

REFORM, TRAIN, REHABILITATE: THE HISTORY OF JUVENILE INCARCERATION IN
TEXAS, 1883 – 1979

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ABSTRACT

REFORM, TRAIN, REHABILITATE: THE HISTORY OF JUVENILE DETENTION IN TEXAS, 1883 TO 1979

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This dissertation analyzes the role that economic interests had on the creation, maintenance, and changes in the juvenile incarceration system from the years 1883 to 1979 under the Texas Prison Board, the Board of Education, the Board of Control, the Texas Youth Development Council, and the Texas Youth Council. While scholars have previously traced the history of juvenile incarceration facilities to the efforts of social reformers of the Women's Christian Temperance Union in 1886, this dissertation repositions the point of origin of the juvenile system at the Texas penitentiary system in the late 1870s under the planning and lobbying of prison officials. After the creation of the Gatesville House of Correction and Reformatory in 1889, Texas lawmakers, governmental agencies, and facility administrators pressured youthful inmates between the ages of nine and twenty-one to labor for no pay and produce revenue for the state in a system that directly mirrored management practices of the Texas state penitentiary system for adult convicts.

INTRODUCTION: THE ARCHIVES, THE “INEVITABLY CRIMINAL,” AND THE
ROOTS OF JUVENILE DETENTION IN TEXAS, 1877-1889

It is not generally true of prisoners that they become criminals by a single misstep. They are as a class naturally, and it may be inevitably criminal.

—Dr. E. C. Wines, 1898

Texas was built on the promise that chattel slavery would produce massive profits for landowners in the state. In the early nineteenth century, immigration from the Southern United States to Texas, then part of a Mexican state, was accelerated by large swaths of cheap land that the Mexican government offered to Anglo Americans. African slaves, forced along by their profit-driven Anglo captors, worked the land and created the wealth that property-owning Texans used to build cultural, political, social, and economic power in what would become the Republic of Texas, and later, the State of Texas.¹ Slavery was the key to financial prosperity and to defend it, Anglo Texans fought two wars in the span of thirty years under the banner of “liberty” and “freedom,” first in the War for Texas Independence in 1835 and then in the American Civil War in 1861 to 1865.²

After the Civil War and the United States’ abolition of slavery in 1865, ex-slaveholding Anglo Southerners sought “modern” ways to recreate the worker-owner arrangement that gave them the lion’s share of the wealth that workers created. At the same time, elite Anglos romanticized antebellum Southern society and passed laws favorable to powerful whites and that undermined the reality that African Americans were free.³ Reeling from Confederate loss, Anglo

¹ Ibram X. Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* (New York: Nation Books, 2016), 181.

² Andrew Torget, *Seeds of Empire: Cotton, Slavery, and the Transformation of the Texas Borderlands, 1800-1850* (Chapel Hill: University of North Carolina Press, 2015).

³ For more on Southern veneration of antebellum society in post-Civil War culture, see David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, MA: Harvard University Press, 2001); Glenda Elizabeth Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920* (Chapel Hill: University of North Carolina Press, 1996); Grace Elizabeth Hale, *Making Whiteness: The*

lawmakers—many of whom had owned slaves and served in some capacity during the Civil War to protect their status—established retributive and legal methods of limiting the freedoms of Black people of all ages with the Black Codes in the emergent New South.⁴ With Anglo public support, police institutions strengthened white political power as industrialization and urbanization motivated migration to urban population centers.

In the emergent industrial order of the New South, police operated under the assumption, scholar David Garland explains, “that crime was a normal response to temptation, widely distributed throughout the lower classes and closely related to idleness and indigence.”⁵ Police disproportionately targeted African Americans who were demonized and humiliated by racist propaganda that framed them as dangerous and childlike.⁶ Racist judges and white jurors acted on their assumptions of Black inferiority too and convicted Black defendants with crimes that ranged from petty theft to rape, and often on the flimsiest of evidence.⁷ The integrity of evidence hardly mattered to the police, jurors, and judges, who believed that the convicted were, as one prominent criminologist expressed at a conference for prison administrators in 1898, “inevitably

Culture of Segregation in the South, 1890-1940 (New York: Pantheon, 1998); W. Fitzhugh Brundage, ed., *Beyond Blackface: African Americans and the Creation of American Popular Culture, 1890-1930* (Chapel Hill: University of North Carolina Press, 2011).

⁴ Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2005).

⁵ David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Chicago: University of Chicago Press, 2001), 31.

⁶ David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso Books, 2007), 17; Nell Irvin Painter, *The History of White People* (New York: W. W. Norton, 2010), 202-21.

⁷ Edward Ayers, *Vengeance & Justice: Crime and Punishment in the 19th-Century American South* (New York: Oxford University Press, 1984); Lisa Lindquist Dorr, *White Women, Rape, and the Power of Race in Virginia, 1900-1960* (Chapel Hill: University of North Carolina Press, 2004); and Silvan Niedermeier, *The Color of the Third Degree: Racism, Police Torture, and Civil Rights in the American South, 1930-1955* (Chapel Hill: University of North Carolina Press, 2019).

criminal.”⁸ As the latter half of the nineteenth century progressed, Southern states had begun to amass a convict population of mostly African American men convicted of crimes that targeted them, justified by the state’s use of “modern” ideas about public safety and punishment.⁹ In Texas, that population was housed at the Huntsville State Penitentiary, also known as The Walls, established in 1849 to punish white felons. After the Civil War, it became a facility that warehoused African Americans convicted, often unfairly, of breaking the law.¹⁰

Industrialization, urbanization, and the post-bellum criminal proceedings motivated prison administrators in the South to reinvent penitentiaries into revenue-generating businesses. Prison administrators and lawmakers struck deals with private businesses in which businesses “paid the state for the privilege of putting most or all the state’s prisoners to work,” as an unpaid labor force that effectively rebuilt the South as an industrial and agricultural juggernaut in the aftermath of the Civil War.¹¹ Using laborers who were stripped of their right to unionize or to demand fair compensation, privately owned businesses leased groups of inmates from state prisons, an arrangement called the convict lease system, to do some of the most grueling labor in Texas that rebuilt its economy and infrastructure, which included picking cotton, building railroads, or constructing the State’s Capitol building in Austin, all under the watch of armed guards who threatened bodily harm against the inmates.¹² Without the legal obligation to

⁸ American Correctional Association, *Proceedings of Prison Congress of the National Prison Association of the United States 1898* (Pittsburg, PA: Shaw Brothers, Printers, 1899), 20.

⁹ David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Chicago: University of Chicago Press, 2001), 32.

¹⁰ Thomas J. Goree, “Some Features of Prison Control in the South,” *Proceedings of the Annual Congress of the National Prison Association of the United States, Held at Austin, Texas, December 2-6, 1897* (Pittsburgh: Shaw Brothers Printers, 1898), 136.

¹¹ Rebecca M. McLennan, *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal Sate, 1776-1941* (Berkeley: University of California Press, 2008), 88; Trulson, et.al, *Lost Causes*, 18.

¹² Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (New York: Verso Books, 1996), xix.

compensate their workforce or to recognize their humanity, businesses and the state of Texas saw profits soar from the arrangement that gave politicians, administrators, agents, and other aligned interests access to the capital that unfree laborers created.¹³ Using unfree labor, ex-slaveholders developed the “New South” atop the ashes of the “Old.”¹⁴

W.E.B. Du Bois argued that the convict lease system “gave to the state a profit in crime, not to mention the vast profits which came to the private contractors.”¹⁵ He concluded that “crime,” as defined by powerful Anglos, “was used in the South as a source of income for the state.”¹⁶ Racialized policing and a racially motivated criminal court system maintained a social hierarchy that placed Anglos on top of the social order while a workforce of mostly African Americans toiled in fields, mines, railroad tracks, woodcutters’ camps, factories, and city streets as unfree, unpaid laborers.¹⁷ Regardless of the labor that inmates performed while in captivity, their labor was essential to produce a profit for private businesses and business-aligned state officials, which included prison administrators.¹⁸

¹³ Donald R. Walker, “Convict Lease System,” *Handbook of Texas Online*, accessed September 21, 2020, <https://www.tshaonline.org/handbook/entries/convict-lease-system>; Donald Walker, *Penology for Profit: A History of the Texas Prison System, 1867-1912* (College Station: Texas A&M University Press, 1988), 4; Thomas A. Paige, “‘To Get Their Labor for Nothing’: Criminal Courts and Jim Crow in Tarrant County, Texas: 1887-1908” (MA Thesis, University of Texas at Arlington, 2012).

¹⁴ Ayers, *Vengeance & Justice*, 185.

¹⁵ Du Bois, *Black Reconstruction in America*, 506.

¹⁶ Du Bois, *Black Reconstruction*, 698.

¹⁷ Texas Constitutional Convention (1868-1869). *Journal of the Reconstruction Convention, Which Met at Austin, Texas, June 1, A. D. 1868.*, book, 1870; Austin, Texas. (<https://texashistory.unt.edu/ark:/67531/metaph38132/m1/195/?q=indigent>: accessed October 7, 2020), University of North Texas Libraries, The Portal to Texas History, <https://texashistory.unt.edu> (hereafter referred to as *Portal to Texas History*); crediting Austin History Center, Austin Public Library, 195; Talitha L. LeFlouria, *Chained in Silence: Black Women and Convict Labor in the New South* (Chapel Hill: University of North Carolina Press, 2015), 18; Nell Irvin Painter, *The History of White People* (New York: W. W. Norton & Company, 2010), 201.

¹⁸ Texas, Attorney-General's Office, “Texas Attorney General Opinion: O-4727,” July 17, 1942, *Portal to Texas History*, crediting UNT Libraries Government Documents Department; Texas State Library and Archives

After Reconstruction ended in 1877 and federally enforced legal protections for newly freed African Americans ended with it, Anglo state and local officials had the power to shape public policy to their liking without pressures from the federal government. With the power to codify white supremacy into their laws, Southern politicians unleashed even greater retributive police forces onto Black Texans.¹⁹ With an immediate population explosion of African Americans in prison the same year that Reconstruction ended, the state established a new leasing contract format wherein convicts were individually leased out to companies at \$3.01 per month rather than the previous single group fee. The new deal set a premium on highly skilled, able-bodied convicts.²⁰ Texas officials entered a new phase of commodified prison labor under the leadership of ex-Confederate veterans, a phase in which high incarceration rates and individualized price tags for convict laborers set the groundwork for how the prison system, and its affiliated state offices, like the police, operated. The future wealth of Texas depended on how well prison administrators managed the influx of inmates, and on the quality of each inmate that they received.

To keep up with the demand for cheap labor as business opportunities diversified, the state opened Rusk Penitentiary in 1882 in East Texas, designed to hold inmates who would mine the iron-ore resources of the region—Rusk inmates cast the dome to the Texas capitol building in

Commission (hereafter referred to as TSLAC), “Rough Beginnings, 1848-1861,” *Fear, Force, and Leather*, <https://www.tsl.texas.gov/exhibits/prisons/beginnings/page2.html>.

¹⁹ For more on Texas officials’ dedication to keeping African Americans performing plantation labor through the prison system, see Theresa R. Jach, “Reform versus Reality in the Progressive Era Texas Prison,” *The Journal of the Gilded Age and Progressive Era* Jolv. 4, No. 1 (January 2005), 53-67.

²⁰ Robert Perkinson, *Texas Tough: The Rise of America’s Prison Empire* (New York: Metropolitan Books, 2010), 98.

the 1880s, for example.²¹ Whether inmates were in Huntsville, Rusk, or one of the other “outside” prison farms, conditions that the unfree laborers experienced were vicious.

Cheap labor was essential because labor was—and frequently remains—the most expensive component of any profit-driven business plan. Profit margins exponentially widen with the removal of the cost of labor, especially if the labor that is removed is trained, skilled, or unionized. Labor that cannot become mechanized or automated is, to some extent, skilled, and requires training.²² It can become especially expensive for capitalists if laborers are inadequately trained and inexperienced to perform a task on short deadlines. For prisoners who hailed from heavily policed industrial cities, as was increasingly true as the twentieth century approached and progressed, agricultural work was not a daily reality for inmates before they arrived at prison, so they needed training, which took time.²³ In 1866, for example, the prison population had nearly tripled from 134 inmates before the end of the Civil War to 395 inmates after, with a majority of them having been ex-slaves who worked as tenant farmers in the countryside.²⁴ But by the late nineteenth century, Tarrant, Bexar, Dallas, Travis, and Harris counties, which contained the state’s largest cities, reported the highest number of commitments to the state and presented a

²¹ Paul M. Lucko, “Rusk Penitentiary,” *Handbook of Texas Online*, <https://www.tshaonline.org/handbook/entries/rusk-penitentiary>; Capital Building Commission, *Report of the Capitol Building Commission, Upon the Completion of the New Capitol, Comprising the Reports of the Commissioners, Superintendent and Secretary, to the Governor of Texas, on the occasion of the Convening of the Twentieth Legislature in Extra Session, April 16, 1888* (Austin: Hutchings Printing House, 1888); Thomas J. Goree, “Some Features of Prison Control in the South,” *Proceedings of the Annual Congress of the National Prison Association of the United States, Held at Austin, Texas, December 2-6, 1897* (Pittsburgh: Shaw Brothers Printers, 1898), 136.

²² Frank Bardacke, *Trampling Out the Vintage: Cesar Chavez and the Two Souls of the United Farm Workers* (New York: Verso Books, 2011), 30-34.

²³ “Characteristics of Convicts received since prison organization, October 1, 1840—Counties of Conviction,” in *Biennial Reports of the Penitentiary Board and Superintendent of the Texas State Penitentiary at Huntsville, Texas, November 1, 1880, to October 31, 1882*, (Austin: E. W. Swindells, State Printer, 1882), 41; Penitentiary Commissioners, “Letter of Transmittal,” *Biennial Report of the Superintendent of Texas State Penitentiaries* (Austin: State Printing Company, 1905), 6.

²⁴ Perkinson, *Texas Tough*, 43-46.

problem because urban dwellers who were forced to labor in the fields lacked agricultural labor experience.²⁵

In addition to the prison administration's escalating concerns that urban dwellers were inexperienced farm workers, a prison sentence itself meant that their time as profit-producing laborers had an expiration date. Overseers expected inmates to work and produce a profit as quickly as possible before their eventual release.²⁶ Inmate population numbers grew rapidly and not every inmate could perform the productive labor that government and business agents desired, so administrators saw the utility of classifying and segregating inmates by perceived labor output based on physical ability, experience, age, and sentence length to maximize their returns under the convict lease system. First-class inmates were physically fit, able-bodied, mostly African American men who could perform rigorous labor. Second- and third-class inmates were women, the mentally and physically disabled, and some older children. While first-class convicts were leased out, second- and third-class convicts were kept on prison premises performing maintenance work or unskilled labor like assembling furniture. But as the inmate population grew, the number of jobs that second-class inmates could perform inside of Texas prisons shrunk. Regardless of inmate class, all convicts were subjected to the penitentiary system's harsh punishment.

