

# ‘I Laid Earl and Clementine on a Chair and Whipped Them’: Child Murder and Criminal Justice in the Jim Crow South

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## ABSTRACT

This article explores a horrific 1945 child murder in New Orleans and argues that the case revealed broader developments in Southern criminal justice in the age of Jim Crow. Ernestine Bonneval tied her young children to an ironing board and lashed them, killing her 7-year-old daughter. The murder generated outrage, with residents demanding severe punishment, even the gallows, for the brutal crime. After a jury returned a guilty verdict, the judge sentenced the killer to one year in the state penitentiary. New Orleanians initially expressed fury at the lenient punishment but quickly conveyed sympathy for the murdering mother and perceived her as the victim of a failed legal system. The shift reflected four wider changes in white sensibilities about the role of the state. First, New Deal programs establishing a safety net during the Great Depression transformed white attitudes toward government authority. Second, Clementine Bonneval’s death became tethered to a national panic over juvenile delinquency, even though the victim was only 7. Third, gender ideals influenced perceptions of women who engaged in criminal violence. Fourth, and most important, Southern whites increasingly encoded violence as an African American behavior. As a consequence, white killers became hapless victims of circumstances beyond their control. The Bonneval murder was reinterpreted within a racialized construction of crime and criminal culpability that produced more aggressive policing and more draconian punishment for African American suspects and fewer arrests, indictments, convictions, and long prison sentences for white killers. Jim Crow, in short, shaped the modernization of Southern criminal justice.

On 6 April 1945, Ernestine Bonneval, a 26-year-old, white, New Orleans farm worker, tied her children to an ironing board balanced on two chairs and savagely whipped them with a home-made cat-o-nine-tails lash, killing 7-year-old Clementine and severely injuring 6-year-old Earl and 4-year-old Genevieve. The murderous beating ‘walloped the public sensibilities’ of New Orleanians.<sup>1</sup> Violence had long seared daily life in the Louisiana city. For decades,

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<sup>1</sup> ‘Poverty amid Plenty’ *New Orleans States* (28 April 1945) 4.

New Orleans had suffered from one of the highest homicide rates in the nation and had often ranked among the five most murderous urban centers in the United States.<sup>2</sup> But, even by local standards, this crime ‘brought gasps’.<sup>3</sup> ‘The Bonneval case stands out here’, a newspaper editor explained, because it was so ‘revolting’.<sup>4</sup>

Ernestine’s brutality especially shocked residents.<sup>5</sup> In part, the crime seemed particularly jarring because the killer was white. Although white New Orleanians committed homicide at high rates, they celebrated their racial superiority, took immense pride in their level of civility, and associated violence with African Americans.<sup>6</sup> The viciousness of the flogging also made the murder distinctive. The killer divulged to police investigators that she had been lashing her children for months and had particularly battered ‘my babies’ for the five days before Clementine’s death.<sup>7</sup> On the day of the lethal assault, co-workers at the dairy where she lived and tended the livestock testified that Bonneval had beaten her young son and daughters for hours, despite their efforts to restrain her.<sup>8</sup> The policemen at the crime scene and the parish coroner revealed that the children’s ‘entire bodies’ were ‘covered with bruises’, their faces, torsos, legs, and hands mangled from the floggings. They also described Clementine, Earl, and Genevieve as ‘grossly neglected, very thin, under fed, very dirty’, and shoeless.<sup>9</sup>

Clementine’s age and death at the hands of her mother made the murder unusual and more disturbing. Filicides (or child murders) were very rare.<sup>10</sup> Between 1920 and 1945, only 2 percent of local homicide victims died at the hands of their parents, and those under the age of 10 accounted for 1 percent of victims.<sup>11</sup> Mothers committed just four filicides during this era, and white mothers killing their young children comprised 0.01 percent of killers.<sup>12</sup>

<sup>2</sup> Frederick Hoffman, *The Homicide Problem* (Prudential Press, 1925).

<sup>3</sup> ‘Testify Mother Beat Children Before They Died’ *Baton Rouge Advocate* (29 May 1945) 11.

<sup>4</sup> ‘From the Editors’ *New Orleans Item* (11 April 1945) 12.

<sup>5</sup> ‘Whip Death Shocks City’ *New Orleans Item* (14 April 1945) 2.

<sup>6</sup> ‘Hanging Only Cure for Homicides, Says Molony’ *New Orleans Item* (6 July 1924) 1.

<sup>7</sup> ‘Sentence Is Awaited by Mother’ *New Orleans Item* (29 May 1945) 1; Statement of Ernestine Bonneval (7 April 1945), in *Transcripts of Statements of Witnesses to Homicides, New Orleans Police Department, City of New Orleans* (hereafter *Statements of Witnesses*) (on file with the City Archives/Louisiana Division, New Orleans Public Library, New Orleans, LA).

<sup>8</sup> ‘Mother Charged in Child’s Death’ *New Orleans Times—Picaune* (8 April 1945) 1; Statement of Cora Coste (7 April 1945) in *Statements of Witnesses*.

<sup>9</sup> Report of Homicide of Clementine Bonneval (7 April 1945), in *Homicide Reports, Department of Police, City of New Orleans* (hereafter *Homicide Reports*) (on file with City Archives/Louisiana Division, New Orleans Public Library, New Orleans, LA); ‘Tells Cruelties to Bonneval Children’ *New Orleans States* (28 May 1945) 3; ‘Testify Mother Beat Children Before They Died’ (n 3) 11.

<sup>10</sup> Historians studying child murder have focused mainly on neonaticide. For thoughtful studies of filicide, though mostly focusing on earlier eras, see Peter C Hoffer and NEH Hull, *Murdering Mothers: Infanticide in England and New England, 1558–1803* (New York UP, 1984); Carolyn Conley, ‘“In such Cases There was a Propensity to Kill the Child”: Mothers, Homicide and Insanity’ (unpublished paper, 2010). Malcolm M Feeley and Deborah L Little, ‘The Vanishing Female: The Decline of Women in the Criminal Process, 1687–1912’ (1991) 25 *Law and Society Review* 719; Michelle Oberman, ‘Understanding Infanticide in Context: Mother Who Kill, 1870–1930 and Today’ (2002) 92 *J Crim L & Criminology* 707; Simone Caron, ‘Killed by Its Mother: Infanticide in Providence County, Rhode Island, 1870 to 1938’ (2010) 44 *Journal of Social History* 213. In modern America, mothers rarely beat their children to death, more often suffocating them. See Eric R Dowdy and N Prabha Unnithan, ‘Child Homicide and the Economic Stress Hypothesis’ (1997) 1 *Homicide Studies* 281; Sandra M Stith and others, ‘Risk Factors in Child Maltreatment: A Meta-Analytic Review of the Literature’ (2009) 14 *Aggression and Violent Behavior* 13; Amy Damashek and others, ‘Fatal Child Maltreatment: Characteristics of Deaths from Physical Abuse Versus Neglect’ (2013) 37 *Child Abuse and Neglect* 735; Agata Debowska, Daniel Boduszek, and Katie Dhingra, ‘Victim, Perpetrator, and Offense Characteristics in Filicide and Filicide-Suicide’ (2015) 21 *Aggression and Violent Behavior* 113, 116; Cheryl Miller and Michelle Oberman, *Mothers Who Kill Their Children* (New York UP, 2001).

<sup>11</sup> New Orleans law enforcers rarely investigated or even recorded cases of possible infanticide, even as Northern police departments began to treat neonaticide as homicide. Between 1920 and 1945, New Orleans law enforcers recorded only seven infanticide cases. Police files, autopsy reports, and health department data, however, indicate that law enforcers actively investigated the suspicious deaths of non-newborn children. See Jeffrey S Adler, *Murder in New Orleans: The Creation of Jim Crow Policing* (University of Chicago Press, 2019) 195; Jeffrey S Adler, ‘First in Violence, Deepest in Dirt’: *Homicide in Chicago, 1875–1920* (Harvard UP, 2006) 226–31; Felicity Turner, *Proving Pregnancy: Gender, Law, and Medical Knowledge in Nineteenth-Century America* (University of North Carolina Press, 2022) 104.

<sup>12</sup> Unless otherwise indicated, the quantitative evidence draws from a dataset of 2118 cases, which included every homicide in the city between 1920 and 1945. Police files and court records provided uneven data on the demographic background of killers but always identified the race of those involved in deadly encounters, a practice that reflected and underscored white New Orleanians’ perception that African Americans committed the lion’s share of local murders. For a description of the dataset and my methodology, see Adler, *Murder in New Orleans* (University of Chicago Press, 2019) 183–91.

