys from the Judicial District of San Juan, who have been committed to the Insular Reform School for Boys at Mayaguez, in order to determine

⁷⁷ Berga y de León, "Dependency and Neglect of Children", 1931, CIH.

⁷⁸ A.P. Tapping, "Problems of Public Welfare in Porto Rico," 1930, RG 102, Children's Bureau, Roll 1, CIH.

whether some of these children cannot be returned to relatives under probation to her. She is confining her activities to these two special [areas] in order that the Department of Justice may have material to convince the Legislature of the need and value of other workers of the same type.⁷⁹

Beyond that, Santana also contributed to standardizing the record system according to Bureau's ideals. She began using revamped forms to track accused children, which included complete and thorough assessments of the family and the children related to the accused. These forms, filled with copious notes, were a departure from the half filled forms and inconsistent system of previous years.

Santana's tenure was short-lived, however. Though she had been quite effective at record keeping and accumulating information on the juvenile courts, Santana was less adept at fulfilling the main duties of a probation officer. As outlined in the report on probation officers, Santana had been tasked with dealing and handling children who had already gone before the courts. Yet, according to the Children's Bureau, children were not responsive to her entreaties and queries. Although little evidence exists on precisely how this manifested itself, the available evidence shows that the Children's Bureau was unhappy with Santana's performance. Writing about her performance on 1931, Grace Abbott lamented assigning a woman as probation officer because "it was apparent that there was little she could do for delinquent boys." Instead, she was relegated to dealing with cases that had yet to be processed or sentenced. That is to say, she took over the role of filling out forms for the children awaiting trial. Monserrate Santana's failed efforts underscores the larger problem with the creation of the courts at the time. Lack of resources and uncooperativeness from the populace diluted the ability of the juvenile

⁷⁹ Ibid.

courts to function as imagined. This was the case regardless of the actors involved in it, whether the initiatives were locally born or imposed by agents of the colonial power. Miss Santana served as a quasi probation officer for the entire island until 1934. At that time the profession was expanded and taken over by social workers, mostly women.⁸⁰ By that time as well, the United States' intervention in the treatment of juvenile delinquents on the island had made itself felt in another area of importance: the inclusion of young girls into the juvenile justice system. This is indeed one of the most lasting legacies of the American intervention in the life of juvenile delinquents in Puerto Rico.

6.3 CONCERNS ABOUT GIRLS AND THE JUVENILE JUSTICE SYSTEM

One of the areas in which the Bureau focused from its arrival in Puerto Rico was in supporting the creation of a Reformatory School for girls and the inclusion of girls into the juvenile justice system. The women of the Children Bureau worked alongside Puerto Rican women who also vied for a place within the public sphere to make the changes necessary to the way young wayward girls were treated. Their efforts expanded the reach of the juvenile courts to Puerto Rican girls, a group that had long been ignored by the juvenile justice system.

Indeed, little had changed in the treatment of girls before the courts from the 19th to the early 20th century. This was the case even though the law establishing the Escuela Correccional outlined that it was intended for both sexes. Though the law establishing

⁸⁰ Berga y de León, "Dependency and Neglect of Children", 1931, CIH.

the juvenile courts was a bit more vague, including all children, the two pieces of legislation combined suggested that attention would indeed be paid to young female delinquents in Puerto Rico.

This was not the case. During the first thirteen years that the Puerto Rican courts formerly processed delinquent youth, very few girls entered them accused of crimes. Whenever girls entered the courts before the 1920s, they were treated as victims of adult degenerate behavior. This was the case even when they went before the courts as the accused party. In 1902, for instance, Birinia Pérez was accused of giving false testimony in a *rapto* case against her lover, José Calder Gimenez. The year before, a young Birina, of 14 to 15 years of age, had testified that her boyfriend had taken her virginity and promised to marry her. Yet, when the case went to court she retracted her testimony, confessing instead that she had been coerced by her parents to blame Calder for her disappearance when she had left the house after a fight with her brother. Further, José had indeed deflowered her, but this had happened months before, a fact both her parents knew. The judge of the case had found her possibly guilty of lying and accused her of perjury. When Birina appeared before the second judge under charges of perjury, she apologized profusely for her lies. She revealed that she had not intended to lie in court. Her nerves had gotten the best of her. She declared that “because this was her first time in the courts for such matters, perhaps because of her lack of comprehension when testifying before this judge and the previous judiciary, she may have incurred in contradictions in her testimony, but that it wasn’t her express intention to harm or favor

anyone.”⁸¹ She emphasized that her confusion stemmed from her nerves, and her perturbed state for being in such a situation. The judge found her apology convincing and declared her innocent. Whether on purpose or not, Birina invoked the trope of the innocent girl circulating in society at the time to earn her absolution.⁸² Such a trope kept girls outside the courts and outside state sanctioned institutions for juvenile delinquents for quite some time, even after the creation of a separate space to process delinquent youth.