Criminal justice in Texas has had a reputation of brutality since its genesis. Borrowing and modifying ideas from the Pennsylvanian Enlightenment thinkers who preferred to instill a sense of dignity among inmates through silent and private punishment over public shame and

²⁵ "Exhibit No. 44., Annual Changes in Prison Population," *Biennial Reports* (1882), 52; "Exhibit No. 13., Changes in Prison Population from each Year from 1849 to October 31, 1892," *Biennial Report* (1892), 34.

²⁶ Du Bois, *Black Reconstruction*, 699; Hogg, J.S. (James S.), *Message of Gov. J. S. Hogg to the twenty-third Legislature of Texas*, January 12, 1893, *The Portal to Texas History*.

ridicule, Texas leaders adopted the penitentiary system as a quarantine space where criminals performed labor as redemption for their crimes against society away from public view.²⁷ Historian Donald R. Walker explains, “[t]he idea that prisoners should work to redeem themselves and defray at least part of the costs of their incarceration has been characteristic of penology in Texas since the advent of organized government in the state.”²⁸ Through performing hard labor, a criminal paid for their crimes and became “reformed,” the thinking went. In addition, “solitude,” Michel Foucault explained of penitentiary architects’ philosophies, was “the most effective regimen of discipline,” because it “was supple enough to satisfy . . . those who dream of reforming criminals.” It also satisfied “those who wanted to terrorize them.”²⁹

The modern privacy of the penitentiary empowered state agents to hide their abuses of civilly dead inmates, the persons convicted of a crime and who had forfeited their rights and privileges that the U.S. Constitution guaranteed and supposedly protected.³⁰ To overseers, especially in the South, criminals deserved punishment, and the only way to manage the growing inmate population was through force, violence, and coercion away from the judgement of the public or the interference of governmental regulations.³¹ The reliance on private punishment grew into a culture known as the “hands off” doctrine, which became foundational to the

²⁷ For more on the guiding philosophies of punishment in the United States as they relate to dignity and honor, see Ayers, *Vengeance and Justice*, 9-33.

²⁸ Walker, *Penology*, 13.

²⁹ Michel Foucault, *Discipline and Punish: The Birth of the Prison* 2nd ed., (New York: Vintage Books, 1995), 216; Louis P. Masur, *Rites of Execution: Capital Punishment and the Transformation of American Culture, 1776-1865* (New York: Oxford University Press, 1989), 6.

³⁰ Linda K. Kerber, *No Constitutional Right to be Ladies: women and the Obligations of Citizenship* (New York: Hill and Wang, 1998).

³¹ American Correctional Association, *Proceedings of Prison Congress of the National Prison Association of the United States 1898* (Pittsburg, PA: Shaw Brothers, Printers, 1899), 20.

management of the Texas prison system.³² With the hands off doctrine in place, correctional officers and wardens hid their methods of control away from governmental oversight to eventually grow the prison system into the most revenue-generating wing of the Texas state government and the state's most profitable agricultural grower in the twentieth-century.

A pillar of the Texas prison money-making machine was low overhead cost, namely cheap and efficient labor. The pursuit of low costs extended beyond the manual labor that inmates performed as unpaid convicts. Texas saved money by employing low-cost staff members who had little to no experience in corrections. For some positions, all that was needed from an applicant to gain employment at a Texas prison in the nineteenth century was that they were not a drunkard.³³ In the twentieth century, training for the job as a guard was rushed and minimal, and with the hands-off doctrine in play, prison officials allowed poorly trained guards to punish prisoners in any way that they "saw fit."³⁴ When and if reports of excessive abuse reached top officials, they routinely sided with the guards and defended their use of corporal punishment. In some of the most extreme cases of abuse, however, guards were terminated from the job but were not charged with assault or having committed a violent crime.³⁵ The hands-off doctrine protected overseers who held retaliatory and abusive tendencies against a majority Black labor force.

³² Perkinson, *Texas Tough*, 66-78.

³³ Advertisement, *Galveston Daily News*, January 4, 1880.

³⁴ National Council on Crime and Delinquency in Texas, *Excerpts from the Final Report of Joint Committee on Prison Reform*, 63rd Legislature, "Discipline," 3, TSLAC, Texas Department of Criminal Justice Records, box 1998/038-127.

³⁵ Thomas Goree, "Report of the Superintendent," *Biennial Reports of the Directors and Superintendent of the Texas State Penitentiary at Huntsville, Texas* (Galveston, TX: The News Book and Job Office, 1881) 13.

Regardless of the abuses committed by guards, prison administrators in high offices were also rarely, if ever, punished for allowing a culture of violence to flourish under their watch. Penitentiary wardens, or superintendents, were appointed by governors. Appointed superintendents then hired prison administrators and staff, which perpetuated a closed circle of state agents who rigidly and zealously protected the hands-off doctrine. With the pursuit of revenue driving the Texas prison system, deregulated practices granted administrators the freedom of creativity to extract labor from prisoners without the fear of worker-led insurrections or union demands.³⁶

The Texas prison system also employed the building-tender system, known as the trusty system or the honor system.³⁷ The trusty system was a cost-saving measure that Texas adopted in the late nineteenth century from Pennsylvania penitentiaries in which preferred inmates acted as guards among their fellow inmates.³⁸ Historian Robert T. Chase explains that “it was an integral part of prison culture that shaped the prisoner’s world.”³⁹ In Texas, administrators endowed preferred prison inmates with the authority to regulate the lives of other inmates, thereby extending the surveillance of the state free of cost. The chosen inmates were typically Anglo or persons of color who cooperated with the status-quo. Administrators and staff members gave them special privileges and incentives like perks or additional freedoms within the walls to ensure that the tenders maintained firm control over the other inmates, mostly Black, ethnic

³⁶ Perkinson, *Texas Tough*, 237, 105.

³⁷ For more on the South’s culture of honor, its connections to Southern violence, and how the idea of honor sustained a hierarchy that motivated anti-Black violence, see Ayers, *Vengeance and Justice*, 9-33.

³⁸ Beth English, “‘Not Model Children’: Culture and Contested Control at the Pennsylvania Industrial Reformatory,” in *The Pennsylvania Magazine of History and Biography* Vol. 143, No. 3 (October 2019), 292.

³⁹ Robert T. Chase, *We Are Not Slaves: State Violence, Coerced Labor, and Prisoners’ Rights in Postwar America* (Chapel Hill: University of North Carolina Press, 2020), 14.

Mexican, and disabled or uncooperative Anglos. The building tenders, sometimes referred to as “trusties,” openly carried prison-made weapons to administer corporal punishment and with the authority they held, they built a brutal and government-sanctioned exploitative sex-slave economy within the prison walls.⁴⁰ At its core, the trusty system was a whirlwind of racism, degradation, and vigilante justice on which Anglos in Texas had built power in the early nineteenth century.⁴¹

Trusty or not, every Texas state inmate was susceptible to the brutality of the deregulated system, which included young convicts—most often Black children. One Southern observer wrote in the 1870s that “[i]n some states where convict labor is sold to the highest bidder,” such as in Texas, “the cruel treatment of the helpless human chattel in the hands of guards is such as no tongue can tell nor pen picture.” They continued, “Prison inspectors find convicts herded together, irrespective of age; confined at night in shackles; housed sometimes, as has been found, in old box cars; packed almost as closely as sardines in a box.”⁴²

To make matters worse, children were committed to Texas state and county jails as rapidly as the state urbanized. The growth of incarcerated children was a problem to prison administrators who had limited space in prisons and prison camps. As the next chapter demonstrates, prison administrators expected each inmate to produce a profit, but children were not viewed as high-value assets among a workforce comprised of mostly able-bodied adult men. The “second-class” of convict laborers that included women, girls, the physically disabled, and

⁴⁰ Chase, *We Are Not Slaves*, 9.

⁴¹ Omar S. Valerio-Jiménez, *River of Hope: Forging Identity and Nation in the Rio Grande Borderlands*, (Durham: Duke University Press, 2013), 130-175; Ayers, *Vengeance and Justice*, 3.

⁴² W. E. B. Du Bois cited a “southern white,” as having produced this passage. Du Bois, *Black Reconstruction*, 698.

young boys, “the very young, the halt, the lame, and diseased—who could not be utilized at the prisons and would not be accepted on the contract farms,” were “surplus labor,” a “dead expense to the state.” Because administrators expected each inmate to produce a revenue that equaled more than the cost to incarcerate them, penitentiary Financial Agent Haywood Brahan asked the governor in 1886, “[W]hat should we do with our surplus labor to make it self-sustaining, and, if possible, yield some revenue to the State?”⁴³

Prison administrators believed that the growth of youthful offenders would continue as industrialization, urbanization, and poverty did. The growth of the youthful inmate population in the 1880s “fully demonstrate the necessity” of an institution for youths, according to Superintendent Thomas Goree, “and it is earnestly hoped that the Nineteenth Legislature [and in the next report to the Twentieth Legislature] will do what is necessary in this direction.”⁴⁴ Like their adult counterparts, most juvenile convicts in Texas hailed from counties with the largest cities in Texas: Bexar (San Antonio), Dallas, El Paso, Harris (Houston), Tarrant (Fort Worth), and Travis (Austin).⁴⁵ The population growth of minors in prison worsened with catastrophic events like disease outbreaks, natural disasters, economic depressions, and wars, which left large swaths of politically voiceless and unprotected children without care, custody, or supervision. With profitability in mind and a classification system in place meant to maximize prison efficiency, ex-slaveholding prison administrators proposed the opening of the first ever juvenile

⁴³ Haywood Brahan, “Report of the Financial Agent,” *Penitentiary Report* (1886), 68-69; Thomas Goree, “Report of Superintendent,” *Reports of the Superintendent and Financial Agent of the Texas State Penitentiaries* (Austin: Henry Hutchings, State Printers, 1890), 22.

⁴⁴ Thomas Goree, “Report of the Superintendent,” *Penitentiary Report* (1884), 22; Thomas Goree, “Report of the Superintendent,” *Penitentiary Report* (1886), 21.

⁴⁵ *Sixth Biennial Report of the Texas State Board of Control for the Biennium Ended August 31, 1932* (Austin: Knape Printing Co., 1932), 42; L. J. Tankersley, “Report of the Assistant Superintendent,” *Reports of the Superintendent and Financial Agent of the Texas State Penitentiaries* (Austin, 1900), 316.

detention facility in the South. There, the “inevitably criminal” young inmates would perform farm labor as civilly dead inmates, whose lack of legal protection was compounded by the fact that they were politically voiceless minors.

The House of Correction and Reformatory in Gatesville, Texas, for children under the age of sixteen years old, became the first facility of its kind in the South. As the first prison for youths, it set the example for other Southern states that sought retributive and profitable justice of juvenile delinquents.⁴⁶ In its first twenty years of existence, the Gatesville Reformatory gained a reputation of brutality, abuse, and scandal that persisted through the 1970s, when the landmark *Morales v. Turman* case found that the juvenile detention system in Texas violated the U.S. Constitution’s procedures that guaranteed accused persons a right to legal counsel, and banned cruel and unusual punishment.⁴⁷ The following chapters demonstrate that from the founding of the Gatesville facility to its closing in 1979, the youth detention system in Texas rarely avoided controversy related to employees and administrators’ use of brutal methods of extracting labor from youthful inmates. Texan defenders of slavery created the Gatesville facility and for its entire existence as a juvenile detention institution, that lineage made itself known.

This dissertation frames juvenile inmates primarily as laborers in Texas. It follows the lead of historians Alex Lichtenstein and Donald Walker, who set the tone for understanding how economic interests and incarceration in Texas and the New South shaped prison policy. In their studies of the system of convict lease labor, they highlight the profit motive’s role in creating a system of brutality against people stripped of their rights.⁴⁸ They demonstrate that to prison

⁴⁶ Miroslava Chavez-Garcia, *States of Delinquency: Race and Science in the Making of California’s Juvenile Justice System* (Berkeley: University of California Press, 2012); Gary Shockley, “A History of the Incarceration of Juveniles in Tennessee, 1796-1970,” in *Tennessee Historical Quarterly* Vol. 43, No. 3 (Fall, 1984).

⁴⁷ District Judge William Wayne Justice, *Morales v. Turman*, 383 F. Supp. 53 (E. D. Tex. 1974).

⁴⁸ Walker, *Penology for Profit* (1988); Lichtenstein, *Twice the Work of Free Labor* (1996), 17-18.

administrators and cooperative politicians in Texas, the abundance of what was typically the most expensive component of a business—labor—at no cost presented economic opportunities in the New South’s transition into a modern industrial powerhouse that replicated the racial stratification of the Old. Lichtenstein argues that the “southern postbellum penal system cannot be understood without reference to the end of slavery and the transition to free labor; the extent to which labor relations in the New South duplicated or diverged from those of the Old South; the attempts to industrialize the South, and the relationship of the state to industrial development in a predominantly agrarian society; and the identity and ideology of the elite that directed—or limited—the pace and scope of that development.”⁴⁹ Put another way, “contract labor,” kept the racial hierarchy of the antebellum South intact and “brought in the largest return on state money” in Texas.⁵⁰

Historians Robert T. Chase and Robert Perkinson offer the most recent contributions to the discourse of incarceration in Texas, and by extension, the country.⁵¹ Building on the economic analyses that Walker and Lichtenstein present, Perkinson’s institutional history of Texas prisons examines the state’s neoliberal “prison empire” and convincingly demonstrates

⁴⁹ Lichtenstein, *Twice the Work of Free Labor*, 5.

⁵⁰ Walker, *Penology for Profit*, 9.