Early twentieth-century New Orleanians were accustomed and even inured to deadly brawling in the French Quarter, robbery-homicides in Canal Street alleys, and spousal violence, but not child killing and especially not murdering mothers.

Bonneval's demeanor added to the spectacle and stunned the veteran cops at the crime scene. The killer casually recounted the deadly whipping, matter-of-factly detailing months of barbarous child abuse, and quickly signed a formal statement, acknowledging the brutality. Ernestine even boasted how she had created the murder weapon. 'I made a whip from a rubber hose, which was about three feet long, with lashes on it which I used to run the cows out of the stable with', she calmly told patrolman Pascal Calogero, adding that she used the 3-foot lash and a longer one to flog 'my babies'. The killer said that for six months she had beaten the children with her hand and sticks but had begun lashing them with the cat-o'-nine-tails during the month preceding the final whipping. Bonneval used the shorter lash for 4-year-old Genevieve and reserved the 4-foot version for Clementine (aka 'Teeny') and 6-year-old Earl. Her statement nonchalantly chronicled daily thrashings in the week before Clementine's death.<sup>13</sup> The grizzled cops who investigated the killing, each with more than two decades on the job, characterized the young mother as 'very cool and collective [*sic*] all the time and at no time did show any signs of being nervous or bereaved as to what occurred'.<sup>14</sup> Nor did the sergeant who took her statement after the killing detect any hint of contrition or remorse. Ernestine's only show of emotion arose in response to the police arrest report describing the young victims as barefooted. 'My children have shoes', she snarled, 'but Earl and Clementine would not keep their shoes on'.<sup>15</sup>

Far from recognizing the grim reality of Clementine's death, Ernestine appeared indifferent, even defiant. She seemed to covet media attention, however, granting interviews to journalists and unemotionally recounting episode after episode of vicious child abuse. Bonneval also posed for photographs, brandishing the hose that she had transformed into a deadly whip. Accounts of the crime, and the accompanying pictures, splashed across newspapers from Florida to Hawaii.<sup>16</sup>

White New Orleanians demanded justice for Teeny Bonneval, some insisting that Ernestine deserved the gallows.<sup>17</sup> Not even the 'progress of the war and the jar of the President's death', the *New Orleans Item* remarked, 'pushed from the public mind' outrage and calls for swift, severe punishment.<sup>18</sup> Criminal justice officials concurred. The parish district attorney instructed the police to charge Ernestine with murder. Newspaper editors asked 'how can such things be?'<sup>19</sup> A grand jury indicted the killer for manslaughter, an offense that carried a maximum sentence of 20 years, and a criminal court jury quickly returned a guilty verdict.<sup>20</sup> But, to the horror of New Orleanians, the trial judge sentenced Bonneval to only one year in the state penitentiary, the minimum punishment for the offense. After initial disbelief at the sentence, however, white New Orleans residents, editors, and community leaders expressed overwhelming approval and support for Judge J. Bernard Cocke's decision, calling him 'wise and merciful'.<sup>21</sup>

At first blush, Cocke's ruling seems inexplicable, a case of judicial discretion run amok. But both Judge Cocke's decision to impose the minimum prison term for the unrepentant child killer and the sudden pivot in public opinion and outpouring of sympathy for the

<sup>13</sup> Statement of Ernestine Bonneval (7 April 1945) in *Statements of Witnesses*.

<sup>14</sup> Report of Homicide of Clementine Bonneval (7 April 1945) in *Homicide Reports*.

<sup>15</sup> Statement of Ernestine Bonneval (7 April 1945) in *Statements of Witnesses*.

<sup>16</sup> 'Beat Her Own Daughter to Death' *Buffalo News* (9 April 1945) 1; 'Mother Uses Hose to Kill Daughter' *Daytona Beach Evening News* (9 April 1945) 2; 'Widow Is Held in Daughter's Death' *Honolulu Star—Bulletin* (9 April 1945) 2.

<sup>17</sup> 'Catherine Webb Blames the Mother' *New Orleans Item* (12 April 1945) 10.

<sup>18</sup> 'Editorial' *New Orleans Item* (14 April 1945) 4.

<sup>19</sup> 'From the Editors' (n 4) 12.

<sup>20</sup> 'Convict Woman in Child's Death' *New Orleans States* (29 May 1945) 4.

<sup>21</sup> OBB, 'In Praise of a Verdict' *New Orleans Item* (14 June 1945) 14.

murdering mother reflected larger trends in criminal justice. The sentence, and reactions to it, illustrated important shifts in the role of the state in the Jim Crow South. A national juvenile delinquency panic and Southern gender ideals influenced perceptions of the crime and the killer as well. But, most important, a racial framework for explaining violence shaped and reshaped white New Orleanians' reactions to Ernestine Bonneval and her actions.

Jim Crow and racialized notions of crime and punishment determined white residents' abruptly shifting views of Clementine Bonneval's murder, underscoring the powerful, far-ranging, and often invisible scope of their 'white racial frame'.<sup>22</sup> Everyone involved in the case—the killer, the victim, the witnesses, the police investigators, the prosecutors, the jurors, and the judge—was white. Quantitative homicide data, however, reveals that white perceptions of race and racial difference infused their feeling about Clementine's death, Ernestine's culpability and punishment, and the operation of the criminal justice system.

A white mother could not be a vicious monster in their binary moral and legal taxonomy. The deadly beating of her 7-year-old daughter notwithstanding, Ernestine Bonneval could not be judged a depraved killer. Over the course of the early twentieth century, notions of decency and virtue became increasingly intertwined with whiteness and racial supremacy in New Orleans, while violence and deviance became identified with Blackness and racial inferiority. The courts and Southern legal institutions embraced, reified, and sustained this framework. In unspoken ways, the defense of white supremacy shaped the legal resolution of the murder of Clementine Bonneval.

## THE CRIME

Ernestine Bonneval led a hard-scrabble life. The fifth of nine children, she grew up in the rough-and-tumble world of plebeian New Orleans. Ernest Lemoine, her father, worked as a farm laborer and succumbed to heart disease when Ernestine was 15. By 19, she had married and given birth to Clementine and Earl. Her husband, Clement Bonneval, also hailed from a local working-class family. Clement, however, had multiple run-ins with local law enforcers. By the time he was 29, he had been arrested for reckless driving, a narcotics offense, and indecent assault, and had served 18 months in the state penitentiary. Clement died in 1940, at 30, leaving a 21-year-old widow and two young children.

Ernestine's life was especially unstable in the five years between Clement's death and her lethal whipping of Clementine. She had a third child a year after becoming a widow. Genevieve used Clement's surname, but her father was never publicly revealed. For a portion of this span, Ernestine and her three young children lived in an abandoned automobile. She remarried in 1943, though after five months her second husband, Frederick Golch, 'deserted me for another woman', according to Bonneval. Three months later, in August 1944, she met Andrew Bond, a local farm worker, and began living with him. Cora Coste, who operated a dairy farm with her husband, Charles, contacted Bond a week later and invited him to work for her at the Willow Grove Dairy. To the Costes' surprise, Bond brought Ernestine and her children, and they crowded into a tiny, unfurnished room in the Costes' home. Three days after relocating to the dairy, Bond deserted the family.<sup>23</sup> Charles Coste planned

<sup>22</sup> Joe R Feagin, *The White Racial Frame: Centuries of Racial Framing and Counter-Framing* (Routledge, 2020). Many insightful studies explore racial disparities directed against African American suspects and defendants. See, for example, Kali N Gross, *Colored Amazons: Crime, Violence, and Black Women in the City of Brotherly Love, 1880–1910* (Duke UP, 2006). Few, however, explore the impact of racial bias on the treatment of white defendants. See Khalil Gibran Muhammad, 'Where Did All the White Criminals Go? Reconfiguring Race and Crime on the Road to Mass Incarceration' (2011) 13 *Souls* 72.

