

WOMEN’S VOTES, WOMEN’S VOICES, AND THE LIMITS OF CRIMINAL JUSTICE REFORM, 1911-1950†

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Deriving its vigor from the work of grassroots organizations at the state and local levels, the League of Women Voters (LWV) sought, in the first half of the twentieth century, to provide newly enfranchised women with a political education to strengthen their voice in public affairs. Local branches like the San Francisco Center learned from experience—through practical involvement in a variety of social welfare and criminal justice initiatives. This Article, written for a symposium commemorating the centennial of the Nineteenth Amendment, assesses the role of LWV leaders in California and especially San Francisco in reforming three aspects of the criminal justice system that affected women: courts, police, and prisons. Based on a close analysis of historical primary sources, it reveals the contradictions and shortcomings, as well as the achievements, of one group of female leaders who sought to carry on the suffragists’ legacy.

INTRODUCTION	830
I. JUDICIAL RECALL AND THE CREATION OF A WOMEN’S COURT	835
A. <i>The Judicial Recall Campaign Led by Women</i>	836
B. <i>The Establishment of a Women’s Court</i>	841

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C.	<i>Theresa Meikle: Female Prosecutor and Municipal Court Judge</i>	846
D.	<i>The Eclipse of “Wife Beating” in the Feminist Agenda</i>	849
II.	POLICEWOMEN AS MORAL ENFORCERS	853
III.	A PRISON WITHOUT WALLS: THE REHABILITATION OF FEMALE OFFENDERS.....	859
A.	<i>The Struggle to Establish a Separate, Rehabilitative Institution for Female Felons</i>	859
B.	<i>The Earthquake and the End of the Tehachapi Prison</i>	867
	CONCLUSION.....	871

INTRODUCTION

On the eve of the Nineteenth Amendment’s ratification in 1920, Carrie Chapman Catt—the leader of the National American Woman Suffrage Association (NAWSA)—envisioned the establishment of a nonpartisan body dedicated to female voters’ political education that would help newly enfranchised women develop a voice in public affairs.¹ To this end, Catt guided the

1. See NAOMI BLACK, *SOCIAL FEMINISM* 241 (1989) (describing Catt’s goals for a successor organization to NAWSA); WENDY B. SHARER, *VOTE AND VOICE, WOMEN’S ORGANIZATIONS AND POLITICAL LITERACY, 1915-1930*, at 92, 101 (2004) (same). NAWSA came into existence when the National Woman Suffrage Association, led by Susan B. Anthony and Elizabeth Cady Stanton, merged with Lucy Stone’s rival society, the American Woman Suffrage Association. BLACK, *supra*, at 246. Helmed with the significant political and organizational skills of its president, Carrie Chapman Catt, who succeeded Anthony in 1900, NAWSA adopted a relatively moderate, state-by-state approach known as the “Winning Plan.” It eschewed the radical tactics of Alice Paul and her followers in the National Woman’s Party (NWP), which picketed the White House and used dramatic, jailhouse hunger strikes to demand a federal suffrage amendment. See J. KEVIN CORDER & CHRISTINA WOLBRECHT, *COUNTING WOMEN’S BALLOTS: FEMALE VOTERS FROM SUFFRAGE THROUGH THE NEW DEAL* 49 (2016); BARBARA STUHLER, *FOR THE PUBLIC RECORD: A DOCUMENTARY HISTORY OF THE LEAGUE OF WOMEN VOTERS* 10, 13–17, 28 (2000); see also LISA TETRAULT, *THE MYTH OF SENECA FALLS: MEMORY AND THE WOMEN’S SUFFRAGE MOVEMENT, 1848-1898*, at 185–86 (2014) (The NWP “strategically dubbed [the federal amendment] the ‘Anthony Amendment.’ Thus challenging NAWSA directly, they claimed that Anthony (and therefore history) was on their side.”). The League of Women Voters was first established in 1919 as an auxiliary to NAWSA, but it became an independent organization a year later. LOUISE M. YOUNG, *IN THE PUBLIC INTEREST: THE LEAGUE OF WOMEN VOTERS, 1920-1970*, at 1–2 (1989). For a brief discussion of the schism between the LWV and the NWP, founded by Paul, over whether to pursue an Equal Rights Amendment, see *infra* note 250 and accompanying text.

conversion of NAWSA into a post-suffrage association called the National League of Women Voters (LWV).² Yet “[t]he League. . . developed as a fundamentally grass-roots organization,” according to one historian. “Its vitality lay in the action of the approximately twelve hundred local Leagues, organized in all fifty states.”³ While Catt’s goal of training women for full citizenship was abstract,⁴ many state and local Leagues took a more practical approach, learning from the experience of tackling specific social problems.⁵ This Article draws from the archival papers of the San Francisco Center of the LWV,⁶ as well as other primary sources, to analyze the efforts of this local League and its precursor organizations to reform aspects of the criminal justice system that affected women.

The women’s political clubs that evolved into the LWV in California predated the Nineteenth Amendment. When California women achieved state suffrage in 1911, the Civic Center founded by the College Equal Suffrage League⁷ reorganized into branches in various cities around the state. The branches worked with a state board of representatives known as the California Civic League, which was initially headquartered with the

2. See BLACK, *supra* note 1; CORDER & WOLBRECHT, *supra* note 1, at 50; YOUNG, *supra* note 1, at 37. In 1945, the organization changed its name to the League of Women Voters of the United States to reflect its status as an umbrella organization for affiliated local Leagues. YOUNG, *supra* note 1, at 146–47. This Article will use the acronym “LWV” to refer to the national body; further clarification will be provided if reference to a state or local League is instead intended.

3. YOUNG, *supra* note 1, at 153.

4. *Id.* at 49.

5. See *id.* at 71–75 (noting various state Leagues’ success during the 1920s in passing child welfare legislation and equal guardianship laws; the establishment of women’s right to hold public office, including seats in the state legislature; and the abrogation of common-law discrimination with regard to dower, separate domicile, division of property upon divorce, and the ability of married women to enter contracts). Although several books and chapters—including those by Young, Black, and Sharer—recount the history of the LWV, there is little scholarship primarily devoted to the activities of the state and local Leagues and almost none that focuses on the efforts of League members to reform the criminal justice system.

6. League of Women Voters—San Francisco, MS 1270, California Historical Society, San Francisco, CA. Hereinafter, this collection will be cited as “LWV-SF, MS 1270, Cal. Hist. Soc’y,” as well as by box number, folder titles, and the identity and (if possible) the specific date of individual items in each folder.

7. Founded at Radcliffe in 1900 by Maud Wood Park, who later became the first president of the LWV, the College Equal Suffrage League soon took root on college campuses around the country as female undergraduates made a “positive stand” on the suffrage issue. YOUNG, *supra* note 1, at 16–17. In California, this organization of young feminists played a role in the origins of state and local LWV organizations.

local branch, the San Francisco Center.⁸ In 1920, this network of politically active California women morphed into the state and local Leagues of Women Voters with the San Francisco Center remaining the home organization for San Francisco members.⁹

Although LWV groups in the western United States have been described as weak,¹⁰ leaders of the San Francisco Center took their reform campaigns seriously and made claims to participate alongside men in their city and at the state capitol. During the four decades between 1911 and the middle of the twentieth century, the San Francisco Center advocated gender-specific approaches to crime and other matters of public importance with varying degrees of success or failure. This Article will discuss three of them.

Initially prompted to investigate the ills of lower-level criminal courts (known as “police courts”)¹¹ by a local judge’s mishandling of rape cases, San Francisco clubwomen launched a full-fledged effort to establish a Women’s Court.¹² Ideally, a female judge would preside over this proposed court, assisted by a trained female social worker, and hear cases brought by a female Assistant District Attorney.¹³ Although not every detail of this

8. *Women of Bay Cities Form Chapters of Civic League*, S.F. CALL, Dec. 15, 1911, at 4, California Digital Newspaper Collection, Center for Bibliographic Studies and Research, University of California-Riverside. Further citations to news articles from this digital collection will refer to it as “CDNC,” available at <http://cdnc.ucr.edu> [<https://perma.cc/RL23-FBCH>]. See also *Suffrage Meeting Outruns Program*, SACRAMENTO UNION, Jan. 6, 1912, at 3, CDNC (describing a larger-than-anticipated gathering of new female voters held by the San Francisco Center of the California Civic League).

9. See *About Us*, LWV OF S.F., <https://lwvsf.org/about-us> (last visited June 12, 2020) [<https://perma.cc/QMQ2-8NZM>]. Several women in the San Francisco Center also participated in state-level activities. See, e.g., *infra* notes 146, 176–191, 209–210, 219, 221 and accompanying text (describing the work of Harriet Eliel and Rose Wallace). Other women’s clubs dedicated to promoting civic engagement and legislative change coexisted with the LWV, sometimes with differing agendas. See *infra* notes 25, 30, 61, 74, 132, 175, 215–216, 222, 231 and accompanying text (noting the role of other women’s clubs in the recall of a San Francisco police court judge, the hiring of female SFPD officers, and the establishment of a women’s prison—three goals that the San Francisco Center supported); *infra* notes 250, 252 and accompanying text (discussing the schism at the national level between the LWV and the NWP over whether to seek an Equal Rights Amendment).

10. See LIETTE GIDLOW, *THE BIG VOTE: GENDER, CONSUMER CULTURE, AND THE POLITICS OF EXCLUSION, 1890S–1920S*, at 71 (2004); YOUNG, *supra* note 1, at 157.

11. See LARRY L. SIPES, *COMMITTED TO JUSTICE: THE RISE OF JUDICIAL ADMINISTRATION IN CALIFORNIA* 14, 120 (2002) (explaining the types of inferior courts in early twentieth-century California).

12. See *infra* Section I.B.

13. See *infra* Section I.C.

proposal became a reality, a Women's Court was established in 1916, and over the next fifteen years, both a female prosecutor and a female judge were appointed.¹⁴ Thus, in a limited sense, this reform campaign succeeded. Whether it benefitted ordinary women or could be called "feminist" from a twenty-first-century perspective is another matter. Two other significant projects—the longstanding demand for the San Francisco Police Department (SFPD) to hire policewomen¹⁵ and the creation of a "prison without walls" to rehabilitate female criminals¹⁶—met endless obstruction and delay, leaving California leaders of the LWV frustrated with their criminal justice program by the 1950s.

Part I of this Article discusses the origins, goals, and limitations of the Women's Court and the San Francisco Center's subsequent campaign for the appointment of a female prosecutor and municipal judge. Although influenced by Progressive ideas about the use of specialized courts and trained experts, League members mostly confined their efforts to morals offenses that recalled the Victorian social purity movement rather than seeking remedies for domestic violence and other aspects of crime that affected women.

Part II explores another project supported by the San Francisco Center that exemplified how Progressive tools might perpetuate essentially Victorian values. During the first half of the twentieth century, San Francisco clubwomen urged the SFPD, with little success, to hire a substantial number of female police officers. The San Francisco Center emphasized prostitution and other vices of "fallen" women as areas of law enforcement for which female officers supposedly possessed special skills. Limited both by the SFPD's reluctance to hire women and female reformers' myopic interest in preventing prostitution, the San Francisco Center doggedly pursued an agenda that entrenched gender segregation on the police force without bringing real remedies to systemic sexism or the victimization of women.

Part III describes the most revolutionary criminal justice reform project that members of the California LWV spearheaded in the first half of the twentieth century: the creation of a "prison without walls" for female offenders. Based on the notion that women who committed crimes, even felonies, might be taught law-abiding ways through education, hard work, and humane

14. See *infra* Part I.

15. See *infra* Part II.

16. See *infra* Part III.

treatment, the Tehachapi prison experiment demonstrated that newly enfranchised female voters had gained traction in public life. However, while the creation and operation of the women's prison gave substance to a rehabilitative ideal more forward-looking than many LWV proposals for moral enforcement, the male-dominated legal system created substantial impediments to the success of the Tehachapi facility.

The Conclusion assesses the contributions of the LWV and its state and local branches in California. The LWV had some notable successes, including the landmark Sheppard-Towner Act of 1921, which promoted maternal and infant health.¹⁷ Like their sisters in the national organization, members of the San Francisco Center worked tirelessly on social welfare issues and civil service reform, opening unprecedented paths to jobs and community involvement for women.¹⁸ In contrast, their criminal justice reform efforts were hampered, not only by the differing interests and continued power of male jurists, police chiefs, and prison officials,¹⁹ but also by the clubwomen's obsession with prostitution.²⁰ The affluent white activists of the San Francisco Center and the state-level LWV failed to advocate structural changes that might have liberated women, especially poorer and racial-minority women, from gendered violence.²¹

17. SUSAN WARE, *BEYOND SUFFRAGE: WOMEN IN THE NEW DEAL* 5 (1981) (The Sheppard-Towner Act established "one of the first federally funded health-care programs" in the United States.); see YOUNG, *supra* note 1, at 75, 95.

18. For a discussion of federal civil service reform and its value to women, see YOUNG, *supra* note 1, at 114–15. On the League's social welfare agenda, see SHARER, *supra* note 1, at 95 (discussing resolutions passed at the first meeting of the national LWV in 1920). For the San Francisco Center's commitment to these causes at the state and local level, see, for example, *infra* notes 121, 140–150, 164–165 and accompanying text (discussing how the campaign for policewomen in San Francisco fit into a larger agenda of civil service reform).

19. "After suffrage, as before, male partisan leaders seemed to have a stranglehold on the topics and methods of political discussion. . . . To many former suffragists, political parties appeared as impenetrable as well-established fraternal orders, populated by entrenched men who refused to view women as colleagues and coworkers." SHARER, *supra* note 1, at 92–93. For information on female reformers' struggle to get the male-dominated criminal justice system to adopt their proposals for improving the judiciary, the police department, and prisons, see *infra* Parts I, II, and III.

20. See *infra* notes 26–27, 53, 68, 75–83, 91–98, 110–111, 136–139 and accompanying text; see also discussion *infra* Section I.D.

21. See *infra* notes 73, 97, 104–105, 122–124 and accompanying text (suggesting that class and race bias, as well as faith in trained female experts, affected the clubwomen's analysis of female sexual delinquency). In this respect, the shortcomings of the California and San Francisco LWV groups tell a national story and resonate with Liette Gidlow's thesis that the advent of near universal suffrage in 1920

This Article reveals the contradictions and shortcomings, as well as the achievements, of newly enfranchised California women who sought to carry on the suffragists' legacy in the first decades of the twentieth century. Although it focuses on California and especially San Francisco, its analysis and conclusions have national resonance.

I. JUDICIAL RECALL AND THE CREATION OF A WOMEN'S COURT

In January 1913, an automobile dealer named Albert Hendricks assaulted a sixteen-year-old girl and her female friend.²² San Francisco Police Court Judge Charles Weller reduced bail for the defendant, who was a prominent local businessman, from \$3,000 to \$1,000.²³ During his pretrial release on felony charges, Hendricks fled and may have committed suicide by jumping into the bay.²⁴ The case sparked outrage among women's clubs in San Francisco; newly enfranchised female voters, some of whom had been suffragists, launched a recall campaign against Judge Weller.²⁵ Mary Fairbrother, President of the Women's Political

led to a recasting of citizenship as "expertise" in ways that allowed middle-class and elite whites, including clubwomen, to dominate civic life and marginalized the working class and people of other races and ethnicities. See GIDLOW, *supra* note 10, at 2, 8, 194–95. Carrie Chapman Catt's own "views on the flaws in contemporary society focused less on social inequities than on the oligarchic usurpation of power by political bosses and machines and the debasement of the political process by corruption." YOUNG, *supra* note 1, at 15. Campaigns against machine politics and vice tended to exclude workers, immigrants, and racial minorities by blaming them for such problems. GIDLOW, *supra* note 10, at 38.