This fact is underscored by the few cases the Judges of the juvenile courts discussed involving young female delinquents in their reports on the work of the Juvenile Courts after their creation in 1915. Girls, once more, were cast in a similar form: as innocent victims. Judge Enrique Lloreda of Arecibo, for instance, reported on how he refused to prosecute a delinquent girl for prostitution and instead prosecuted her mother for “contributing to the abandonment and prostitution of her daughter.” He explained that the girl he tried, a young girl from Utuado, roamed the streets prostituting herself because she was “saturated by the environment of degradation and misery to which her mother exposed her.” Lloreda placed the girl with a family and after she escaped to return to her mother, he went after the mother herself. He sentenced the mother to jail and placed the girl once more with a family, a practice quite common in the rest of Latin America at the time. He was convinced that separating the girl from her mother ensured

⁸¹ “Contra Birina Pérez por Falso Testimonio en Causa Criminal,” 1902, Lajas, Tribunal de Distrito de Mayagüez, Fondo Criminal de Mayaguez, Varios pueblos, 1899, Marked SLP0921, AGPR.

⁸² For a discussion of this trope in Latin America and the courts see Rodríguez Sáenz, Eugenia. “Victimas Inocentes o Codelincuentes?” 173–202 (see intro., n. 7); for the same in Puerto Rico, see Findlay, *Imposing Decency*.

the “moral salvation of this girl.”⁸³ According to him, the problem was not the child but the environment she had live in. Although this rhetoric also applied to boys, at this point, judges tended to believe that the best way to correct wayward girls was within the home. Those who had nowhere else to go because of the family environment would be placed in the home of other families.

The preference of judges to keep young delinquent girls within the home was also evident in the case held on January of 1917 against Manuel Rosario, who owned a brothel. One of the prostitutes in the brothel was Francisca Montalvo, a young girl present at the trial. According to one of the witnesses, Tomás Miranda, there were several women at the brothel: “I’ve seen three women—this girl here (present, Francisca Montalvo), another one named Mercedes and another. Men come in and out of there at all hours of the day...”⁸⁴ Francisca’s own testimony is quite revealing for her admission of guilt.

P: Did you know that in that house there were lively women?

F: I didn’t know...

P: Have you been occupied sexually with some man there?

F: Yes sir.

P: You’ve slept with men there?

F: Yes sir.

P: With a man each day of the four you spent there?

⁸³ Kern, “Report of the Attorney General,” 1916. For a discussion of how girls were treated in other systems of juvenile delinquency, including placement in particular houses in Argentina and the rest of Latin America, see Guy, “Girls in Prison.”

⁸⁴ “Contra Manuel Rosario por Infracción Artículo 288,” 1917, Arecibo, Corte de Distrito para el Distrito de Arecibo, Fondo Policia de Puerto Rico, Policia-Querellas, caja 7, AGPR.

F: Yes sir.

P: So are you starting out as a prostitute?

F: Yes sir.⁸⁵

Although the judge could have prosecuted Francisca for prostitution given her admission, he opted against this. Instead, he queried and admonished her brother for not realizing her behavior and not taking care of her:

P: Do you have a sister named Francisca Montalvo?

Higinio: Yes, sir.

P: Do you know where she lives?

H: Yes sir. She lives in my house.

P: Did you recently find her somewhere?

H: Yes sir, in a house I don't know.

P: Did you know that she had been there for four days?

H: No, sir.

P: So, you don't sleep in your own home?

H: No sir. I'm at the bakery.

P: You didn't know that your sister was becoming a prostitute? [The witness is rendered mute] You didn't punish her yesterday?

H: Yes sir. In the evening because I found her with some lively women.

P: You took her back to your home?

H: Yes sir.⁸⁶

⁸⁵ Ibid.

Clearly, the fact that the brother had both punished and taken the girl back home mattered to the judge. It reassured him that she could be reformed within her own family.

It is important to note that neither the young prostitute in Utuado nor Francisca were really at trial like their male counterparts would have been. The conceived innocence of the girl shaped the vision of male judges and court proceedings. Whenever a girl appeared before a judge before the 1920s, the main concern was for the girl's sexual and moral wellbeing. Very little fear of the potential for these girls to become criminals was revealed in the few proceedings recorded. At this point, it was still unclear whether the courts or the family had the right to intervene over these girls, in ways that had already been fleshed out for delinquent boys.