<sup>23</sup> Statement of Ernestine Bonneval (7 April 1945) in *Statements of Witnesses*.

to evict the Bonnevals, but his wife, Cora, expressed sympathy for the children and permitted them to remain, with Ernestine hired to tend the cows.<sup>24</sup>

Between August 1944, when the family moved to the Willow Grove Dairy, and Clementine's death seven months later, the Bonnevals' lives spiraled out of control, and Ernestine became increasingly volatile and abusive. The children were challenging, perhaps a reflection of grinding poverty, neglect, and mistreatment. From the moment they arrived at the dairy, Clementine, Earl, and Genevieve stole from their mother and the Costes, lied, and engaged in malicious, destructive behavior. Again and again, Clementine and Earl filched cash from Ernestine and the Costes. When Ernestine confronted them, they admitted taking the cash but defiantly refused to divulge its location. Clementine and Earl often told Cora Coste that they had given the money to their mother, an allegation that infuriated Ernestine, who told police investigators that this lie 'is what burnt me up. I didn't get any of the money.'<sup>25</sup>

Clementine and Earl also raided the Costes' refrigerator, stealing beer, bread, and butter. Whatever they failed to consume, the children fed to the chickens. Too small to open the refrigerator, 4-year-old Genevieve took eggs. The older children stole Cora's cigarettes as well and smoked them. On one occasion, Clementine and Earl set fire to a quilt, nearly burning down the farmhouse. After that incident, Ernestine and Coste would not leave the children alone. Every day, at midnight, they marched them to the barn for the early morning milkings.<sup>26</sup>

Exasperated by their behavior, Ernestine responded by beating the children, and the abuse became more frequent and more brutal. To punish them but also to compel the children to reveal where they stashed the stolen cash, Ernestine began lashing them, first with her hand and then with sticks and branches. With each theft and each lie, the whippings became more vicious, prompting Teeny and Earl to become more rebellious and more defiant. After many of the beatings, the children bragged that they had tossed the money into the muck beneath the outhouse. Six-year-old Earl once boasted to Ernestine that he had taken cash, 'went on the toilet and he used the \$10 bill to wipe his tail'.<sup>27</sup> The floggings became so violent that, on different occasions, both Clementine and Earl pointed a shotgun at their mother and threatened to shoot her.<sup>28</sup> After these clashes of will, Ernestine 'often' told Coste 'that she was going to pick up and leave the children'.<sup>29</sup>

The cycle of abuse became more frenetic in January 1945, when the older children began stealing their mother's social security checks. Unable to inflict enough pain with her hands and branches, Ernestine found two coils of hose, cut lashes in the ends to fashion whips, and flogged 'my babies' when they stole the checks, rapidly increasing the duration and ferocity of the beatings. Again and again, Coste peeled Ernestine off her children and compelled her to stop whipping them. Bonneval usually rebuffed Coste's efforts to restrain her, leading the 39-year-old employer to resort to violence and strike Ernestine until the abuse ended.<sup>30</sup>

During the week preceding Clementine's death, Ernestine's rage became more extreme. On 2 April 1945, she admitted to police investigators, 'I whipped both them with the whip

<sup>24</sup> Statement of Cora Coste (7 April 1945) *ibid.*

<sup>25</sup> 'Pick 9 Jurors in Bonneval Beating Death' *New Orleans Item* (28 May 1945) 2.

<sup>26</sup> Statement of Ernestine Bonneval (7 April 1945) in *Statements of Witnesses*.

<sup>27</sup> *ibid.* More than once, Coste had used a stick to retrieve cash from the mire under the outhouse. See Statement of Cora Coste (7 April 1945) in *Statements of Witnesses*. Coste's testimony confirmed that the children had indeed stolen the money, checks, and food.

<sup>28</sup> Statement of Cora Coste (7 April 1945) in *Statements of Witnesses*; 'Woman Is Charged with Beating Child to Death with Whip' *Charleston News and Courier* (8 April 1945) B6.

<sup>29</sup> Statement of Cora Coste (7 April 1945) in *Statements of Witnesses*.

<sup>30</sup> 'Jury Finds Mother Guilty of Causing Death of Child' *New Orleans Times—Picayune* (29 May 1945) 1.

hose for it [stealing]'. The following day, Clementine took three \$5 social security checks, sending Ernestine into an explosion of fury. On 3 April, the children revealed that they had 'shoved them down the toilet, which is an old outhouse', leading to an especially heinous beating.<sup>31</sup> The next day she thrashed them again, prompting Earl to point the shotgun at his mother again. Ernestine told Coste 'if I don't get my checks from those three little ————— I'm going to kill them!'<sup>32</sup> Bonneval found a new, more vicious way to flog Clementine and Earl. According to Coste, Ernestine 'tied them to an ironing board which she lay across two chairs. Teeny's head at one end and Earl's at the other. Then she beat them.'<sup>33</sup>

The abuse reached its apogee on 5–6 April. Repeatedly, she yoked the defiant children to the ironing board and inflicted lash after lash. During one of beatings, 7-year-old Clementine lurched forward in pain, and the cat-o'-nine-tails tore into her cheek.<sup>34</sup> Ernestine whipped them in open view of everyone working at the dairy, as all of the farmhands later testified.

On 6 April, Bonneval unleashed her most ferocious abuse, once again tethering the children to the ironing board to inflict the most painful punishment. She rained lash after lash on Teeny and Earl until Coste interceded. 'I grabbed her and hit her', the employer testified.<sup>35</sup> Ernestine finally stopped, enabling Coste to untie the children. Cora Coste then left the dairy for 90 minutes. When she returned, Coste found Clementine and Earl fastened to the ironing board and Ernestine flogging them once again, thundering 'where are my checks?'<sup>36</sup> At midnight, Ernestine herded the children into the barn and began milking the cows. Teeny staggered and collapsed. Ernestine barked that the child must be drunk from having consumed purloined beer. Coste carried Teeny to the farmhouse, placed her on a blanket on the floor, and returned to the barn. The next morning, she found Teeny dead and instructed Ernestine to summon the police, but she refused, prompting Coste to call the authorities.<sup>37</sup>

In the year preceding the lethal episode, the Orleans Parish Juvenile Court had received numerous complaints about Ernestine's treatment of her children. The first report came from Bonneval's sister-in-law, divulging that the family lived in a car. JP Margiotta, superintendent of the local Society for Prevention of Cruelty to Animals, filed a complaint as well. Margiotta had heard that a farmhand at the dairy beat the cows with a home-made whip and visited to investigate. He concluded that the cows had not been abused but suspected that Bonneval had used the whip to beat her children and reported his observations to the court.<sup>38</sup> Cora Coste also likely lodged a complaint. A stream of social workers came to the Willow Grove Dairy and filed reports to the Department of Public Welfare and the Juvenile Court.

In November 1944, and in subsequent reports, the investigations documented egregious neglect and mistreatment, concluded that the children were unsafe, and recommended that Clementine, Earl, and Genevieve be immediately 'removed from the home'. The case workers described inhumane conditions, finding the children filthy, poorly dressed, and malnourished. They mainly ate the 'rough bran' that farmhands 'fed to cows'.<sup>39</sup> The family also lived in a single room with no furniture and slept on the floor. Ernestine responded belligerently to the social workers, rejecting their efforts to assist her. The investigators detected signs of

<sup>31</sup> Statement of Ernestine Bonneval (7 April 1945) in *Statements of Witnesses*.

<sup>32</sup> 'Sentence Is Awaited by Mother' (n 7) 4.

<sup>33</sup> 'A Shocking Reminder' *New Orleans Item* (10 April 1945) 2.

<sup>34</sup> 'Sentence Is Awaited by Mother' (n 7) 4.

<sup>35</sup> 'Tells Cruelties to Bonneval Children' (n 9) 1.

<sup>36</sup> Statement of Cora Coste (7 April 1945) in *Statements of Witnesses*; 'Convict Woman in Child's Death' (n 20) 4.

<sup>37</sup> Statement of Cora Coste (7 April 1945) in *Statements of Witnesses*.

<sup>38</sup> 'A Shocking Reminder' (n 33) 2.