22. *Indictment on Assault Charge to Be Asked*, S.F. CALL, Jan. 9, 1913, at 8, CDNC; *Indictment Found by Grand Jurors*, S.F. CALL, Jan. 10, 1913, at 4, CDNC.

23. *Indictment Found by Grand Jurors*, *supra* note 22; see *Clubwomen Aid Recall Movement*, S.F. CALL, Jan. 9, 1913, at 4 (describing Judge Weller's role in the Hendricks case); *Judges Who Assess Women's Honor Lightly Should Be RECALLED*, L.A. EVENING HERALD, June 21, 1913, at 12, CDNC (noting the bail reduction in the Hendricks case); *Women Aim Recall at Police Judge Weller*, S.J. DAILY MERCURY, Jan. 9, 1913, at 12, CDNC (same). Weller may have followed a common practice in the police courts when he reduced the bail amount that a fellow jurist, Judge Shortall, had set for Hendricks. See *Weller Asks Accusers to Wait: Judge Weller Faces Oceanside Woman*, S.F. CALL, Jan. 15, 1913, at 9, CDNC.

24. *Private Detective Is Placed on Probation*, S.F. CALL, May 18, 1913, at 39, CDNC (reporting Hendricks' suspected suicide and the conviction of a private detective for threatening witnesses in the case).

25. Begun by the Oceanside Women's Club, which objected to disreputable men frequenting the beach near their homes, the recall movement soon attracted the support of other San Francisco organizations, including the prominent Women's Political League. *Clubwomen Aid Recall Movement*, *supra* note 23; see also ESTELLE B. FREEDMAN, REDEFINING RAPE: SEXUAL VIOLENCE IN THE ERA OF SUFFRAGE AND

League, expressed the view that, due to “lackadaisical” enforcement of rape laws by judges, “young girls are not safe unless they are in their homes. Men of low nature take advantage of their victims’ youth and innocence, knowing that they will probably escape the results of their evil deeds.”²⁶ Her words resonated with a nationwide panic during the Progressive Era about so-called “white slavery,” the trafficking of young girls who supposedly had been raped and forced into prostitution.²⁷ Although Miss Fairbrother did not place all of the blame on Weller, conceding that police court leniency toward rapists was a widespread problem, she opined: “If he is recalled the lesson will be a wholesome one to magistrates in the future.”²⁸

Part I describes how the campaign to remove Judge Weller from the bench for his mishandling of rape cases led to the establishment of gender-specific institutions and the promotion of female jurists in San Francisco. From the creation of a Women’s Court to handle criminal cases in which women appeared as complainants, defendants, or star witnesses to the rise of Theresa Meikle as a prosecutor and municipal court judge, the Weller recall campaign sparked concerted efforts by the San Francisco Center and other women’s clubs to push for criminal justice reform.

A. *The Judicial Recall Campaign Led by Women*

Women who favored Judge Weller’s recall held mass meetings and alerted the press, demonstrating the political savvy they had developed in the struggle for the vote.²⁹ The various

SEGREGATION 218–19 (2013) (hereinafter FREEDMAN, REDEFINING RAPE) (describing how the recall movement began). Together, San Francisco women sought to obtain the 7,000 signatures necessary to put a recall election on the ballot. *Clubwomen Aid Recall Movement*, *supra* note 23. For details on the participation of the San Francisco Center, see *infra* notes 43–51 and accompanying text.

26. *Clubwomen Aid Recall Movement*, *supra* note 23.

27. See JOHN D’EMILIO & ESTELLE B. FREEDMAN, INTIMATE MATTERS: A HISTORY OF SEXUALITY IN AMERICA 208–09 (1988) (describing the White Slave Panic as the first iteration of the Progressive attack on prostitution). D’Emilio and Freedman note that reformers clung to the idea of rescuing sex slaves, rather than acknowledging that “working-class women might choose sex either for money or for the excitement it brought.” *Id.* at 214.

28. *Clubwomen Aid Recall Movement*, *supra* note 23.

29. *Clubwomen Hiss Police Magistrate*, SACRAMENTO UNION, Jan. 15, 1913, at 1, CDNC; *Women Renew Battle Against Judge Weller*, S.F. CALL, Jan. 25, 1913, at 5, CDNC; *Recallers Plan Mass Meeting*, S.F. CALL, Jan. 29, 1913, at 16, CDNC; see

clubs that united in opposition to Weller formed the Recall League to direct the effort,³⁰ and Weller tried in vain to defend his decisions in front of his accusers.³¹ As news of the Hendricks case spread, it came to light that other alleged rapists had jumped the low bonds that Weller set; the bail amount for many had been under \$500 and even as low as \$50.³² He had allegedly required higher bail from defendants accused of property crimes.³³ In the eyes of female activists, this open “discrimination against the virtue of women” counted more heavily against his fitness to serve as a judge than if he had taken a bribe.³⁴ Rape complainants, including teenage girls, were required to appear in an all-male environment in Judge Weller’s court, some victims’ supporters were excluded,³⁵ and several rape cases had been dismissed under questionable circumstances.³⁶

Powerful friends of the judge tried to quash the recall campaign,³⁷ and both the San Francisco Church Federation and the Labor Council declined to endorse it.³⁸ In his defense, Weller cited common practices in the police court system, the wiles of a crooked attorney, and the distinguished status of the Weller family as reasons he should not be ousted.³⁹ According to some

also FREEDMAN, REDEFINING RAPE, *supra* note 25, at 219–20 (noting the recall campaign’s skillful use of publicity).

30. *Thousands Sign Recall Petition*, S.F. CALL, Jan. 23, 1913, at 9, CDNC.

31. *Plea in Defense of Self Is Made by Judge Weller*, S.F. CALL, Jan. 13, 1913, at 4, CDNC; *Clubwomen Hiss Police Magistrate*, *supra* note 29; *Weller Asks Accusers to Wait*, *supra* note 23.

32. *Mrs. Ada Smith’s Story Is Related*, S.F. CALL, Apr. 19, 1913, at 5, CDNC (reporting claims about the low bail Judge Weller routinely set in rape cases).

33. *See Weller Asks Accusers to Wait*, *supra* note 23.

34. *Weller Recall League Asks Aid to Get Signers*, S.F. CALL, Jan. 28, 1913, at 16, CDNC (indicating that the Recall League denounced Weller as an “aid of vice”).

35. *Mrs. Ada Smith’s Story Is Related*, *supra* note 32 (Ada Smith, President of the Recall League, “declared she had been ordered out of Judge Weller’s court and that the girl [i.e., the rape complainant] was compelled to relate her story to men alone.”).

36. Judge Weller often granted continuances in sexual assault cases and dismissed the matter if the woman failed to appear. In one especially egregious example, he required a pregnant, Hispanic rape complainant to appear in court and then dismissed her case when she was absent due to childbirth. FREEDMAN, REDEFINING RAPE, *supra* note 25, at 217.

37. *Effort Is Made to Head Off the Weller Recall*, S.F. CALL, Jan. 11, 1913, at 4, CDNC.

38. *Labor Council Refuses to Hound Weller*, ORG. LABOR, Mar. 22, 1913, at 4, CDNC (arguing that the “tea-drinking, society” women who opposed Judge Weller did not care if workingmen had to pay high bail amounts); *No Recall Aid from Church Federation*, S.F. CALL, Jan. 28, 1913, at 8, CDNC.

39. *See Judge Weller’s Plea Fails to Impress Either His Accusers or the Grand Jury*, S.F. CALL, Jan. 16, 1913, at 6, CDNC. Weller came from a prominent political

critics, however, the case exposed the corrupt, machine politics of a system in which the bail bond industry played a large role.⁴⁰ An editorial in *The San Francisco Call* opined:

The fundamental trouble is that the police courts are as deep in politics as ever. Naturally, it is the worst kind of politics—the kind dominated and financed by the most evil influences in the community. The police court is the meeting point of the forces of organized society and the forces of vice and crime.⁴¹

Some of Weller's detractors saw the need to make an example of him to strike at corruption. To activist female leaders, he also embodied the sexism and disrespect for women prevalent in the judiciary.⁴²

The San Francisco Center of the California Civic League—the Progressive Era civic organization that morphed into the local League of Women Voters after the ratification of the Nineteenth Amendment⁴³—took a more neutral stance on the recall of Judge Weller than many women's groups did. For example, in January 1913, the club held a debate so that both sides could be heard and other solutions to the problem of the police court system could be discussed.⁴⁴ Nevertheless, many of its members joined the Recall League.⁴⁵

family; his father had been a California governor and senator, and the judge himself practiced law before becoming a police magistrate. FREEDMAN, REDEFINING RAPE, *supra* note 25, at 217. Weller claimed that attorney William Hagerty convinced him to reduce bail for Hendricks because Hendricks had a pregnant wife and two children who relied on his financial support. However, according to Weller, the lawyer neglected to reveal that he had already asked Judge Shortall for a bail reduction and been denied. Letter from Charles L. Weller, to Bd. of Dirs., S.F. Ctr. (Mar. 4, 1913), "Judicial System, 1912–1932, 1951" folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y.

40. *The "System" and Weller*, S.F. CALL, Feb. 16, 1913, at 30, CDNC; see *Weller May Be Needed Object Lesson*, S.F. CALL, Jan. 10, 1913, at 6, CDNC.

41. *Weller May Be Needed Object Lesson*, *supra* note 40.

42. See *supra* notes 25–36 and accompanying text; *infra* notes 46–50, 61–72 and accompanying text (discussing female leaders' outrage at the mistreatment of women by police magistrates).

43. See *About Us*, *supra* note 9.

44. *Proposed Recall to Be Debated*, S.F. CALL, Jan. 29, 1913, at 5, CDNC; see *Recallers Plan Mass Meeting*, *supra* note 29 (mentioning a San Francisco Center luncheon at which both sides of the controversy would be discussed). The San Francisco Center held also held a debate about police court reform in May 1913. See *Women's Clubs*, S.F. CALL, May 17, 1913, at 5, CDNC.

45. Letter from Sally M. Field, Sec'y of the Campaign Comm., Women's Recall League, to Bd. of Dirs., S.F. Ctr., at 1 (Mar. 13, 1913), "Judicial System, 1912–1932, 1951" folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y ("[A] large number of the

The Directors and Legislative Committee of the San Francisco Center studied the allegations against the judge and ultimately concluded that, in the Hendricks case and at least one other, “Judge Weller has failed to meet the responsibility imposed upon him as a judicial officer.”⁴⁶ A memo to the membership explaining this conclusion described the difficulty of obtaining convictions in rape cases because “girls of good character . . . are often deterred by the fear of notoriety from making any charge at all,” and “girls who have been indiscreet and placed themselves in a compromising position” are perceived to lack credibility when “the testimony narrows down to a word against a word”⁴⁷ “Under these conditions, many people who are really guilty escape detection and it is difficult to make the fear of punishment exert the deterrent influence that it should.”⁴⁸ In contrast to the average rape case, however, the Hendricks matter and an earlier assault on three teenage girls by John Woolsey were strong cases for the prosecution. The complainants’ moral character did not pose a daunting impediment to the prosecution of Woolsey because all three were under age sixteen, and Grand Jury testimony established that Hendricks had struck a male eyewitness who tried to rescue Hendricks’ victim.⁴⁹ Hence, by failing to consider *prima facie* evidence of guilt before reducing these two alleged rapists’ bonds, Judge Weller allowed defendants against whom the prosecution had winnable cases to escape.⁵⁰ Persuaded that Weller’s conduct was outrageous, the San Francisco Center formally endorsed the recall in March 1913.⁵¹

workers of the Recall League are Center members.”). The Recall League had earlier obtained about 200 signatures at a debate held by the San Francisco Center in January 1913. See *Recall Discussed at Club Luncheon*, S.F. CHRON., Feb. 1, 1913, at 4, S.F. Chron. Historical, 1865-2017 (NEWSBANK), S.F. Pub. Library. All subsequently cited articles from THE SAN FRANCISCO CHRONICLE can be found in this NEWSBANK database.

46. Memorandum from the Bd. of Dirs. & Legislative Comm., to the Members of S.F. Ctr. (Feb. 21, 1913), “Judicial System, 1912–1932, 1951” folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc’y.

47. *Id.* at 2.

48. *Id.*

49. *Id.* at 3–4.

50. *Id.* at 3–5; see also FREEDMAN, REDEFINING RAPE, *supra* note 25, at 217 (noting that the Hendricks scandal resurrected interest in the case against Woolsey, another rape defendant who left town in 1912 after Weller allowed him to post a low bond).

51. *Favors Weller’s Recall*, S.F. CALL, Mar. 8, 1913, at 4, CDNC; see Letter from Corresponding Sec’y, S.F. Ctr. of the Cal. Civic League, to Sec’y, Weller Recall League (Mar. 25, 1913), “Judicial System, 1912–1932, 1951” folder, Box 3, LWV-

The Recall League succeeded in obtaining signatures in excess of the 7,000 required to put the matter on the ballot.⁵² In the recall election held in April 1913, Wiley Crist, the candidate who ran to unseat Weller, promised to eradicate “white slavery” and won the police magistrate position by a narrow margin of 850 votes.⁵³ It was the first recall of a judge in United States history, pursuant to new legislation enacted in 1911, the same year that California granted statewide suffrage to women.⁵⁴ Ironically, despite the influence of female leaders in the recall campaign, relatively few women voted in the election.⁵⁵ The San Francisco Registrar of Voters nevertheless conceded “that if the women had not been voting, Weller would have had a majority over Crist.”⁵⁶

Whatever the precise gender breakdown of the votes to oust the judge (a factor that was unknowable), the recall clearly de-

SF, MS 1270, Cal. Hist. Soc’y (confirming the San Francisco Center’s formal endorsement of the recall); Letter from Sally M. Field, to Bd. of Dirs., S. F. Ctr., *supra* note 45 (noting that the San Francisco Center voted “about 176 to 34” in favor of the recall).

52. *Weller Recall Signed by 10,000*, S.F. CALL, Jan. 24, 1913, at 5, CDNC.

53. *Police Judge Weller Ousted, Crist Wins*, S.F. CHRON. (1865–2017), Apr. 23, 1913, at 1, NEWSBANK; see *Judge Wiley F. Crist May Hold Court Today*, S.F. CALL, May 2, 1913, at 18, CDNC (reporting that Crist, the judge elected to replace Weller, would begin work soon); see also FREEDMAN, REDEFINING RAPE, *supra* note 25, at 218 (noting Crist’s opposition to “white slavery”).

54. *Judge Weller Is Recalled by Voters*, HANFORD SENTINEL, Apr. 24, 1913, at 5, CDNC; *First Movement in Recall Made by Grandmother*, S.F. CALL, Apr. 24, 1913, at 5, CDNC; see FREEDMAN, REDEFINING RAPE, *supra* note 25, at 216 (noting that both state suffrage and the passage of legislation enabling the recall occurred in 1911).

55. *Crist’s Election Credited to Men*, S.F. CHRON. (1865–2017), May 2, 1913, at 7, NEWSBANK. Low female voter turnout, compared to male voters, was typical of the early years of women’s enfranchisement due to restrictive registration rules and women’s political inexperience. See KRISTI ANDERSEN, AFTER SUFFRAGE: WOMEN IN PARTISAN AND ELECTORAL POLITICS BEFORE THE NEW DEAL 50–52 (1996); BLACK, *supra* note 1, at 265; CORDER & WOLBRECHT, *supra* note 1, at 185; YOUNG, *supra* note 1, at 56, 89, 93. However, this does not mean that women’s suffrage was a failure. Rather, the involvement of women in politics after 1920 “helped to redefine . . . what was expected or acceptable male and female activity in the public sphere.” ANDERSEN, *supra*, at 15; see CORDER & WOLBRECHT, *supra* note 1, at 9. Based on data that unfortunately does not include California, Corder and Wolbrecht argue that women’s participation in the elections of the 1920s varied considerably and depended on context: women were more likely to vote in heavily contested elections and where barriers to voting were lower. CORDER & WOLBRECHT, *supra* note 1, at 30, 154.