⁵¹ The recent discourse of incarceration with an emphasis on inmate labor and resistance continues to grow. For more, see Sarah Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity* (Chapel Hill: University of North Carolina Press, 2016); Kelly Lytle Hernández, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965* (Chapel Hill: University of North Carolina Press, 2017); LeFlouria, *Chained in Silence* (2015); Ethan Blue, *Doing Time in the Depression: Everyday Life in Texas and California Prisons* (New York: New York University Press, 2012). For recent works on the civil rights battles led by prison inmates, see Heather Ann Thompson, *Blood in the Water: The Attica Prison Uprising of 1971* (New York: Vintage Books, 2017); Dan Berger, *Captive Nation: Black Prison Organizing in the Civil Rights Era* (Chapel Hill: University of North Carolina Press, 2014); Jordon T. Camp, *Incarcerating the Crisis: Freedom Struggles and the Rise of the Neoliberal State* (Berkeley: University of California Press, 2016); Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016).

that “American prisons trace their lineage not only back to the Pennsylvania penitentiary but to Texas slave plantations.”⁵² Perkinson argues that the “evolution of the prison has had surprisingly little to do with crime and a great deal to do with America’s troubled history of racial conflict and social stratification.”⁵³ Similarly, in his study, Chase offers a close historical case study of the “prison-made civil rights movement” from a “bottom-up” perspective during the post-World War II era through the 1980s, when the *Ruíz v. Estelle* decision fundamentally changed daily operations in Texas prisons. He confirms that inmates understood themselves as laborers first and in the 1970s “revolted” to topple the power of the Texas prison system that forced them into a legal form of slavery.⁵⁴ While those recent works remain vital, few historians have written about the history of juvenile incarceration and youthful inmate laborers.⁵⁵

William S. Bush’s *Who Gets a Childhood?* is the only book-length historical analysis that deals specifically with juvenile detention in Texas from the 1910s to the 1980s.⁵⁶ Bush contextualizes the story of juvenile detention in Texas with evolving ideas of childhood over the twentieth century, and examines how institutional racism left young African Americans, Mexican Americans, and poor whites—racialized by their proximity to poor non-whites—unprotected from the “adult sanctions, punishments, and correctional environments” of adult prisons. He argues that juvenile detention in Texas was a “recurring story” of reforms that could

⁵² Perkinson, *Texas Tough*, 8.

⁵³ Perkinson, *Texas Tough*, 8.

⁵⁴ Chase, *We Are Not Slaves*, 10-11.

⁵⁵ Some scholars have mentioned Gatesville and the history juvenile detention in passing. See, for example, Steve J. Martin and Sheldon Ekland-Olson, *Texas Prisons: The Walls Came Tumbling Down* (Austin: Texas Monthly Press, 1987); Chad R. Trulson and James W. Marquart, *First Available Cell: Desegregation of the Texas Prison System* (Austin: University of Texas Press, 2009).

⁵⁶ William S. Bush, *Who Gets a Childhood? Race and Juvenile Justice in Twentieth Century Texas* (Athens: University of Georgia Press, 2010), 135.

not be fully implemented, beginning with the “social mothers” of the late 1880s who lobbied for the creation of a juvenile detention facility for youthful offenders. “One of the most important features” of Bush’s interpretation of the history of juvenile detention “is the repeated failure of juvenile justice to deliver on its promises of treatment, rehabilitation, and most significantly, protection.”⁵⁷ Child inmates, Bush demonstrates, occupied the precarious position of both felon and minor with none of the protections that either status would offer, especially after successful moments of prison and welfare reforms.

While Bush contributes a monumental work to historians’ understanding of juvenile detention up to its culmination in the landmark *Morales* decision, he does not consistently present inmates as laborers who satisfied the state’s economic interests. Indeed, Bush examines the financial value of their labor at times, such as in the 1910s and part of the 1920s when “the boys’ labor quite literally paid the salaries of their jailors.”⁵⁸ However, *Who Gets a Childhood?* overlooks the persistent financial and labor interests that shaped juvenile detention during major historical moments like the Great Depression, when revenue income shaped policy from the local level to the national level. Instead, he focuses primarily on mismanagement, racism, and abuse without a consistent analysis of the economic reasons that influenced administrators’ treatment of inmates. Without prioritizing financial motives, Bush concludes that detention overseers “failed” in their jobs of “reforming,” “training,” or “rehabilitating” inmates, and emphasized that retaliatory punishment defines juvenile detention’s history in Texas.⁵⁹

⁵⁷ Bush, *Who Gets a Childhood*, 3-5.

⁵⁸ Bush, *Childhood*, 33.

⁵⁹ Criminal justice scholars Trulson et al. offer a lengthier treatment of Texas juvenile detention history in their 2016 book, *Lost Causes*. The authors argue that punishment anchored treatment methods of inmates in Texas juvenile detention centers and cover up to the year 2011. Like previous works, however, they do not examine the financial motive in administering punishment. Similarly, the authors do not analyze the 1890s-1900s or the 1930s in depth and conclude of juvenile detention facilities that they “failed” to rehabilitate minors. Trulson et. al, *Lost Causes*, 23, 160-164.

This dissertation argues that the “failure” assessment mischaracterizes the history of juvenile incarceration in Texas. The failure assessment assumes that well-meaning crusaders established juvenile corrections facilities with the intent of protecting and re-socializing inmates, but that the politicians, administrators, and staff members who took the reins of the facilities lacked the knowledge, experience, and materials to do so. The word “failure” assumes that the state implemented strategic efforts to achieve the re-socialization of juvenile delinquents. However, this dissertation frames the juvenile incarceration system as an extension of the penitentiary system, a system that lawmakers and prison administrators had planned for years before the “social mothers” publicized their concerns for a Reformatory.⁶⁰ The following pages argue that prison officials, not middle-class lobbyists, created the juvenile detention system, not as an eleemosynary institution, but as an extension of the penitentiary in the 1880s. Like the penitentiary system from the 1880s to the 1970s, politicians, administrators, and corrections officers coerced the pool of warehoused laborers under the threat of physical harm to enrich, or at least supplement, state coffers. As historian Theresa R. Jach’s examination of prison managers in Texas methods of officially adopting new institutional reform measures to hide abuses and administrators’ profit motive from the 1870s to the 1920s, this study shows that juvenile detention administrators “tried to circumvent regulations that hindered profitability.”⁶¹ Regardless of the institutional missions to reform, train, or rehabilitate, labor and revenue extraction guided juvenile detention management in Texas.

⁶⁰ “Letter from Austin,” *The Galveston Daily News*, February 28, 1883; “Legislative Notes,” *The Galveston Daily News*, February 15, 1883; “Reformation for a Coming Legislature,” *Weekly Democratic Statesman*, May 3, 1883; “The State Capital,” *The Galveston Daily News*, March 16, 1883.

⁶¹ Jach, “Reform versus Reality in the Progressive Era Texas Prison,” *Journal of the Gilded Age and Progressive Era*, 53.

While there were exceptions to the pattern of juvenile corrections agents who cruelly exploited inmates to enrich state's funds, the few genuine efforts of well-intentioned agents to provide protection, education, and social skills to delinquent youths were stifled by higher-ranking officials whose decisions were guided by economic interests and undermined by correctional officers who believed that physical violence against minors efficiently kept inmates in order. Rather than evaluating the juvenile incarceration system's accomplishments or failures according to era-specific social missions, it makes more sense to compare the trends of the Texas juvenile system to the state's penitentiary system for adult convicts. As law historian Gary Shockley argues about the history of the juvenile incarceration system in Tennessee, the history of incarceration of juvenile offenders in Texas is, "quite simply, the history of the incarceration of adult criminals during this time."⁶² This study therefore frames the Texas juvenile corrections system as an extension of the Texas state penitentiary system, which, as Perkinson argues, was built upon a foundation of racial degradation and prison labor that led to the penitentiary "[reigning] supreme in the punishment business" in the country.⁶³

When penitentiary officials leased out their inmates to perform labor for private businesses from the 1880s to the 1900s, juvenile corrections agents did the same. When the convict lease system was abolished in 1910 following media and public agitation, the state converted to the prison lease system with the supposed mission of managing self-sustaining prison farms that would come at no cost to taxpayers. The juvenile corrections systems followed suit in the 1910s to the 1940s. In the 1940s, the prison system switched to a "rehabilitative" plan for its inmates, which meant that it adopted superficial policies to give the impression that

⁶² Shockley, "A History of the Incarceration of Juveniles in Tennessee, 1796-1970," *Tennessee Historical Quarterly* (Fall, 1984), 229.

⁶³ Perkinson, *Texas Tough*, 4.

administrators sought the resocialization of inmates through education and medical attention, the juvenile corrections system did the same with its “mass custody” facilities at around the same time through the 1970s.⁶⁴ Instead of providing healthful conditions and professional services meant to help re-socialize inmates, youthful convicts were instead forced to work like they did in previous eras. With each successive era that promised new methods of managing and treating inmates, state officials quickly defeated reformist movements because investing in the re-socialization of inmates was too expensive of a pursuit. Keeping young inmates working, on the other hand, produced revenue for Texas.

Reflecting the attitudes of juvenile corrections from the 1880s to the 1970s, Huntsville Chaplain Rev. S. H. Morgan explained, “Reform measures are not gold fields of income financially,” and although they are good in theory, “[t]hey are more or less expensive.”⁶⁵ Persistent throughout each era, regardless of the updated policies that agents pointed to as proof that they meant well, the revenue motive guided daily expectations and the daily lives of juveniles and convicts. This dissertation therefore bridges the gap between historians’ work that analyzes the state’s economic interests with Bush’s work on the protection (or lack thereof) of juvenile inmates over the course of almost one hundred years in Texas detention facilities.

The three different agendas that lawmakers and administrators used to describe their strategies of administering juvenile incarceration from 1883 to 1979 inform the organization of this dissertation: “Reform,” (1883-1909), “Train” (1909-1949), and “Rehabilitate” (1949-1979). In each era, conditions hardly improved despite new mission statements, which juvenile

⁶⁴ Texas Youth Development Council, *First Annual Report of the State Youth Development Council, Fiscal Year Ended August 31, 1950* (Austin, TX), 1950.

⁶⁵ S. H. Morgan, “Chaplain’s Report,” *Biennial Report of the Commissioners, Superintendent and Financial Agent of Texas State Penitentiaries for Fiscal Years Ending August 31, 1902* (Austin: Von Boeckmann, Schutze & Co., State Printers, 1902), 65.

administrators unabashedly borrowed from the Texas adult penitentiary system.⁶⁶ Regardless of the state's public mission to reform, train, or rehabilitate inmates into becoming untroublesome law-abiding adults, blueprints from each era reveal that administrators consistently acted to protect systems of forced labor and the revenue they generated, suggesting that profit, or at least, revenue, remained the main purpose behind juvenile incarceration. Consequently, administrators and officials who were driven by the financial motive undercut the reforms introduced by concerned social activists and lobbyists. The history of youth caging in Texas is therefore not a "cycle of reform and neglect," but a consistent, relentless effort to exploit children that the legal system, and oftentimes the public, considered "little scoundrels" who deserved punishment.⁶⁷

Chapter One, "Reform," examines the creation of Texas's first institution for juvenile detention, the Gatesville House of Correction and Reformatory from 1883 to 1909. As its name suggests, the supposed purpose of the institution was to "reform" juvenile delinquents, just as the claimed purpose of adult penitentiaries was to "reform" convicts. Like the Walls penitentiary that housed adult convicts, the Reformatory was presented to voters as a place where youthful inmates were reformed into productive citizens through discipline and work. But as a chaplain from the Huntsville State Prison defined "reform" in a 1906 report: "The true marks of reformation are obedience to and respect for those who are in authority."⁶⁸ Respect at the Reformatory and Penitentiary was instructed through the whip, solitary confinement, and hard

⁶⁶ A note on terminology: "juvenile delinquent" refers to minors under the age of eighteen and under the supervision of the state following charges for a crime or offense, while "convict" refers to adults. "Inmates" and "captives" refer to any person held by the state, regardless of age or status. "Detention" refers to the captivity of juveniles, while "prison" refers to the captivity of adults. "Incarceration" refers to the bureaucratic and systematic apparatus for holding inmates who allegedly committed crimes or status offenses post trial.

⁶⁷ Paul David Donnelly, "The Cycle and Dynamics of Reform and Neglect in a State Juvenile Corrections Agency: The Texas Experience," (Ph.D. dissertation, 2018) University of Texas at Dallas; "State Reformatory: Discussion Discloses Hostility," *The Galveston Daily News*, January 25, 1889 (second quotation).

⁶⁸ *Biennial Report of the Superintendent of Texas State Penitentiaries* (1906), 52.

labor. It was an open secret that innumerable abuse cases occurred at the Reformatory in its first twenty years. But when the mismanagement of administrators in the 1890s shocked the public, and as the horrors of the convict lease system became publicized at the turn of the century, the Legislature rebranded the Reformatory as a facility meant to “train” delinquent children rather than punishing them in 1909.

Chapter Two, “Train,” focuses on how the state treated girl delinquents from 1883 to 1949. With the rebranding of the Gatesville facility and at the behest of the “child savers,” the legislature established a facility for girls convicted of crimes. In 1916, the Gainesville State Training School for Girls opened as a facility where criminally delinquent white girls were “trained” to become proper wives and mothers for an emergent industrial social order that relied on the racial and gendered hierarchies of the Old South. As the founder of the facility explained, the Gainesville School sought to “provide a home for delinquent and dependent girls where they may be trained in those useful arts and sciences to which women are adapted” and inculcate in them “the sacredness of the responsibility of parenthood and wifehood.”⁶⁹ The state considered that task too expensive in the 1920s, however, and so Gainesville founders’ original goals were abandoned by the State Board of Control, the new agency tasked with overseeing facilities for minors and dependent populations in Texas. The Board of Control instead took a page from prison administrators and tasked training school inmates to produce a revenue for the state.

The openly racist elected policymakers in Texas at the turn of the century did not believe that delinquent Black girls could or should learn the values of modern domesticity at an institute like Gainesville. Before Gainesville opened, judges ordered them to a women’s prison farm

⁶⁹ Carrie Weaver Smith, MD, “Girls’ Training School: Report of Superintendent,” *First Biennial Report* (1920), 117; Also quoted in William Bush, *Protecting Texas’ Most Precious Resource: A History of Juvenile Justice Policy in Texas*, Texas Criminal Justice Coalition, 2008, 7.

where their labor was used to offset the cost of running the state's penitentiaries from 1883 to 1907. Women's prisons manufactured food, clothes, and furniture specifically for use by male prison inmates in Texas. At the farm, the girls were members of a profitable labor force and consequently the state had no need for a separate institution for Black delinquent girls. But after the state no longer admitted minors to the women's prison farm in 1907, Black girls that the courts deemed delinquent had no dedicated institution for their "training." While white youths were offered "reform" or "training—albeit only superficially—Black girls were considered beyond social adjustment, paroled, and left susceptible to vigilante justice in the South. It was not until state officials portrayed Black girls as a rampant sexual menace during World War II, framed as a public health hazard that spread venereal diseases to innocent white men and "vagrancy" to other Black girls, that the state opened a facility for them.⁷⁰ The Brady State School for Colored Girls opened in 1947 as part of a system that, at best, thought little of delinquent Black girls, and at worst, viewed them as a threat to public safety.⁷¹

The third chapter, "Work Plus Training," revisits the Gatesville Reformatory from 1909 to 1949 and examines the labor that the boys performed under the Texas Board of Education and the Board of Control under the guise of "training." Even though by then politicians officially severed it from the Texas Prison System, the Gatesville facility continued to function as a state farm and a leasing agency in Central Texas. Gatesville's systemic function paid dividends to the state, especially during the Great Depression. In the 1930s, administrators placed an even greater burden on the inmates of the Gatesville Training School to produce a revenue for the state, and

⁷⁰ "State of Texas is Without Place for Detention Negro Girls Held Be Delinquent," *Corsicana Daily Sun*, October 4, 1938; "Arrests Preliminary to New Drive on Venereal Disease," *Big Spring Daily Herald*, April 25, 1943; "Need Home for Delinquent Negro Girls, Says Officer," *Austin American Statesman*, December 14, 1919.