<sup>39</sup> 'Child's Death Reveals Earlier Plea to Court for Protection' *New Orleans States* (9 April 1945) 4.

physical abuse and conveyed their impressions to Juvenile Court authorities. The police officers who responded to Coste's frantic call after Teeny's death noted similar conditions. 'The three children has [*sic*] been grossly neglected, very thin, under fed, very dirty both clothing and bodies and both barefooted with the exception of Genevieve who had a pair of sandals and no socks.'<sup>40</sup>

The complaints and the social workers' alarming reports piled onto the desk of Anna Veters Levy, a juvenile-court judge. Born to an affluent New Orleans family, Levy attended Newcomb College and Loyola University Law School and worked as an attorney in private practice until 1940, when she won election as a juvenile-court judge, one of two women voted to the bench in the state during the first half of the twentieth century. A cautious, conservative jurist, Levy ran her court in conformity with Louisiana and Southern legal sensibilities, eschewing capacious state authority. During her initial hearing with Bonneval, on 16 November 1944, Levy concurred with the case workers that Ernestine had neglected her children and recommended they be placed in foster care or an institution until the mother could provide for them.<sup>41</sup> But the judge insisted that she did not possess the authority to intercede further, writing that 'the court cannot directly place any child in neglect cases in a foster home or institution'.<sup>42</sup> Only in delinquency cases, according to Levy, could the Juvenile Court 'remove children from the parents' custody'.<sup>43</sup> Instead, she directed Bonneval to apply to Associated Catholic Charities 'for institutional placement' or to work with Department of Public Welfare for a support arrangement. The possible signs of abuse, however, concerned Levy. 'Ordinarily', she explained, 'we don't investigate such reports, but some of the aspects of this one caused us to look into it'. Levy ordered social workers to continue their investigations.<sup>44</sup>

A month later, Lillie Nairne, director of the Department of Public Welfare, once again 'recommended in writing to the court that the children be removed from the home'.<sup>45</sup> Levy, however, reaffirmed that she lacked the authority to issue such an order, adding that the city had no facilities for neglected children, only for delinquent ones. At Levy's urging, Bonneval applied to the Associated Catholic Charities but then refused to cooperate with the organization. In early January of 1945, another, urgent request from Nairne prompted Levy to schedule a second hearing with Bonneval. Twice Ernestine failed to appear.<sup>46</sup>

After the follow-up proceeding, Levy encouraged social workers to find ways to support the children, and the Department of Public Welfare offered Ernestine financial assistance. According to the *New Orleans Item*, Bonneval 'dim-wittedly refused all such proffers', casting them in conspiratorial terms.<sup>47</sup> She thundered 'ain't nobody getting my kids'. According to Coste, Bonneval 'told the welfare workers she didn't want any help from them. She didn't want any of their money because they would watch her every move'.<sup>48</sup> 'These children are mine', Bonneval scowled. 'I don't want any social workers snooping in my personal affairs'.<sup>49</sup>

Clementine, Earl, and Genevieve remained with Ernestine, subsisting on cow feed, sleeping on the floor, not attending school, and enduring fierce abuse. Levy and social workers recognized that the children were in danger months before Bonneval whipped Teeny to

<sup>40</sup> Report of Homicide of Clementine Bonneval (7 April 1945) in *Homicide Reports*.

<sup>41</sup> 'Mother Faces Murder Charge in Whip Death' *New Orleans Item* (9 April 1945) 4.

<sup>42</sup> 'Judge Blames Lack of Detention Facilities in Death of Child' *New Orleans States* (10 April 1945) 1.

<sup>43</sup> 'Mother Facing Grand Jury as Plans Scanned' *New Orleans Item* (12 April 1945) 2.

<sup>44</sup> 'Child's Death Reveals Earlier Plea to Court for Protection' (n 39) 1.

<sup>45</sup> *ibid* 4.

<sup>46</sup> 'Mother Charged with Murder in Fatal Beating' *Baton Rouge Advocate* (10 April 1945) 12; 'Child's Death Reveals Earlier Plea to Court for Protection' (n 39) 4.

<sup>47</sup> 'A Shocking Reminder' (n 33) 6.

<sup>48</sup> *ibid* 2.

<sup>49</sup> Bonneval quoted in H Joseph Jacobi, 'A Responsibility to be Shouldered by All' *New Orleans Item* (3 July 1945) 4.

death, but the judge insisted that she could not take any action. The homicide did not surprise Levy, Nairne, case workers, or the executive director of Associated Catholic Charities. Such a ‘tragedy’, a journalist noted, had been ‘almost inevitable’.<sup>50</sup>

After Clementine’s death, the court’s mishandling of the toxic circumstances would astonish white New Orleanians, who expressed anger toward Levy. The judge had failed to ‘take steps required to improve their [the three children] condition during the three months that have elapsed since the circumstances that engendered this frightful climate were first brought to the attention of our courts’.<sup>51</sup> Three days after Clementine died, one journalist asked ‘who is responsible?’ and pointed to the ‘lack of positive actions by official authority’, beginning with Levy.<sup>52</sup> On the same day, the editor of another local newspaper fumed that the child’s death represented a ‘shocking reminder’ of Levy’s failure to ‘take steps required’ by the ‘horrible effects of poverty and ignorance’.<sup>53</sup> Another editor pointed the ‘finger of blame at the “faulty system for dealing with the welfare of the juvenile”’.<sup>54</sup> Also on 10 April, the director of a local charity attributed responsibility for the death to Levy as well, charging that the ‘failure of proper authorities to order placement of the children’ led to ‘the horror that ensued’.<sup>55</sup> A social worker added that the ‘flogging-death of the 7-year-old could have been avoided’.<sup>56</sup> For her part, Levy shifted blame to the wider legal system, repeating that she lacked the authority to protect Clementine from her mother. The judge noted as well that the city and the parish failed to operate institutions where mistreated children might be sent for protection.<sup>57</sup>

But, at least in the short run, the gruesome details of Bonneval’s brutality deflected attention and public debate away from Levy’s inaction and focused discussions of the murder squarely on the killer. In newspaper accounts of the crime and subsequent trial, New Orleanians read again and again about Ernestine’s barbarous treatment of the ‘hapless little ones’. Reporters quoted extensively from Bonneval’s emotionless, unremorseful confession, Coste’s graphic testimony to crime-scene investigators and the criminal court, and the statements and court testimony of Andrew Roth and Alvarez Gueringer, the two farmhands at the dairy. Both described the events of 6 April in grim detail. Seventeen-year-old Roth revealed how ‘Ernestine whipped Earl and Clementine with a rubber hose for stealing money and at the time she had both children tied to an ironing board and she was hitting them all over the back and legs and Miss Cora tried to stop her but she would not stop telling Miss Cora to leave her alone’, and 16-year-old Gueringer provided a nearly identical account of Teeny’s final hours.<sup>58</sup> The policemen summoned to the dairy on 7 April and the parish corner offered equally damning testimony of brutality and the condition of the children’s bodies. Patrolman Pascal Calogero’s homicide report, for example, indicated that Earl ‘had bruises and brush burns about his body and legs, also a discoloration of the right eye’ and a ‘possible fracture of the right ankle’, while Sergeant William Dwyer described Clementine’s body as ‘badly bruised and mangled, even to her toe-nails, which were partially torn off’.<sup>59</sup> Ernestine was a monster.

<sup>50</sup> Margaret Shannon, ‘Atrocities Roused New Orleans, But City Dozes Again’ *Atlanta Journal* (19 July 1945) 1.

<sup>51</sup> ‘A Shocking Reminder’ (n 33) 6.

<sup>52</sup> ‘Who Is Responsible for Bonneval Case’ *New Orleans Times—Picayune* (10 April 1945) 1.

<sup>53</sup> ‘A Shocking Reminder’ (n 33) 6.

<sup>54</sup> ‘Tragedy Spotlights Defects’ *New Orleans States* (10 April 1945) 6.

<sup>55</sup> ‘A Shocking Reminder’ (n 33) 2.

<sup>56</sup> ‘Tragedy Spotlights Defects’ (n 54) 6.

<sup>57</sup> ‘Judge Blames Lack of Detention Facilities in Death of Child’ (n 42) 1.

<sup>58</sup> Statement of Andrew J Roth, Jr (9 April 1945) in *Statements of Witnesses*; Statement of Alvarez Gueringer (9 April 1945) *ibid.*

<sup>59</sup> Report of Homicide of Clementine Bonneval (7 April 1945) in *Homicide Reports*; ‘Woman Is Charged with Beating Child to Death with Whip’ (n 28) B6.