The concern for the wellbeing of girls manifested itself beyond the courts to the institutions that handled juvenile delinquency. Up until the irruption of the Children's Bureau, delinquent girls were grouped with orphaned, neglected, and dependent girls. Insofar as an institution existed for them, it was the Asilo de Niñas in Santurce, also known in English as the Girls' Charity School. The Asilo was founded in the 19th century, and it had been part of the Beneficiencia building.⁸⁷ Most likely, this school was part of the efforts discussed in earlier chapters to separate the diverse populations housed within the Casa de Beneficiencia. After the American invasion, the Boys and Girls Charity Schools were moved "to Santurce from the Beneficiencia building, where the children were practically incarcerated for want of ground space."⁸⁸ From its inception,

⁸⁶ Ibid.

⁸⁷ Charles H. Allen, *First Annual Report of Charles H. Allen Governor of Puerto Rico, Covering the Period from May 1, 1900 to May 1, 1901* (Washington, D.C.: Government Printing Office, 1901).

⁸⁸ Ibid.

the Asilo de Niñas housed all sorts of wayward girls, including those who had committed crimes. It did not make any distinction between its inmates. At this institution, all girls received an education focused on domestic training. Little changed between 1900 and 1920. The governor of Puerto Rico reported as much in 1920, two years before the arrival of the Bureau. He wrote, “The changes in the Boys’ Charity School have been greater than in the Girl’s Charity School.”⁸⁹ Aside from improvement to the school’s infrastructure, the school continued tending to wayward girls without the distinctions used to differentiate wayward boys at the time. Education in the domestic trades remained the main focus.

Upon its arrival to the island, the Children’s Bureau became concerned about the conflation of different categories of girls in need of assistance and reform, and about the conditions suffered by those few girls who were prosecuted and sentenced to a correctional institution. The Bureau’s report on the conditions on the island paid careful attention to the lack of specialized institutions for delinquent girls. They reported that “For delinquent girls there is no institution. The attorney general’s office has placed some delinquent girls in a separate ward of the women’s jail at Arecibo, and the department of education has provided teachers of handicrafts as well as of elementary school subjects...there is an acute problem of delinquent and neglected girls for whom no institution care is provided.”⁹⁰

In order to determine the extent of the problem of delinquent girls on the island, the Bureau requested the assistance of the insular police. Interestingly, upon the request

⁸⁹ Arthur Yager, *Report of the Governor of Porto Rico to the Secretary of War* (Washington, D.C.: Government Printing Office, 1920).

⁹⁰ Bary, *Child Welfare*, 28.

of the Bureau, the insular police reported shared concerns with the condition and prevalence of delinquent girls. As the report stated, “Data were received concerning a very large number of girls in dire need. In most cases these girls were living with their families or relatives and their condition was one of extreme family poverty but did not otherwise call for change from existing living arrangements. The notations of the district police officials showed personal knowledge and concern and their eagerness to find some help for the children was touching.”⁹¹ It is important to note that the report does not cite the specific reports from the police. Hence, these findings were filtered through the lens of the concerns of the women of the Children’s Bureau.

Up until this point, no evidence existed of concerns of the insular police over delinquent girls. They became visible to the insular police once the Bureau defined these girls as such. As we have seen with the courts and the Escuela Correccional, girls were not perceived as a threat, so no need existed for institutions to contain them. This point is particularly interesting given the court’s inabilities to prosecute these girls, which may also be attributed to a lack of institution to funnel them into. As with delinquent boys earlier in the century, the new focus on problematic girls led to their constitution as delinquent girls.

Indeed, by the 1920’s the courts had yet to figure out the proper treatment of delinquent girls. In a 1920 letter about the state of the judicial system in relationship for women Edith Hildreth⁹² stated, “When girls and women are convicted, they are sent to a

⁹¹ Ibid.

⁹² On Edith Hildreth, Ellen Walsh says, “Edith Hildreth had left the United States for Puerto Rico in 1906, under the auspices of the Presbyterian Woman’s Board of Home Missions. Her overall rehabilitation project encompassed more than the anti-prostitution campaign. Like the few hundred other mainland Protestant missionaries who preceded, accompanied, and followed her

temporary prison in one of the suburbs of San Juan, Puerta de Tierra. In the same building are 24 little abandoned boys whom friends of mine are caring for...I was there the other evening playing games with the boys when the police auto drove up with a few screaming, howling women.”⁹³ Hildreth went on to express her concern for the abandoned children, claiming that delinquent girls and women could disrupt the proper rearing and education of her boys. Her words echoed sentiments brewing amongst American and Puerto Rican reformers. Casting the delinquent girl solely as a victim of an uncaring mother or an undesirable figure became a thing of the past. Something had to be done to reform them. By the 1920s, delinquent girls had also become a cause of concern.