56. *Crist’s Election Credited to Men*, *supra* note 55. Interestingly, Corder and Wolbrecht found that women’s enfranchisement increased men’s exercise of their own right to vote. CORDER & WOLBRECHT, *supra* note 1, at 155.

pended on women's unflagging efforts to call mass meetings, invite speakers, gather signatures, and raise funds. As the Recall League reminded the readership of *The San Francisco Chronicle*: "San Francisco men had sat supine under one of the rottenest police court administrations in the country for years and years and had never made a move to improve it."⁵⁷ Scholars have challenged the conventional narrative that suffrage was a failure by emphasizing the continuation of women's political activism after 1920, despite disappointing female voter turnout.⁵⁸ Such a revised assessment of women's suffrage comports with the evidence in this Article.

B. The Establishment of a Women's Court

Judge Weller's efforts to deflect blame from himself to the "system" backfired in several ways. Not only was he recalled but San Francisco clubwomen launched a broader investigation into the evils of the police courts and began a vocal campaign to establish a separate docket for criminal cases involving women.⁵⁹ Despite its relative moderation during the recall controversy, the San Francisco Center actively assisted with the creation and monitoring of this special Women's Court.⁶⁰

57. *Say Women's Votes Ousted Weller*, S.F. CHRON. (1865–2017), May 4, 1913, at 41, NEWSBANK.

58. See CORDER & WOLBRECHT, *supra* note 1, at 8–9 (discussing the work of Nancy Cott, Kirstin Goss, and others).

59. When female leaders suggested the creation of a Women's Court in 1912, Weller opposed it. FREEDMAN, REDEFINING RAPE, *supra* note 25, at 217. They raised the issue again in 1913. See *infra* notes 60–97 and accompanying text (providing a full discussion of the establishment of the San Francisco Women's Court).

60. See Letter from Mary L. Sweeney, to Miss [Marion] Delaney (Nov. 20, 1916), "Women in the Criminal Justice System, 1912–1953" folder, Box 3, LWV-SF, MS 120, Cal. Hist. Soc'y (seeking the assistance of the San Francisco Center with the Women's Court and enclosing a plan for the proposed court); Letter from Mrs. Ernest [i.e. Rose] Wallace, to Judge Golden (June 30, 1923), "Women in the Criminal Justice System, 1912–1953" folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y (describing the role of San Francisco Center members in observing the Women's Court.); see also *Women's Police Court Will Open Sessions at Bay*, SACRAMENTO UNION, Dec. 4, 1916, at 3 (reporting on the establishment of the Women's Court in San Francisco); *Court for Women Only*, L.A. EVENING HERALD, Nov. 16, 1916, at 1, CDNC (same). Years later Rose Wallace wrote, "We have had the women's court about ten years; the Center was active in getting it and has studied its procedure and made improvements from time to time. Much more is needed, but much has *been done*; you see it when you look back." Undated Letter from Rose B. Wallace, to Mrs. [Harriet] Eliel, "Women in the Criminal Justice System, 1912–1953" folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y.

Female leaders, seasoned by their experience ousting Judge Weller, initially sought the election of a woman to the police magistrates' bench in 1913 to address corruption and provide a more empathetic forum for women involved in criminal cases.⁶¹ That summer, a special committee of the San Francisco Center delved deeply into the problems of the police courts.⁶² The committee observed court proceedings and wrote a report raising myriad concerns that included the following: young delinquents mixed with hardened offenders,⁶³ unethical lawyers preyed on ignorant defendants,⁶⁴ and although police court judges varied in personality and practices,⁶⁵ some were corrupt and partisan.⁶⁶ Above all, the report expressed concern about the treatment of women and children. Ninety percent of the visitors to the police court were men seeking sensation and "smiling in gross delight over the details" of child rape and other sordid matters.⁶⁷ Pimps packed the Superior Court during "white slave" trials; nothing was done to exclude these "white slavers." The San Francisco Center found similar fault with the police courts.⁶⁸

The authors of the report "repeatedly noticed the lack of consideration for women, expressing itself not in harsh treatment, but in lack of delicacy."⁶⁹ For example, one judge commented inappropriately on the physical appearance of a pregnant woman and spoke so loudly that spectators could hear the discussion of "private matters."⁷⁰ This judge also claimed that the female complainant in an assault case lacked credibility because she was an adulteress, even though the adultery charge against her had

61. "If there had been women policemen and a woman police court judge at the time," *The San Francisco Call* speculated, "there would probably have been no recall of Judge Weller" because women in positions of authority would have upheld justice for the rape complainant. *Women Police Judges*, S.F. CALL, June 8, 1913, at 34, CDNC.

62. See generally REPORT OF THE COMMITTEE INVESTIGATING POLICE COURT PROCEDURE IN SAN FRANCISCO, 1913, FOR THE SAN FRANCISCO CENTER OF THE CALIFORNIA CIVIC LEAGUE, "Judicial System, 1912-1932, 1951" folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y [hereinafter REPORT OF THE COMMITTEE INVESTIGATING POLICE COURT PROCEDURE].

63. See *id.* at 3.

64. See *id.* at 2, 21-22.

65. See *id.* at 3-4.

66. See *id.* at 5-7 (criticizing Judge Shortall, in particular).

67. See *id.* at 11.

68. See *id.* at 11-12.

69. *Id.* at 7-8 (describing the abuse of women in Judge Shortall's courtroom).

70. See *id.* at 8.

been dismissed.⁷¹ Prostitutes suffered the most from judges' unwillingness to believe their stories and were sometimes victimized by police officers who used their sexual services and then arrested them.⁷² Drawing on the positive example supplied by female social workers, the report urged the appointment of more women to various roles in the police court: "In cases where women and children are concerned the mere presence of another woman gives a sense of protection."⁷³

The campaign for a female police judge failed, but at the urging of the clubs, a special Women's Court was established in San Francisco in 1916.⁷⁴ This special court was supposed to play a leading role in guiding prostitutes away from a life of debauchery.⁷⁵ The clubwomen wanted to remove female delinquents, especially first-time offenders, from the gaze of men and help them obtain honest employment and treatment for venereal disease.⁷⁶ In accord with the Progressive Era's emphasis on prevention, women's organizations sought to secure funding for social services, including medical and psychiatric care for young female arrestees. First-time offenders should be placed with an approved social welfare organization, rather than sentenced to jail.⁷⁷ A social worker would assist the judge by investigating each girl's "home conditions" and "moral attitude."⁷⁸

The causes of female criminality were thus attributed primarily to environment, rather than biology.⁷⁹ Yet, unlike second-wave feminists, the clubwomen in the first half of the twentieth century favored sex segregation in matters of criminal justice. Creating a venue "in which the cases of women will be tried away from the scrutiny and hearing of court loungers and

71. *See id.* at 8–9.

72. *See id.* at 16–17. For an example from another state of the unwillingness of judges to believe women's testimony during the 1910s, see *Women Best Liars, Magistrate Finds*, L.A. EVENING HERALD, July 16, 1917, at 13, CDNC (reporting the views of a judge in Omaha, Nebraska).

73. REPORT OF THE COMMITTEE INVESTIGATING POLICE COURT PROCEDURE, *supra* note 62, at 12.

74. *Women's Police Court Will Open Sessions at Bay*, *supra* note 60.

75. Letter from Mary L. Sweeney, to Miss [Marion] Delaney, *supra* note 60; Undated Letter from Rose B. Wallace, to Mrs. [Harriet] Eliel, *supra* note 60.

76. *See, e.g.*, Letter from Mary L. Sweeney, to Miss [Marion] Delaney, *supra* note 60 (explaining some key goals of the plan for a Women's Court).

77. *See id.*

78. *See id.*

79. *See* ESTELLE B. FREEDMAN, *THEIR SISTERS' KEEPERS: WOMEN'S PRISON REFORM IN AMERICA, 1830–1930*, at 111, 126 (1981) [hereinafter FREEDMAN, *THEIR SISTERS' KEEPERS*] (describing the penology of the Progressive Era).

habitues [*sic*]” constituted an important part of the plan.⁸⁰ The only men allowed to be present were “attorneys, police attendants and newspaper reporters.”⁸¹ At the outset, however, four male police magistrates took turns presiding over the Women’s Court, which still only met in each police magistrate’s department for three months of the year during the 1920s.⁸²

Although the majority of the docket concerned “women of the night life,”⁸³ the special court’s jurisdiction extended to all matters “of any kind which involve[d] women as defendants, plaintiffs, or witnesses.”⁸⁴ Female defendants included those charged with vagrancy, drunkenness, crimes of violence, reckless driving, and property offenses.⁸⁵ Dismissals and non-custodial sentences were the most common outcomes for women.⁸⁶

Male defendants appeared in the Women’s Court too.⁸⁷ For example, in 1921, when comedian “Fatty” Arbuckle faced a murder charge for the death of an actress and fashion model whom he allegedly raped at a bootleg liquor party, his case got transferred to the Women’s Court for arraignment.⁸⁸ The appearance

80. *Women’s Police Court Will Open Sessions at Bay*, *supra* note 60.

81. *Id.*

82. *See Court for Women Only*, *supra* note 60 (describing how the Women’s Court would function); Report of the Second Meeting of the Delinquency Problem Section of S.F. Ctr. of Cal. LWV (Oct. 7, 1925), “Crime” folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc’y (describing the rotation of the Women’s Court to each of four police court judges).

83. *Arbuckle Held on Charge of Murder*, L.A. EVENING HERALD, Sept. 16, 1921, at 12, CDNC (noting that cases of prostitution comprised the routine business of the Women’s Court).

84. Letter from Mary L. Sweeney, to Miss [Marion] Delaney, *supra* note 60.

85. *Women’s Court Cases Total 134*, S.F. CHRON. (1865–2017), Aug. 21, 1921, at 85, NEWSBANK; *Women’s Court Tries 408 Fair Delinquents*, S.F. CHRON. (1865–2017), Sept. 23, 1926, at 13, NEWSBANK; Report of the Second Meeting of the Delinquency Problem Section, *supra* note 82 (“If a woman, through careless driving in an automobile, injures a party, she is taken to the Civil Court at City Hall for damages and into the Woman’s Court at the Hall of Justice for criminal procedure.”).

86. For example, in July 1921, only eighteen of 134 female defendants charged with various offenses in the Women’s Court were sentenced; the judge dismissed or continued 101 cases; eleven defendants were put on probation; one was held to answer in Superior Court; and three cases were transferred to juvenile court. *Women’s Court Cases Total 134*, *supra* note 85; *see also Condensed California News*, SAUSALITO NEWS, Nov. 26, 1920, at 2, CDNC (reporting similar case dispositions for October 1920).

87. In fact, during one month in 1926, slightly fewer than half of the defendants were female. *Women’s Court Tries 408 Fair Delinquents*, *supra* note 85.

88. *Women’s Police Court Is to Be Scene of Second Arraignment*, STOCKTON DAILY INDEP., Sept. 14, 1921, at 1, CDNC (reporting that Arbuckle would be arraigned a second time in the Women’s Court because a female eyewitness had sworn out a murder complaint).

of a celebrity defendant filled the venue with cameramen anxious not to miss a single photo, in marked contrast to the regular procedure of the Women's Court, which denied admittance to most males.⁸⁹ California's socially elite clubwomen paid rapt attention to the Arbuckle matter; indeed, a committee that observed the proceedings in rape cases was nicknamed "the Women Vigilantes," though its members denied any intent to take the law into their own hands.⁹⁰

The keen interest of the San Francisco Center in establishing a Women's Court arose, in large part, from concern about "social hygiene"—that is, preventing the spread of venereal disease through a variety of social initiatives.⁹¹ Historians John D'Emilio and Estelle Freedman explain that the Progressive Era attack on prostitution and the social hygiene movement were closely related; the goal of eliminating the double standard that permitted "masculine unchastity" and thus created a market for commercial sex constituted a significant aspect of both.⁹² Promoting social hygiene involved not only opposing sex work and holding johns accountable for patronizing prostitutes⁹³ but also teaching innocent girls "to beware of men."⁹⁴

In the 1920s, the local LWV in San Francisco was more active than the state organization in investigating such matters. It counted among its achievements the availability of free clinical care for sexually transmitted diseases, educational campaigns to make prostitution unpopular, and the equal accountability of men and women for sex offenses under California law.⁹⁵ With their tendency to depict "fallen" girls as victims of male seduction, rather than deviants to be punished, members of the San Francisco Center and other women's clubs borrowed from

89. *Arbuckle Is Held on Charge of Murder*, *supra* note 83. A special police detail had to clear more than one-hundred men from the courtroom. *Id.*

90. *Women Vigilantes "Students of Justice" at Fatty's Trial*, SANTA CRUZ NEWS, Nov. 17, 1921, at 1, CDNC; see *Arbuckle Is Held on Charge of Murder*, *supra* note 83 (reporting that the court was packed with women, including the "[s]tern and dignified" members of the "women's vigilant [*sic*] committee").

91. See D'EMILIO & FREEDMAN, *supra* note 27, at 203 (defining "social hygiene").

92. *Id.* at 204, 206, 211.

93. Undated Letter from Rose B. Wallace, to Mrs. [Harriet] Eliel, *supra* note 60.

94. *Weller Recall Signed by 10,000*, *supra* note 52.

95. Undated Letter from Rose B. Wallace, to Mrs. [Harriet] Eliel, *supra* note 60.

the late nineteenth-century social purity movement.⁹⁶ The Women's Court thus arose from a complex blend of old and new ideas: Progressive Era confidence in social-scientific reports and data was mobilized in service of an essentially Victorian ideal of civilized morality infused with new faith in gender-specific government intervention.⁹⁷

About a decade after the special court was established, Rose Wallace—a frequent observer of its proceedings—overconfidently expressed her view that “in another generation . . . there will be very little prostitution.”⁹⁸ Yet, to prevent vulnerable women from being lured into the world of vice, the criminal justice system had to be thoroughly reformed. By 1926, Wallace thought a shift in emphasis was needed; she advocated changing the name of the relevant LWV committee to the “Study and Prevention of Delinquency.”⁹⁹ Explaining the recommended change in terminology, Wallace wrote: “Interest in social hygiene has been on the wane in ‘club circles’ since the war. Women feel it means venereal disease and they want to forget it—but there is a growing interest in delinquency problems,” including the detention, probation, and parole of female offenders.¹⁰⁰ These were thought to be areas that required the expertise of educated women who, by virtue of becoming voters, had new authority to shape public affairs. The Women's Court epitomized this gender specificity. All that was needed was a female judge.

C. *Theresa Meikle: Female Prosecutor and Municipal*

96. See *supra* notes 26–27, 76, 80–81 and accompanying text; *infra* notes 110–111, 116–123 and accompanying text. For a full discussion of the nineteenth-century social purity movement and its opposition to state-regulated prostitution, see D'EMILIO & FREEDMAN, *supra* note 27, at 148–56; see also generally JUDITH R. WALKOWITZ, *PROSTITUTION AND VICTORIAN SOCIETY: WOMEN, CLASS, AND THE STATE* (1980) (analyzing feminist Josephine Butler's campaign against the Contagious Diseases Acts in Victorian Britain).

97. Progressive Era reformers lacked the religious fervor that had characterized anti-prostitution efforts before the Civil War, however. Cf. D'EMILIO & FREEDMAN, *supra* note 27, at 142 (describing middle-class moral reform campaigns in the 1830s). Early twentieth-century women's organizations also sharply disagreed with each other about whether to pursue gender equality or woman-protective reforms. See *infra* notes 250, 252 and accompanying text. The national LWV and its local affiliates in California favored the latter.