In virtually every way, Clementine's death was exceptional, adding to public shock. Filicides were exceptionally uncommon in early twentieth-century New Orleans, children between one month old and 10 years old making up 0.7 percent of homicide victims. Mothers committed one-eighth of child murders. 'This kind of thing may happen only once in a hundred years', New Orleans mayor Robert S Maestri observed.<sup>60</sup>

Ernestine Bonneval's behavior after Clementine's death added to community outrage. Not only her nonchalant statement to the police and willingness to pose for photographs holding the whip, but also the killer's public comportment in the days and weeks following the homicide enflamed public emotions and encouraged the district attorney to seek the most severe punishment for the horrific child murder. Bonneval, for instance, appeared disinterested at Clementine's wake. Adorned in a 'bright red jacket', according to newspaper accounts, 'she walked into the funeral home smoking a cigarette'. Ernestine 'took a brief look at the body' and then chatted casually with relatives. Nor did she attend the funeral at St Peter and Paul's Church or the burial at Cypress Grove Cemetery.<sup>61</sup> Bonneval's appearance at her trial seemed equally discordant. She wore high heels and an enormous straw hat.<sup>62</sup>

If the killer appeared indifferent, the prosecutor, 40-year-old James O'Connor, brought great passion to the case and pledged to secure justice for the young victim, promising 'to make an example of the young mother', instructing the police to charge Bonneval with murder, and directing the coroner to evaluate her sanity. Although C. Grenes Cole, the parish coroner, initially considered Ernestine 'a mental case', he later ruled her sane and fit for trial.<sup>63</sup> An Orleans Parish grand jury returned a manslaughter, rather than murder, indictment, and the case traveled swiftly through the courts, landing in J. Bernard Cocke section of the criminal district court and scheduled for trial six weeks later.<sup>64</sup> The jury-selection process proceeded at breakneck speed. Public indignation toward the defendant was so pronounced that the assistant district attorneys assigned to prosecute Bonneval found every potential juror acceptable.<sup>65</sup>

Judge Cocke completed the trial in a single day. Coste, Roth, and Gueringer repeated their descriptions of the deadly whipping that had been included in their statements to crime-scene investigators. Andrew Bond, with whom the family had lived for 10 days, testified that Ernestine had beaten her children even before they relocated to the dairy. Pascal Calogero, one of the first police officers to respond to Coste's telephone call, restated the observations contained in the 7 April homicide report, and Coroner Cole summarized the gruesome autopsy findings. Cora Coste's testimony, however, provided the most dramatic moments in the trial. Assistant District Attorney George Gulotta instructed her to reenact the fatal flogging. The 54-year-old prosecutor produced an ironing board, balanced it on two chairs placed in front of the witness stand, handed Coste the 4-foot cat-o'-nine-tails, and directed her to demonstrate 'how Mrs. Bonneval whipped her children'. Shrieking 'where are my checks? Where are my checks?' Coste swung the lash with such ferocity that the 'front row of jurors had to duck'.<sup>66</sup> Courtroom observers 'gasped'.<sup>67</sup>

<sup>60</sup> 'Mayor Will Request Funds to Establish Two New Homes for Neglected Children' *New Orleans Times—Picayune* (11 April 1945) 1.

<sup>61</sup> 'A Shocking Reminder' (n 33) 2.

<sup>62</sup> 'Convict Woman in Child's Death' (n 20) 4.

<sup>63</sup> 'Mother Faces Murder Charge in Whip Death' (n 41) 1, 4.

<sup>64</sup> Although Bonneval had threatened to kill the children after they took her social security checks, the jury heard no testimony to indicate that Clementine's fatal beating had been premeditated, and thus their decision to return a manslaughter verdict was not surprising.

<sup>65</sup> 'Pick 9 Jurors in Bonneval Beating Death' (n 25) 1.

<sup>66</sup> 'Convict Woman in Child's Death' (n 20) 4; 'Sentence Is Awaited by Mother' (n 7) 4.

<sup>67</sup> 'Tells Cruelties to Bonneval Children' (n 9) 3.

Representing the defendant, 43-year-old Arthur J O'Keefe presented a brief case for the defense, with testimony from Bonneval and a handful of her relatives. Ernestine retracted her confession, insisting that it was false and had been signed under duress. Cora Coste, she charged, had bullied her into stating that she had killed Clementine. According to the defendant, her employer forced her to confess, telling the grieving mother that the farmhands 'were going to talk against me'.<sup>68</sup> Moreover, Coste threatened her. 'I'm afraid of that woman', Ernestine told the jury, repeating 'over and over, "I'm deathly afraid of her"'. 'I scolded them', Bonneval told the jury, 'but I did not whip them'. Rather, Charles Coste, Cora's 42-year-old husband, had bound the 'little ones' to the ironing board and brutally whipped them, she now claimed. 'He beat my babies three times with a larger whip made of leather and tied to a piece of wood.'<sup>69</sup> Ernestine's mother, two sisters, and brother followed her to the witness stand and testified that they had 'never known her to mistreat the children'.<sup>70</sup>

Assistant District Attorney Gulotta, however, quickly discredited Bonneval's testimony and the allegations against the Costes. During cross-examination, Ernestine acknowledged that she had indeed 'whipped the older children' but emphasized that 'they were not marked'.<sup>71</sup> The prosecutor recalled the farmhands to the witness stand, and they testified that the Costes had never mistreated the children or threatened Ernestine. Only Bonneval inflicted the beatings.<sup>72</sup>

The lawyers made succinct closing statements, Gulotta summarizing the evidence against Bonneval and O'Keefe pleading for mercy for his client. But Ernestine was an unsympathetic defendant whose surprising new explanation for the homicide had been thoroughly rebutted. Nonetheless, the defense attorney 'asked [for] leniency', saying that she had 'suffered in heart and mind', and pointing out that she has two other children to care for'.<sup>73</sup> After 65 minutes of deliberation, the jury returned their verdict, finding Ernestine guilty of manslaughter. Justice had been served for the 7-year-old victim, and courtroom observers expected Cocke to impose the maximum sentence of 20 years in the state penitentiary.<sup>74</sup> The judge would announce his decision a week later.

Forty-seven-year-old J. Bernard Cocke was a veteran jurist, known for being 'gruff though fair'. Born to a politically well-connected family, he was part of the Democratic machine that governed New Orleans during the first half of the century. Cocke possessed considerable, diverse legal experience when he was elected criminal district court judge, having served as a special assistant to the Louisiana attorney general, an assistant district attorney, and then district attorney of Orleans Parish. A colleague described him as 'a man of integrity, intellect and great industry who also is intemperate and irascible'.<sup>75</sup>

Nor was the judge prone to making lenient or controversial rulings from the bench. The same week when he announced Ernestine Bonneval's punishment, for example, Cocke sentenced Lawrence McDonnell, a convicted burglar, to 28 years at the Angola prison farm.<sup>76</sup> But his decision in the Bonneval case left New Orleanians in stunned disbelief. On 5 June 1945, the judge sentenced Ernestine Bonneval to one year in the state penitentiary, imposing

<sup>68</sup> 'Jury Finds Mother Guilty of Causing Death of Child' (n 30) 2.

<sup>69</sup> 'Sentence Is Awaited by Mother' (n 7) 1, 4.

<sup>70</sup> 'Jury Finds Mother Guilty of Causing Death of Child' (n 30) 2.

<sup>71</sup> 'Convict Woman in Child's Death' (n 20) 4.

<sup>72</sup> 'Jury Finds Mother Guilty of Causing Death of Child' (n 30) 2.

<sup>73</sup> 'Mrs. Bonneval Gets One Year' *New Orleans Item* (5 June 1945) 1. O'Keefe, an experienced attorney, did not present an insanity defense, likely because Bonneval insisted that she had done nothing improper. Moreover, juries rarely found such pleas persuasive and returned insanity verdicts in 0.4 percent of homicide cases.

<sup>74</sup> 'Jury Finds Mother Guilty of Causing Death of Child' (n 30) 1.

<sup>75</sup> 'Judge Cocke Dead' *New Orleans States-Item* (3 September 1969) 4.

<sup>76</sup> 'Sun Declared to Have Set Too Soon to Save Culprit from Serving Term' *New Orleans Times—Picayune* (6 June 1945) 4.

the minimum punishment in one of the most gruesome, high-profile homicides of the era.<sup>77</sup> Only 1.3 percent of convicted killers in early twentieth-century New Orleans received the minimum sentence. Local residents, as well as observers across the nation, were aghast.