The attention of American reformers on Puerto Rican girls coincided with the moment women in Puerto Rico took to the streets in droves either to work or to demand suffrage. In the Puerto Rico of the early 1900’s women of the elite and popular classes were expected to stay in the home, being good mothers.⁹⁴ This ideology of the good mother dwindled at the turn of the century under new colonial power, the introduction of liberal ideals, and the growth of manufacture on the island. Gender roles started to erode. The emergence of industries considered feminine industries contributed to this change.⁹⁵ Increasingly, Puerto Rican women entered the work force, often willing to make less

between 1898 and 1930, Hildreth sought to transform all Puerto Ricans, to ‘regenerate’ them into a new way of thinking, seeing, and acting: to ‘Americanize’—meaning to Protestantize—them.” Ellen Walsh, “Advancing the Kingdom,” 2.

⁹³ Edith Hildreth to Miss Martin, 28 July 1920, RG 102, Children’s Bureau, roll 1, CIH.

⁹⁴ Lillian Guerra, *Popular Expression and National Identity in Puerto Rico* (Gainesville: University Press of Florida, 1998), 249.

⁹⁵ Barceló Miller, *La Lucha por el Sufragio Femenino en Puerto Rico: 1896–1935* (Rio Piedras, PR: Ediciones Huracán, 1997), 10.

money than their male counterparts.⁹⁶ This period of change in Puerto Rico allowed women to redraw interpretations of their gender and of womanhood. The struggle for suffrage ensued. In 1917, on the heels of the Jones Act, women from a variety of backgrounds and social classes formed the Liga Femenina Puertorriqueña, a women's right organization. Others followed.⁹⁷ During the first two decades of the century, then, women entered the public sphere in ways they had not before, something that concerned public opinion who began seeing the changes as a "component of chaotic modernity."⁹⁸

In this context that granted new visibility to Puerto Rican women and girls, American and Puerto Rican reformers turned their efforts towards reforming and correcting unruly girls across the island. The Club Cívico de Damas, writing to Miss Lenroot in 1923, implored the Chief of the Children's Bureau to deal with the problem and to set up for girls facilities like the Reformatory School for boys. According to these reformers, the girls going before the courts were condemned and locked up in institutions that did not contribute to their reformation, and to the wellbeing of the "patria." They called for the creation of a girl's correctional school where they could "improve and be

⁹⁶ See Edna Acosta-Bélen, "Puerto Rican Women in Culture, History and Society," in *The Puerto Rican Woman: Perspectives On Culture, History, and Society* (New York: Praeger, 1986), 6–7; and Juan Jose Baldrich, "Gender and the Decomposition of the Cigar-Making Craft in Puerto Rico," in *Puerto Rican Women's History: New Perspectives*, ed. Félix V. Matos Rodríguez and Linda C. Delgado (New York: M.E. Sharpe, 1998), 120–121.

⁹⁷ For a discussion of women's struggles in the first half of the 20th century in Puerto Rico, including an overview of the Club Civico de Damas see Miller, *La Lucha*; Gladys Jimenez-Muñoz, "Literacy, Class, and Sexuality in the Debate on Women's Suffrage in Puerto Rico During the 1920s", in *Puerto Rican Women's History: New Perspectives*, ed. Félix V. Matos Rodríguez and Linda C. Delgado (New York: M.E. Sharpe, 1998); and Suset Laboy, "Revisiting the Eye of the Storm," (master's thesis, University of Wisconsin, 2006).

⁹⁸ Jimenez-Muñoz, "Literacy, Class, and Sexuality," 114.

happy, and where they will be sheltered from unhealthy passions.”⁹⁹ In a newspaper article, the Club also outlined the reasons for the pressing need for this institution, “In 1923, the Club Cívico de Damas penned an article about the creation of a correctional facility for girls. The point of the facility was to, “snatch from the murky stream all those thoughtless creatures who at the beginning of life, leave behind a mist of corruption, endemic illness that is slowly undermining our nation... let’s offer them a place where they can get well and be happy.” Notably, the rhetoric of the article stood at odds with that of the male jurists who deemed young girls incapable of crimes. The women of the Club Cívico de Damas saw them as capable of crime at the “beginning of life.”¹⁰⁰ Of great significance also is that these Puerto Rican females reformers added new voices to discussions on juvenile delinquency. Up until this point, women had not played a significant role in these debates. The intervention of the female-led Children’s Bureau opened up the space for Puerto Rican women to join the conversation.

The children’s Bureau shared the concerns of the Club Cívico de Damas. In fact, at around the same time, Bary wrote to Grace Abbott about the pressing need for a correctional facility for girls. During this time, the Bureau and the Club Cívico de Damas pushed for legislation that would approve the creation of a correctional facility for girls. They sought support from key actors in the government. For instance, they reached out to the new governor of the island, governor Townsend and to the newly appointed Attorney General. Both favored the project. As Bary reported, “[t]he new Attorney General, Mr. Coates, has endorsed the project of a girls’ correctional school, and today

⁹⁹ Club Cívico de Damas, Club Cívico de Damas to Miss Lenroot, 28 March 1923. The letter includes an article from the Club outlining their proposal for the creation of an Escuela Correccional for girls.