⁷¹ Camp, *Incarcerating the Crisis*, 9.

administrators, guards, and trustees violently held their end of the deal to keep the inmates working.

The cruelty of administrators' discipline methods across the training schools caught the attention of sociologists, counselors, and social workers who were determined to prove that "training" delinquent youths through hard labor, brutal punishment, and minimal education was detrimental to children and costly over the long term for the state.⁷² Instead of "training" the delinquents, researchers pushed for "rehabilitating" them, the topic of the fourth chapter. The Texas Youth Development Council took control of the state's juvenile detention facilities in 1949 with the belief that juvenile delinquents suffered from a diagnosable social handicap that, with intensive care and rehabilitation, could keep delinquents from becoming future adult convicts, a growing national concern in the 1950s.⁷³ That mission was too expensive, however, and the state replaced the TYDC with the Texas Youth Council (TYC). With advent of the TYC, the state reintroduced an emphasis on "effective controls that minimize costs and maximize security."⁷⁴ Within a few years, however, the *Morales* trial exposed the violence that occurred in state detention facilities. Federal District Judge William Wayne Justice decided that juvenile detention in Texas operated in violation of the U.S. Constitution's Eighth Amendment that banned cruel and unusual punishment. The state implemented a plan to gradually close the state training schools and in 1979, the Gatesville State School was the last training school to shut down operations.

⁷² National Commission on Law Observance and Enforcement, *Report on the Cost of Crime* (Washington, DC: United States Government Printing Office, 1931).

⁷³ J.W. Mills, "The Philosophy of the Court of Domestic Relations, the Juvenile Court for Harris County," *Annual Report for 1956*; Bush, *Who Gets a Childhood*, 135.

⁷⁴ Garland, *The Culture of Control*, 175.

Michel-Rolph Trouillot reminds us, “any historical narrative is a particular bundle of silences, the result of a unique process.”⁷⁵ In the case of the juvenile detention system from the 1880s through the 1970s, the “particular bundle of silences” directly stems from the hands-off doctrine and the profit motive that influenced it. The hands-off doctrine functioned both as a repellent to investigators and over the long term, it gave juvenile overseers, to borrow from Jacques Derrida, “the power to interpret the archives” through their own omissions of details and outright sabotage of documents in some instances.⁷⁶ Other times, omissions came from inspectors who “found conditions in some institutions to be so foul and rotten that we cannot print them.”⁷⁷ Contemporary historians who seek to learn the details of juvenile corrections in the late nineteenth and early twentieth century have relatively little to work with. Searching for documents produced in a period when daily procedures were hidden by zealous administrators, one encounters a “poverty of sources” at institutional archives. At a 1910 hearing on the state’s convict lease system, inspectors pointed to photographs that suggest the amount of effort prison administrators put into keeping organized documents (see Figure 1 and Figure 2). Scholars have therefore argued that certain periods of Gatesville’s past could not be analyzed.⁷⁸

But this work demonstrates that in addition to the archival sources that scholars have scoured, archival silences and documentary absences function as a primary source that contributes to the telling of Gatesville’s history. As the following chapters show, silence and secrecy were fused into the foundation of the juvenile incarceration system in Texas, but by

⁷⁵ Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston, MA: Beacon Press, 2015), 27.

⁷⁶ Jacques Derrida, *Archive Fever: A Freudian Impression* (Chicago: University of Chicago Press, 1995), 2.

⁷⁷ Texas Legislative Council, *Juvenile Delinquents in Texas* (1954), 285.

⁷⁸ Bush, *Childhood*, 11; Donnelly, “Cycle and Dynamics,” 21.

closely reading “along the archival grain,”—or, to modify historian Ann Laura Stoler’s vivid analogy, through the chain-link fence—to understand why absences exist, we could recover sufficient evidence to recount the story of the system’s past.⁷⁹

Scholars have repeated the charge that the juvenile detention system in Texas has been trapped in a cycle of abuse, failure, and futile systematic reforms for the last 130 years. But looking into prison administrators’ plans for the state’s first youth facility in the 1880s, the Board of Control’s *modus operandi*, and the planning stages for what became the Texas Youth Council in the 1940s, this dissertation argues that the juvenile detention system did not “fail” to re-socialize juveniles. It did not fail to re-socialize inmates because it never intended to. At times when it showed promise to deliver on that mission, state politicians were uncooperative because of the associated financial costs of such a project. The juvenile incarceration system was designed to exploit the labor power of captive children, and it mostly succeeded, sometimes by forcing inmates to work toward producing a net-gain for the state or a profit for private businesses, and other times, to reduce the cost of state operations. This is to say that while the body of sources that this dissertation relies on does not radically vary from the works of previous studies, it offers an alternative narrative that makes use of silences to demonstrate that for Texan minors sentenced to juvenile detention, the promise of “reform,” “training,” or “rehabilitation” rang hollow, much as the Anglo pioneers’ proclamations of “liberty” and “freedom” proved meaningless to non-whites of an earlier era. “In spite of the poverty of the sources,” to borrow from Trouillot once again, “I only reposition that evidence to generate a new narrative.”⁸⁰

⁷⁹ Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2009).

⁸⁰ Trouillot, *Silencing the Past*, 27.



Figure 1. *Where we had to find a large quantity of the records.* Photograph by Texas State Penitentiary Investigating Committee, August 1910. Penitentiary Investigating Committee, *Report of the Penitentiary Investigating Committee Including All Exhibits* (Austin: Texas State Printers, 1910).

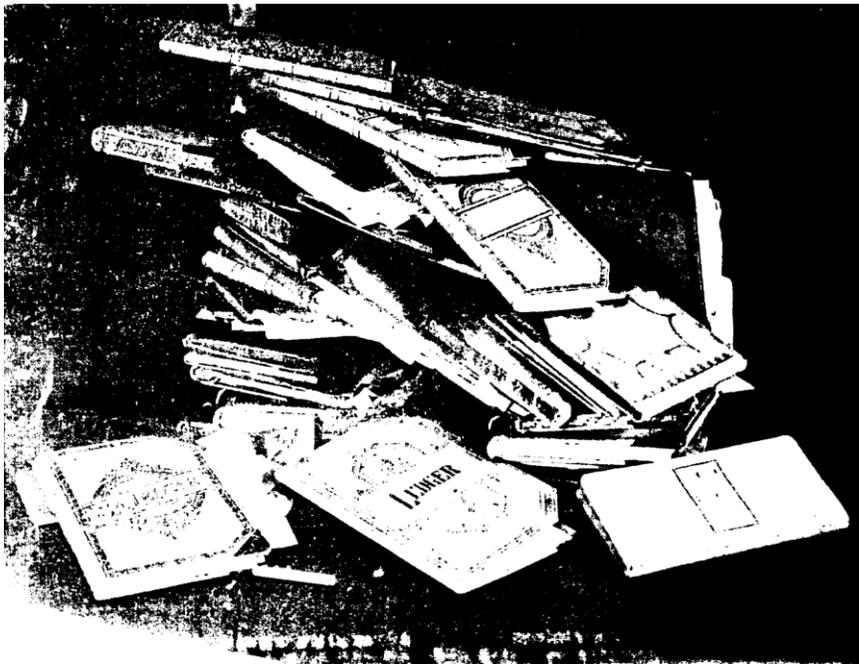


Figure 2. *A Sample lot of some of the records from which the figures had to be [unclear].* Photograph by Texas State Penitentiary Investigating Committee, August 1910.

1. “REFORM”: THE BEGINNINGS OF JUVENILE DETENTION IN TEXAS, 1883-1909

The true marks of reformation are obedience to and respect for those who are in authority.

—W. T. McDonald, Prison Chaplain, 1906.

The convict lease system incentivized human caging through legal means after the Civil War. The prison population in Texas grew beyond what the antebellum architects of the penitentiary system had accounted for when they designed the penitentiary in the 1840s. By the 1880s, the Texas penitentiary system had the problem of surplus labor. Under Superintendent of Huntsville Penitentiary Thomas Goree’s classification system that placed able-bodied African American males as first-class inmates, women and older boys as second-class, and the severely disabled and young boys as third-class, the growth of second and third-class undermined potential profits because they occupied the limited space to warehouse profitable first-class inmates. To remove the second and third-class inmates from Huntsville and to prioritize the warehousing space of first-class inmates, Goree segregated the convict population in the 1880s. Women and girls were sent to the Johnson-Bowden share farm beginning in 1883; the mentally disabled were sent to the State Lunatic Asylum; and some physically disabled second- and third-class inmates were sent to pick cotton and corn on farms around the state of Texas. Boy inmates, however, stayed a thorn on the Goree’s side. Officials regularly considered young boy inmates “dead expense” because they could hardly work at a profitable rate and required more training than most other adult convicts.¹

In state prisons where convicts were classified and their value was based on their ability to produce a profit, youthful convicts were relegated to “second and third class” convicts—

¹ Haywood Brahan, “Report of the Financial Agent of Texas State Penitentiaries,” *Report of the Superintendent and Financial Agent of the Texas State Penitentiaries* (Austin: E. W. Swindells, State Printer, 1884), 42.

“negro women, frail, short-time men, and boys”—who were not as lucrative as the “first class” convicts who produced greater profits from their work on the fields, mines, wood camps, or railroads.² As early as 1880, prison administrators wrote to Texas officials about the low production and high maintenance costs of young convicts, many of whom were under the age of fifteen and faced a higher death rate than the unsanitary conditions and dangerous environments in labor camps outside of the Huntsville Penitentiary presented.³ The young convict death rate at an East Texas woodcutting camp was so abysmal for Goree that it triggered haunting memories of the Civil War. He wrote, “The sickness and prevalence of disease” there “are very similar to and remind me of camp diseases and the mortality during the late war.”⁴ Keeping young inmates in convict camps was not an economically viable option because of the low labor output that Goree attributed to youthful inmates’ physical limitations and the high cost of training them to perform the labor adequately.

Ex-Confederate officer and former slave-owner Goree expressed his frustrations at the lower-class inmates housed in his prison, “[w]hatever work is done must, if possible, be profitable,” and to produce a profit, “the labor required for nearly all profitable prison industries is either skilled labor or proper and suitable material for skilled labor,” which did not include children.⁵ Prisons needed skilled inmate-laborers and training them was expensive and time-

² William Neal Ramey, “Report of the Assistant Superintendent in Charge of Rusk Penitentiary,” 49-55, Ben E. McCulloch, “Report of Assistant Superintendent,” *Report of the Superintendent and Financial Agent of the Texas State Penitentiaries* (Austin: Eugene Von Boeckmann, State Printer, 1888), 37; Haywood Brahan, “Report of Financial Agent,” in *Report of the Superintendent and Financial Agent of the Texas State Penitentiaries* (Austin: E. W. Swindells, State Printer, 1884), 51; Thomas J. Goree, “Some Features of Prison Control in the South,” *Proceedings of the Annual Congress of the National Prison Association of the United States, Held at Austin, Texas, December 2-6, 1897* (Pittsburgh: Shaw Brothers Printers, 1898), 134.

³ Goree, “Report of Superintendent,” in *Report of the Superintendent* (1880), 17.

⁴ Goree, “Report of Superintendent,” *Biennial Report* (1880), 17-18.

⁵ Goree, “Report of Superintendent,” *Biennial Report* (1880), 23.

consuming, even if the inmates were adults. Many convicts were illiterate, and most of them hailed from growing and industrializing cities where farm work and railroad construction—the two industries that fueled the Texas prison machine—were rare.⁶ Especially for the “youths who have never been accustomed to labor, and who, when placed at labor, soon break down in health,” the kind of work that overseers expected from young untrained inmates was costly.⁷

To solve these issues, Goree suggested that “before the convicts can be confined at labor within the walls, preparation must be made of shop-room and machinery to render such labor profitable.”⁸ He asked whether “it should be done at once, or whether it should be accomplished by degrees, acquiring additional machinery from year to year” Goree followed up his query with a suggestion: “I respectfully urge to be done, to provide a House of Correction for Youthful offenders,” where “they could be taught to work, and probably learn some trade.” “I have no means of information in regard to the cost of a House of Correction,” Goree clarified, “but it ought not to be a great deal.”⁹ To prevent the potential financial problems that an even greater surplus population presented, especially after his consideration of the growth rate of youthful inmates that the penitentiary system had witnessed by the mid-1880s, Goree concluded that “I think relief can be found . . . [by] providing reformatories for youthful offenders.”¹⁰

⁶ “Characteristics of Convicts received since prison organization, October 1, 1840—Counties of Conviction,” in *Biennial Reports of the Penitentiary Board and Superintendent of the Texas State Penitentiary at Huntsville, Texas, November 1, 1880, to October 31, 1882*, (Austin: E. W. Swindells, State Printer, 1882), 41; Penitentiary Commissioners, “Letter of Transmittal,” *Biennial Report of the Superintendent of Texas State Penitentiaries* (Austin: State Printing Company, 1905), 6.

⁷ Goree, “Report of Superintendent,” *Biennial Report* (1878), 17.

⁸ Goree, “Report of Superintendent,” *Biennial Report* (1878), 23.

⁹ Goree, “Report,” *Biennial Report* (1878), 25.

¹⁰ Goree, “Report of the Superintendent,” *Reports of the Superintendent and Financial Agent of the Texas State Penitentiaries, Embodying the Proceedings of the Penitentiary Board and Statistical and Financial Exhibits; Also Report of the Subordinate Officers of the Texas State Penitentiaries for Two Years ending October 31, 1886* (Austin: Triplett & Hutchings, State Printers, 1886), 24.

