

Stealing Children's Lives

Judge Camille Kelley Aided Trafficking of Thousands of Children

By Russell Fowler



Judge Camille McGee Kelley (1879-1955)

It was the 1940s. The mother superior of a Memphis orphanage sent an urgent warning to the other sisters as she had many times before: “Judge Kelley is coming.” The nuns scurried “to hide the prettiest children” before the judge’s chauffeur-driven Cadillac arrived. The nuns knew “something was rotten” and these children had to be protected from Camille Kelley, the juvenile court judge.¹

Memphis had come a long way in forging a modern juvenile justice system. As early as 1862, the *Memphis Daily Appeal* editorialized:

It is manifestly our interest, to say nothing of higher motives, when we find children raised by their parents or guardians in criminal habits, or when we find them homeless or friendless, exposed to every evil influence, take possession of them, put them where they will be taught to fear God, to live uprightly, and to labor industriously.²

In that spirit, America’s first true juvenile court was founded in Chicago in 1899.³ The Progressive Movement added to its agenda the creation of tribunals focusing on the child instead of the wrongdoing.⁴ Or as Judge Kelley would say: “We try the boy, not his offense. We seek to take away from him nothing but his mistakes.”⁵

After much community effort, a juvenile court was opened in Memphis in 1910, initially an adjunct of city court. Until 1920, the court suffered from political attacks, poor staffing and the instability of 10 different judges, all lawyers and friends of



Judge Kelley in front of the Memphis Juvenile Court Building.

Edward H. Crump, the political boss of Memphis.⁶

Judge Kelley on the Bench

In May 1920, the court obtained stability and energy with the appointment of Judge Kelley by the reform-minded Mayor Rowlett Paine. She said she was “somewhere near the age of 36,” but she was 40.⁷ While not a lawyer, Kelley was the founder of the Memphis PTA, a socialite, wife of a leading attorney and daughter of the chair of surgery at Memphis Medical College.⁸ She described herself as a “sheltered Southern woman.”⁹

With women exercising the franchise for the first time in 1920, the selection of the South’s first woman juvenile court judge was met with acclaim.¹⁰

Although Kelley had opposed women’s right to vote and participation in politics,¹¹ contending that women should never “supplant the men in public jobs they have held for hundreds of years,”¹² she eagerly assumed the bench.

As for lack of legal training, Kelley said, “I consider motherhood the greatest preparation for the work to which I have been appointed.”¹³ She studied the law on children, visited other juvenile courts and met the iconic Jane Addams.¹⁴

Nevertheless, from the start, Kelley “overstepped her authority,”¹⁵ and many complained, appealed and sued for unnecessary taking of children¹⁶ and “intrusiveness”¹⁷ with court officers visiting some homes every day.¹⁸ The judge confessed that “my concept of a Juvenile Court is a strong arm.”¹⁹ In 1921, the court was given strengthened autonomy and jurisdiction by the General Assembly, and the judgeship became an elected post.²⁰

The high-profile, flamboyant, smiling Kelley never wore a robe, but was often clad in fur on the bench. She always carried a colorful fan and wore a long pearl necklace and an abundant corsage. She filled her courtroom and chambers with large, fresh flower arrangements, explained as a means to make the children feel more at ease.²¹ Routinely hours late for court,²² she proudly declared that “delinquent children are my specialty.”²³

Kelley preferred to hold proceedings in chambers and liked dealing with boys more than girls.²⁴ Unlike with girls, most boys’ cases, of whom she called “reg’ler fellers,”²⁵ were dismissed or they were ordered released after admitting error.²⁶ She could be especially brutal on females with pregnancies

out of wedlock.²⁷

Court records prove Black and white children were treated differently, such as greater incarceration rates for African Americans²⁸ and different dockets and court days for each race.²⁹ She enforced deferential behavior by Black children toward whites,³⁰ and removed white minors from low-income homes for being left with Black caregivers.³¹

Kelley publicly praised and defended the superintendent of the facility housing Black children. The superintendent was, nonetheless, imprisoned for starving, assaulting and disfiguring children.³²

Despite becoming “something of a despot,”³³ Kelley became America’s first media celebrity judge. Relishing the limelight and frequently appearing on radio and television, she spoke to groups across the country and received many awards.³⁴ She published three mawkish books: *A Friend in Court* (1942), *Delinquent Angels* (1947) and *Kelleygrams* (1948).