¹⁰⁰ Ibid.

when I saw him he called in Mr. Ergui, head of the prison and reforms division, and told him to go along with the committee from the Women's Civil Club to the Speaker of the Assembly and to anyone else necessary and tell them that he (Coates) was in favor of the measure, etc." Months later, Bary wrote again to Abbott with even more favorable news, "We have just received a copy of the Acts of the Special Session of the Porto Rican Legislature...Included are: \$100,000 for a reform school for girls...Governor Towner ought to have a special decoration."¹⁰¹ It seemed like the reformatory schools was poised to materialize in 1923. This was not the case.

Despite the intervention of the Children's Bureau, the Reformatory School for Girls met a similar fate as the institutions that came before it. Though the construction of the school was approved in 1923, financial limitations dragged its erection into the 1930s. In 1935, the Attorney General acknowledged, "As the funds available for this purpose were used for other government expenses, the construction was left pending until the year 1936."¹⁰² Construction did finally begin in 1936, but it would take years for the Reformatory to open. The institution finally opened its doors in 1940. That this was the case speaks to the limits of the actual reach of U.S. officials on island affairs. By the time the Reformatory opened, the heyday of the juvenile courts and juvenile justice system had come to pass, and the efforts to reform and curtail juvenile delinquency extended to communities and neighborhoods. In many ways, the new Reformatory marked the end of this era in the history of juvenile delinquency in Puerto Rico.

¹⁰¹ Helen V. Bary to Grace Abbott, ca. 1922–1923, RG 102, Children's Bureau, roll 2, CIH.

¹⁰² Benjamin J. Horton, *Annual Report of the Attorney General to the Governor of Porto Rico for the Fiscal Year 1934-1935* (Washington, D.C.: Government Printing Office, 1935).

6.4 CONCLUSION

On August 7, 1929, Judge Pablo Berga sent a photograph to Grace Abbott, Chief of the Children's Bureau, of several students of a social work class from the University of Puerto Rico at the Juvenile Court of San Juan. He wrote,

At the request of Miss Ana V. Alfonso, who is at the head of such course, I addressed a few words to the course, whereby I set forth practically the work done by the Juvenile Court. Miss Alfonso, who is a graduate of the National Catholic School of Social Service, and who appears in the above mentioned photograph, told me that probably you would like to have a copy thereof in your files. As you may notice, Miss Delgado and Miss Rodríguez, social service graduates, also appear in the photograph.¹⁰³

The letter captures beautifully the nature of the intervention of the United States in the affairs of the juvenile courts of the island and in the life of juvenile delinquents in Puerto Rico. This intervention remained very much at the rhetorical level. There is no denying that this rhetoric informed and contributed to the development of the courts. Yet, the Bureau's involvement was not as significant as the rhetoric of colonialism would suggest. Furthermore, the intervention was very much part of a larger movement and discussion unfolding at a global level on the need to shape and reform delinquent children.

The shape of this movement was worked out at a local level, mostly by local actors. Berga's role is a prime example of this trajectory. Born in 1883 in Mayagüez, the birthplace of the Escuela Correccional, his childhood years were spent under Spanish colonialism. He came of age during the first few years of the American intervention in

¹⁰³ Pablo Berga to Grace Abott, 7 August 1929, RG 102, Records of the Children's Bureau, CF1929-1932, file 7-2-0, NARA.

the island. He became an attorney in 1912, a few years before the creation of the Juvenile Courts of Puerto Rico. He worked for these courts before and after the arrival of the Children's Bureau. While the Bureau watched from afar, it was Berga and others like him who concretized the processes and institutions for dealing with juvenile delinquents in Puerto Rico.

7.0 CONCLUSION

Andrés Pagán Torres spent most of his childhood years dealing with the juvenile courts of the island. The first time he appeared before the courts was in 1932, when he was about ten years old. On that occasion, he was accused with other children of stealing six pairs of shoes from a stall in the Ponce's Plaza. Pagán was absolved from the crime and returned to his parents, who promised to watch over him and correct his behavior. A year later, in November of 1933, Andrés was back in court for stealing cigarettes with a group of friends. On that occasion, the courts declared him a delinquent child and returned him to his family with stern warnings about the need to improve his conduct. Pagán did not heed the Court's admonishments, and he was accused of robbery less than a week later. This time, the court sentenced him to the Escuela Industrial Reformatoria, formerly the Escuela Correccional. He waited for a space to open up back home with his family. When he returned to the courts a year later, after another offense, he "did not seem too worried about the offense...it wasn't the first time he appeared before the Court and what he wanted was to be taken to the Correccional to learn a trade."¹ During this new appearance in court, Andrés came the closest he had ever come to getting into the Escuela Industrial. He was once again sentenced to it, but instead of being returned to his

¹ "Contra Andres Pagán por Hurto", several charges within the file, 1932–1936, Ponce, CJPR, Fondo Judicial, Tribunales, Tribunal Supremo, Escuela Correccional, tarea 61-10, AGPR.

parents, he was sent to Ponce's district jail to wait for an opening at the Escuela. His story did not end there, however, as Andres was absolved once more after his parents pled for his release. Eventually, Andres returned before the courts with another robbery accusation. His court records last placed him at the Galera de Menores in San Juan, far from the city of Ponce, where he waited for a space to open up at the Escuela Industrial. The record does not show whether or not Andrés made it there though each court appearance brought him a step closer to the institution.