Goree's suggestion to the governor to establish a facility to house youth offenders caught public attention, especially as the number of youths in captivity grew.¹¹ From the time that the Walls penitentiary opened in 1849 to 1878, a total 1,685 inmates who served there were under the age of fifteen. At one point in 1875, Texas Governor Richard Coke expressed his concern that "fully one-third of the convicts in the penitentiary are under twenty-one years of age."¹² From 1876 to 1878 alone, as Reconstruction lost momentum in the face of southern Democrats who rebuilt their local power in Texas, 483 different boys under the age of fifteen were incarcerated in Huntsville.¹³ And in 1886 to 1888, the daily average population of youths in Huntsville remained at a steady daily average between thirty to forty. At Rusk, "There are over ten per cent of convicts here under eighteen years of age, thrown promiscuously with some of the most hardened criminals the State can send us, whose contaminating influence sow such seeds of evil that are hard to eradicate."¹⁴ Although the numbers seem relatively small compared to the daily average of over three-thousand inmates by 1888, the Penitentiary Board, prison administrators, and state politicians had begun to reduce their youth inmate numbers by moving them to other facilities, like the women's prison farm and state asylums by the mid-1880s.¹⁵ Able-bodied boys, however, remained a financial problem.

¹¹ *The Evening Light* (San Antonio, TX.), February 22, 1883; *Fort Worth Daily Democrat-Advance* Sunday, May 28, 1882; Goree, "Report of the Superintendent," *Biennial Report* (1880), 25.

¹² Address of Governor Richard Coke, *House Journal January 12, 1875* (Austin: State Printers, 1876), 30-31.

¹³ Thomas J. Goree, "Superintendent's Report," *Biennial Reports of the Directors and Superintendent of the Texas State Penitentiary, 1878-1880* (Galveston: News Book and Job Office, 1881), 25; "The Texas Constitution of 1876," *Texas State Library and Archives Commission*, tsl.texas.gov/treasures/constitution.

¹⁴ F. P. O'Brien, "Report of the Assistant Superintendent of Rusk Penitentiary," *Biennial Report* (1882), 57-58.

¹⁵ "Report of Assistant Superintendent," *Penitentiary Report* (1884), 70.

To resolve the issues that stemmed from housing young inmates at The Walls, the Texas Legislature approved the construction of the Gatesville House of Correction and Reformatory in 1887. It was presented to the public as a facility where the “reformation” of the youthful inmate would occur under the oversight of a five-member board of commissioners. Goree and other state officials defined “reformation” first and foremost as discipline. Citing the criminologist Frederick Hill, Goree outlined his philosophy on the importance of labor in an inmate’s path toward reformation: “without work there can be no discipline, and without discipline there can be no reform.”¹⁶ Goree believed that a key way to ensure discipline was through corporal punishment. Discipline, under Goree’s supervision, consisted of severe punishments, which included “confinement in the dark cell; occasionally, for every flagrant breaches of discipline, severer punishment is inflicted,” such as the stocks. “When this is inflicted,” Goree explained, “by permitting the convict to stand flat-footed, it does not amount to much punishment; hence most of the sergeants, in order to make it more effective, have lifted the convicts on the ball of the foot, or tip toe, making the punishment cruel and jeopardizing not only health but life.”¹⁷ After the state banned lessees from relying on that form of punishment, guards resorted to whipping inmates. Such treatment did little to hasten the moral reformation of the convict, however. In 1890, Goree “reluctantly [confessed]” that “not much has been accomplished towards the reformation of criminals in Texas We are looking too much after financial success, rather than moral reformation” of the inmate.¹⁸ It was clear to Goree that a disciplinary facility must be either “reformatory” or profitable, but it could not be both.

¹⁶ Goree, “Report of the Superintendent,” *Biennial Report* (1880), 22.

¹⁷ Goree, “Report of the Superintendent,” *Biennial Report* (1880), 13 (all quotations).

¹⁸ Goree, “Report of Superintendent,” *Biennial Report* (1890), 36.

The mission to provide for “reformatory” institutions carried over into the act that established the Gatesville House of Correction and Reformatory in 1887. When a person under the age of sixteen years old was convicted of a felony in Texas, “judgement and sentence of the court shall be that the defendant be confined in the house of correction and reformatory (instead of the penitentiary).”¹⁹ The Reformatory followed what was widely understood as the “American prison plan,” which required the “productive labor from the convict,” as one newspaper editor explained in 1886.²⁰ It was designed for the “safe keeping, comfort and profitable employment of the inmates confined therein,” under appointed trustees and a superintendent who had “in view the reformation, education, and discipline as well as the profitable employment of the inmates.”²¹ The trustees and the superintendent were also expected to establish mechanical industry facilities so that “the inmates may be placed at such work in the discretion of the superintendent,” and the trustees and superintendent were expected to “provide that the white and colored inmates shall be kept, worked, and educated separately.” From the beginning, the Gatesville Reformatory capitalized on the labor pool of delinquent boys with the knowledge that a profit motive could not achieve the fanciful reformation of the youthful delinquent. One newspaper editor was hopeful that hard labor could achieve reformation, and wrote that “[b]oys sent there will be kept at work either on the farm or in the shops, with the hope of not only making them understand the

¹⁹ H.B. 21, Ch. 84, “House of Correction and Reformatory,” 20th Leg. 1887.

²⁰ The same editor argued that “What *The [Galveston Daily] News* objects to is that legislatures, governors and penitentiary managers make the productiveness of convict labor the prime object in restraint. The returns of penitentiary industries or convict labor are paraded before the public as the indubitable proof of a successful penal system.” In the 1880s, profit, as it related to prisons, was a matter of finances and revenue, not one of moral reformation or re-socialization. “Punishment and Profit in Prison Management,” *The Galveston Daily News*, May 5, 1886.

²¹ H.B. 21, Ch. 84, “House of Correction and Reformatory,” 20th Leg. 1887 (second quotation); “Perfected Legislation: House of Correction and Reformatory,” *The Weekly Gazette*, Fort Worth, TX, April 15, 1887 (first quotation).

power and majesty of the law but by teaching them how to earn an honest living.”²² The Gatesville House of Correction and Reformatory opened to the sounds of cheers from the surrounding community and clanging shackles from the inmates who were corralled into the new facility. The Reformatory functioned as the release valve for the overcrowded prison system, and over the next ninety years, it functioned not as a laboratory for moral reform, but as a revenue-generating extension of the Texas State Penitentiary system.

However, recent works on the history of youth incarceration in the South have erroneously credited women’s middle-class social groups as the driving factor in the establishment of youth training schools. In his work, *Huck’s Raft: A History of American Childhood*, historian Steven Mintz credits the decade’s “child savers” with the drive to establish juvenile detention facilities in the country. According to Mintz, child-saving women were driven by their belief that “children’s plasticity [that] made them much more promising candidates for reform than adults.”²³ Leading historian of Texas juvenile incarceration William S. Bush also cites middle-class child savers like Jane Addams, Miriam Van Waters, Julian Mack, and Lewis Hine as leaders in the fight to protect children from adult criminality and convict institutions.²⁴ A turning point in the history of juvenile corrections in Texas, according to Bush, was when women reformers of the Texas chapter of the Women’s Christian Temperance Union investigated Rusk Penitentiary and after they saw the squalor and violence that youthful inmates endured, successfully lobbied for a separate facility for children in 1886. “Thanks to women

²² “On the Fly: The State Reformatory Open for Business,” *Galveston Evening Tribune*, December 29, 1888.

²³ Steven Mintz, *Huck’s Raft: A History of American Childhood* (Cambridge, MA: Harvard University Press, 2004), 156-157.

²⁴ For more on the child saver movement, see Anthony M. Platt, *The Child Savers: The Invention of Delinquency* 2nd ed. (New Brunswick, NJ: Rutgers University Press, 2009), and Geoff K. Ward, *The Black Child-Savers: Racial Democracy and Juvenile Justice* (Chicago: University of Chicago Press, 2012).

reformers,” Bush explains, “Texas became the first state in the South to open a statewide reformatory for boys” in 1889.²⁵ Instead, this chapter demonstrates that state politicians and prison administrators, not women reformers, were the impetus behind the creation of the Gatesville Reformatory. The House of Correction was a product of the prison administrators and politicians who desired a separate facility to offload the overcrowded prison system and to maximize the profitability of children.²⁶

This chapter also challenges the scholarly consensus that the first twenty years of the Gatesville Reformatory’s existence is not researchable. Dissertations, exposés, monographs, and popular books have explored wide periods of one of the nation’s most brutal places of captivity, but the first twenty years of the Reformatory’s existence have seldom been scrutinized.²⁷ Bush, for example, offers scant details about the Gatesville Reformatory’s operations from the years 1889 to 1910, with the focus of his study beginning in the early 1910s.²⁸ He cites “nearly nonexistent records” for his minimal analysis of Gatesville’s first twenty years.²⁹ Similarly, in a recent dissertation that includes a history of the state’s juvenile corrections system, the author notes that none of the Reformatory’s administrative records exist from before 1909.³⁰ The absence of primary sources, however, should itself be treated as a primary source because the secrecy of Gatesville’s first twenty years informed the detention administration’s culture of

²⁵ Bush, *Childhood*, 4-5, 10.

²⁶ “Ross’ Message,” *Fort Worth Daily Gazette*, January 11, 1889.

²⁷ “State School has Seen Tumultuous Times in 67 Years,” *Gatesville Messenger*, May 7, 1954; Trulson et al., *Lost Causes* (2016); Kenneth Wooden, *Weeping in the Playtime of Others* (Columbus: Ohio State University Press, 1976); Donnelly, “Cycle and Dynamics of Reform and Neglect,” (2018); Bush, *Childhood* (2012).

²⁸ Bush, *Childhood*, 10-14.

²⁹ Bush, *Childhood*, 11.

³⁰ Donnelly, “Cycle and Dynamics of Reform and Neglect,” 21.

violence in the years that followed. Using what few sources exist, as well as a plethora of newspaper accounts, government reports, court proceedings, and documents from penitentiary archival collections, this dissertation chapter is written to fill the historiographical chasm that is the Gatesville Reformatory from 1889 to 1909 that has eluded historians for decades.³¹

The Gatesville House of Correction and Reformatory opened in 1889 as a first-of-its-kind “self-sustaining” reform school in the South for children who were arrested, tried, and sentenced for crimes that ranged from general “incurability,” to property crimes, violent crimes, and homosexual acts.³² According to the Superintendent, the first group of inmates were African American boys from burgeoning urban centers, where delinquency and criminality flourished, according to criminologists, psychologists, government officials, and their nationwide readers who perceived urban areas as spaces of “moral decay” and disorder.³³ To contain the disorder during the first national urban crisis, prisons functioned, in the words of historian Kelly Lytle Hernández, as “an eliminatory option” of that made room for the structural invasion of white supremacy on contested lands.³⁴

After an unsuccessful attempt to establish the Reformatory at the Nineteenth Texas Legislature in 1885, Dr. Horatio Lorenzo Tate, state representative of Smith County successfully

³¹ Some of the earliest books to scantily describe Gatesville’s early history include journalist Kenneth Wooden, *Weeping in the Playtime of Others* (1976); Martin et al., *Texas Prisons: The Walls Came Tumbling Down* (1987); Walker, *Penology for Profit* (1988).

³² *Bastrop Advertiser*, November 23, 1884; Goree, “Report of Superintendent,” *Report of the Superintendent* (1884), 22.

³³ “Governor’s Office,” *Brenham Daily Banner*, Brenham, TX, May 12, 1889; For more on public perception of cities in the 1880s, see Colin Gordon, *Mapping Decline: St. Louis and the Fate of the American City* (Philadelphia: University of Pennsylvania Press, 2008), 189; Carl Smith, *Urban Disorder and the Shape of Belief: The Great Chicago Fire, the Haymarket Bomb, and the Model Town of Pullman* (Chicago: University of Chicago Press, 2007).

³⁴ Lytle Hernández, *City of Inmates*, 8-9.

reintroduced the bill to create the Reformatory and House of Correction in 1887.³⁵ Tate descended from an elite slave owning family that arrived in Texas from Georgia in the 1850s.³⁶ He, along with several other “honored” members of his family, owned property in East Texas and fought in the Confederate Army during the Civil War.³⁷ After the war, Tate attended medical school and returned to Smith County, opened his medical practice, and ran for public office. As a Democrat and member of the Twentieth Legislature, he was appointed to serve as the chair of the Committee on Penitentiaries and from that position, he authored the bill that promised to establish the facility and an administrative board that “[had] in view the reformation, education, and discipline as well as the profitable employment of the inmates confined in said house of correction and reformatory” in Gatesville.³⁸

At least forty miles away from the nearest major city and with immediate access to all parts of the state via the Cotton Belt Railway, the Texas House of Correction and Reformatory in Gatesville was packaged and sold to the tax-paying public of the state as a remote yet economically self-sustaining facility that would bring economic opportunities to the Central Texas region. At the Reformatory, the boys would work, first to pay off the debt of \$28,390 that it cost the state to build the institution.³⁹ When the boys did not work on grounds, they worked

³⁵ L. E. Daniell, “Horatio Lorenzo Tate,” in *Personnel of the Texas State Government with Sketches of Distinguished Texas Embracing The Executive and Staff, Heads of the Departments, United States Senators and Representatives, Members of the XXth Legislature* (Austin: Press of the City Printing Company, 1887), 186.

³⁶ Betty Burris, “High Profiles: Past: Dr. Horatio Tate,” *The Lindale Times*, April 2, 1992; “Dr. H. L. Tate, Grand Old Man of Lindale, Died Tuesday, Feb. 26,” *The Tyler Journal*, March 1, 1929; “Back to the Past,” *The Lindale Times*, April 2, 1992; “Z A Tate [Horatio’s father], Georgia, U.S., Wills and Probate Records, 1742-1992,” *AncestryLibrary.com*.

³⁷ Daniell, “Horatio Lorenzo Tate,” *Personnel of the Texas State Government*, 185.

³⁸ H.B. 21, Ch. 84, “House of Correction and Reformatory,” 20th Leg. 1887.

³⁹ L. L. Foster, Commissioner, “State House of Correction and Reformatory,” *Second Annual Report of the Agricultural Bureau of the Department of Agriculture, Insurance, Statistics, and History, 1888-1889* (Austin: State Printing Office, 1890), 375.

for the neighbors performing farm labor.⁴⁰ Governor Ross expressed the popular hopes that the Reformatory's success would be measured by its ability to "reclaim those drifting upon the currents of evil, and make them honest, industrious, temperate men, and successful wage-winners, adding to the productive income and taxable values, instead of moral lepers upon society."⁴¹ In addition to paying the startup costs of the Reformatory, inmates were also expected to also raise the funds to pay off public deficits, the largest of which included the fees owed to sheriffs, clerks, and judges. Ironically, those were the jobs that directly contributed to increased incarceration rates.⁴² By 1891, just two years after the Reformatory accepted inmates from the penitentiary, the Texas Legislature reported that "111 inmates have paid for all their supplies, clothing, and other incidental expenses, not only saving the state the cost of their support."⁴³

The reformatory admitted children between the ages of nine to sixteen, but some students were kept until the age of twenty-one.⁴⁴ The first load of inmates numbered between twenty-five and thirty-five inmates, all of whom were transferred from the Huntsville State Prison and most of whom were African American.⁴⁵ Almost immediately, the founders' purpose in creating the

⁴⁰ "Austin." *The Galveston Daily News*, September 4, 1890.