With each public disclosure of the details of the crime, public fury toward Ernestine had surged, reaching its high-water mark after Cocke's ruling. The initial newspaper accounts of the homicide had unleashed a torrent of emotion, and each time the case moved through hearings and court proceedings, New Orleanians learned more about circumstances of Teeny's death and became angrier. Thus, the suspect's arrest, reporters' summaries of Coste's, Roth's, and Guerginer's statements to the police, and the criminal court trial revealed additional information and fueled greater demands for the severe punishment of the mother who casually beat to death her 7-year-old daughter. 'The blood pressure of New Orleans soared when the Bonneval case made the front pages of our newspapers', a local priest reported.<sup>78</sup> Two days after the crime, fights had nearly erupted at Clementine's wake as curious residents jammed into the Schoen Funeral Home, eager to see the 'unnatural' fiend. Morticians 'forcibly' removed one woman after she announced her intention to 'punch the woman who killed her child'. The following day, the editor of the *New Orleans Item* declared that the 'humane sentiments of a big community could scarcely be more painfully outraged than by Ernestine Bonneval's savage and murderous beating of her three little children'.<sup>79</sup> Letters to editors expressing 'fury' poured into local newspapers. On 11 April 1945, for example, Catherine Webb wrote that 'the Bonneval Case can be summoned [sic] in three words—"Cruel heartless woman"'. Webb added that 'she should be given the supreme penalty'.<sup>80</sup> New Orleanians reacted to Cocke's ruling with horror as well. One editorial insisted that 'such a revolting offense not be passed over this way', terming the punishment 'too light'.<sup>81</sup>

Within a week, however, public opinion shifted dramatically, and white New Orleanians expressed only sympathy for Bonneval and support for Cocke's sentencing decision. In editorials, letters to the editor, and policy debates about the lessons of the case, Ernestine, long depicted as a 'cruel', 'unnatural', 'deranged creature', became a victim, driven to commit an unimaginable crime by circumstances beyond her control and by a broken legal system that failed her and failed Clementine.<sup>82</sup> New Orleanians began to describe the killer as a hapless, overwhelmed casualty—widowed at 21, abandoned by her second husband, and then her lover, living in abject poverty, and toiling for 18 hours per day at the dairy. Letters to local newspapers and editorials underscored the magnitude of the shift. 'O.B.B.', for instance, insisted that Ernestine deserved pity and mercy, not draconian punishment.<sup>83</sup> Clementine had needed protection from the Juvenile Court, the Department of Public Welfare, and representatives of charitable organizations.<sup>84</sup> Journalists who had denounced Bonneval as a monster now emphasized not the culpability of a merciless killer but rather the 'dreadful conditions under which this miserable mother lived with her three little ones'.<sup>85</sup>

The emerging narrative blamed the community at least as much as the killer. An Atlanta observer captured the new interpretation. 'Although Mrs. Bonneval allegedly wielded the weapon that struck the fatal blows', Margaret Shannon argued, 'the finger of guilt pointed

<sup>77</sup> 'One-Year Sentence for Mrs. Bonneval' *New Orleans States* (5 June 1945) 1. After completing her prison term, Bonneval returned to New Orleans, secured work as a domestic servant, remarried, was divorced a decade later, and died in 1985 at 66.

<sup>78</sup> Jacobi (n 49) 4.

<sup>79</sup> 'A Shocking Reminder' (n 33) 6.

<sup>80</sup> 'Catherine Webb Blames the Mother' (n 17) 10.

<sup>81</sup> 'The Quality of Mercy' *New Orleans Item* (7 June 1945) 12.

<sup>82</sup> *ibid.*

<sup>83</sup> OBB (n 21) 14.

<sup>84</sup> Shannon (n 50) 1.

<sup>85</sup> 'The Quality of Mercy' (n 81) 12.

gravely at the community'.<sup>86</sup> The editor of the *New Orleans Item* concurred, declaring that 'whatever guilt there was must be shared by the community, and can't be expiated by Ernestine Bonneval alone'.<sup>87</sup> Another journalist concluded that the 'Bonneval case shocked and roused all the community to a realization of the plain fact that it had failed in its duty toward the helpless and the unfortunate'.<sup>88</sup> Monsignor H Joseph Jacobi, executive director of Associated Catholic Charities, also indicted the community for its collective failure to protect Teeny and demanded that the 'citizenry' of New Orleans 'fulfil its responsibility' to children.<sup>89</sup>

After initially enduring ridicule and rebuke, Judge Cocke became a paragon of enlightened virtue.<sup>90</sup> An editor praised the 'quality of mercy' demonstrated in his ruling, arguing that 'the court acted with wisdom'.<sup>91</sup> Another resident applauded the judge for 'his deep understanding of the circumstances surrounding the life of this unfortunate woman and the inevitable reaction on the helpless children' and declared that 'we must share in the responsibility for such conditions'.<sup>92</sup>

The Bonneval case became a cypher, revealing an important shift in assumptions about the courts and the state. Four intersecting forces contributed to the dramatic pivot in perceptions of the crime and the changing legal sensibilities they reflected. First, the legacy of the New Deal and the war played an important role in the reinterpretation of Clementine's killer. Municipal authorities resented federal officials and constantly bickered with Washington bureaucrats about patronage and federal funds. But New Deal resources poured into New Orleans, financing massive infrastructural, housing, and poor-relief programs, and rescuing thousands of residents from poverty and unemployment. City officials ensured that white residents received nearly all of the aid. Sustaining huge numbers of white, voting Louisianans during the Great Depression, these initiatives helped to erode long-standing hostility toward state authority.<sup>93</sup> War-time mobilization and military triumphs bolstered faith in the capacity of government as well. Particularly in combination with the criminal justice system's role in buttressing white supremacy in the region, white New Orleanians became more open to endorsing the authority of the courts as guardians of the public welfare.

In the immediate aftermath of Judge Cocke's ruling, residents ascribed increasing blame for the crime to Judge Levy and the failure of the Juvenile Court to protect Clementine. After Ernestine's conviction, an editor, for example, denounced the 'lamentable failure of our own court to take preventive action' in the case. Letters to the editor commended Judge Cocke and admonished Judge Levy and local legal institutions 'for not applying preventive measures in time' and failing to prevent 'atrocities like the Bonneval affair'.<sup>94</sup> New Orleanians began to demand more zealous institutional and court efforts to protect and save children from neglect. The mayor promised to address the crisis, and local reformers launched citizens' committee to investigate solutions for endangered children.<sup>95</sup> This expansive state authority did not, however, entail criminalizing white parents. One observer suggested that placing the blame for Clementine's murder entirely on Ernestine or even on

<sup>86</sup> Shannon (n 50) 1.

<sup>87</sup> 'The Quality of Mercy' (n 81) 12.

<sup>88</sup> 'A Remedy Can Be Found' *New Orleans Item* (3 March 1948) 11.

<sup>89</sup> Jacobi (n 49) 4.

<sup>90</sup> OBB (n 21) 14.

<sup>91</sup> 'The Quality of Mercy' (n 81) 12.

<sup>92</sup> OBB (n 21) 14.

<sup>93</sup> Douglas L Smith, *The New Deal in the Urban South* (Louisiana State UP, 1988) 40, 87, 97, 99, 111, 176, 179.

<sup>94</sup> 'The Quality of Mercy' (n 81) 12; OBB (n 21) 14; Shannon (n 50) 2.

<sup>95</sup> Shannon (n 50) 2; Larry Guerin, 'Cost Child's Life to Get Action' *New Orleans Item* (3 October 1946) 10; 'Group to Study Child Protection Needs Appointed' *New Orleans Times—Picayune* (20 April 1945) 1.

Judge Levy was 'a maneuver to furnish scapegoats' when the community and the collective failure of public institutions deserved much of the responsibility for the 7 April tragedy.<sup>96</sup>

Thus, Bonneval's deadly abuse accelerated emerging attitudes toward state authority. The horrific murder led white New Orleanians, who increasingly had depended on New Deal initiatives during the 1930s, to become more receptive to capacious court authority, a shift that local observers repeatedly noted. 'It took tragedy—the murder of a 7-year-old girl by her mother—to prod New Orleans into thinking about the needs of neglected children', a journalist concluded shortly after Cocke's ruling.<sup>97</sup> 'Only when such cases as the Bonnevals', another commentator explained, 'reached the front pages of the newspapers did the court act to clear up a bad condition, and only then because public opinion demanded that something be done'.<sup>98</sup> This high-profile killing, therefore, reinforced changes in local perceptions of government institutions and criminal justice.