Pagán fit the description of many other delinquents before him whose stories have appeared throughout this study. A young male who had the potential to be of service to society as a working adult, from a poor background, Pagán spent his days in the streets instead of school. He also committed petty crimes throughout the city. His parents, who lived in very poor conditions, could not watch over him and admitted to being unable to reform him. Andrés embodied the archetype juvenile delinquent sketched out in the decades covered by this study. Yet, he did not meet the same fate as the many other cases discussed through this dissertation. As this study has shown, in earlier years, and even during this same time, Andres would have most likely ended up in the Correccional after his second offense regardless of parental pleas. That he didn't points at changing patterns in the treatment of juvenile delinquent across the island.

Pagán's story reflects changes unfolding in the juvenile justice system of the island during the 1930s. These changes began a decade earlier, as new advances in psychology and psychiatry filtered into debates about the reasons, behaviors, and solutions for the problem of delinquent children. During this period, Puerto Rico saw an increase in the medicalization of the delinquent youth and attempts to use scientific

measures to understand and treat delinquency before children actually engaged in criminal behavior. Social scientists such as Dr. Francisco R. de Goenaga and Dr. José A. Franquiz wrote on the importance of treating juvenile delinquency as an ailment. Writing in 1931, Goenaga condemned the treatment of degenerate children as criminals, “as time passes, the young boy develops with psychic abnormalities, but before our eyes he looks like a normal adult, and because of a natural consequence of his congenital deformity, he commits a horrible crime, then the doors of jail receive him.”² He emphasized the need to treat and reform these children early on to prevent crime. Franquiz, who spent time as a teacher and researcher at the Galera de Menores, concurred “...I am going to be treating the juvenile delinquent as sick...the juvenile delinquent before science is only a sick person, mentally ill.”³ According to Franquiz, the majority of juvenile delinquents suffered from mental ailments such as epilepsy, depression, schizophrenia, and dementia, amongst other. His assessment contradicted those of earlier decades where mentally ill children, like Pablo Rodríguez whose case opened this study, were relegated to a different category of concern.

This medicalization of delinquent youth, coupled with the American intervention discussed in previous chapters, marked a major shift in the treatment of juvenile delinquents in Puerto Rico. It ushered a new area where the criminalization of the child took a back seat to efforts to improve the spaces inhabited by marginalized and working class children, as officials sought to prevent rather than reform unruly behavior. During this period, American organizations like the Children’s Bureau, and the Red Cross, as

² de Goenaga, *Antropología Médica y Jurídica*, 286.

³ José A Franquiz, “La Delincuencia Juvenil en Puerto Rico a la Luz de la Psicología Anormal” in *Puerto Rico, Revista Mensual* 1, no. 4 (July 1935): 403–418.

well as Puerto Rican jurists and local officials began scrutinizing and criticizing the juvenile courts. New groups such as the Boy and Girl Scouts sprouted across the island, alongside new projects to create park and recreational spaces that would occupy children and prevent crime.

This new focus on reforming children within their own communities took members of the elite, middle class professionals, and other officials featured throughout this study deeper into the lives of lower and working class families in Puerto Rico. Efforts were no longer contained to courts. They spread to the streets, and to the island as a whole. This shift in focus was facilitated by the successes and failures of the juvenile justice system. It was yet another chapter in the evolution of the reformatory project that began in the island with the creation of the juvenile subject during the 19th century and with the beginnings of the juvenile justice system in the early 20th century. Several points uncovered through this study capture its importance for the history and historiography of the island, as well as for the historiography of crime, juvenile delinquency, and colonial dynamics in Latin America and the Caribbean.

First, concerns with youth transgressions, and the creation of a juvenile justice system, were linked to larger concerns about the construction of a modern Puerto Rican nation. For instance, 19th century concerns with unruly children reflected rising anxieties about unruly families, and unruly citizens more generally. Elites and middle class professionals worried that the unruly behavior of the poor and working classes posed a threat to the progress of the nation, and they set to contain, control, and reform them. Children themselves were initially one of the many targets of these growing elite anxieties.