98. Undated Letter from Rose B. Wallace, to Mrs. [Harriet] Eliel, *supra* note 60.

99. Letter from Rose B. Wallace, to Mrs. [Harriet] Eliel, at 1 (Mar. 18, 1926), “Crime” folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y.

100. *Id.*

Court Judge

The San Francisco Center sent observers to study the Women's Court's procedure after the court became permanent in 1917 and periodically suggested changes to its operation. The appointment of a female Assistant District Attorney ranked high on the agenda;¹⁰¹ therefore, the hiring of Theresa Meikle to serve as a prosecutor in the new court in 1923 constituted a big milestone.¹⁰² As San Francisco Center member Rose Wallace acknowledged in a letter on Meikle's behalf, "a woman in public office has to be three times as well qualified as a man."¹⁰³ Wallace promised in another recommendation letter that Meikle's "fine character and splendid legal education," as well as her "understanding of human nature and womanly sympathy and discretion," qualified her on the merits to assist with particular kinds of cases.¹⁰⁴ Not surprisingly, Meikle's first case involved a female defendant, likely a prostitute, charged with vagrancy and sent to the hospital for medical care.¹⁰⁵

In the late 1920s, a major reorganization of California courts loomed. Turning its attention from reforming the police courts, the San Francisco Center instead pinned its hopes on the prospect that a woman would sit on the new municipal bench that was being discussed.¹⁰⁶ This strategy paid off. When the

101. See Letter from Rose B. Wallace, to Mrs. Parker S. Maddux, President, S.F. Ctr. of Cal. LWV (June 13, 1923), "Women in the Criminal Justice System, 1912–1953" folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y (stating that "the next step forward for the Woman's Court should be a qualified woman as assistant district attorney"); Letter from Mrs. Ernest [i.e., Rose B.] Wallace, to Judge Golden, *supra* note 60 (advocating the appointment of Theresa Meikle as prosecutor for "certain types of cases" in the Women's Court); see also *Night Court Fizzles Out*, SANTA CRUZ EVENING NEWS, Jan. 29, 1917, at 2, CDNC (reporting that the San Francisco Women's Court, unlike the night court, had "proved a success" and would be made permanent).

102. See *Woman Prosecutor Handles First Case*, S.F. CHRON. (1865–2017), July 17, 1923, at 11, NEWSBANK.

103. Letter from Mrs. Ernest [i.e., Rose B.] Wallace, to Judge Golden, *supra* note 60.

104. Letter from Mrs. Ernest [i.e., Rose B.] Wallace, to Judge Matthew Brady, Dist. Attorney (June 30, 1923), "Women in the Criminal Justice System, 1912–1953" folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y.

105. *Woman Prosecutor Handles First Case*, *supra* note 102.

106. In October 1928, the Legislative Committee of the San Francisco Center advised the Center "to go on record against" a proposed Women's Police Court Amendment, while the Judiciary Council developed a plan to reorganize the courts; it would be better to "wait until the full plan is presented," the Legislative Council felt, "especially as women are now eligible to run for the Office of Police Judge."

municipal court system was established in California in 1930, there were three seats in San Francisco to which new judges could be named and “numerous women attorneys practicing in the City and County of San Francisco.”¹⁰⁷ Several local clubs resolved to endorse “the principle that a qualified woman lawyer be appointed to one of the municipal judgeships now within the appointive power of the Governor”¹⁰⁸ Hence, they were thrilled when Theresa Meikle—the former Women’s Court prosecutor—accepted a municipal judgeship overseeing the women’s docket.¹⁰⁹

However, Meikle’s tenure on the court showed that female experts did not necessarily take a more empathetic view of women lawbreakers than men did. Meikle served several non-consecutive terms and adopted a more punitive attitude toward female offenders during the latter part of her judgeship. When she first ascended to the municipal bench in 1930, she promised to incarcerate recidivist prostitutes—that is, older women who had a corrupting influence on first-timers.¹¹⁰ This stance appealed to the clubwomen. Leaders of the San Francisco Center did not believe that young women arrested for sex offenses should receive jail sentences, though they took a considerably harsher view of repeat offenders.¹¹¹ Yet, by World War II, when the health of soldiers and sailors renewed governmental concern

Board Meeting Minutes, S.F. Ctr. of Cal. LWV (Oct. 16, 1928), “Women in the Criminal Justice System, 1912–1953” folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc’y. The Center took the Legislative Committee’s advice. *See* Letter from Mrs. Ludwig Frank, President, S.F. Ctr. of Cal. LWV, to James Rolph, Jr., Mayor of S.F. (Nov. 16, 1928), “Women in the Criminal Justice System, 1912–1953” folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc’y (“It is the strong opinion of the San Francisco Center that no woman should be appointed [to fill a vacant Police Judge position] at this time and that no change should be made in the present system until such time as the Judicial Council has made its report on the reorganization of the municipal courts.”).

107. Draft Resolution (c. 1930), “Women in the Criminal Justice System, 1912–1953” folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc’y.

108. *Id.*

109. *Introducing Judge Meikle*, S.F. CHRON. (1865–2017), Aug. 26, 1930, at 13, NEWSBANK; *Judge Theresa Meikle, Former Colusa Woman, Has New Ideas*, COLUSA HERALD, Dec. 29, 1930, at 3.

110. *See Judge Theresa Meikle, Former Colusa Woman, Has New Ideas*, *supra* note 109.

111. Rose Wallace, for example, expressed her opinion that a fifty-year-old prostitute who spread perversion by teaching young women “the most awful degenerate acts . . . should be in an institution for the rest of her life.” Letter from Rose B. Wallace, to Mrs. [Harriet] Eliel, *supra* note 99. However, Wallace clarified in the same letter that she generally favored the quarantine of repeat offenders on public health grounds, rather than as punishment. *Id.*

about female vice, Judge Meikle earnestly promised to jail all streetwalkers.¹¹² Her ideas about punishment, especially in the 1940s, thus tilted toward the law-and-order values of the male-dominated criminal justice system and the military.

D. The Eclipse of "Wife Beating" in the Feminist Agenda

The venue for sex workers' cases again became a hot topic during the 1940s. Starting in 1943, the Women's Court was located in the Health Center; it exclusively handled morals offenses, while "wife beating" and other domestic crimes, including a husband's "failure to provide," were tried at the Hall of Justice.¹¹³ The separate court for prostitution cases aimed "to isolate first offenders and to provide greater opportunity for Probation Officers to effect rehabilitation."¹¹⁴ But some municipal judges and prosecutors favored combining the dockets into a single judicial department in one physical location—a controversy that extended into the 1950s. Proponents of the move argued not only that it would be more efficient but also that criminal assault and non-support cases "[arising] out of family difficulties" needed "more sympathetic care and attention."¹¹⁵

Interestingly, however, the clubwomen seem to have viewed the issue solely from the perspective of maintaining a rehabilitative approach to prostitution cases. For example, there is little

112. In 1941, "Municipal Judge Theresa Meikel [*sic*] announced, 'Hereafter streetwalkers can expect to be sent up for six months when they are found guilty in my court.'" *San Francisco Night Life Dimmed in Morals Drive*, SAN BERNARDINO DAILY SUN, June 3, 1941, at 1, CDNC.

113. *Plan to Shift Marriage Court Studied*, S.F. CHRON. (1865–2017), Nov. 17, 1944, at 9, NEWSBANK; *see, e.g., Policeman Held on Felony Charge of Wife Beating*, S.F. CHRON. (1865–2017), Aug. 13, 1947, at 3, NEWSBANK (reporting that criminal proceedings in a wife-beating case occurred at the Hall of Justice); Facts Developed on Investigation of Advisability of Removal of Separate Women's Court, Known as Dept. 10a from 101 Grove Street to the Hall of Justice (c. 1953), "Women in the Criminal Justice System, 1912–1953" folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y (providing a brief history of Dept. 10a, which had been established in 1943 "because of inadequate facilities at the Hall of Justice").

114. Mrs. Ilot Johnson, Separate Women's Court (c. 1953), "Women in the Criminal Justice System, 1912–1953" folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y (noting the reasons the separate court had been established). Johnson was one of two San Francisco Center members appointed to a citywide committee to evaluate the Women's Court. *See* Letter from Mrs. Edward Matzger, President, S.F. Ctr. of Cal. LWV, to Mr. Lawrence Arnstein, Exec. Dir., S.F. Social Hygiene & Health Ass'n (Jan. 13, 1953), "Women in the Criminal Justice System, 1912–1953" folder; Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y.

115. *Plan to Shift Marriage Court Studied*, *supra* note 113.

or nothing in the papers of the San Francisco Center of the LWV from the first half of the twentieth century about domestic violence. In the 1940s and early 1950s, the San Francisco Center actively opposed returning prostitution cases to the crime-filled Hall of Justice, which they regarded as “a training ground . . . for new offenders.”¹¹⁶ The small size of the courtroom in the Health Center constituted “a virtue in that it exclude[d] undesirables.”¹¹⁷ By contrast, the Hall of Justice was full of hardened offenders, and the detention facilities there had become so overcrowded that isolation was impossible.¹¹⁸ The San Francisco Center thus viewed the separate location as an improvement over the old system of handling prostitution cases at the Hall of Justice, where recidivists predominated. An analysis of matters heard by the Women’s Court in the Health Center building from May 1948 to April 1949 indicated a decrease in the number of habitual sex workers compared to the situation before 1943 when the Hall of Justice was used.¹¹⁹ Although the Health Center docket inconvenienced judges, the clubwomen argued that “the advantages afforded by way of segregation, cleanliness, and opportunities for rehabilitation should not be sacrificed.”¹²⁰

California leaders of the LWV, like the nationwide League, championed a variety of social welfare causes, including law reform aimed at child labor and infant and maternal health.¹²¹

116. Statement Regarding the Operation of the San Francisco Separate Women’s Court [drft. or copy] (May 26, 1949), “Women in the Criminal Justice System, 1912–1953” folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc’y.

117. Johnson, Separate Women’s Court, *supra* note 114.

118. *Id.*

119. From 1948 to 1949, “40 percent [of the cases] were first arrests for vagrancy involving a sex offense,” and almost 50 percent of the defendants, which the report described as “patients,” were young women under age twenty-five. Statement Regarding the Operation of the San Francisco Separate Women’s Court, *supra* note 116. The Adult Probation Department estimated that 60–70 percent of the women subject to proceedings at the separate Women’s Court were promiscuous, but not habitual prostitutes. *Id.*

120. Letter from Mrs. Edward Matzger, President, S.F. Ctr. of Cal. LWV, to Judge Alvin Weinberger (Feb. 25, 1953), “Women in the Criminal Justice System, 1912–1953” folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc’y.

121. See BLACK, *supra* note 1, at 264–65, 269; YOUNG, *supra* note 1, at 75. For the social welfare reform activities of California LWV members, see *California Senator Resents Charge That He Is “Lukewarm” in Opposing Child Labor*, ORG. LABOR, May 24, 1924, at 2, CDNC (reporting that Marion Delaney of the California LWV blamed U.S. Senator Samuel Shortridge for failure to achieve a constitutional amendment on child labor) and *California League of Women Voters Declare Position*, STOCKTON DAILY INDEP., Mar. 25, 1925, at 3, CDNC (indicating that the California LWV succeeded in getting an increased budget appropriation for infant and maternal welfare).

Yet, in their criminal justice agenda, both the nationwide organization and its California members doggedly pursued one core issue: the uplifting of “fallen” women. Well-heeled, white club leaders, whose names appeared in society columns devoted to news about summer retreats and elegant parties,¹²² believed that the origins of delinquency could be found in improper, “broken” homes. In addition to condemning the sexual double standard, they laid blame at the doorstep of poor and “foreign” parents.¹²³ Prostitutes were assumed to be Eastern Europeans, Italians, or Asians, despite statistical evidence that many were actually born in the United States.¹²⁴ The clubwomen’s analysis of the problem, and hence their chosen solutions, had race and class dimensions.

Moreover, their attitudes changed surprisingly little over time. The approach of the San Francisco Center in the late 1940s echoed its agenda more than two decades earlier¹²⁵ and even resonated with the social purity campaigns of the 1800s¹²⁶ despite being steeped in an ethos of social-scientific study. True to the Progressive Era origins of the LWV, its leaders put their trust in trained, female experts and female public officeholders to address the problems of women’s criminality and victimhood.

122. The typical LWV member nationwide was an affluent, middle-aged, college-educated, white woman. YOUNG, *supra* note 1, at 156–57. Mrs. Effingham B. Sutton, President of the San Francisco Center in 1930, was the daughter of a wealthy lawyer, for example. Her family kept a summer home at Belvedere in Marin County, and from the 1910s through the 1950s, Mrs. Sutton appeared frequently in society columns. See *Smart Set Forget War and Go Picnicking*, MARIN J., Aug. 13, 1914, at 2, CDNC (reporting on a beach party for socialites); *Belvedere Happenings*, MILL VALLEY REC., Sept. 6, 1929, at 8, CDNC (noting that Mrs. Sutton and her husband hosted a dinner party); *Summer Resident Dies at City Home*, MILL VALLEY REC., Oct. 15, 1937, at 2, CDNC (announcing the death of Mrs. Sutton’s father, a prominent attorney); *Mrs. Bates Hostess at Tea on Lagoon*, MILL VALLEY REC., Aug. 16, 1952, at 4, CDNC (noting that Mrs. Sutton’s summer home was the site of her daughter’s tea party).

123. Report of the Fifth Meeting of the Delinquency Problem Section of the S.F. Ctr. of Cal. LWV (Nov. 18, 1925), “Crime” folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc’y; Report of the Chairman of the Study and Prevention of Delinquency Committee, S.F. Ctr., Cal. LWV, from Mrs. Ernest [i.e. Rose B.] Wallace, to Madam President & Members of S.F. Ctr. (Apr. 29, 1926), “Crime” folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc’y.

124. D’EMILIO & FREEDMAN, *supra* note 27, at 215; see *id.* at 135 (describing the “sexual slavery” of Asian women on the West Coast).

125. Compare Report on the Fifth Meeting of the Delinquency Problem Section, *supra* note 123, with Statement Regarding the Operation of the San Francisco Separate Women’s Court, *supra* note 116.

126. See Statement Regarding the Operation of the San Francisco Separate Women’s Court, *supra* note 116.

Yet elite club leaders' ability to play public roles coexisted with class- and race-biased beliefs about female difference, separateness, and vulnerability to exploitation.

Despite the centrality to the temperance and suffrage movements of the imagery of a pitiful wife brutalized by her drunken husband,¹²⁷ female activists in the first half of the twentieth century turned to other reform issues, especially prostitution, after they got the vote. Domestic violence—which failed to make the LWW's priority list—received a fairly static response from the government in the first half of the twentieth century: California judges used an array of criminal penalties from fines and suspended sentences to jail terms for men convicted of “wife beating,” just as they had in the late nineteenth century.¹²⁸ In several cities across the nation, misdemeanor cases began to be handled by domestic relations judges, who could impose criminal punishments.¹²⁹ Assaults charged as felonies typically involved the use of a deadly weapon. These were handled in Superior Court, and they led to the incarceration of male offenders and, increasingly, of women as well.¹³⁰ Although such a system featured much more state intervention in the family than many

127. See Carolyn B. Ramsey, *The Stereotyped Offender: Domestic Violence and the Failure of Intervention*, 120 PENN ST. L. REV. 337, 354–57 (2015) (discussing the relationship between Temperance, first-wave feminism, and criminal law approaches to domestic violence in the late 1880s and early 1900s).