In 1939, after days of observing Kelley’s court, the movie star Mary Pickford said, “I left Memphis with a prayer in my heart that some day there would be court rooms like Camille Kelley’s stretched across the length and breadth of every land.”³⁵ To honor the state’s famous first female judge, Kelley’s portrait was hung in the Tennessee Senate chamber in 1947 with a ceremony attended by Gov. Jim McCord. He said, “There is no finer woman, no more precious lady.”³⁶



Georgia Tann



E. H. Crump. Kelley dedicated a book to him and had the local Audubon Society named in his honor.



Infamous mother Joan Crawford adopted children through Tann.

Georgia Tann and the Tennessee Children’s Home Society

In her “bits of wisdom” book, *Kelleygrams*, Judge Kelley wrote: “Now and then we must commit a child to an institution. These institutions reflect our concept of legal protection.”³⁷ However, she knowingly sent multitudes of children to institutions that were neither legal nor protection. The most notorious was the Tennessee Children’s

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Home Society run by Georgia Tann, a social worker, member of the Mississippi bar and daughter of a Mississippi judge.³⁸

Beginning in about 1935,³⁹ the ruthless Tann, with the aid of her well-connected lawyer Abe Waldauer, operated a national child trafficking racket on a staggering scale.⁴⁰ “Institutions were honeycombed with Georgia’s spotters.”⁴¹ Tann paid doctors, nurses, social workers, law enforcement and lawyers to spot and seize desired newborns from maternity wards, prison infirmaries and the state mental hospital at Bolivar.⁴²

Newborns to age five were particularly marketable.⁴³ Mothers were falsely told their babies were stillborn or died.⁴⁴ Older saleable children were snatched off the streets of poor neighborhoods and rural West Tennessee backroads.⁴⁵ Kidnapped juveniles were assigned false birth certificates and fabricated pasts.⁴⁶

Supplied with court orders by Kelley, Tann’s spotters and juvenile court staff would invade underprivileged homes, tenement houses and modest farms, assemble all the children and take only those Tann wanted, usually the youngest.⁴⁷ Single mothers and families seeking public assistance drew her attention.⁴⁸ Tann also watched “like a solitary vulture”⁴⁹ at juvenile court hearings, but Judge Kelley herself was Tann’s chief spotter. Yet however obtained, Kelley would swiftly transfer custody to Tann.⁵⁰ “Dishes in the sink” were enough to deem a parent unfit.⁵¹

Without any investigation of adopting parties,⁵² children as old as 16 were sold to single, out-of-state adults of the opposite sex,⁵³ sometimes pedophiles.⁵⁴ Film stars Joan Crawford, June Allyson, Dick Powell and Lana Turner adopted children through Tann.⁵⁵ Because Kelley did not have jurisdiction over adoptions, and the honest probate judge who did, Sam Bates, sounded alarms,⁵⁶ these were handled by obliging judges in Hardeman, Haywood and Dyer counties.⁵⁷

Tann and Kelley’s operation had the protection of Boss Crump,⁵⁸ for both women were Crump favorites.⁵⁹ Kelley always went out of her way to praise and flatter Crump,⁶⁰ and Tann funneled cash to Crump’s machine.⁶¹ And, because of their political influence, and Tann’s threats of retaking adopted children from influential Memphians,⁶² they were able to block adoption reforms in the legislature and exempt Tann’s operation from state regulation. Waldauer was also allowed to amend adoption bills to his liking behind the scenes in Nashville.⁶³



Our hero: Memphis lawyer Robert L. Taylor

A Memphis Lawyer Ends the Horror

In response to complaints by Judge Bates and families blackmailed by Tann, Gov. Gordon Browning, Crump’s greatest enemy, appointed a young Memphis lawyer, Robert L. Taylor, to investigate.⁶⁴ Taylor was the grandson of a Tennessee governor and U.S. senator by the same name. His astonishing report was released in late 1950.⁶⁵