These concerns pervaded debates and discussions about wayward children and juvenile delinquency well into the 20th century. The reformatory project that led to the creation of the Escuela Correccional, and later the Juvenile Courts, the Galera de Menores, and the Reform School for Girls responded to the need to create productive citizens that would contribute to the progress of the nation. In fact, as late as 1935, Franquiz proposed changes to the juvenile justice system in the name of the nation:

The people of Puerto Rico must raise their voices to create a system of juvenile homes like the American or Russian Detention homes, where the boys can be treated by competent pedagogues and psychiatrists; and from which they may come out without a stigma or inferiority complex for having been incarcerated. This is the only way in which we will together face a patriotic issue (problema patrio).⁴

From its inception, the juvenile justice system was linked to concerns about the nation.

Second, officials responded to concerns about wayward children by looking at penal practices towards children at a global level. As the previous quote shows, Puerto Rican officials like Franquiz looked to the most modern systems to emulate. For Franquiz it was the United States and Russia. Other actors involved in the creation of the juvenile justice system cast a wider net. For example, José de Diego, the father of the Escuela Correccional, familiarized himself with several systems across the globe. He wrote at length about the institutions and correctional practices concerning juvenile delinquency in places like Holland, France, England, and the United States for models to implement in Puerto Rico. Martin Travieso, the father of the juvenile courts on the island, focused his gaze on the United State's model. By looking at conversations and

⁴ Franquiz, "Delincuencia Juvenil," 418.

policies emerging worldwide, these officials engaged in global debates about juvenile delinquency. Their actions were not exceptional, as countries like Japan, Argentina, England, and Russia looked to one another and particularly to the United States when crafting their own juvenile justice systems.

Third, different actors deployed discourses on juvenile delinquency to different ends, building, defining, and reifying conceptions of wayward behavior and the juvenile delinquent archetype. Puerto Rican elites deployed it to consolidate their authority, and to intervene in the lives of the Puerto Rican poor and working families, all in the name of the nation. These families also deployed the discourse on juvenile delinquency and used the emerging juvenile justice system for their own purposes. Parents unable to provide for their children or correct their behavior brought them before the courts and readily surrendered their children to the Escuela Correccional. Some regretted this decision, as was the case of the mother whose son died within the confines of the Correccional. Others waited until their children could help support the family to request their release. By engaging with the system, however, parents reified the discourse on juvenile delinquency and underscored the need for institutions to contain them. The women of the Children's Bureau, the main group occupied with juvenile delinquency on the island, contributed to reify the juvenile delinquent as well. They engaged in a process of criminalizing Puerto Rico's youth to justify their intervention in the juvenile courts, legitimizing women's role in the public arena and their newly created Bureau. Most surprisingly, however, were the children themselves, who repurposed the trope of the juvenile delinquent for their own benefit. Many, as Andres Pagán, committed crimes to

gain access to the Escuela Correccional, which they saw as a respite from the impoverished conditions in which they lived.

Fourth, young girls were not as affected at first by the juvenile justice system as boys. The system, mainly crafted and fueled by male elites and professionals, targeted mostly boys. This is the case despite the fact that the laws and institutions established to deal with delinquent children were intended for both boys and girls. This focus on boys speaks to the perceived roles of girls and boys within Puerto Rican society at a time when a new institution—the juvenile justice system—tested the limits of the domestic and public sphere. As this study shows, while boys were regarded as capable of being both victims of their own circumstances and fully capable of committing crimes, girls were mostly seen as innocent victims. They were deemed incapable of criminal behavior. Because of this, wayward girls were funneled back to the home, to a guardian, or to the few institutions specific for dependent and/or orphan children such as the Asilo de Niñas. The lack of an institution specific for the containment of girls who committed crimes delayed the constitution of the delinquent girl. As gender roles across the United States and Puerto Rico changed, and girls of all ages took to the streets in larger numbers, they began receiving attention from the courts. This process paralleled that of wayward boys a century earlier. Ironically, it wasn't until women entered the conversation that young girls became criminalized, signaling a change of conceptions of gender in Puerto Rico. Notions of gender shaped the form and evolution of the juvenile justice system in Puerto Rico.

Fifth, the state institutions forged to deal with youth transgressions provided a space to further refine and define the discourse on juvenile delinquency and the category

of juvenile delinquent. What happened within the institutions shaped the evolution of the juvenile justice system, contributing to its changes and expansion. Starting with the Casa de Beneficiencia, and followed by the Escuela Correccional, what happened within institutions dealing with juvenile delinquency rarely matched reformers' ideals.