128. See Carolyn B. Ramsey, *Domestic Violence and State Intervention in the American West and Australia, 1860–1930*, 86 IND. L.J. 185, 206–08 (2011) [hereinafter Ramsey, *Domestic Violence and State Intervention*]. Suspended sentences became more common during the Progressive Era and continued to be used throughout the period discussed in this Article. See *id.* at 217 & n.178. For further research corroborating these findings with regard to other parts of the country, see Elizabeth Katz, *Judicial Patriarchy and Domestic Violence: A Challenge to the Conventional Family Privacy Narrative*, 21 WM. & MARY J. WOMEN & L. 379, 381, 407 (2015). Courts imposed shaming punishments, whipping, and even banishment in some states well into the twentieth century, and wife beaters also faced extra-legal mob violence. See Ramsey, *Domestic Violence and State Intervention*, *supra*, at 208–09, 216–17; see also Katz, *supra*, at 412–16.

129. See, e.g., *Wives Judge 56 Wife-Beaters; All But 3 to Eat Turkey at Home*, WASH. POST, Nov. 28, 1935, at 1, PROQUEST HIST. NEWSPAPERS (reporting that a Chicago family court let wives sentence abusive husbands in fifty-six cases, but only three chose jail time).

130. See Ramsey, *Domestic Violence and State Intervention*, *supra* note 128, at 211 and n.139. Women were rarely prosecuted for misdemeanor assaults on their husbands. See *id.* at 202. However, female defendants who used a deadly weapon could expect to be convicted and punished in California and other parts of the nation in the 1930s and 1940s. See Judgment, *People v. Madalyn Wineland*, CR-93289 (L.A. Cnty. Super. Ct. July 8, 1943) (recording Wineland's guilty plea and one-year sentence in county jail); *Wife Who Shot Husband Held over Mate's Protest*, L.A.

scholars acknowledge, it was neither effective nor grounded in feminist principles.¹³¹ Hence, the LWV's failure to develop a reform agenda to confront domestic violence constituted a significant oversight.

II. POLICEWOMEN AS MORAL ENFORCERS

A second project dear to the clubwomen was their persistent effort to persuade the SFPD to hire female officers. This project further exemplifies the way Progressive methods served essentially Victorian values. The agenda of the clubs to enlist policewomen in preventing teenage girls' descent into disease and moral decay conserved a narrow view both of the roles that female officers could play and of the inequities and violence afflicting women.

Spearheaded at first by other groups, including the Women's Christian Temperance Union,¹³² the campaign to allow women to serve on police forces attracted the unreserved support of the San Francisco Center by 1915 or 1916.¹³³ The

TIMES (1923–current), May 26, 1943, at A2, PROQUEST HIST. NEWSPAPERS (reporting that Wineland's prosecution occurred despite her husband's desire to drop the case); see, e.g., *We're in New Era! Wife Goes Home and Beats Mate*, CHI. DAILY TRIB., July 2, 1938, at 1, PROQUEST HIST. NEWSPAPERS (reporting on a six-month sentence for a New York woman who beat her husband with a metal pipe).

131. See Ramsey, *Domestic Violence and State Intervention*, *supra* note 128, at 197–98; see also Ramsey, *The Stereotyped Offender*, *supra* note 127, at 355 and n.74.

132. Unsigned Letter to Miss Felton (Mar. 12, 1912), "Women in the Criminal Justice System, 1912–1953" folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y ("Miss Chase of the W.C.T.U. requests that our Organization also express a desire . . . for women on our police force."); see Letter from Clara Moore, Corresponding Sec'y, Woman's Political League of Cal., to Sec'y, S.F. Ctr. of Cal. Civic League (Mar. 13, 1913), "Women in the Criminal Justice System, 1912–1953" folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y (asking for cooperation with the Woman's Political League to ascertain whether restrictions preventing the hiring of policewomen could be removed from the city charter); Letter from Clara Moore, Corresponding Sec'y, Woman's Political League of Cal., to Louise Herrick Wall, Sec'y, S.F. Ctr. of Cal. Civic League (June 2, 1913), "Women in the Criminal Justice System, 1912–1953" folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y ("[M]any other cities have had Police Women for years, and San Francisco is in sore need of the services of women in the capacity of Protective Officers.").

133. Letter from Mrs. P.H. Pierson, Corresponding Sec'y, S.F. Ctr. of Cal. Civic League, to David A. White, Chief of Police (May 4, 1916), "Women in the Criminal Justice System, 1912–1953" folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y (asking the police chief to request funds "for an increase in the number of women on the police force"). However, three years earlier, the San Francisco Center doubted that a city charter amendment was needed "to allow some use to be made of women in the police department." At that time, it did not support efforts by other women's clubs to achieve such an amendment, though it agreed that having women serve in

Chief of Police flattered the suffragists by writing: "The advent of women into the political life of California has had a marked effect on the operations of Police Departments. In San Francisco we have *three* women protective officers who have labored . . . with . . . success in the preservation of law, order and morality."¹³⁴ The San Francisco Center's corresponding secretary wrote to the Chief repeatedly, urging him to make budget allocations to hire additional policewomen for "the work among women and children."¹³⁵

Female officers were thought to be especially well-suited to preventive policing tactics, such as the referral of dance-hall girls for medical and psychological diagnosis. Unlike male officers, policewomen might succeed in keeping female offenders' cases *out* of court so that they could be taught right and wrong without being put behind bars; in fact, prostitutes were "rarely sent to jail."¹³⁶ Policewomen could also write reports and help educate the public about "the terrible effect of the improper home environment."¹³⁷ Because "criminals are not born but made by environment . . . there must be reform measures in communities, as well as among criminals."¹³⁸ Hence, a speaker told the San Francisco Center's committee on delinquency that the city "needed not fewer than twenty-one policewomen" to assist with such matters.¹³⁹

the SFPD would be of "unquestionable value." Letter from Corresponding Sec'y, S.F. Ctr. of Cal. Civic League, to Clara Moore, Corresponding Sec'y, Woman's Pol. League of Cal. (June 19, 1913), "Women in the Criminal Justice System, 1912-1953" folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y; *see also* Letter from Clara Moore, to Louise Herrick Wall, *supra* note 132 (expressing surprise that the San Francisco Center "deems the time not yet ripe for action in this matter").

134. Telegram from David A. White, Chief of Police (Oct. 6, 1915), "Women's Suffrage, 1911-1920" folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y (emphasis added).

135. Letter from Mrs. P.H. Pierson, to David A. White, *supra* note 133; *see also* Letter from Maude R. Mott, Corresponding Sec'y, S.F. Ctr. of Cal. Civic League, to David A. White, Chief of Police (Apr. 28, 1917), "Women in the Criminal Justice System, 1912-1953" folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y (requesting that the new budget include appropriations to add more women to the police force).

136. Report of the First Meeting of the Delinquency Problem Section of the S.F. Ctr. of Cal. LWV (Sept. 16, 1925), "Crime" folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y (describing the main points made by the Western Director of the International Association of Policewomen, the Supervisor of the Dance Halls, and experts on juvenile courts and probation); Report of the Second Meeting of the Delinquency Problem Section, *supra* note 82.

137. Report of the First Meeting of the Delinquency Problem Section, *supra* note 136.

138. *Id.*

139. *Id.*

In the mid-1920s, San Francisco clubwomen proposed the creation of a policewoman's bureau like the ones already established in Washington, D.C. and several other cities; ideally, the proposed unit would be headed by a female supervisor.¹⁴⁰ Although the San Francisco Center had previously opposed a city charter amendment, it now saw such an amendment as a necessary step to establish an all-female bureau. To this end, a special committee sought to persuade the Police Commissioners to cooperate.¹⁴¹ But in 1926, the President of the Police Commission delivered the bad news that traffic officers and traffic signals were higher priority, and "it couldn't all be done this year."¹⁴² The SFPD still had only three policewomen in the 1930s, and they had never been given the kind of crime-prevention duties that reformers envisioned.¹⁴³ Indeed, despite the police chief's praise for the "healthy interest in police affairs" that newly enfranchised California women exhibited,¹⁴⁴ the SFPD proved firmly set in its opposition to gender diversity for the next several decades.

Motivated to participate on a state and local level in the civil service reform campaign that the national LWV launched,¹⁴⁵ San Francisco Center leaders renewed their focus during World War II on getting the SFPD to hire trained women with a background in social work. After decades of failed efforts to bend the ear of top police brass, Harriet Eliel, a prominent figure in state

140. Report of the Chairman of the Study and Prevention of Delinquency Committee, *supra* note 123.

141. *See id.* For a brief discussion of the San Francisco Center's earlier lack of interest in a charter amendment, see *supra* note 123.

142. Letter from Rose B. Wallace, to Mrs. [Harriet] Eliel, *supra* note 99.

143. *See* SURVEY POLICEWOMEN AND THEIR DUTIES IN THE STATE OF CALIFORNIA (1932), "Prison System: 1913-1937, Women's Prison" folder (2 of 3), Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y.

144. Telegram from David A. White, *supra* note 134.

145. *See* YOUNG, *supra* note 1, at 114–16 (describing how civil service reform created opportunities for women); *State League of Women Voters Issues Call to Convention*, S.F. CHRON. (1865–2017), Sept. 10, 1936, at 16, NEWSBANK (listing "Qualified personnel in Government service" as the first item on the "proposed program of work" at the state League's 1936 convention); *Propose Changes in Civil Service Part of Charter*, ORGANIZED LABOR, May 29, 1948, at 1, 3, CDNC (reporting that Mrs. Ilot Johnson of the San Francisco Center was a member of the Civil Service Committee considering "[m]ajor modifications in San Francisco's merit-system procedure").

and local League affairs,¹⁴⁶ complained in 1943: “San Francisco [still] has no Police Women in the best sense of that term.”¹⁴⁷

Yet the obstruction of female recruitment continued. The Personnel Director for the City and County of San Francisco informed the clubwomen in April 1944 that twenty-seven out of twenty-nine applicants to be Class Q20 policewomen “lacked qualifying experience.”¹⁴⁸ Only two were referred for further medical and character examination.¹⁴⁹ The next month, an official Civil Service Commission bulletin (printed on pink paper, of course!) again announced hiring opportunities for female officers, but “only for the duration of the war or not more than six months following the cessation of hostilities . . .”¹⁵⁰ Indeed, throughout the 1950s and 1960s, “SFPD officers patrolling San Francisco’s streets [continued to be] predominantly Catholic, and white and exclusively male.”¹⁵¹ The eight policewomen assigned to the department at mid-century only worked on juvenile

146. Harriet Eliel led the state LWV for several years and took a keen interest in legislation. She was the wife of Paul Eliel, an industrial relations professor at Stanford University. See Zilfa Estcourt, *Women Voters Make Changes: Mrs. Eliel Is Leaving for Washington*, S.F. CHRON. (1865–2017), Oct. 31, 1936, at 16, NEWSBANK (noting Harriet Eliel’s role in the California LWV and her marriage to a newly-appointed Stanford professor); see also *Stanford Adds New Course on Industry*, S.F. CHRON. (1865–2017), Apr. 24, 1936, at 3, NEWSBANK (reporting Paul Eliel’s appointment to the Stanford faculty and his marital relationship to Harriet). In addition to her role as President of the California LWV, Harriet also headed the San Francisco Center and dedicated energy to educational issues statewide and in the Bay Area. See *League Split on School Tax*, S.F. CHRON. (1865–2017), June 2, 1932, at 2, NEWSBANK; *Mrs. Paul Eliel Will Address Teachers*, S.F. CHRON. (1865–2017), Nov. 5, 1942, at 12, NEWSBANK. For a brief discussion of Harriet Eliel’s role in advocating for the establishment and enlightened management of a women’s prison with rehabilitative objectives, see *infra* notes 209–210 and accompanying text.

147. Letter from Mrs. Paul [i.e., Harriet] Eliel, to Mr. Elkus (Nov. 12, 1943), “Women in the Criminal Justice System, 1912–1953” folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc’y. In contrast, Los Angeles hired policewomen earlier and in far greater numbers than San Francisco. See *infra* notes 154–157 and accompanying text.

148. Letter from Mrs. Kathleen Dolen, Personnel Dir. & Sec’y, City & Cty. of S.F., to Miss Charlotte Kempner, S.F. Ctr. of Cal. LWV (Apr. 6, 1944), “Women in the Criminal Justice System, 1912–1953” folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc’y.

149. *Id.*

150. S.F. CIVIL SERV. COMM’N, OFFICIAL BULLETIN ANNOUNCING OPPORTUNITIES FOR IMMEDIATE EMPLOYMENT IN THE MUNICIPAL SERVICE (May 31, 1944), “Women in the Criminal Justice System, 1912–1953” folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc’y (seeking applicants for “Policewoman, Class Q4”).

151. CHRISTOPHER LOWEN AGEE, *THE STREETS OF SAN FRANCISCO: POLICING AND THE CREATION OF A COSMOPOLITAN LIBERAL POLITICS, 1950-1972*, at 53 (2014).

and sex cases.¹⁵² This tiny band of female officers could not wear uniforms or interview adults—not even rape victims.¹⁵³

The situation in Los Angeles was somewhat different. In 1910, the Los Angeles Police Department (LAPD) hired Alice Stebbins Wells, “the first regularly appointed female police officer in the United States.”¹⁵⁴ Black and multilingual officers were also sought during the Progressive Era.¹⁵⁵ By the early 1930s, the LAPD employed thirty-seven women officers, which put it “numerically well toward the top among cities of the United States respecting the employment of policewomen.”¹⁵⁶ There were ninety-seven female officers on the force in 1950.¹⁵⁷ At mid-century, Los Angeles policewomen wore uniforms and underwent relatively rigorous physical, legal, and weapons training.¹⁵⁸

Nevertheless, female LAPD officers struggled to achieve equal pay and promotion to higher ranks.¹⁵⁹ While their assignments were relatively diverse compared to those of policewomen

152. *See id.* The use of policewomen to assist with juvenile cases in San Francisco dated from their appointment “early in the policewomen movement” to assist with cases involving “minors, especially girls.” SURVEY POLICEWOMEN AND THEIR DUTIES IN THE STATE OF CALIFORNIA, *supra* note 143, at 1.

153. *See* AGE, *supra* note 151.

154. *Public Knows Little of Their Work: Unsung Policewomen Aid Crime Prevention*, L.A. TIMES (1923–1995), Nov. 12, 1934, at A5, PROQUEST HIST. NEWSPAPERS, William A. Wise L. Lib., Univ. Colo.

155. *Protection's Cost Figured*, L.A. TIMES (1923–1995), Apr. 5, 1916, at I12, PROQUEST HIST. NEWSPAPERS.

156. SURVEY POLICEWOMEN AND THEIR DUTIES IN THE STATE OF CALIFORNIA, *supra* note 143, at 1.

157. Robert E.G. Harris, *It's Difficult to Qualify as Policewoman Here*, L.A. TIMES (1923–1995), May 17, 1950, at A5, PROQUEST HIST. NEWSPAPERS.

158. *See, e.g., Policewomen Aspirants Put Through Paces*, L.A. TIMES (1923–1995), Aug. 18, 1946, at 11, PROQUEST HIST. NEWSPAPERS (describing physical eligibility tests); *Policewomen Get Legal Instruction*, L.A. TIMES Oct. 16, 1947, at A8, PROQUEST HIST. NEWSPAPERS (reporting that female Police Academy graduates would receive training in legal procedure and pistol skills). Feminine uniforms with v-necklines and slit skirts had been replaced with more somber styles and colors in the 1910s. *Policewomen No Fashion Plates*, L.A. TIMES, Sept. 18, 1914, at II1, PROQUEST HIST. NEWSPAPERS.