⁴¹ Richard Coke, "Reformatory," in *Governors' Messages: Coke to Ross (Inclusive), 1874-1891*, edited by Archive and History Department, (Austin: Texas State Library, 1916), 634.

⁴² "Gatesville," *Galveston Daily News*, August 29, 1887; "Ross' Message: Reformatory," *Fort Worth Daily Gazette*, January 11, 1889; "The State Reformatory Experiment," *Galveston Daily News*, May 6, 1889; Gregg Cantrell, *The People's Revolt: Texas Populism and the Roots of American Liberalism* (New Haven: Yale University Press, 2020), 309-312.

⁴³ "Reformatory," *Journal of the Senate of the State of Texas*, 19-20.

⁴⁴ Biennial and annual reports from the Reformatory during this period (1890-1896) do not show any inmate older than eighteen years old.

⁴⁵ "Monthly Changes in Prison Population from November 1, 1888, to October 31, 1890," *Reports of the Superintendent and Financial Agent of the Texas State Penitentiaries* (1890), 46; *Brenham Daily Banner*, Brenham, TX, May 12, 1889; Ben McCulloch, "Texas," *Proceedings of the National Conference of Charities and Correction* (1889), 170-172; "Reformatory," *Austin Weekly Statesman*, January 9, 1890; "Governor's Office," *Austin Weekly Statesman*, May 9, 1889.

facility to serve as a release valve of second and third-class laborers from the penitentiary clashed with the publicly held notion that it was meant for youth improvement. Instead of a facility that housed and educated juvenile convicts to become “honest, industrious, temperate men, and successful wage-winners,” as Governor Ross and the public hoped, the Gatesville Reformatory administrators became, according to one newspaper report, “apprehensive that their institution will be overrun with colored convicts above the age prescribed by the law . . . who should be imprisoned in the penitentiaries.”⁴⁶ According to official state reports in the 1890s, however, there were no over-age inmates, and the ungrounded suspicion that they could “overrun” the facility stemmed from the fact that most of the inmates were Black and, by extension, should be treated as adults, an assumption that traced back to antebellum slavery that continues to shape social relations in ex-Confederate States.⁴⁷

⁴⁶ Archive and History Department of the Texas State Library, “Reformatory,” *Collections of the Archive and History Department of the Texas State Library: Executive Series, Governors’ Messages, Coke to Ross (Inclusive), 1874-1891* (Austin: A. G. Baldwin and Sons Printers and Binders, 1916), 634 (first quotation); “The State Reformatory Experiment,” *Galveston Daily News*, May 6, 1889 (second quotation).

⁴⁷ “Roll of Inmates of House of Correction and Reformatory from January 3, 1889, to November 20, 1892,” *Second Biennial Report of the Trustees and Superintendent of the House of Correction and Reformatory at Gatesville, Texas, November 1, 1890, to November 20, 1892* (Austin: Ben C. Jones and Co., State Printers, 1892), 14-22.

While historians have acknowledged that young Black Americans were treated like adult felons in the Southern criminal justice system, few historians have explored the historical connections between the “adultification” of Black youth and antebellum slavery. For more on the limited but still growing historical perspective of adultification and criminalization of Black youth, see LeFlouria, *Chained in Silence* (2015); Haley, *No Mercy Here* (2016); Perkinson, *Texas Tough* (2010); Bush, *Who Gets a Childhood?* (2010). For contemporary sociological treatises on adultification, see Von E. Nebbitt and Margaret Lombe, “Urban African American Adolescents and Adultification,” *Families in Society: The Journal of Contemporary Social Services* Vol. 91, No. 3 (2010), 234-240; Elizabeth Panuccio and Johnna Christian, “Work, Family, and Masculine Identity: An Intersectional Approach to Understanding Young, Black Men’s Experiences of Reentry,” *Race and Justice* Vol. 9, No. 4 (2019), 407-433; Alison N. Cooke and Amy G. Halberstadt, “Adultification, Anger Bias, and Adults’ Different Perceptions of Black and White Children,” *Cognition and Emotion* Vol. 35, No. 7 (2021); Chaz Arnett, “Virtual Shackles: Electronic Surveillance and the Adultification of Juvenile Courts,” *Criminal Law* Vol. 108, No. 3 (2018), 399-454; Erik M. Hines, Edward C. Fletcher, Jr., Donna Y. Ford, and James L. Moore, III, “Preserving Innocence: Ending Perceived Adultification and Toxic Masculinity Toward Black Boys,” *Journal of Family Strengths* Vol. 21, No. 1 (December 2021), 1-11.

The town of Gatesville, Coryell County in Central Texas relied on cotton and venerated its Confederate past well beyond the years of the Civil War.⁴⁸ As one historian explained in his study of central Texas race relations in the twentieth century, “Central Texas was cotton country, and its people were primarily transplanted Southerners who had brought with them their particular history of interaction across the color line.”⁴⁹ Gatesville during the Civil War was “too far removed from the real conflict to know the meaning of the suffering that it brought to some,” but Coryell County contributed to the Southern cause by having “furnished our share of men.”⁵⁰ During Reconstruction, a “lawless” period when the area was ruled by “ruffians and rustlers,” Coryell’s “men who believed in law and order” founded Gatesville as the county seat and “put a stop to all this crime.”⁵¹ Just west of the halfway point between Austin and Waco, Gatesville sat on prime agricultural land for cultivating cotton and cattle ranching with convenient railroad access to the state and country’s major trading markets where “some 600 acres are devoted to cotton” (see Figure 3).⁵² For the cattle and cotton trade to remain lucrative in the area, however, an uneven balance of power persisted between landowner and worker, which was determined mostly by race, a hierarchy that the Gatesville Reformatory replicated.

⁴⁸ “Coryell County Confederate Veteran Reunion,” *Yoakum Weekly Times*, June 19, 1909.

⁴⁹ Neil Foley, *The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture* (Berkeley: University of California Press, 1997), 12.

⁵⁰ *History of Coryell County*, (May 1954), 33.

⁵¹ *History of Coryell County*, 25.

⁵² Bush, *Childhood*, 10; Photograph, “Cotton Fields of Dixie,” from *Pictorial Review State Juvenile Training School* (Gatesville: Printing Department, Texas Training School News, 1932), TSLAC, Texas Youth Commission Historical Records, box 1999/087-5, folder “Compiled History of Information Notebooks, Pictorial Review, State Juvenile Training School, ca. 1932.”



Figure 3. *Cotton Fields of Dixie*, in *Pictorial Review State Juvenile Training School* (Gatesville: Printing Department, Texas Training School News, 1932), TSLAC, Texas Youth Commission Historical Records, box 1999/087-5, “Compiled History of Information Notebooks, Pictorial Review, State Juvenile Training School, ca. 1932.”

According to the legislation that established the Reformatory, the appointed superintendent of the Reformatory “shall be a competent business man and a practical farmer of good moral character and of humane disposition.”⁵³ Captain Ben McCulloch, Assistant Superintendent of Huntsville State Penitentiary and an ex-Confederate veteran guided by his belief in white supremacy, fit those qualifications according to the trustees. With those qualifications, he became the first superintendent of the Gatesville Reform School.⁵⁴ The son of the US-Mexican War hero and ex-slave owner Henry E. McCulloch, and the nephew of famed Civil War officer General Ben McCulloch, the younger McCulloch was a stern businessman who valued his reputation as such. After the end of the Civil War, he landed a job at the Huntsville Penitentiary where he worked as the Assistant Superintendent for six years, having “had

⁵³ H.B. 21, Ch. 84, “House of Correction and Reformatory,” 20th Leg. 1887.

⁵⁴ “General Henry Eustace McCulloch,” *Texas State Government: Distinguished Texas* (New York: Press of the City Printing Company, 1887), 227; “State News,” *San Antonio Daily Light*, November 10, 1888; “Confed. Home managers,” *Austin American-Statesman*, May 2, 1919.

immediate control of the disciplinary department of the Huntsville Penitentiary.”⁵⁵ At Huntsville, he gained the experience of a tough overseer with a knack for maximizing profits through the whip.⁵⁶ He oversaw the labor at nearby farms fulfilled by African Americans, while white men and ethnic Mexicans were assigned to building the railroads across Central Texas.⁵⁷ McCulloch’s colleagues described him as the ideal superintendent of Gatesville because he was a “good disciplinarian and prison man with those qualities of a thorough-going business man.”⁵⁸ Due to his experience and methods, “[t]he governor could not have made a better selection for this important position” of Superintendent of the Gatesville House of Correction and Reformatory, according to some newspaper editors in Texas.⁵⁹ In McCulloch’s view, “I do not know why, unless perhaps it was that I had been in penitentiary work long enough to be reformed, I was placed in charge.”⁶⁰ To the Gatesville trustees, McCulloch’s experience as a stern disciplinarian equipped him as the perfect man for the job.

McCulloch’s favored course of legal discipline was the “dark cell,” solitary confinement within the walls of the prison. Under his supervision at Huntsville, sergeants and prison guards were accused of illegal punishments, punishments cruelly inflicted, overworking convicts,

⁵⁵ “W. P. Hardeman,” *Personnel of the Texas State Government* (Austin: Maverick Printing House, 1892), 149; “The State Capital,” *Dallas Morning News*, November 11, 1888; “Report of Financial Agent,” *Reports of the Superintendent*, 1886-1888, 75.

⁵⁶ Ben E. McCulloch, “Report of Assistant Superintendent,” *Report of the Superintendent* (1888), 31-37; “Waco Wirelines,” *Galveston Daily News*, August 29, 1887. Newspapers and other reports have spelled Ben McCulloch’s name differently. At times he was McCullough, McCullogh, and McCulloch. I will use the spelling he used in Biennial Reports to the governor.

⁵⁷ Haywood Brahan, “Report of Financial Agent,” *Report of the Superintendent* (1884), 39.

⁵⁸ Goree, “Report of Superintendent,” *Report of the Superintendent* (1888), 10.

⁵⁹ “The State Reformatory Open for Business,” *Evening Tribune*, Galveston Texas, December 29, 1888.

⁶⁰ Benjamin McCulloch, “The Texas Penal System,” *Proceedings of the Annual Congress of the National Prison Association* (1889), 248.

forcing injured or disabled men to perform rigorous labor, and suppressing complaints through intimidation tactics.⁶¹ In some of the sub-leased outside camps that McCulloch supervised, convicts were punished by captivity in the stocks with the locking mechanisms tall enough to force the convict to stand on “tip toe” to “make it more effective,” which put the inmate at risk of exhaustion and asphyxiation.⁶² Two inspectors in charge of uncovering such abuses across the state investigated sub-leased camps and found evidence at times of mistreatment, but dismissed reports because of the overwhelming quantity that they received. In their words “they [could not] be everywhere at once.” As a result, official reports rarely describe abuses in detail. Reports merely indicate that the guards or sergeants were discharged, but they were not charged for assault due to the “difficulty of obtaining legal evidence to convict.”⁶³ McCulloch’s abuses toward a majority Black inmate population comprised mostly of ex-slaves did not bother Texas lawmakers.⁶⁴ Politicians were focused on legalizing and normalizing the emerging social and political order known as Jim Crow as the twentieth century approached.

After Emancipation, Texas Democrats who had supported Confederate efforts to preserve the institution of slavery battled with politicians who defended African Americans’ newly gained status as freed people. Despite local Anglo opposition, African American Texans ran for political offices as Republicans from the local level to the national level and won with regularity. But when federal Reconstruction ended and the enforcement of legal protections against African Americans ended with it, Democrats prevented freed people from regaining political power.

⁶¹ Goree, “Report of Superintendent,” *Biennial Report* (1884), 20.

⁶² This practice continued to at least the 1910s. “The Prison Labor Report,” *The Delinquent* Vol. 3, Nos. 3 and 4 (March and April, 1913), 39; Goree, “Report,” *Biennial Report* (1880), 13.

⁶³ Goree, “Report,” *Biennial Report* (1884), 20; Perkinson, *Texas Tough*, 93.

⁶⁴ Perkinson, *Texas Tough*, 99.

They implemented methods of socially alienating African Americans via voter suppression, economic exploitation, and racial segregation with the intent of precluding Black participation in the American economy and political system. With their plan to segregate the state and disenfranchise Black Texans, the Gatesville facility was a key testing site for the incipient Jim Crow social order.⁶⁵

In its first year of operation in 1889, the Gatesville Reformatory under McCulloch and the Texas Penitentiary Board had already lived up to its economic promise. As the first-year population of the Reformatory neared one-hundred inmates, the “self-sustaining” facility produced enough bales of cotton to offset operation costs and was expected to produce more in the coming years.⁶⁶ Local politicians attributed the productive yield to McCulloch’s strict, business-minded leadership. Representative of nearby Hays County C.P. McGehee spoke highly of McCulloch and reported favorable “humane” conditions that the boys labored in. Speaking on behalf of all Texas prisons, he explained that “Our report will set forth the true condition of affairs, and will show that Texas convicts are humanely dealt with within the prisons or outside wherever they are worked.” With reports floating around Texas newspapers of abuses taking place in the state’s prisons, he attacked the press: “it will confound the libelous writers who have published absurdly false and monstrous stories of suffering that does not exist, and probably did never exist.”⁶⁷ Prison and reformatory administrators tightly defended their favorite institutions.

⁶⁵ Sanford N. Greenberg, “White Primary,” *Handbook of Texas Online*, <https://www.tshaonline.org/handbook/entries/white-primary>; Arnolde De León and Robert A. Calvert, “Segregation,” *Handbook of Texas Online*, <https://www.tshaonline.org/handbook/entries/segregation>.

⁶⁶ *Gainesville Daily Hesperian*, Gainesville, TX, October 8, 1889.

⁶⁷ “The Investigating Committee,” *The Galveston Daily News*, February 11, 1889.

As a “self-sustaining” facility, a smaller budget worked in their favor because it made room for profit.

Reformatory administration members saw immediate financial success by putting the boys to work as evidence that boys were “reformed.”⁶⁸ The Reformatory was, after all, a product of the Texas State penitentiary system. When they did not work on the property, the inmate boys were leased out to nearby private farms and worked under the watch of armed sergeants. On the institution’s grounds, they worked as dairy farmers, tailors, shoemakers, cooks, carpenters, and repairmen. Under the guise of teaching the boys a useful vocational skill, the Gatesville administration kept the cost of running the school low through the labor of the boys. To be sure, inmates were not simply helping out around the school with minor chores, but “these boys have done the major part of the carpentry work about the place; have built four houses and two large sheds.”⁶⁹ With a positive spin on unpaid child labor, prison officials framed hard work to the public as the reformatory agent that converted troublemakers into outstanding citizens.