Second, the 1940s juvenile delinquency panic dovetailed with changing attitudes toward state authority and the necessity for more aggressive court intervention. The post-sentencing narrative of the Bonneval homicide shifted from demonizing the killer to protecting the wider public during a moral panic. Explicit references to juvenile delinquency became core elements in discussions of the case and lessons from Clementine's death. Every analysis began to include references to the 'war against juvenile delinquency', arguing that neglect constituted the gateway to deviance and youth crime.<sup>99</sup> 'Neglected children', one writer charged in her analysis of the Bonneval homicide, 'are the biggest potential sources of future juvenile delinquency', while another declared that 'primitive [home] conditions . . . contribute directly to their [children's] delinquency'.<sup>100</sup> A local minister framed the threat in more ominous terms, declaring that 'as long as parents have no control over their children they will continue to act like hoodlums'.<sup>101</sup>

Although Clementine Bonneval was 7, debates about the legacy of her death and its policy implications began to focus on neglected teenaged girls. While the 1945 murder ignited the alarm in New Orleans, this concern was bound up with a national moral panic. Beginning in the early 1940s, sociologists, policymakers, and politicians predicted an explosion in juvenile delinquency and youth crime. Prominent scholars, such as Ernest Burgess and Eleanor Glueck, argued that World War II would disrupt family life and spark a surge in rebellious, immoral behavior from teenagers, ranging from promiscuity to gang violence.<sup>102</sup> In part, they based this view on studies of England during the first years of the war and an apparent spike in juvenile delinquency. War-time conditions, American researchers insisted, eroded familial controls and loosened community norms, as fathers entered the military and mothers the workforce, constraining their parental responsibilities.<sup>103</sup> Fragmentary evidence from US law enforcers confirmed this view, as 'inadequate parental supervision' rose 'markedly in cities as early as 1942'. Sociologist Walter Reckless advised Americans to expect 'a large increase in juvenile delinquency'.<sup>104</sup> According to the University of Chicago's Burgess, 'there seems to be little doubt that the removal of the father and more often the older brother from the home and the absence of the mother or older sister from the family during the week will result in a piling up of juvenile offenses'.<sup>105</sup> With his

<sup>96</sup> Shannon (n 50) 1, 2. By the 1950s, Levy had become a zealous proponent for saving children. See Anna Judge Veterans Levy, *Other People's Children* (The World's Work, 1958).

<sup>97</sup> Shannon (n 50) 1.

<sup>98</sup> Guerin (n 95) 10.

<sup>99</sup> OBB (n 21) 14.

<sup>100</sup> Shannon (n 50) 1; Guerin (n 95) 10.

<sup>101</sup> Jacobi (n 49) 4.

<sup>102</sup> Ernest W Burgess, 'The Effect of War on the American Family' (1942) 48 Am J Soc 343; Eleanor T Glueck, 'Wartime Delinquency' (1942) 33 J Crim L & and Criminology 119.

<sup>103</sup> James Gilbert, *A Cycle of Outrage: America's Reaction to the Juvenile Delinquent in the 1950s* (OUP, 1986) 26–32.

<sup>104</sup> Walter Reckless, 'The Impact of War on Crime, Delinquency, and Prostitution' (1942) 48 Am J Soc 378, 383.

<sup>105</sup> Burgess (n 102) 344.

signature blend of hyperbole and self-promotion, FBI director J Edgar Hoover seized on the issue and warned of 'wild children', particularly teenaged girls, the products of broken homes and disrupted families.<sup>106</sup> "The arrest of girls under 18", he announced in a 1945 nationwide radio address, nearly tripled during the war. Juvenile delinquents 'are spearheading an army of 6,000,000 law breakers in a new crime wave which threatens to rival the gangster era of the "Roaring Twenties"'.<sup>107</sup> The 'spectre of juvenile delinquency', Hoover preached, 'is a more serious menace' to the country than Nazi Germany.<sup>108</sup> Florida's Claude Pepper claimed this crusade as well, launching US Senate hearings on the juvenile delinquency crisis.<sup>109</sup>

Eager to enhance their authority and public visibility, these politicians, policymakers, and legal reformers declared that the courts and child-welfare agencies desperately needed to take urgent action. Thus, Judge Levy's contention that she lacked the power to intercede in the Bonneval fiasco connected this high-profile New Orleans murder case to the national crime scare. Following Ernestine's sentencing, local observers awkwardly linked 7-year-old Clementine's death to teenaged girl's promiscuity and youth culture. The glaring age difference notwithstanding, the head of the city's Associated Catholic Charity, for instance, instantly made the connection, noting that 'Mrs. Bonneval was "reported" for neglecting her children. Are the parents of the twelve, thirteen and fourteen-year-old girls to be seen on our streets and at our pleasure resorts at hours when they should be home asleep to remain unprimanded?'<sup>110</sup> Denouncing Levy's caution, a journalist, writing a month after Cocke's ruling, argued that Clementine's death somehow highlighted the 'problem of teen-age girls as pickups and prostitutes'.<sup>111</sup> Another writer asserted that, in the light of the homicide, New Orleanians must immediately launch 'preventive measures in time' to control the teenaged 'daughters seen as all hours in night meeting places'.<sup>112</sup> Discussions of Teeny Bonneval's death became intertwined with the wartime sexual promiscuity panic. Policies that seemed unthinkable in January 1945 garnered public support six months later. Local reformers also insisted that the city enact a 'curfew law' for teenagers and an ordinance that 'prohibited' landlords 'from renting hovels unfit for animal occupation to families', such as the 'cowshed room' where the Bonnevals resided.<sup>113</sup> 'Such appalling happenings as the Bonneval case', one journalist reported, 'have been required to wake New Orleans up'.<sup>114</sup>

Third, gender identity informed the social and legal construction of culpability. New Orleanians perceived violence as masculine behavior. Men committed over four-fifths of the city's homicides and were convicted 37.8 percent more often than women. Similarly, prison sentences for men who killed were nearly three times longer than for women. In part, these disparities reflected anxiety about predatory violence, for white New Orleanians feared robbery-murder more than domestic violence and associated the former with men. Gendered notions of the dangers of urban life contributed both to Cocke's sentencing decision and the softening of attitudes toward Ernestine Bonneval.

Fourth, and most important, white New Orleanians increasingly viewed crime in racialized terms. Violence, they insisted, was a 'negro problem', and, therefore, preserving law and order largely entailed controlling the city's African American population. 'Were it not for the colored murders, New Orleans and the entire South would have an excellent record', a police

<sup>106</sup> J Edgar Hoover, 'Wild Children' (1943) 136 *American Magazine* 40.

<sup>107</sup> 'Major Crime Wave Due' *New York Times* (11 December 1945) 26.

<sup>108</sup> 'A Greater Evil Than War' *New Orleans Times—Picayune* (11 September 1945) 10.

<sup>109</sup> Gilbert (n 103) 26.

<sup>110</sup> Jacobi (n 49) 4.

<sup>111</sup> Shannon (n 50) 2.

<sup>112</sup> OBB (n 21) 14.

<sup>113</sup> Jacobi (n 49) 4; Shannon (n 50) 1.

<sup>114</sup> Shannon (n 50) 2.

chief argued, despite the city's very high rate of white homicide.<sup>115</sup> Thus, local law enforcers focused their efforts on African Americans, which shaped criminal justice in the city.<sup>116</sup> As Jim Crow-inflected perceptions of violence contaminated and distorted the operation of legal institutions in the city and the region, attitudes toward African American offenders hardened and sentiments toward white killers softened.

White crime and white criminals disappeared from police investigations and killings, courtrooms, the state penitentiary, death row, and public discussions of violence. Racial disparities in arrests, aggressive interrogations, indictments, convictions, sentencing, and police shootings widened. Grand juries, for example, exonerated white homicide suspects at four times the rate of African American suspects. Race-based differentials in criminal justice became more pronounced between 1920 and 1945. During the early 1920s, the conviction rate for white defendants was 25.5 percent higher than for African Americans. Two decades later, the African American rate was 71 percent higher, documenting a sharp decrease in the prosecution of white killers and a surge for African American suspects.<sup>117</sup> When juries convicted white killers, the defendants were also six times more likely to receive minimum sentences, and convicted white women were sentenced to the legal minimum a dozen times more often. The gap was even more extreme for the most severe punishment. White defendants comprised one-third of convicts sent to the gallows in the early period, but by 1934 execution was reserved exclusively for African American defendants. Between the 1920s and the early 1940s, the death-penalty rate for African Americans leaped by 61 percent, while capital punishment no longer applied to white murderers. Lethal police shootings followed a parallel trajectory.<sup>118</sup> From the 1930s to the early 1940s, the proportion of African American police homicide victims nearly tripled, and the rate of deadly police shootings of African American suspects swelled to more than six times the white level. Taken together, these changes reflected law enforcement practices and prosecution disparities, not shifts in the racial composition of local killers. The same set of overlapping transformations unfolded across Louisiana. Between 1930 and 1940, the state's violent crime rate plunged. The inmate population of the Angola state penitentiary, however, doubled, with African American convicts accounting for 82.6 percent of the increase. Crime became encoded as African American, and white offenders became increasingly invisible.<sup>119</sup>

Racial disparities in criminal justice also interacted with gender-based notions of punishment, amplifying these differentials. Grand jurors exonerated white women arrested for homicide and criminal-court jurors acquitted white women facing trial at six times the rate of African American men. Judges contributed to these gulfs still more, sentencing white women to prison terms one-seventh the length of African American men convicted of manslaughter or murder.