159. *See, e.g., Policewomen Make Pay Plea to Clubs*, L.A. TIMES (1886–1922), Oct. 17, 1917, at II6, PROQUEST HIST. NEWSPAPERS (reporting that female LAPD officers asked local women's clubs to help them combat salary discrimination); *see also Policewomen Rank Proposal Spurned*, L.A. TIMES (1923–1995), Feb. 28, 1944, at A3, PROQUEST HIST. NEWSPAPERS (stating that the LAPD Chief opposed creating the ranks of sergeant and lieutenant for the city's forty-nine policewomen). Despite the Chief's opposition, women with two years' experience on the force became eligible in 1944 to take a civil service exam for promotion to sergeant. *Two Policewomen Sergeants Sought*, L.A. TIMES (1923–1995), Oct. 17, 1944, at A3, PROQUEST HIST. NEWSPAPERS.

in San Francisco, they were still assigned primarily to work involving juvenile delinquents, shoplifters, and prostitutes throughout the period covered by this Article; in other types of cases, their usual task was to escort female offenders to and from the jail.¹⁶⁰ By the late 1940s, they could patrol a beat, though only with a male partner.¹⁶¹

Even the clubs that supported policewomen's rights narrowly valued the advice, protection, and control that the "city's fairest" provided young girls in the movie studios and dance halls around the city.¹⁶² This association of policewomen with the regulation of morality was common. In some other Southern

160. See *Public Knows Little of Their Work*, *supra* note 154 (describing Los Angeles policewomen's role in handling female prisoners and preventing juvenile delinquency); R.W. Shepard, *Blame Laid on Parents*, L.A. TIMES, Sept. 6, 1937, at A3, PROQUEST HIST. NEWSPAPERS (noting that female officers were assigned to the dance-hall detail and the women's probation department); *Horrall Seeks Policewomen*, L.A. TIMES (1923-1995), Sept. 29, 1943, at A3, PROQUEST HIST. NEWSPAPERS (stating that the LAPD Chief sought funding for 12 new policewomen to combat the rise in juvenile delinquency during World War II); *Policewomen on Skid Row? One Day Only*, L.A. TIMES (1923-1995), June 30, 1948, at 2, PROQUEST HIST. NEWSPAPERS (stating that uniformed policewomen would "patrol bus depots, railway stations and theaters to help with juvenile cases, lost youngsters and destitute women"); see also *What the Police Are Doing*, L.A. TIMES (1923-1995), Dec. 24, 1929, at A3, PROQUEST HIST. NEWSPAPERS (reporting that policewomen investigated shoplifting in downtown stores).

161. *Policewomen on Skid Row? One Day Only*, *supra* note 160 (reporting that, by order of the LAPD Chief, women could only patrol metropolitan areas with a male partner; they could not walk a beat with another policewoman or patrol Skid Row).

162. In the 1910s, both the LAPD Chief and the women's clubs sought the expertise of policewomen to combat "white slave conditions." George H. Bixby, *Bixby's Story to Grand Jury*, L.A. TIMES (1886-1922), Apr. 29, 1913, at II2, PROQUEST HIST. NEWSPAPERS; see *Cities and Towns of Los Angeles County: Mothers Start New Campaign*, L.A. TIMES (1886-1922), July 1, 1913, at II6, PROQUEST HIST. NEWSPAPERS. Protecting potential sex-trafficking victims necessitated deterring young women from alcohol consumption. See *Policewomen in a Café*, L.A. TIMES (1886-1922), Dec. 7, 1913, at II2, PROQUEST HIST. NEWSPAPERS (stating that policewomen would send drunken girls home and summon the café proprietor before the Police Commission). Requests for increased numbers of female officers to handle crimes involving sex, drinking, and harassment continued to be made in subsequent decades. See, e.g., *Wants Policewomen: Second Hollywood Club Urges Girl Film Workers Be Protected*, L.A. TIMES (1886-1922), Oct. 27, 1921, at II3, PROQUEST HIST. NEWSPAPERS (noting that two women's clubs urged female officers to regulate the conduct of young women at movie studios); *Clubs Open War on Sheiks*, L.A. TIMES (1923-1995), Aug. 22, 1925, at A1, PROQUEST HIST. NEWSPAPERS (reporting that the City Council and Police Commission received demands for more female officers to target male harassment of women and children). For use of the term the "fairest" to describe female LAPD officers, see, for example, *Oaks Is Banquet Guest: Praises Work of "City's Fairest" at Celebration of His First Year as Department Head*, L.A. TIMES (1923-1995), Apr. 24, 1923, at II22, PROQUEST HIST. NEWSPAPERS.

California cities, female officers enforced ordinances against kissing in public and made sure beachgoers wore decent clothing.¹⁶³

The segregated work that female police officers performed in San Francisco was at least partially attributable to the local LWV's limited vision. Although efforts to establish a merit system opened unprecedented access to jobs for women across the United States,¹⁶⁴ the civil service reform agenda of the LWV, to which the unsuccessful plan for a San Francisco Policewomen's Bureau belonged, resonated with the turn-of-the-century social purity campaigns that brought many women into political activism.¹⁶⁵ The Victorian aspects of the demand for policewomen on the SFPD, which coexisted with an emphasis on training and merit, abridged policewomen's role to that of preventing prostitution and rehabilitating sex workers. Such a gender-specific niche impeded real integration and equality on police forces for many decades. In the 1960s, when female SFPD officers finally augmented their area of expertise beyond morals offenses, they were allowed to become "station clerks" and "meter maids," and even that slight expansion of their job titles outraged the Police Officers Association.¹⁶⁶

III. A PRISON WITHOUT WALLS: THE REHABILITATION OF FEMALE OFFENDERS

A third initiative—the clubwomen's efforts to establish a "prison without walls" to rehabilitate female offenders—also ran up against formidable impediments. The founding of a reformatory for convicted women in a grassy valley rimmed by mountains near Tehachapi was more revolutionary in conception than most of the California LWV's criminal justice projects in the first half of the twentieth century. But it also led, at least initially, to one of their greatest debacles.

A. *The Struggle to Establish a Separate, Rehabilitative*

163. *Kissless Riverside*, L.A. TIMES (1886–1922), May 7, 1918, at II4, PROQUEST HIST. NEWSPAPERS; *Women Police Patrol Beach: Long Beach Regulates Conduct and Costumes*, L.A. TIMES (1886–1922), Jan. 10, 1922, at II9, PROQUEST HIST. NEWSPAPERS.

164. See YOUNG, *supra* note 1, at 114–15.

165. See BLACK, *supra* note 1, at 271.

166. AGEE, *supra* note 151, at 194–95.

Institution for Female Felons

Alicia Mosgrove, a humanitarian leader from San Francisco, lamented the overcriminalization of women's behavior and envisioned the establishment of a farm or "ranch" where expert staff would rehabilitate, rather than punish, female convicts.¹⁶⁷ Together with prominent clubwomen, Mosgrove spent more than a decade trying to establish a women's facility to be "a substitute for the old-time jail" or the state penitentiary.¹⁶⁸ She wanted to restore inmates' self-respect and prepare them for reentry into society.¹⁶⁹ The proposed institution would house female offenders in attractive buildings with peaked roofs where many would sleep in single-occupancy bedrooms rather than cells.¹⁷⁰ The fertile land promised large yields of wheat, potatoes, pears, peaches, and other crops that would allow the inmates to grow their own food.¹⁷¹ In addition to farming, they would engage in "industries such as sewing, laundry, cooking, [and] housekeeping" to train them for "professional work," and illiterate women

167. *New Women's Prison Scene of Unique Test*, S.F. CHRON. (1865–2017), May 25, 1932, at 4, NEWSBANK; see *Says Too Many Women in Jails*, S.F. CHRON. (1865–2017), Aug. 12, 1931, at 12, NEWSBANK (describing Mosgrove's views on over-criminalization and the rising incarceration of women); *Woman Prison Head Resigns in Wall Row*, S.F. CHRON. (1865–2017), July 7, 1932, at 1, NEWSBANK (labelling Mosgrove, who briefly served as Superintendent of the new women's prison at Tehachapi, as a "San Francisco leader in humanitarian work").

168. *New Women's Prison Scene of Unique Test*, *supra* note 167.

169. *Id.*

170. For a description of the "honor cottages" that were constructed with an innovative layout of thirty-one bedrooms each, see *Women at Tehachapi Beauty Spot to Be Prisoners, Not Farmerettes*, S.F. CHRON. (1865–2017), Nov. 12, 1933, at 54, NEWSBANK. Heightened security features, including a fence, were subsequently added, see *infra* notes 201–208 and accompanying text, but the institution retained the cottages. See also Bernice Freeman, *Tehachapi Prison – It's Hard to Get In (and Out, Too): Feminine Touch Is Evident in the Institution for Women*, S.F. CHRON. (1865–2017), Nov. 14, 1943, at 78, NEWSBANK (showing that inmates were still housed in cottages with nicely decorated sleeping rooms in the 1940s). Because "not all the women [were] to be trusted," the facility that was actually built also contained a more traditional prison building with tighter security; yet, even here, the cells were light-filled and "cheery." *New Women's Prison Scene of Unique Test*, *supra* note 167.

171. See Mrs. Gertrude Slocum, "Why I Favor a Separate Board for the Women's Institution at Tehachapi," Commonwealth Club of Cal., Section on Delinquency Minutes (June 4, 1936), at 1, "Prison System: 1913-1943" folder (3 of 3), Box 3, LWV-SF, MS 1270, Cal. Hist. Soc'y (describing the physical characteristics of the prison site and how it was chosen); Emily D. Latham, *What Women Are Thinking: An Excursion into Penology*, S.F. CHRON. (1865–2017), Apr. 20, 1934, at 20, NEWSBANK (same).

would be taught to read and write.¹⁷² Hence, female offenders could complete their education and learn a trade.

Rather than being grounded in formal equality, the plan clearly embraced gender difference. In the opinion of one San Francisco Center leader who served as a trustee of the new prison, “women are quite different than men in many ways and . . . women’s needs should be met by women.”¹⁷³ The maternal imagery that suffused prison reform rhetoric also tended to infantilize female criminals and to bolster class and racial hierarchy. With a condescending air of superiority, for instance, prison reformers planned for counselors (instead of guards) to supervise the adult inmates as teachers did schoolgirls.¹⁷⁴

The San Francisco Center and the statewide LWV ardently supported this experiment, as did the California Federation of Women’s Clubs.¹⁷⁵ Rose Wallace provided important leadership: “It was she, while a member of the board of directors of the San Francisco Center . . . who first pointed out the need of a separate prison for women, instead of a building on the San Quentin grounds.”¹⁷⁶ For Wallace, the idea of a reformatory for female felons and habitual misdemeanants provided a solution to a disagreement that had arisen among club leaders over the re-establishment of an industrial farm for delinquent women in Sonoma County.¹⁷⁷ Upon the reopening of this “farm” after a fire and other troubles,¹⁷⁸ Wallace thought all female prisoners, including felons from the state penitentiary, should be transferred there.¹⁷⁹ In contrast, other clubwomen favored limiting the

172. Speech by Mrs. Gertrude Slocum, *supra* note 171, at 2 (describing the original goals of female reformers for founding a women’s prison in California).

173. *Id.*

174. See *Logrolling Blamed for Prison Muddle*, S.F. CHRON. (1865–2017), July 8, 1932, at 4, NEWSBANK (contrasting the clubwomen’s plan for the Tehachapi institution with the demands of the Board of Prison Terms and Paroles).

175. See *Club Leaders Ired at Criticism of Tehachapi Revision Plans*, S.F. CHRON. (1865–2017), May 16, 1934, at 21, NEWSBANK (noting the involvement of both organizations in the struggle for a women’s prison run by a female superintendent and grounded in rehabilitative principles).

176. *Harriet Haas Backed for Head of Tehachapi Prison*, S.F. CHRON. (1865–2017), Jan. 30, 1937, at 14, NEWSBANK (providing a retrospective account of Wallace’s role in the establishment of the women’s prison).

177. See *Clubwomen in Row over Sonoma Home*, S.F. CHRON. (1865–2017), Jan. 25, 1925, at 4, NEWSBANK (reporting disagreement over the type of offenders to be sent to the reestablished Sonoma women’s farm); *Clubwomen Disagree over Farm Bills*, S.F. CHRON. (1865–2017), Feb. 25, 1925, at 2, NEWSBANK (same).

178. *\$150,000 Requested for Sonoma Home*, S.F. CHRON. (1865–2017), Jan. 24, 1925, at 2, NEWSBANK.

179. *Clubwomen in Row over Sonoma Home*, *supra* note 177.

Sonoma facility to prostitutes and drug addicts.¹⁸⁰ If women convicted of major offenses could not serve their sentences at Sonoma, they would languish in San Quentin, an overcrowded penitentiary designed primarily for men.¹⁸¹

The former warden of New York's Sing Sing Prison advised the San Francisco Center that simply renovating the buildings at San Quentin would not address such women's needs.¹⁸² Instead, a new reformatory was needed. This innovative project would extend the concept of a rehabilitative, cottage-style institution beyond the leading East Coast reformatories at Bedford Hills, New York, and Framingham, Massachusetts,¹⁸³ to "hardened" misdemeanants and women convicted of felonies, including violent crimes.¹⁸⁴

The support of the LWV and particularly Rose Wallace for such a project constituted a significant step toward its establishment. In the 1930s, the LWV was "one of the powerful feminist organizations in . . . [California]."¹⁸⁵ And Wallace, known as "[t]he dean of woman lobbyists in Sacramento," had deep knowledge and experience in penology as well as "a 'Certified Advocate's' card, which gave her special privileges at the Capitol."¹⁸⁶ In 1927, the governor formed a prison-planning commission on which Wallace and another San Francisco Center leader, Gertrude Slocum, served.¹⁸⁷ This commission sought a site in Southern California to build a separate institution for women,

180. *Id.*

181. *Women Hear Former Sing Sing Warden*, S.F. CHRON. (1865–2017), Aug. 4, 1925, at 10, NEWSBANK.

182. *Id.*

183. Although Bedford Hills received a greater number of "incorrigible" women than originally anticipated or desired, its population in 1919 was overwhelmingly composed of prostitutes, rather than violent offenders or felons. FREEDMAN, *THEIR SISTER'S KEEPERS*, *supra* note 79, at 138, 141.

184. *Amendment to Abolish Judicial Counsel Faces Vote in Assembly Today: 3 Measures Dealing with Women Misdemeanants Get Right of Way*, S.F. CHRON. (1865–2017), Apr. 8, 1929, at 2, NEWSBANK. No death-row prisoners would be incarcerated at the new prison. *Id.* For further information on the passage of the appropriations bill for this project, see *Women Prison Bill Passes*, S.F. CHRON. (1865–2017), Apr. 10, 1929, at 6, NEWSBANK ("The proposed prison . . . would be built on the cottage plan.").

185. *Woman Prison Head Resigns in Wall Row*, *supra* note 167 (noting the LWV's support and objectives for the new prison).

186. *Women Score as Lobby at Capital*, S.F. CHRON. (1865–2017), June 2, 1935, at S7, NEWSBANK. By this time, Wallace had moved to Alhambra, California. *See id.*

187. *Women's Prison Board Appointed*, S.F. CHRON. (1865–2017), Sept. 23, 1927, at 18, NEWSBANK.

since a large percentage of the female inmates in San Quentin came from that part of California, and there were “more women in the Los Angeles county jail for serious offenses than in all the other county jails of the State.”¹⁸⁸ A fertile valley near the town of Tehachapi was chosen based on a thorough study,¹⁸⁹ and in 1929, the sole female member of the California Legislature introduced a successful bill to appropriate funds for the establishment of the new prison.¹⁹⁰ That same year, the governor named a board of trustees dominated by women, including Wallace and Slocum, for the institution.¹⁹¹ It looked like the project was well under way.