Taylor relentlessly tracked the transport to California and New York of from four to six babies a week by Tann’s staff via commercial flights, once on-board the airplane a few seats away and later observing babies handed over in a hotel lobby.⁶⁶ Payments were made by check to Tann individually. He also found that Tann and Kelley lived far beyond their legal means.⁶⁷

Taylor believed Tann bribed Kelley,⁶⁸ but he never traced payments to her.⁶⁹ He also concluded that Kelley was one of the “ring leaders.”⁷⁰ Moreover, he believed Kelley sold children separate from Tann and blackmailed Crump cronies to keep her bench.⁷¹

As many as 5,000 children were stolen. Many were sexually abused, denied lifesaving medical care, and infants were starved to death or deliberately left exposed in the hot Memphis summer sun to die of dehydration. At least 500 unmarketable babies died at the Tennessee Children’s Home Society.⁷² At first, Tann had babies’ bodies interred in a plot at Elmwood Cemetery, but it is believed she later buried and burned countless small corpses behind her facility, and some were cremated at a funeral home. Through falsified deaths and real fatalities, Tann gave Memphis the nation’s highest infant mortality rate. Still many babies’ deaths went unreported by Tann.⁷³

Taylor won a Chancery injunction securing Tennessee Children’s Home Society records, but files were removed at night by Abe Waldauer.⁷⁴ Taylor, with a shoestring budget, only had limited authority to investigate and expose.⁷⁵ Furthermore, Gov. Browning forbade him from questioning Tann or her staff.⁷⁶ Browning said he “did not want a reputation for prosecuting old ladies.”⁷⁷ Tann and Kelley’s allies killed a bill in the General Assembly to grant Taylor broader powers.⁷⁸ And the prominent Memphians blackmailed over their adopted children did not want the publicity of testifying at trial.⁷⁹

Undaunted, in November 1950, Taylor tape-recorded Kelley bribing a juvenile court employee not to implicate the judge.



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Further Reading

Austin, Linda T., *Babies for Sale: The Tennessee Children's Home Adoption Scandal* (1993).

Boehner, Don W., *What Ever Happened to Baby James?* (2014) (Victim's account).

Christie, Judy, and Lisa Wingate, *Before and After: The Incredible Real-Life Stories of Orphans Who Survived the Tennessee Children's Home Society* (2019).

Curtis, George John, *Tennessee Tears* (1994) (Victim's account).

Raymond, Barbra Bisantz, *The Baby Thief* (2013).

Standridge, John, *The Delaney Kids – Bought and Paid For* (2010) (The story of three victims).

Trost, Jennifer, *Gateway to Justice* (2005) (A study of Kelley's court not focusing on the adoption scandal).

Wingate, Lisa, *Before We Were Yours* (2019) (A novel based on the scandal).

Confronted with the evidence, Kelley was told by the powers that be that the investigation would end if she resigned. She did so less than 24 hours later.⁸⁰ Georgia Tann died of cancer just before the scandal broke.⁸¹ No one was made to account for the crimes. The city, state and Crump machine wanted to move on.

The Aftermath

Judge Kelley received a glittering retirement gala at The Peabody Hotel, attended by Mary Pickford. It was proclaimed



Judge Kelley at the end of her 30 years on the bench.

"Camille Kelley Day" in Memphis.⁸² Plans for a television series based on her book *Delinquent Angels* were quietly scrapped. She died from a stroke in 1955.⁸³

The bar's only consolation is Kelley was not a lawyer and a lawyer ended her 30-year reign of terror. That lawyer, Robert Taylor, became a Shelby County chancellor⁸⁴ and Court of Appeals judge.⁸⁵

The state took control of the Tennessee Children's Home Society and closed it in 1951.⁸⁶ Families across

America are impacted to this day. Those stolen and sold sometimes find siblings and the graves of their mothers, mothers who never knew their children lived. In 2015, a monument was erected at Elmwood Cemetery. It reads:

In memory of the 19 children who finally rest here unmarked if not unknown, and of all the hundreds who died under the cold, hard hand of the Tennessee Children's Home Society. Their final resting place unknown. Their final peace a blessing.⁸⁷ ■■■