Persistent efforts to reconcile ideology and practice led to the consistent evolution of the system to deal with wayward children and ultimately juvenile delinquents, and to the reification of this category of juvenile delinquent across the island. In this way, the failures of the Casa de Beneficiencia to apply different treatments to the different groups it housed contributed to the need for a specific space to contain different kinds of wayward children, from the abandoned to the delinquent. The existence of a specific space for delinquent children at the Escuela Correccional created the need for specialized courts and specialized treatments for juvenile delinquents, and so on. Though this process was rarely seamless and linear, the way institutions operated and were experienced in practice mattered. Hence, when in 1930 Manuel T. Rossy, attorney of the juvenile courts of Ponce, wrote against the use of the term "delinquent" and condemned the work of the Escuela Industrial, he echoed concerns over the treatment of children that could have only arisen after the implementation of the reformatory experiment of the Escuela Correccional. Its failures altered the discourse on juvenile delinquency and the course of the juvenile justice system in Puerto Rico in ways that abstract ideas and concerns could not have.

My research has also fueled many questions that deserve future attention. We need a better understanding of the impact of demographic changes in the creation of the juvenile justice system in Puerto Rico and the rest of Latin America. Historians of

children and childhood in Europe and the United States have long tied rising concerns with wayward children to the process of industrialization.⁵ The juvenile delinquent has been always characterized as an urban problem that slowly spread to rural areas. Given that Puerto Rico's economy during the creation of the juvenile justice system was very much a plantation economy, concerns about delinquency were not directly tied to urbanization, as in the United States and England. Looking at the case of Puerto Rico, and other parts of Latin America and the Caribbean, where industrial modernizing practices often concentrated in rural areas as well, may complicate current understandings of the role of industrialization in the creation of a delinquent subject, as well as of the process of industrialization itself.

Related to the issue of demographics, is the role that ideas of race played, if any, in the creation of a juvenile delinquent subject across the island. Though this study has attempted to illuminate the role that issues of gender and class played in this process, it failed to touch upon the issue of race. This is not to say that they did not exist. As scholars such as Kelvin Santiago Valle, Eileen Findlay, and Laura Briggs have proven, issues of race did play a significant role in reformatory and regulatory efforts across the island. Yet, the main sources used in this study, court cases, did not reveal that race was as big a factor as class and education in determining the outcome of a case. While the forms filled out on children did have a space to fill out the race of an accused child and his family, they were mostly left blank in the reports surveyed for this study. Future studies could pay closer attention to what role race placed in the history of juvenile

⁵ See for instance, Ariès' seminal work, *Centuries of Childhood* (see chap. 1, n. 17); Platt, *Child Savers*; Davin, *Growing Up Poor*; Stansell, *City of Women*; and Stearns, *Childhood in World History*.

delinquents on the island. To what extent did this category inform the creation of a juvenile delinquent subject and in the institutions to contain them? How did different groups and classes experience the juvenile justice system on the island? A study that brings the category of race into focus will provide a more nuanced understanding of the system sketched here.

Finally, some of the biggest questions that arose from this study have to do with the role that colonialism played in the history of the island. While there is no denying that the American intervention on the island influenced the history of juvenile delinquency in Puerto Rico, it was by no means a pervasive factor in its evolution until very late. This finding challenges the pervasive focus on the colonial dynamic, which may provide a myopic lens for understanding the history of the island. This study made clear the need to rethink the primary lens used to understand the history of Puerto Rico, and perhaps of other colonized regions. Future studies should transcend the colonial framework and look at the ways in which colonized spaces, such as Puerto Rico, have responded, reacted, and contributed to global trends throughout history. Such a lens will go a long way in restoring agency to actors in colonial settings in ways that the colonial framework, whether it focuses on the colonized or colonizer, has failed to do.

It is my hope that this study serves as a base for future studies in these areas, fueling a better understanding of the history of children and youth in Puerto Rico, as well as the rest of Latin America, and of their importance in understanding historical patterns at a global level.

APPENDIX

ABBREVIATIONS

AGRP	Archivo General de Puerto Rico
AHM	Archivo Histórico de Mayagüez
AHMC	Archivo Histórico Municipal de Caguas
AHMP	Archivo Histórico del Municipio Autónomo de Ponce
CIH	Centro de Investigaciones Históricas de Puerto Rico
NARA	National Archives and Records Administration

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Colección Puertorriqueña de la Universidad de Puerto Rico

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La Correspondencia (San Juan, P.R.)

La Democracia (San Juan, P.R.)

El Mundo (San Juan, P.R.)

Archivo General de Puerto Rico

Archivo de San German

Criminal de Mayagüez

Documentos Municipales de San Juan

Gobernadores

Judicial

Judicial de Guayama

Municipio de Arecibo

Municipio de Camuy

Municipio de Ponce

Municipio de Vega Baja

Secretaria

Policia de Puerto Rico

Records of the Spanish Governors

Archivo Histórico Municipal de Caguas

Secretaria

Archivo Histórico de Mayagüez

These archives are not categorized by collections but by box numbers. Documents related to the Escuela Correctional were found in Box 10.

Archivo Histórico del Municipio Autónomo de Ponce

Ayuntamiento

Archivo Histórico de San German
Guardia Civil
Milicias

United States

National Archives and Records Administration
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