However, in 1932—after the Tehachapi facility had been built and staffed with a female director to the tune of a \$500,000 bill for California taxpayers—state prison officials balked.¹⁹² The 125 female inmates scheduled to be transferred to Tehachapi had to stay in San Quentin.¹⁹³ Without a perimeter fence or cells with bars, the new facility did not satisfy the statutory definition of a “prison” and could not be used to house felons.¹⁹⁴ Male prison officials thought its physical design was better suited to treating narcotics addicts.¹⁹⁵ Moreover, according to the Attorney General, the legislature lacked authority to pass a bill that transferred control over female prisoners to the special Board of Trustees, the majority of whom were women.¹⁹⁶ By law, the state Prison Board had jurisdiction over all of San Quentin’s inmates.¹⁹⁷ Their fate could not be determined by a separate governing body formed to oversee the new Tehachapi facility—

188. *Site in South for Women’s Prison Urged*, S.F. CHRON. (1865–2017), Feb. 20, 1928, at 5, NEWSBANK.

189. Latham, *supra* note 171.

190. *Women Prison Bill Passes*, *supra* note 184.

191. *Governor Names Prison Board Members*, S.F. CHRON. (1865–2017), Nov. 19, 1929, at 8, NEWSBANK.

192. *Woman Prison Head Resigns in Wall Row*, *supra* note 167.

193. *Felons’ Shift to Tehachapi Strikes Snag*, S.F. CHRON. (1865–2017), May 29, 1932, at 3, NEWSBANK.

194. *Id.*; see *Women Prison Funding Stopped*, S.F. CHRON. (1865–2017), July 10, 1932, at 14, NEWSBANK (“Attorney General Webb ruled yesterday women prisoners in San Quentin were sentenced to a ‘prison’ and could not be transferred to . . . a ‘reformatory,’ without bars.”).

195. *Muddle Over \$500,000 Penal Farm Deepens*, S.F. CHRON. (1865–2017), July 9, 1932, at 4, NEWSBANK.

196. See *id.* The original Board of Trustees, established to select a suitable site for the prison, was composed of three female and two male members. *What Women Are Thinking: An Excursion into Penology*, *supra* note 171.

197. See *Tehachapi Amendment Supported*, S.F. CHRON. (1865–2017), July 13, 1936, at 20, NEWSBANK.

at least not without an amendment to the California State Constitution.¹⁹⁸ The trustees thus lost control,¹⁹⁹ and Alicia Mosgrove resigned as Superintendent in 1932, leaving the institution “not only tenantless, but headless.”²⁰⁰

Eventually, a ten-foot fence topped with barbed wire was built “to keep the women in and the cowboys out.”²⁰¹ Male guards patrolled the perimeter on horseback.²⁰² Instead of farming 150 acres, the prisoners could only cultivate a garden within the twelve acres bounded by the security fence.²⁰³ A solitary confinement cell known as “the dungeon” served as a deterrent to “recalcitrant members of the penal colony.”²⁰⁴ The Prison Board deemed these measures essential to transfer female felons, including murderers and burglars, in batches of approximately thirty from San Quentin.²⁰⁵ Uriah A. Smith, a former road-camp superintendent, acted as Deputy Warden,²⁰⁶ and under the watchful eye of men,²⁰⁷ Tehachapi became just another prison in both official designation and the conditions to which it subjected its inmates.²⁰⁸

198. See *id.* (A constitutional amendment was needed “to make legal the separation of the prison from San Quentin and its administration by a separate board”).

199. *Women at Tehachapi Beauty Spot to Be Prisoners*, *supra* note 170 (“As the prison is now maintained, the trustees of the California Institution for Women have nothing to do with its management . . .”). The trustees had to cede control to the state Prison Board, headed by Charles Neumiller. See *Logrolling Blamed for Prison Muddle*, *supra* note 174; *Women Taken from San Quentin*, S.F. CHRON. (1865–2017), Sept. 1, 1933, at 21, NEWSBANK.

200. *Woman Prison Head Resigns in Wall Row*, *supra* note 167.

201. *Women at Tehachapi Beauty Spot to Be Prisoners*, *supra* note 170.

202. *Woman Made Deputy Warden for Tehachapi*, S.F. CHRON. (1865–2017), Mar. 7, 1934, at 19, NEWSBANK (“Six male guards will be on patrol outside the fence.”).

203. *Women at Tehachapi Beauty Spot to Be Prisoners*, *supra* note 170.

204. *Id.*

205. See *Women Taken from San Quentin*, *supra* note 199; *San Quentin Loses Second Woman Group*, S.F. CHRON. (1865–2017), Oct. 2, 1933, at 4, NEWSBANK; *Thirty Women Moved South from San Quentin*, S.F. CHRON. (1865–2017), Nov. 5, 1933, at 8, NEWSBANK.

206. *New Tehachapi Prison Ready to Receive Women Inmates*, S.F. CHRON. (1865–2017), Aug. 30, 1933, at 19, NEWSBANK.

207. Josephine Jackson became Superintendent and later Deputy Warden, but she still answered to James B. Holohan of San Quentin. *Woman Made Deputy Warden for Tehachapi*, *supra* note 202.

208. According to Dr. L.L. Stanley, Acting Warden of San Quentin, the California Institution for Women “is 350 miles from San Quentin, but it is San Quentin just the same.” *Women at Tehachapi Beauty Spot to Be Prisoners*, *supra* note 170; see *Woman Boss for Women*, S.F. CHRON. (1865–2017), Jan. 14, 1935, at 10, NEWSBANK (anticipating the resolution of the “verbal quibble” that hampered the women’s facility in Tehachapi).

However, neither the California LWV nor the California Federation of Women's Clubs abandoned the fight. Instead, they launched a two-pronged strategy to return the Tehachapi facility to its original management and purpose. First, they called public attention to the inadequacy of how the prison was being run. Harriet Eliel, the "intellectual president of the California League of Women Voters,"²⁰⁹ bemoaned the "appalling" conditions of confinement in Tehachapi, where women were allegedly "abused, exploited[,] and mistreated."²¹⁰ Executive officers of the San Francisco Center visited the prison and reported that inmates sat idly instead of pursuing the agricultural and industrial projects originally planned to make the institution self-sustaining. The prisoners ate canned fruit rather than growing their own, and equipment designed to teach sewing and commercial laundry skills went unused.²¹¹ Following her visit, the Vice President of the San Francisco Center expressed her view that "[f]or outdoor work within the women's capacities, the raising of rabbits and chickens and gardening . . . could be carried on with success if there were only real leadership."²¹²

Even the appointment of Josephine Jackson as Deputy Warden did not prove to be a panacea. When Jackson took her post in the spring of 1934, replacing Smith, female reformers initially saw the personnel change as "a distinct step forward" and declared: "Getting men off the place is the best thing that has happened to the prison so far."²¹³ But it was not enough. Jackson had been a matron at San Quentin, the largest and most overcrowded prison in the world, and the clubwomen began to raise thinly veiled concerns that Tehachapi still needed a better-

209. *Women Score as Lobby at Capital*, *supra* note 186.

210. *Tehachapi Prison Charges Stir Denial*, S.F. CHRON. (1865–2017), Mar. 8, 1934, at 3, NEWSBANK; *see Tehachapi Hit by Leader of Women Voters*, S.F. CHRON. (1865–2017), Feb. 28, 1934, at 5, NEWSBANK (reporting similar criticisms from Eliel); *New President Elected at State Federation of Women's Clubs Meeting*, S.F. CHRON. (1865–2017), May 18, 1935, at 17, NEWSBANK (reporting that Eliel believed a trained superintendent and facilities for recreation and education would help remedy "the immoral conditions" in the prison).

211. *Prison Farm at Tehachapi Goal of Women*, S.F. CHRON. (1865–2017), May 17, 1934, at 17, NEWSBANK; *Feminists Hail Appointment of Woman Warden at Tehachapi*, S.F. CHRON. (1865–2017), Mar. 9, 1934, at 19, NEWSBANK.

212. *Prison Farm at Tehachapi Goal of Women*, *supra* note 211 at 17; *see Tehachapi Hit by Leader of Women Voters*, *supra* note 210 (reporting a similar critique by Eliel).

213. *Feminists Hail Appointment of Woman Warden at Tehachapi*, *supra* note 211.

trained leader, steeped in principles of rehabilitative penology.²¹⁴

Second, the clubwomen sought an amendment to the state constitution to allow a board of trustees independent of San Quentin to manage the Tehachapi facility.²¹⁵ They further advocated that this governing body be “composed mostly of women.”²¹⁶ After a successful effort by the LWV and the federated women’s clubs to generate support, California voters passed Proposition 21, adopting the requisite constitutional amendment in 1936.²¹⁷ The next step was to secure appointment of “qualified women to the board of trustees.”²¹⁸ When the governor named the trustees before Christmas that year, Rose Wallace and two other women received their commissions to a female-dominated board that was responsible for granting parole under California’s indeterminate sentencing system, as well as making decisions about prison management.²¹⁹

By 1937, the women’s institution finally seemed to have the trained, female superintendent of which the club leaders had dreamed: Florence Monahan, a jolly woman of steel with two decades’ experience in corrections and a strong belief that offenders could be taught the rules of society through hard work,

214. *Club Leaders Ired at Criticism of Tehachapi Revision Plans*, *supra* note 175 (describing club leaders’ concern about inadequate educational and occupational programming and lack of trained staff at Tehachapi, even after Jackson’s appointment); see *San Quentin Faces Entire Reorganizing*, S.F. CHRON. (1865–2017), May 8, 1934, at 1, NEWSBANK (noting the size and conditions of San Quentin). Female leaders did not limit their vision of prison reform to the treatment of incarcerated women. Prison reformer Maud Booth, for example, informed a women’s club in San Francisco that, in her opinion, only 20 percent of the entire incarcerated population needed to be housed in cells and managed with guns. *Maud B. Booth Speaks About Jails at Tea*, S.F. CHRON., June 1, 1934, at 23, NEWSBANK.

215. See *Prison Farm at Tehachapi Goal of Women*, *supra* note 211 (reporting that the California LWV would join the California Federation of Women’s Clubs in advocating such an amendment); *Vote League Prepares for Action*, S.F. CHRON. (1865–2017), Oct. 18, 1936, at 54, NEWSBANK (describing Amendment 21 as a “major objective” of both California women’s organizations for several years).

216. *League Plans Outlined by Mrs. Eliel*, S.F. CHRON. (1865–2017), Dec. 23, 1934, at 46, NEWSBANK; see Zilfa Escourt, *Plan in Line with Policy of U.S. Group*, S.F. CHRON. (1865–2017), July 1, 1935, at 16, NEWSBANK (noting that the California Federation of Women’s Clubs favored “the appointment of a separate board of administrators, the majority of whom will be women” to reform the Tehachapi prison).

217. See Zilfa Estcourt, *Organization Makes Plea to Governor: Action Follows Adoption of Proposition 21*, S.F. CHRON. (1865–2017), Nov. 28, 1936, at 14, NEWSBANK (reporting that the amendment had been adopted).

218. *Id.*

219. *Women to Rule New Tehachapi State Prison*, S.F. CHRON. (1865–2017), Dec. 27, 1936, at 60, NEWSBANK.

participation in games, and observance of patriotic holidays.²²⁰ Rose Wallace chaired the Board of Trustees,²²¹ and clubwomen who visited the prison reported happily that the inmates were now kept occupied with suitable activities.²²² News articles remarked on the balance the superintendent and the Board of Trustees tried to strike between deterrence and respect for the female offenders' humanity and capacity for change.²²³

B. *The Earthquake and the End of the Tehachapi Prison*

The story of Tehachapi ultimately ended in disappointment, rather than triumph. Superintendents came and went.²²⁴ Despite efforts to keep the inmates busy with work, club leaders who visited around mid-century concluded that “the surrounding rocky hills [were] not suitable to farming by women.”²²⁵ In excess of 300 offenders—more than twice the number the prison originally was built to house—now crowded its buildings.²²⁶ The remote location hampered the hiring and retention of skilled staff; there was no doctor on the premises, and the distance to

220. Tom Irwin, *Meet Miss Monahan, Warden: Tehachapi Head Reforms Wayward Girls*, S.F. CHRON. (1865–2017), June 23, 1937, at 2, NEWSBANK; *Delinquency of Children Is Problem, Says Expert*, S.F. CHRON. (1865–2017), Jan. 11, 1938, at 16, NEWSBANK.

221. See Zilfa Escourt, *Los Angeles Woman Passes Highest Test for Parole Officer of Woman's Prison: Mrs. Everett B. Latham Leads Field of Four for Office*, S.F. CHRON. (1865–2017), July 9, 1937, at 19, NEWSBANK (“This movement [for a separate prison for female offenders managed by women] began in the San Francisco Center of the League of Women Voters at the inspiration of Mrs. Rose Wallace, now serving as chairman of the board of trustees of the institution.”).

222. *Improvement at Tehachapi Wins Praise: State Federation Is Gratified Over New Setup*, S.F. CHRON. (1865–2017), Sept. 24, 1937, at 16, NEWSBANK.

223. Inmates wore print dresses, rather than drab uniforms; they could apply makeup, smoke cigarettes, and decorate their rooms. But nevertheless, one inmate said dryly: “This place is alright as these places go, but I'll bet I'll have sense enough to stay in my own home if I ever get back there.” Freeman, *supra* note 170.

224. Monahan had a troubled tenure and was replaced by Alma Holzschuh. See *No Comment: Head of Women's Institute at Tehachapi Resigns*, S.F. CHRON. (1865–2017), July 7, 1941, at 1, NEWSBANK (reporting that Monahan had submitted her resignation, after temporarily being removed from office); *The Federation: Tehachapi Appointment Will Be Condemned*, S.F. CHRON. (1865–2017), Jan. 4, 1942, at 20, NEWSBANK (describing opposition from the California Federation of Women's Clubs to the proposed appointment of a woman who lacked the right training); Freeman, *supra* note 170 (noting that Holzschuh had instead been appointed superintendent).

225. Ann Wilkinson, *Club Notebook*, S.F. CHRON. (1865–2017), Mar. 23, 1950, at 11, NEWSBANK.

226. *Id.*

the nearest substantial town made it impossible to provide adequate emergency medical care.²²⁷ Occasional escape attempts tarnished the bucolic ideal of a reformatory comprised of curtained cottages. In 1949, male guards even had to quell a riot started by “[s]even knife-toting women convicts.”²²⁸ For these and other reasons, the state decided to abandon the Tehachapi institution and build a \$4 million replacement in Corona, California.²²⁹ By the time the cornerstone for the California Institution for Women (CIW) near Corona was laid,²³⁰ most clubwomen agreed that the “noble experiment” at Tehachapi should end.²³¹

The Tehachapi women’s institution operated until a major earthquake destroyed it in 1952.²³² The inmates were evacuated without serious injury or misconduct; they temporarily resided in tents within the fenced perimeter and ate food cooked outside in a barbecue pit,²³³ but the prison was “wrecked beyond repair.”²³⁴ The quake caused even more destruction in the actual town of Tehachapi, where at least eleven people perished.²³⁵ The newly formed State Department of Corrections immediately announced that it would rush to complete the women’s prison at Corona so the Tehachapi inmates could be transferred there.²³⁶

227. *Id.*; see also *New State Penitentiaries: Tehachapi Will Be Abandoned, Another Men’s Prison Sought*, S.F. CHRON. (1865–2017), Oct. 16, 1947, at 1, NEWSBANK (explaining why the Tehachapi prison would be abandoned).

228. *Riot of Seven Women Convicts Broken Up*, S.F. CHRON. (1865–2017), May 14, 1949, at 3, NEWSBANK.