The reality was that from 1889 to 1909, the Gatesville Reformatory was a living nightmare for inmates. The state appropriated very little to the Reformatory based on prison officials’ goal and lawmakers’ expectation to manage it as a self-sustainable institution like the penitentiary.⁷⁰ It fell under the supervision of governor-appointed commissioners and superintendents, who then hired the administrative staff that operated it as a division of the state penal system. The Gatesville House of Correction and Reformatory was hell for the first batch of

⁶⁸ W. T. McDonald, “Report of the Prison Chaplain,” *Biennial Report of the Superintendent of Texas State Penitentiaries* (Austin: Von Boeckmann-Jones Co., Printers, 1906), 52.

⁶⁹ L. J. Tankersley, “Report of the Assistant Superintendent,” *Reports of the Superintendent and Financial Agent of the Texas State Penitentiaries* (1900), 113-116 (quotation on 114).

⁷⁰ Commissioners of the Texas Prison Board, “Letter of Transmittal,” *Biennial Report to the Commissioners, Superintendent and Financial Agent of Texas State Penitentiaries* (1902), 2.

children who arrived in 1889 and it remained that way for the hundreds of inmates who were sentenced there over the next two decades.⁷¹

The Reformatory's first twenty years were poorly documented, but enough primary source material exists to piece together what daily life at the Gatesville Reformatory was like, beginning with the intake process.⁷² Most of the inmates were transported by a horse-drawn wagon from their place of conviction, but if they were from Coryell County, young boys were susceptible to public shaming and humiliation from the community. In one example, guards marched a nine-year-old boy who they chained and shackled through the streets of downtown Gatesville to the Reformatory.⁷³

Upon arriving, the sight of hay bushels and cotton bales along the dirt road that connected the entrance of the property to the front doors of the facility welcomed young inmates to their future as unpaid laborers. Once inside, delinquent boys were taken into "the bathhouse" for processing where the staff inspected their health. New inmates were given a pair of shoes and a poorly made state uniform produced by the inmates at the Reformatory. A physical description of the boys was recorded, but their "general fitness for things [was] not studied."⁷⁴ The boys, after hearing the rules of the facility, were directed to the sleeping area, an overcrowded dormitory that reeked of body odor and human waste.⁷⁵ The "odor met with on entering" said

⁷¹ "Exhibit J: Record of Incoming and Outgoing Inmates, November 1, 1900, to August 31, 1902," *Biennial Report to the Commissioners, Superintendent and Financial Agent of Texas State Penitentiaries* (1902-1904), 142.

⁷² "Special Committee Report," *Senate Journal of the House of Representatives* v. 26 (1899), 342.

⁷³ "State School Received First Boys 84 Years Ago," *Gatesville Messenger and Star Forum*, January 4, 1973; "Two Small Boys Chained Like Criminals," *San Antonio Light*, May 21, 1905.

⁷⁴ "Reformatory," *La Grange Journal*, June 22, 1893.

⁷⁵ *The Sticker*, Schulenburg, TX, March 30, 1899; "Senator Boren's Report of the State Reformatory to the Governor," *Panola Watchman*, April 25, 1897.

one reporter, “is a strong reminder of a cage occupied by wild animals.” Additional reports of the Reformatory’s smell alone ranged from “offensive” to “rotten,” to outranking the smell of “embalmed beef.” Bathing offered no escape from the stench. There was not enough soap for all the boys who shared the only tub, which was located beside an open-air toilet. Boys often chose to sleep in their own filth after a day of laboring in the fields, oftentimes on the floor because there were insufficient bunks for the inmates.⁷⁶

If a boy was not physically healthy enough to work or if he was sent to the facility in “dying condition,” he saw the physician in an office that smelled no better than the rest of the dormitory. One dying boy, a runaway from Ohio, was arrested for burglary and within his first few days of serving his sentence in Gatesville, contracted typhoid fever. His fellow inmates swatted flies away from his sunken face as he lied dying on a bed.⁷⁷ On cold days, the sick children of Gatesville had no warmth on account of broken windows and inadequate clothing.⁷⁸ Epidemics of “la grippe,” typhoid, and measles were common, and mortality, although reported as occurring in “extra small” rates, occurred either from disease, or other accidents like drownings or lightning strikes.⁷⁹ “The best comment” that administrators of the Gatesville Reformatory could have made regarding the “deplorable” conditions and overall health of the inmates was that “our report shows the death of but one inmate . . . out of a population ranging from 142 to 200.”⁸⁰ To combat that narrative of the Reformatory, the facility’s physician

⁷⁶ “State Reformatory: Superintendent McGuire Interviewed—His Suggestions for Betterments,” *Dallas Morning News*, November 17, 1893; “State Reformatory,” *Panola Watchman*, April 25, 1897.

⁷⁷ “Wild West Stories and a Boy Victim,” *Honey Grove Signal*, August 18, 1907.

⁷⁸ “Robbed Again,” *Yoakum Daily Herald*, March 4, 1899.

⁷⁹ I.F. Johnson, “Report of Physician,” *Biennial Report*, August 31, 1908.

⁸⁰ “The State Reformatory,” *Dallas Morning News*, January 31, 1895; L.J. Tankersley, “Report of Assistant Superintendent,” *Biennial Report to the Commissioners, Superintendent and Financial Agent of Texas State Penitentiaries, 1902-1904*, 133.

reported that the health and sanitation of the infirmary was satisfactory so he felt no need to keep detailed records of his patients.⁸¹

Many of the deaths at the Reformatory that Texans learned about were reported in newspapers. One especially cruel death that gained considerable attention in the area was the death of a young African American boy who died at the hands of a building tender, or, as staff members called them in Gatesville, a “trusty.” The use of the trusty system was one of the many ways that the Gatesville Reformatory replicated practices common in the adult prison system.⁸² At the Reformatory, the trusty system carried the same dangers of inmate-to-inmate violence in which the abuser was protected by facility administrators and thus the state.

In Gatesville, trusties were given preferential treatment, and in some cases, they filled in as Reformatory guards when the guards took their scheduled breaks, as was the case for the notable homicide committed by a trusty. In May 1896, Jim Tubbs, a “light mulatto,” also listed as a “copper-colored negro,” was put in charge of assisting Reformatory guards at a work camp just north of the Reformatory.⁸³ Tubbs was in the guards’ sleeping quarters preparing their sleeping area when he found an unattended Colt .44 pistol. He grabbed it and made his way back to the inmate sleeping quarters, put the gun to the head of the sleeping Garling Dowing, a Black inmate, and pulled the trigger. Dowing was instantly killed. Upon realizing the severity of what he had done, Tubbs jumped out of a window, stole a Reformatory horse, and escaped. The next morning, police found Tubbs hiding in a nearby cornfield. They shot him in the back and arm,

⁸¹ E.B. Baker, M.D., “Report of Physician,” *Biennial Report to the Commissioners, Superintendent and Financial Agent of Texas State Penitentiaries, 1902-1904*, 137.

⁸² Chase, *We Are Not Slaves*, 9.

⁸³ J. W. Hammack, “Coryell County,” *Galveston Daily News*, May 30, 1890.

but he survived.⁸⁴ A few years later, Tubbs was sentenced to the Texas State Prison in Huntsville on an unrelated charge, but his murder of Dowling does not seem to have followed him into adulthood.⁸⁵

Daily life for Gatesville inmates was grueling. In addition to the overcrowding, disease, trusties, and abusive guards, the food was revolting. Typically, their meals consisted of coarse or blackened cornbread, poor grade molasses, and stewed bacon from pigs that the boys raised and slaughtered themselves. Although official reports claimed to have fed the boys several gallons of milk and multiple servings of butter produced from their cows weekly, the boys refuted the official reports and claimed to have only received an occasional glass of milk and butter three times a week, at most. Water, which was retrieved from an artesian well that the boys dug themselves, but it was not filtered or cleaned in any way.⁸⁶

Inmates attended school on the premises, but the primary concern of administrators was the students' labor output. As a segregated school, it had two teachers, one white and one Black and the investigative reports from newspaper journalists and official reports to the governor from Gatesville staff suggest that the schooling was not rigorous, nor did it teach children anything beyond what they needed to understand for farm work. Most of the book learning was neglected in favor of "practical" skills, like making socks on a sewing machine or manufacturing

⁸⁴ "Reformatory Killing," *Galveston Daily News*, May 29, 1896.

⁸⁵ *Convict Record of the Texas State Penitentiaries*, U.S.-Texas Convict and Conduct Registers, 1875-1945, Huntsville, Texas, 110.

⁸⁶ "Disgraceful," *The Democrat*, McKinney, TX, April 29, 1897; "State Reformatory," *Panola Watchman*, April 25, 1897.

mattresses for prisons across the state.⁸⁷ Class furniture was made of wood hardly good enough for fire kindling and the literature that the boys had access to was minimal.⁸⁸

As a “self-sustaining” wing of the Texas prison system, the primary purpose of the Gatesville Reformatory was to produce income for the state, which made education a detriment to the supposed mission of the facility. Inmates labored most months out of the year, either on nearby farms picking cotton, corn, and wheat, or milking state-owned cows. In its first year, the Reformatory reported \$1,800 worth of income from cotton sales alone.⁸⁹ From then on, the measure of success of Gatesville Reformatory was judged by how much cotton, corn, wheat, and other vegetables that the inmates produced, and to state officials, the Reformatory was largely successful, except for some minor issues.⁹⁰

The superintendents had some difficulty keeping the inmates in captivity. McCulloch, in the first report to the governor from the institution, reported that a trusty inmate attempted to escape during their transport from Huntsville to Gatesville, a problem that persisted from then on with all ranks of inmates.⁹¹ Staff took preventative measures to decrease the number of attempted escapes, like “teaching the boys the evil of attempting to escape” during Sunday school, but inmates nonetheless attempted to liberate themselves from the facility.⁹² Sometimes they plotted

⁸⁷ Captain J. H. Boyd, “House of Correction and Reformatory,” *Biennial Report*, September 1, 1908; Captain Ben McCulloch, “Report of the Superintendent,” reproduced in *Austin Weekly Statesman*, January 9, 1890; George Waverly Briggs, “Reformatory Seeks Profit, Not Reform,” *San Antonio Daily Express*, January 4, 1909.

⁸⁸ Potts, *Crime and the Treatment of the Criminal*, 75.

⁸⁹ Isabel C. Barrows, editor, *Proceedings of the National Conference of Charities and Correction at the Seventeenth Annual Session Held in Baltimore, MD.*, (Boston: Press of Geo. H. Ellis, 1890), 220.

⁹⁰ Boyd, “House of Correction and Reformatory,” *Report of Assistant Superintendent*, September 1, 1908.

⁹¹ “State Press Gleanings,” *Austin Weekly Statesman*, January 17, 1889; Captain Ben McCulloch, “Report of the Superintendent,” reproduced in *Austin Weekly Statesman*, January 9, 1890.

⁹² G.L. Boyd, Chaplain, “Report of Chaplain,” *Biennial Report*, September 1, 1908.

their escapes and other times they seized spontaneous opportunities, like when they were left unattended or when guards “took a nap.”⁹³ As one young boy recounted in his poem published in the *La Grange Journal* in 1893, “Johnny” had begged Reformatory guard “Sam” to grant him and his mule a break from work. Sam the Guard allowed it, but as “Sam he called for Johnny/But Johnny he was gone/ And in a few short moments/I heard the Sargant’s [sic] horn.” The young writer described the scene of guards and bloodhounds who hunted down Johnny “with a yelp at every bound/And we thought in a very few minutes/They’d have Johnny in the ground.”

Reflecting on the surreal condition in which a group of powerful men held total control over captive children in slavery-like conditions in a post-slavery world, the young poet summed up that the experience (or, perhaps the institution itself) was “Founded upon a romance of reality.”⁹⁴

If the chase was not punishment enough, superintendents and their sergeants punished the captured inmates in front of the rest of the inmate population to set an example of the repercussions of attempted escape. Armed guards, vicious dogs, and a superintendent who was happy to “deal rigidly” regardless of the criticism he received for his “manner of dealing with them” all awaited any desperate kid who attempted escape.⁹⁵ McCulloch, for example, relied heavily on his experience as a disciplinarian in Huntsville to handle the children. The “dark cell”—solitary confinement—was one of McCulloch’s favorite methods of punishment when he worked as a prison administrator and it likely remained his preferred method of dealing with captured runaways at the Reformatory. It also appeared to have worked. According to McCulloch, because of the “policy adopted” since using the dark cell, there had not been an

⁹³ “Captured Escaped Convicts,” *Goldthwaite Eagle*, October 16, 1909.

⁹⁴ “Johnny Jones,” *La Grange Journal*, June 23, 1892.

⁹⁵ Captain Ben McCulloch, “Report of the Superintendent,” reproduced in *Austin Weekly Statesman*, January 9, 1890.

effort to escape for nearing half a year.⁹⁶ Superintendent J.E. McGuire, the facility's second superintendent, preferred to chain attempted runaways in pairs and put them to work on the fields.⁹⁷

Punishment for other infractions like disobedience or "idleness" included verbal abuse, threats from armed guards, and floggings.⁹⁸ McGuire insisted that the only times that guards whipped inmates was when it occurred under his watch, and that whippings only occurred when other methods of correction were ineffective. Inmates reported that although part of McGuire's claim was true, the guards administered beatings to the students on a regular basis in McGuire's absence.⁹⁹ A senate committee investigation in 1902 confirmed that beatings of inmates from guards in Huntsville, Rusk, and Gatesville were common. They also found that guards ignored the law that said that "whipping may be resorted to only upon a special order in writing from the Superintendent or Assistant Superintendent or inspector in aggravated and peculiar cases."¹⁰⁰ Major L. A. Whatley, Superintendent of State Penitentiaries in 1897, which oversaw Gatesville operations, corroborated that criticism: "Down here in Texas we do not know how to manage without the strap. That is the fact."¹⁰¹ Thus, after a day of minimal schooling, hard work, violence, and a poor diet, the boys would retreat to their crowded and unclean double-decked

⁹⁶ McCulloch, "Report of the Superintendent," *Austin Weekly Statesman*, January 9, 1890.

⁹⁷ "Escaped for a Few Minutes," *Graham Leader*, January 10, 1894.

⁹⁸ Potts, *Crime and the Treatment of the Criminal*, 75.

⁹⁹ "Disgraceful," *The Democrat*, McKinney, TX, April 29, 1897; "State Reformatory," *Panola Watchman*, April 25, 1897.