NOTES

1. Barbara Bisantz Raymond, *The Baby Thief* 111 (2013).
2. *Daily Appeal* (Memphis, May 10, 1862).
3. Lawrence M. Friedman, *A History of American Law* 456 (3rd ed. 2007).
4. See *id.*; Jennifer Trost, *Gateway to Justice* 62 (2005).
5. *Cape Girardeau Southeast Missourian*, "Woman Judge Gets Results" (July 7, 1943) p. 4.
6. Jennifer Trost, *Gateway to Justice* 41-51 (2005).
7. *Id.* at 52.
8. *Id.* at 51-53.
9. *Id.* at 53.
10. *Id.* at 51, 57.
11. See *id.* at 53.
12. *Id.* at 58.
13. *Id.* at 53.
14. *Id.* at 57.

15. *Id.* at 5.
16. *Id.* at 56.
17. *Id.* at 5.
18. See *Id.* at 120.
19. *Id.* at 55.
20. *Id.* at 51.
21. See Camille Kelley, *A Friend in Court* 15-16 (1942); Raymond at 94-95.
22. Linda T. Austin, "Babies for Sale: Tennessee Children's Adoption Scandal" *Tennessee Historical Quarterly* Vol. 49, No. 2 (Summer 1990).
23. Trost at 122.
24. *Id.* at 54.
25. *Id.*
26. *Id.* at 123.
27. See *Id.* at 112.6
28. *Id.* at 54.
29. *Id.* at 34.
30. *Id.*
31. *Id.* at 55.
32. *Id.* at 83-84.
33. Austin at 100.
34. Trost at 58.
35. Camille Kelley, *Kelleygrams* 4 (1948).
36. Austin at 99.
37. Kelley, *Kelleygrams* at 40.
38. Raymond at 47-52.
39. Austin at 100.
40. Raymond at 151-56
41. *Id.* at 132.
42. *Id.* at 95; 123.
43. *Id.* at 123.
44. See *Id.* at 95.
45. Nick Poppy, "This Woman Stole Children from the Poor to Give to the Rich," *N.Y. Post* (June 17, 2017).
46. Raymond at 13.

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47. *Id.* at 123.
48. *Id.* at 132.
49. Austin at 100.
50. Raymond at 111.
51. *Id.* at 179.
52. Austin at 91.
53. Raymond at 123.
54. *Id.* at 12.
55. *Id.* at 109.
56. Robert A. Lanier, *The History of the Memphis and Shelby County Bar* 84 (1982); Austin at 94, 95; Raymond at 154-56, 190.
57. Austin at 91, 98.
58. Raymond at 156.
59. Lanier at 84.
60. For example, Kelley had the local Audubon Society renamed in Crump's honor and dedicated her book, *A Friend in Court*, to Crump, the person, according to Kelley, "who made the Juvenile Court possible, and who thus has been in a very large part responsible for assisting some forty thousand boys and girls to a better understanding of life, and to a better chance of achieving constructive citizenship."
61. Austin at 100.
62. *Id.* at 96; Raymond at 190-91.
63. Austin at 95-96; Raymond at 190-91.
64. *Id.* at 97-98; Raymond at 191.
65. Austin at 99.
66. See *Id.* at 98.
67. *Id.* at 100.

68. Raymond at 95.
69. Austin at 99.
70. *Id.* at 100.
71. *Id.*
72. Nick Poppy, "This Woman Stole Children," *N.Y. Post* (June 17, 2017).
73. Raymond at xii; 149.
74. Austin at 90.
75. See *id.* at 100.
76. Raymond at 8.7
77. Austin at 101.
78. See Raymond at 8.
79. Austin at 101.
80. *Id.* at 99.
81. *Id.* at 100-101.
82. *Id.* at 101.
83. See *Id.* at 100.
84. Robert L. Taylor served as Chancellor of Part 2 of the Chancery Court of Shelby County from 1966 to 68. While clerking for Chancellor Neal Small, the author of this column had the honor of meeting Taylor, who had retired and moved out of state, when he attended a Chancery Christmas party in 1986.
85. James W. Ely Jr., *A History of the Tennessee Supreme Court* 273 (2002).
86. Austin at 101.
87. Elmwood Cemetery, Memphis, Tennessee Children's Home Society Plot, Turley Lot Number 504.

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