229. See *New State Penitentiaries*, *supra* note 227.

230. *Women’s Prison*, S.F. CHRON. (1865–2017), Nov. 20, 1951, at 18, NEWSBANK.

231. Wilkinson, *supra* note 225; June Hogan, *Federation Endorses Legislation*, S.F. CHRON. (1865–2017), June 8, 1951, at 7, NEWSBANK. The phrase “noble experiment” comes from a description of the prison’s physical plant and rehabilitative aims at the time of its founding. *New Women’s Prison Scene of Unique Test*, *supra* note 167. Such aims were not completely abandoned when female prisoners were moved to Corona, but problems at the new facility obstructed the prison reformers’ vision. See *infra* notes 237–248 and accompanying text.

232. David Perlman, *Tehachapi Revives, Lesser Shocks Felt: Quake Scene*, S.F. CHRON. (1865–2017), July 23, 1952, at 1, 13, NEWSBANK.

233. *Some Terror, No Panic: No Escapes at the Prison*, S.F. CHRON. (1865–2017), July 22, 1952, at 2, NEWSBANK.

234. *Tehachapi’s Day of Terror*, S.F. CHRON. (1865–2017), July 27, 1952, at 77, NEWSBANK.

235. *Tehachapi Quake Kills 11: At Least 25 Injured, Millions in Damage*, S.F. CHRON. (1865–2017), July 22, 1952, at 1, NEWSBANK.

236. *Quake Cleanup: Rebuilding the Tehachapi Area – A Long and Costly Process*, S.F. CHRON. (1865–2017), July 25, 1952, at 14, NEWSBANK. State legislation established the California Department of Corrections in the 1940s during the governorship of Earl Warren. *Warren May Agree to Head Delegation*, S.F. CHRON.

The Corona facility was supposed to continue the work of its predecessor, and to some extent, it did. It boasted rehabilitative programming and cottage-style architecture behind a fence capped with rolls of barbed wire.²³⁷ Its “attractive, low green buildings” and relatively pleasant atmosphere surprised visitors because it housed “all of California’s female big-time law offenders”—mostly forgers, narcotics addicts, and women convicted of various types of criminal homicide.²³⁸ In the early years, former Tehachapi Superintendent Alma Holzschuh continued from her new post at Corona to emphasize the preparation of inmates for successful parole release and reintegration into society—policies consistent with her training in social work.²³⁹ The five-member parole board which decided the offenders’ fates was largely composed of women.²⁴⁰

But problems, old and new, soon emerged. Similar to the Tehachapi prison, vocational training at the CIW in Corona entrenched gender stereotypes: the female inmates learned “cooking, laundry work, sewing, cosmetology, gardening, ceramics, and printing.”²⁴¹ Indeed, rehabilitation was deemed vital for

(1865–2017), Jan. 8, 1944, at 5, NEWSBANK (describing penal reforms that included the replacement of the prison board with a new state corrections department).

237. See Mary Ann Callan, *Institution for Women: State Facilities at Corona Prove Rehabilitation Aid*, L.A. TIMES (1923–1995), Mar. 3, 1953, at B1, PROQUEST HIST. NEWSPAPERS; Mary Ann Callan, *CIW Offers Cure: New Rehabilitation Methods Outlined*, L.A. TIMES (1923–1995), Mar. 5, 1953, at B1, PROQUEST HIST. NEWSPAPERS; see also Norma H. Goodhue, *Women’s Institution at Corona 70% Successful*, L.A. TIMES (1923–1995), at July 20, 1955, at B1, PROQUEST HIST. NEWSPAPERS (describing the physical layout, including the fence).

238. Christy Fox, *Christy Fox at Parole Hearing: Forlorn Faces Light Up with Hope as Girls Get New Chance in Life*, L.A. TIMES (1923–1995), Apr. 29, 1957, at A4, PROQUEST HIST. NEWSPAPERS.

239. Mary Ann Callahan, *CIW Case Reviewed: Parole Officer Big Factor in Helping Girls Succeed*, L.A. TIMES (1923–1995), Mar. 9, 1953, at 3, PROQUEST HIST. NEWSPAPERS. As the 1950s progressed, a broader psychiatric turn in criminal law led to an increased focus on prisoners’ mental illness. In 1958, for example, professionals from the CIW met with officials representing other institutions to discuss group psychotherapy and other therapeutic approaches. *Therapy for Mental Ills Discussed: Dr. Corsini Talks at Meeting of Association Here*, L.A. TIMES (1923–1995), May 4, 1958, at 25, PROQUEST HIST. NEWSPAPERS.

240. See Mary Ann Callahan, *Cases Weighed at Corona: Parole Board Drama Unfolds*, L.A. TIMES (1923–1995), May 1, 1956, at B1, PROQUEST HIST. NEWSPAPERS.

241. *Glendale AAUW to Hear Talk on Mental Health*, L.A. TIMES (1923–1995), Nov. 29, 1955, at B3, PROQUEST HIST. NEWSPAPERS (reporting that the American Association of University Women planned to donate books to the CIW for the prison’s vocational education program). See, e.g., Goodhue, *supra* note 237 (noting that women prisoners also learned typing as an example of “commercial subjects” in the prison curriculum); *Women’s Prison Adviser Named*, L.A. TIMES (1923–1995),

women precisely because they had a “special role as *mothers* or *potential mothers*” and their delinquency and detention harmed their children, as well as themselves.²⁴² Neither the CIW nor its forerunner at Tehachapi fully rejected the gender segregation of occupations, nor did they ensure that separate-but-equal programming for female prisoners was really equal to what male convicts received. Moreover, funding shortfalls meant that even the CIW’s stereotypically feminine curriculum faced uncertainty.²⁴³

By 1955, the Corona prison had already been forced to confront overcrowding²⁴⁴ and the investigation of allegedly abusive conduct toward its inmates.²⁴⁵ For example, the complaints of Sheila Sinsheimer and several other prisoners led Superior Court Judge Kenneth C. Newell to recommend convening an impartial board of inquiry to consider evidence of “mistreatment” within the CIW’s walls.²⁴⁶ Sinsheimer—a habitual forger and writer of bad checks—claimed that Tehachapi and Corona prison officials denied her medical treatment for injuries suffered during the earthquake,²⁴⁷ but witness interviews supposedly indicated that the abuse at Corona was “more mental than physical.”²⁴⁸

In short, the compromises made at both Tehachapi and Corona meant that neither facility completely escaped becoming a

Oct. 7, 1953, at A3, PROQUEST HIST. NEWSPAPERS (reporting that a home economics professor had been appointed educational adviser to the CIW).

242. *AAUW Hears Justice Lillie*, L.A. TIMES, May 8, 1959, at A1, PROQUEST HIST. NEWSPAPERS (emphasis added) (reporting California appellate judge Mildred L. Lillie’s views on the importance of rehabilitating female offenders).

243. *See, e.g., State Prison Classes Terminated at Chino*, L.A. TIMES (1923–1995), May 8, 1953, at B9, PROQUEST HIST. NEWSPAPERS (reporting that the Board of Education terminated all classes at the CIW and the neighboring men’s institution because the California Legislature “has made no satisfactory provision to reimburse the [Chino Unified] school district for the cost of the educational program at the two prisons”).

244. *See Goodhue, supra* note 237 (stating that the current buildings were “not now enough to house an increasing number of law violators”).

245. *See Inmates Charge Personnel with Mistreatment: Corona Institution Board Voices Faith in Administration*, SAN BERNARDINO SUN, Mar. 25, 1955, at “City Page,” 20, CDNC.

246. *Corona Women’s Prison Inquiry Recommended*, L.A. TIMES (1923–1995), Mar. 24, 1955, at 1, PROQUEST HIST. NEWSPAPERS.

247. *Complaints Get Woman Respite from Prison*, L.A. TIMES (1923–1955), Mar. 26, 1955, at 7, PROQUEST HIST. NEWSPAPERS.

248. *Corona Women’s Prison Inquiry Recommended, supra* note 246. Sinsheimer avoided a third term in the state prison while the investigation was pending. *Complaints Get Woman Respite from Prison, supra* 247 (stating that a judge ordered Sinsheimer to serve an additional year in county jail instead).

conventional prison in a legal system and society still run mainly by men. The gender-specific status of these institutions proved to be a double-edged sword. The California LWV and other women's clubs derived their enthusiasm for the Tehachapi experiment from their view that gender differences made female criminals most amenable to rehabilitation in a special facility run by female experts. Yet gender specificity also entrenched gendered limits, such as the type of occupational training the inmates received, without guaranteeing that the women's facility would be free from the overcrowding, lack of funds, and complaints of abuse that plagued men's penitentiaries like San Quentin.

CONCLUSION

Scholars and activists have criticized the League of Women Voters for failing to brandish the banner of feminism in the years after the ratification of the Nineteenth Amendment.²⁴⁹ The League opposed an Equal Rights Amendment (ERA) for much of the twentieth century,²⁵⁰ and its non-partisan embrace of general social-welfare programs and international peace initiatives²⁵¹ eschewed a radical platform that might have brought sex equality to the fore of American politics. The conflict between women's organizations over the ERA hurt first-wave feminism and caused it to lose some of its momentum after suffrage.²⁵² In

249. See, e.g., BLACK, *supra* note 1, at 11, 26–27, 257–60, 272 (explaining how “equity feminists” have criticized the “social feminists” of the LWV).

250. The LWV refused to join the more militant NWP in advocating an Equal Rights Amendment in the 1920s. BLACK, *supra* note 1, at 259; STUHLER, *supra* note 1, at 57. The LWV formally removed opposition to the ERA from its agenda in 1954 but nevertheless stood “uncommitted” until 1972, when it finally endorsed the proposed amendment under pressure from state and local Leagues. BLACK, *supra* note 1, at 252–53, 279.

251. International cooperation occupied a key position on the LWV agenda in the interwar period and continued to occupy a great deal of the LWV's energy in the 1940s. See BLACK, *supra* note 1, at 272; YOUNG, *supra* note 1, at 4, 163–64.

252. See, e.g., FREEDMAN, REDEFINING RAPE, *supra* note 25, at 211 (“Internal to the women's movement, post-suffrage conflicts over the Equal Rights Amendment (ERA), which sought to eliminate gender distinctions in the law, fractured the response to rape.”); see also SHARER, *supra* note 1, at 125 (describing the schism between the LWV and the National Women's Party); TETRAULT, *supra* note 1, at 190–92 (illustrating how that schism also involved a struggle to control the symbolism and mythology of the women's rights movement); WARE, *supra* note 17, at 77–79 (explaining the differing viewpoints of female supporters and opponents of the ERA in the 1920s and 1930s). The network of exceptional women who rose to prominence in politics and government during the New Deal, most of whom opposed the ERA,

the 1920s, the LWV struggled with both low female voter turnout and a smaller League membership than anticipated.²⁵³ The latter likely arose from a lack of common objectives among suffragists after the passage of the Nineteenth Amendment.

As this Article has shown, San Francisco members who dedicated their energy to criminal justice reform took a more practical, gender-specific tack than the LWV or sister Leagues in other states.²⁵⁴ The San Francisco Center saw the need not only for woman-specific institutions but also for female lawyers, police, and other criminal justice personnel to enforce morals and rehabilitate female offenders. Rather than eschewing hands-on political activity in favor of seminars on citizenship,²⁵⁵ California clubwomen lobbied for legislation and supported female candidates for public office.

Yet the San Francisco Center embodied the vision of affluent white women. With the exception of the Tehachapi experiment, it employed Progressive tools in service of fundamentally conservative solutions to crime. Clubwomen in San Francisco extended the Victorian obsession with social purity into the twentieth century with their myopic focus on prostitution and other forms of vice. While recognizing that female delinquency stemmed from child neglect, poverty, domestic violence, and other trauma,²⁵⁶ they still left nineteenth-century approaches to

“failed to question women’s second-class status in American society. Never did they delve deeply into the causes of discrimination against women.” WARE, *supra* note 17, at 130.

253. See BLACK, *supra* note 1, at 265; YOUNG, *supra* note 1, at 56, 93.

254. For example, in contrast to San Francisco Center leaders, Lucy Miller—the first president of the Pennsylvania LWV—agreed with Carrie Chapman Catt that the LWV should limit its activities to the political education of women because if it “insisted on pursuing politically controversial legislation, the results would inevitably narrow the League’s membership base.” YOUNG, *supra* note 1, at 49.

255. Cf. SHARER, *supra* note 1, at 132–36 (describing the LWV’s sponsorship of citizenship schools and institutes on politics and government, primarily on the East Coast and in the Midwest.)

256. See, e.g., Memorandum from Edwin James Cooley, Reg’l Rep. of Fed. Sec’y Agency, Cmty. War Serv., Div. of Soc. Prot., to Mrs. S.M. Kempner (Aug. 17, 1943), “Women in the Criminal Justice System” folder, Box 3, LWV-SF, MS 1270, Cal. Hist. Soc’y (describing a study of 201 “disorderly girls” begun in January 1943). According to this study, one of four categories of female delinquents were women “disturbed by conflicts with their husbands, including some who had separated from their husbands because of marital conflict.” *Id.* The study further attributed female delinquency to “pressure of circumstances or environment and for a variety of social, economic, and emotional reasons,” rather than a psychological predisposition toward sexual promiscuity. *Id.*

offenses like “wife beating” largely unchallenged. As the twentieth century unfolded, the San Francisco Center, the state League, and other California women’s clubs supported female judges and prison administrators who increasingly sacrificed feminist goals to the interests of crime control. Prostitutes were jailed; inmates at Tehachapi and later at Corona did stereotypically feminine work. And, in a move that twenty-first-century reformers might see as a disturbing symbol of binary thinking about sex and gender, prison administrators evicted a transgender woman from the Tehachapi prison and sent her to the state penitentiary for men at San Quentin.²⁵⁷

It is easy to judge social and political movements with the clarity of hindsight. However, imposing a litmus test of twenty-first-century progressive values on American history ignores that human actors are complicated and imperfect and that positive change often occurs incrementally. After suffrage, women who favored protective legislation and woman-centered approaches parted ways with leaders committed to formal rights and sex equality. The LWV’s opposition to the ERA arose from concern that the amendment would jeopardize advances in the criminalization of rape²⁵⁸ and the protection of women and children from exploitation in the factory.²⁵⁹

Did the LWV turn women voters away from equality-based feminism in a way that hampered the achievement of gender justice in criminal law? This Article has suggested that the class and race bias evident in the San Francisco Center’s diagnosis of female criminality and its failure to address major problems like domestic violence gave its criminal justice reform efforts a short-sighted focus on the supposed moral decay of women offenders, especially prostitutes. The gender-specific institutions it advocated entrenched stereotypical assumptions about women’s sexuality, victimhood, and suitability for certain types of work. Such shortcomings should not be ignored. Yet despite the San Francisco Center’s limited success in obtaining justice for victims of sexual exploitation, integrating the San Francisco Police Department, and rehabilitating female offenders, its activities

257. ‘Josephine’ in *San Quentin; Officials Find ‘Her’ a Man*, S.F. CHRON. (1865–2017), Aug. 10, 1959, at 19, NEWSBANK.

258. FREEDMAN, *REDEFINING RAPE*, *supra* note 25, at 223–24.

259. BLACK, *supra* note 1, at 259; WARE, *supra* note 17, at 78; YOUNG, *supra* note 1, at 59.

helped put women into public office and provide concrete opportunities for political engagement in the first few decades after suffrage was achieved. Insofar as suffragists founded the LWV to prepare women for full citizenship—to train them to identify and seek solutions to societal problems through legislation, lobbying, voter education, and office-holding—it cannot be counted a failure, even though much work lay ahead to extend that empowerment to non-elites and racial minorities.