Newspaper cover of violence mirrored this trajectory, reinforcing white perceptions of criminality. During the early 1920s, whites comprised over half of the homicide defendants who went to trial. Two decades later, they made up less than a quarter of the defendants, a 56.1 percent drop. During the same span, the proportion of African American defendants facing criminal court juries nearly doubled, and these New Orleanians were

<sup>115</sup> 'Hanging Only Cure for Homicides, Says Molony' (n 6) 1. For the role of the social sciences in this explanation, see Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Urban America* (Harvard UP, 2010).

<sup>116</sup> For a related analysis, see Douglas J Flowe, *Uncontrollable Blackness: African American Men and Criminalization in Jim Crow New York* (University of North Carolina Press, 2020).

<sup>117</sup> These trends chart the proportion of homicide cases in which prosecutors secured convictions—not the raw number of homicide cases with convictions. Between 1925 and 1945 the number homicides fell by 43.3 percent and the city's homicide rate by 55.3 percent.

<sup>118</sup> Jeffrey S Adler, *'Bluecoated Terror': Jim Crow New Orleans and the Roots of Modern Police Brutality* (University of California Press, forthcoming 2024).

<sup>119</sup> A comparable shift occurred in the North. See Muhammad (n 22).

almost four-fifths of the homicide offenders appearing in court. Newspaper reporting on violent crime and trials, and particularly the most heinous offenders and the most high-profile murders, therefore, increasingly focused on African Americans and thus exaggerated white views of violence, disorder, and deviance. Jim Crow law enforcement shaped the operation of the criminal justice system, magnified racial disparities, and cemented white racialized perceptions of criminality in ways that affected both African American and white residents.<sup>120</sup>

White supremacy transformed New Orleans law enforcement. African American residents endured increasing over-policing, brutality from detectives, and excessive punishment. But local cops also largely stopped arresting white suspects, and district attorneys stopped prosecuting them, more often dismissing or dropping charges prior to grand jury proceedings and indictments. Jurors, who remained all white, indicted and convicted white defendants at lower rates, and judges imposed more lenient sentences on convicted white killers. In short, the criminal justice system gradually turned a blind eye to white violence, a shift that benefitted Ernestine Bonneval and helped to explain white New Orleanians' willingness, after a brief lag, to perceive her as a victim of circumstances beyond her control rather than a vicious killer. The immediate, visceral reaction to the fatal whipping might have been horror, but white New Orleanians quickly reassessed the deadly beating and Bonneval, a reinterpretation denied to African American killers in the age of Jim Crow and constituting an invisible expression of white privilege. Far from treating her lethal violence as a notable outlier, white editors and white residents rapidly minimized or ignored Ernestine's savagery, reflecting powerful white notions of their innate racial, moral, and cultural superiority. In short, the fierce embrace, expression, and celebration of racial supremacy led these New Orleanians to view violence through a white racial frame and focus on Ernestine Bonneval's victimization.<sup>121</sup> The cultural force of white supremacy even stifled prurient discussions of a notorious, outlying white murdering mother. Racialized criminal justice muted white class divisions as well; Ernestine's disreputable lifestyle and comportment—her broken marriages and romantic relationships, toothless grin, photographs holding the tail-o'-nine-tails used to killed Clementine, callous confession, and brazen demeanor—disappeared from the public narrative of the crime.

This racial framing also distorted attitudes toward mid-century juvenile delinquency, a topic that became oddly interwoven with debates about Clementine Bonneval's violent death. During the war years, delinquency cases overwhelmed the parish's juvenile court dockets. Anna Levy and John Wingrave, her colleague on the juvenile-court bench, released most white children or directed them to temporary shelters, such as the Milne Municipal Boys' Home. Neither Orleans Parish nor local charities operated short-term care facilities for African American children. Nor did the state provide any facilities for African Americans deemed juvenile delinquents. Judges could discharge the teenagers, place them on probation, or send them to the state prison farm at Angola, legally branding them as criminals.<sup>122</sup> During the early 1940s, the Orleans Parish juvenile court committed African American children to penal institutions twice as often as white minors. For comparable behavior, rebellious African American teenagers received sentences in the state's infamous maximum-security prison, while judges directed white delinquents to temporary shelters.<sup>123</sup> Writing in 1942, one sociologist explained that juvenile-court officials believed that 'all Negro law violators are criminals regardless of age.

<sup>120</sup> Through the World War II era, African Americans remained excluded from the local police department and from the prosecutor's staff and nearly excluded from voting and serving on juries.

<sup>121</sup> Feagin (n 22).

<sup>122</sup> A similar depiction of delinquent youth emerged in the postwar urban North. See Carl Suddler, *Presumed Innocent: Black Youth and the Justice System in Postwar New York* (New York UP, 2019).

<sup>123</sup> Mary Wallace Austin, 'A Comparative Statistical Study of Negro-White Juvenile Delinquency in New Orleans, 1940 and 1930' (MA thesis, Tulane University 1944) 35-47.



Many [judges] do not seem to think that Negro youth is biologically capable of learning to react positively to the identical reform therapy as white youth.<sup>124</sup> The demonization of African American teenagers and the victimhood of white juveniles represented opposite sides of the same legal framework and contributed in another, largely unseen, way to white racialized perceptions of criminality and to the disappearance of white criminals.<sup>125</sup>

These aligning layers of police practices, criminal justice procedures, and journalistic attention made the prophecy of the African American predator and the disappearance of the white criminal self-fulfilling. Such a process, as a core element of white supremacy, redefined the treatment of white offenders, ranging from disorderly children to vicious killers. Within two months, white New Orleanians transformed Ernestine Bonneval from a cold-hearted monster to a hapless victim.

## CONCLUSION

Ernestine Bonneval's treatment by local courts, ranging from juvenile court to criminal court, reflected the wider modernization of legal institutions in Jim Crow New Orleans and the Deep South. The New Deal encouraged white Southerners to become more receptive to government authority, and the juvenile delinquency panic lent a new urgency to state initiatives regarding children. Gender ideals also blunted demands for the draconian punishment of Ernestine Bonneval. But race shaped the expression and confluence of these forces. The emerging, more activist stance of the courts to preserve stability operated squarely within the Jim Crow racial hierarchy, empowering the legal system to exercise greater authority in a manner that both criminalized African American residents and refrained from criminalizing white residents.

Shifting white attitudes toward the law and the state, therefore, revealed a distinctly Southern form of legal modernization, simultaneously reflecting national reform currents, and bolstering regional racial sensibilities.<sup>126</sup> Parallel transformations occurred in policing and punishment. In law enforcement, Southern whites denounced third-degree interrogation methods for white suspects while encouraging police detectives to employ coercion to extract confessions from African American suspects. Similarly, police use of deadly force against whites decreased at the same time that it increased against African American suspects.<sup>127</sup> Early twentieth-century Southern penal reform enhanced white authority. The centralization of parole and pardon decisions as well as the shift from the gallows to the electric chair, cast at legal reform, bolstered the power of the region's racial demagogues.<sup>128</sup> Across the South, policymakers embraced criminal justice modernization in ways that nodded to national reform currents but reinforced white supremacy and demonized African Americans.

These powerful regional forces affected the punishment of white killers and white New Orleanians' changing interpretations of Ernestine Bonneval and her brutal crime. Stereotyped white perceptions of African American residents as violent predators generated more lenient, forgiving attitudes toward white offenders, even murdering mothers. White supremacy distorted the modernization of Southern criminal justice.

<sup>124</sup> 'Negro Plays Lottery in Desperation' *New Orleans Item* (8 May 1942) 7.

<sup>125</sup> 'Juvenile Delinquency Here Shows Rise of 22 Percent Cent Since 1939' *New Orleans States* (23 September 1943) 1; 'Juvenile Crime Problem Grows' *New Orleans Times—Picayune* (6 January 1945) 5; 'Score Louisiana on Child Welfare' *New Orleans States* (28 May 1945) 3.

<sup>126</sup> Stephanie Cole and Natalie J Ring (eds), *The Folly of Jim Crow: Rethinking the Segregated South* (Texas A & M UP, 2012).

<sup>127</sup> Adler (n 118).

<sup>128</sup> Amy Louise Wood, 'Cole Blease's Pardoning Pen: State Power and Penal Reform in South Carolina' in Cole and Ring (n 126) 149; Vivien Miller, 'Hanging, the Electric Chair, and Death Penalty Reform in the Early Twentieth-Century South' *ibid* 184; Seth Kotch, *Lethal State: A History of the Death Penalty in North Carolina* (University of North Carolina Press, 2019).