¹⁰⁰ *Report and Proceedings of the Texas State Investigating Committee* (Austin: Von Boeckmann, Schutze & Co., State Printers, 1902), 324.

¹⁰¹ *Proceedings of the Annual Prison Congress* (1897), 59.

bunks that “emitted a sickening stench,” likely wearing the same clothing they awoke in, to do it all again the next day.

Regardless of the findings, reports, and publications, administrators and staff were untouchable in the way that they operated the Reformatory. The “hands-off” doctrine that applied to prisons across the state, which kept the courts out of how prisons administered punishment and discipline, and gave administrators full permission to “maximize profits” as they saw fit.¹⁰² With laws that favored administrators at the Reformatory, their behaviors had gone unchecked. For example, they had secured legal and exclusive custody of youthful offenders in 1893, which legally bound inmates to their guardian: the Reformatory. Additionally, no students admitted to Gatesville were to serve less than two years or more than five up to the age of twenty-one. Jury verdicts, a staple of the criminal trial process, were no longer necessary to sentence a child to Gatesville, and the procedures for commutation for good behavior became subject to the administrators’ discretion, which gave them more power.¹⁰³ These laws that gave administrators full privileges were taken advantage of immediately, namely by superintendent J.E. McGuire.

A Civil War veteran of the notorious Terry’s Texas Rangers, a previously elected member of the Texas Legislature, and a businessman and rancher, McGuire made his money from the cattle trade.¹⁰⁴ McGuire was first appointed Assistant Superintendent under McCulloch and by 1893, both his business reputation and political career had garnered statewide

¹⁰² Perkinson, *Texas Tough*, 264-265.

¹⁰³ Bureau of Research in the Social Sciences, *Texas’ Children: The Report of the Texas Child Welfare Survey* (Austin: University of Texas Press, 1938), 184.

¹⁰⁴ “James Foster McGuire,” *Personnel of the Texas State Government with Sketches of Representative Men of Texas* (Austin: Maverick Print House, 1892), 142.

recognition. Through the mid-1890s, it appeared as if the low budget that McGuire worked with was not a problem.¹⁰⁵ He boasted about the physical improvements and aesthetic beautification of the facility as a result of the boys' labor. "Experts" taught the inmates to cut grass, chop down and plant new trees, raise cattle, milk dairy, cultivate cotton, sew, cook, and make shoes. According to some journalists, McGuire was responsible for the supposed improvements to the Reformatory but if any problems arose—like the apparent lack of funds required to fully segregate the boys—it was because of the meager budget McGuire had to work with.¹⁰⁶ With high production numbers, low costs, and unobtrusive oversight from the state government, McGuire's leadership presented the Reformatory as a success.

The reality was that McGuire was in debt and he used the inmate labor at his disposal to dig himself out of his personal financial hole. First, he used the boys from the Gatesville Reformatory to cut the grass around the facility for hay and shipped those bales to pay off different personal business accounts. Then, in 1894, he bought a tract of land near the Reformatory that was cleared of trees and brush and "put it in a high state of cultivation" using the boys' labor through 1896. In 1898, the cattle ranching businessman bought horses and cattle with state funds and kept the state's livestock on his personal ranch a mile and a half away from the Reformatory. In addition to using the boys for his own economic gain, he used "state implements" like tools, wagons, and armed security guards from Gatesville to supervise the boy laborers who developed his property. In 1899, he used more state implements to build a house for his personal residence. That was not enough for the unscrupulous McGuire, who ordered inmate boys to disassemble a barn from the Gatesville property and relocate it to his property

¹⁰⁵ "The Reformatory: The Worst Provided for and Best Managed," *Lagrange Journal*, June 22, 1893.

¹⁰⁶ W.R. McClellan, "Letter to the Editor," *La Grange Journal*, April 5, 1894.

without permission from the state. As historians of Southern incarceration and turn-of-the-century critics of the Texas penal system argued, the prison system was a desperate attempt to recreate the power relationship that slavery produced, and nowhere else was a prison overseer's desire to become a slaveowner more obvious than in McGuire's treatment of incarcerated youths, most of whom were Black.¹⁰⁷ McGuire flew too close to the sun and by the spring of 1899, an investigative committee sent by the Texas Legislature discovered McGuire's misuse of funds.

The committee discovered that McGuire hid his fraudulence by having copied pages from previous years' finance records into the years of his tenure, and in some cases, destroyed pages completely. This is a major reason why historians and researchers have found the administrative records of the Reformatory "nearly nonexistent" for the first two decades of the Reformatory.¹⁰⁸ Investigations uncovered that entire accounting books from the years of McGuire's tenure were purposefully misplaced, and the ones that investigators recovered in 1899 were missing pages. Witnesses and expert investigative bookkeepers revealed how easily McGuire had used his position to take home untold amounts of money, a trend that superintendents replicated in the years that followed.¹⁰⁹ Testimonies from McGuire's sons that their father's mental capacity had rapidly declined did not sway public opinion. As journalists exposed more of what happened at Gatesville under McGuire's leadership, Texans, from regular citizens to the governor of the state, considered pulling the plug on the Gatesville experiment. The controversy, dubbed the

¹⁰⁷ Perkinson, *Texas Tough*, 96; Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity* (Chapel Hill: University of North Carolina Press, 2016), 28; Trulson and Marquart, *First Available Cell*, 25; Hernández, *City of Inmates*, 66.

¹⁰⁸ Testimony of Captain J. A. Herring, *Stenographer's Report of Evidence, Adduced Before the Penitentiary Investigating Committee*, July 16, 1909, 141; Bush, *Childhood*, 11; Donnelly, "Cycle and Dynamics," 21.

¹⁰⁹ "Special Committee Report," *Senate Journal of the House of Representatives* v. 26 (Austin: 1899), 343-383.

“Democratic Appointee’s Great Swindle,” dealt a blow to both the Gatesville Reformatory and the Democratic Party in Texas.¹¹⁰ There were limits to the hands-off doctrine, and using state funds for one’s personal economic gain was considered an affront to the Southern code of honor.¹¹¹

After the “Swindle,” lawmakers placed the Gatesville House of Correction and Reformatory under the control of the Texas Prison Board but the damage to the facility and the Texas Democratic party’s reputation had been done. Without any consideration into the conditions that McGuire forced juveniles to endure and fully concerned about the financial ramifications of McGuire’s actions at Gatesville, Governor Sayers terminated McGuire and publicly declared that the Gatesville Reformatory was “altogether a failure” by 1899.¹¹²

Regardless, McGuire’s ranch-based business interests seemed destined to end poorly when a devastating drought undermined the profits of farmers and ranchers across Central Texas. From 1900 to 1902, a drought forced farmers to cut back on business costs, including labor. Coincidentally, there was a decline in new admissions to the Reformatory. With only 142 inmates in 1902, “which, by the way, is the lowest in a number of years,” explained Assistant Superintendent L. J. Tankersley, the labor costs exceeded the income that Gatesville reported.¹¹³ Given a low inmate population, unfavorable weather, paltry crop yields, and a public image to restore, prison officials believed that the Gatesville Reformatory was due for a reputation renovation. Public officials, prison administrators, and the progressive “child savers” saw their

¹¹⁰ A.D. Davidson, “A Democratic Appointee’s Great Swindle,” *Rockdale Messenger*, April 18, 1899.

¹¹¹ Ayers, *Vengeance and Justice*, 14-22.

¹¹² *The Bonham News*, February 3, 1899.

¹¹³ Tankersley, “Report,” *Biennial Report* (1902), 133-135.

opportunity to intervene on rebuilding the Gatesville Reformatory's public image at the turn of the century. The first step toward regaining public legitimacy and approval was to solve the so-called problem that white Texans complained about the most: race-mixing.

Prison architects designed the Gatesville Reformatory as a segregated facility but the overcrowding of mostly Black inmates made segregation orders difficult to enforce. According to criminologists, politicians, and Anglo Americans, race-mixing corrupted white boys who showed potential to reform into untroublesome citizens.¹¹⁴ Whiteness was ideological, and as Americans viewed it, extended beyond Anglo Americans' outward appearance. Whiteness and white supremacy encompassed values that guaranteed social standing and the potential for upward mobility. An ideal American Anglo was Protestant, English-speaking, pro-capitalism, economically individualistic, and culturally collective on matters of American nationalism and Protestantism. To preserve their status or the promise of future status, American Anglos regularly "concentrated fire downward" against non-whites "instead of upwards against the most powerful whites" during moments of social instability and economic uncertainty.¹¹⁵ White Americans believed that racial supremacy was a scientific fact that manifested itself when whites protected it. Thus, if white Americans did not follow the standards of whiteness, physicians and educators assigned a range of medical diagnoses like "feeble-minded," "dumb," or "backward," most often to poor whites.¹¹⁶ Middle-class and wealthy whites assigned poor whites, especially those who fraternized with non-whites, the stigma of "white trash." There still was potential for

¹¹⁴ S. J. Thomas, "The Reformatory at Gatesville," *Fort Worth Record and Register*, August 4, 1907.

¹¹⁵ Roediger, *The Wages of Whiteness*, xxiii, 7.

¹¹⁶ Edwin Black, *War Against the Weak: Eugenics and America's Campaign to Create a Master Race* (Washington, DC: Dialog Press, 2012); Truman Lee Kelley, "Bibliography," in *Mental Aspects of Delinquency* (Austin: University of Texas Bulletin, 1917), 112.

them, however. Poor whites could shed the stigma of white trash and become “respectable” through adequate, segregated education.¹¹⁷ While educators, lawmakers, reformers, and educators viewed Black children as lost causes, white kids had an opportunity to be saved from living as “backward” criminals because “low mentality, not poverty or neglect, paved the way toward delinquency.”¹¹⁸

Concerns about maintaining segregation surpassed those regarding the safety, health, and the social readjustment of youth inmates in the first twenty years at the Reformatory. In 1899, only ten years after it first opened, the buildings were overpopulated and run down, which made it difficult to enforce the “urgent necessity for the absolute separation of the race.”¹¹⁹ Assistant Superintendent Tankersley complained as early as 1900 that dormitories, intended to hold only ten to fifteen boys, housed thirty to thirty-five boys, even if the inmates carried infections and contagious diseases.¹²⁰ But disease did not supersede the supposed pitfalls of an unsegregated population. Former Superintendent Cousins complained that when he visited Gatesville, “I noticed that the majority of the inmates were negro boys, and that the color line was not sharply enough drawn.” He expanded, “No white boy can be thrown intimately with a negro, against his

¹¹⁷ Nancy Isenberg, *White Trash: The 400-Year Untold History of Class in America* (New York, NY: Viking, 2016); Dorr, *White Women, Rape, and the Power of Race in Virginia, 1900-1960*, 134.

¹¹⁸ Kelley, *Mental Aspects of Delinquency*, 109; S. J. Thomas, “The Reformatory at Gatesville,” *Fort Worth Record and Register*, August 4, 1907.

The ethnic Mexicans’ whiteness during this period both at Gatesville and across US society was still contested depending on population and region. For more on the historical process of ethnic groups becoming white, see Noel Ignatiev, *How the Irish Became White* (New York: Routledge, 1995); Roediger, *The Wages of Whiteness* (2003); Painter, *The History of White People* (2010); Cynthia Skove Nevels, *Lynching to Belong: Claiming Whiteness through Racial Violence* (College Station: Texas A&M University Press, 2007); Nancy Isenberg, *White Trash: The 400-Year Untold History of Class in America* (New York: Viking, 2016).

¹¹⁹ Tankersley, “Report,” *Biennial Report* (1900), 114.

¹²⁰ Tankersley, “Report,” *Biennial Report* (1900), 114.

will, and not feel resentful against his government.”¹²¹ To him and other white Texans who bought into white supremacy and Jim Crow, white criminality was exacerbated through “racial intermingling” with minority groups. Tankersley asserted that “It is a fact that can not be controverted that the association of the races does not tend to elevate the negro so much as is the tendency to degrade and lessen the self-esteem of the white.”¹²²

In the decade following the 1892 to 1899 “swindle,” women’s groups, politicians, and activists pitched ideas on how to operate the school efficiently and effectively while reforming white criminal youths and punishing Black youths, as too many of the Reformatory inmates upon their release returned to criminal habits and became convicts at the Walls. One suggestion was to further segregate the school by sending Black boys under the age of eighteen to Huntsville.¹²³ Another was to shut down the school altogether and invest in community programs that prevented crime that arose from the desperation of poverty.¹²⁴ The idea that received the most traction, however, proposed by Governor Sayers, was to abandon the ambiguous mission of morally reforming the children through hard labor and convert the facility into a training school where incorrigible boys learned practical skills that they could use to stay out of prison.¹²⁵ Instead of punishing the delinquent children and hoping to reform them through hard labor, Gatesville could train and educate inmates to become independent and untroublesome adults. But to achieve that, Gatesville required greater, stricter rules regulating the daily routines of the staff

¹²¹ “Teachers Meet in School Auditorium,” *Abilene Semi-Weekly Farm Reporter*, December 30, 1910 (both quotations).

¹²² “Report of the Assistant Superintendent,” *Biennial Report* (1906), 83.

¹²³ Tankersley, “Report,” *Biennial Report* (1906), 83.

¹²⁴ “Prevention the Best Cure,” *Houston Chronicle*, March 5, 1905.

¹²⁵ “From the Governor,” *Decatur Wide County Messenger*, February 2, 1900.

at Gatesville. Employees and administrators disliked the idea and they prevented attempts during the next two state legislative sessions to introduce new acts to the House floor.¹²⁶

In 1905, for example, Gatesville staff and politicians feared that support for a costly publicly funded project would undermine the hands-off doctrine. They viewed the prospective 1905 Juvenile Court Act as “contrary to sound political principle,” because it would have to produce a second judicial system specifically for youths and that would regulate the treatment of dependent and delinquent children.¹²⁷ That was an accurate assessment—the hands-off doctrine guided the “political principle” of incarceration systems in the 1900s. Nonetheless, opposition to the 1905 Juvenile Court bill was so intense that on the house floor state representatives hurled paper, apples, and garbage at Representative Curtis Hancock when he tried to introduce it. Hancock could hardly get a word in. The clock struck midnight and the bill was dead.¹²⁸

Hancock’s efforts did not fall on deaf ears, however. Texans grew interested in seeing the entire prison system in Texas transform, especially after journalists and state investigators exposed the horrors that occurred at the Reformatory and at the state Penitentiaries under the convict lease agreement, an agreement so profitable that in 1902, the Texas Prison Board deemed it unnecessary to request state appropriations.¹²⁹ As Judge Robert G. Street of Galveston explained, the emphatic defeat of the Juvenile Court Bill of 1905 forced politicians to consider and discuss improvements for the Reformatory without changing its function of housing

¹²⁶ Pauline Periwinkle, “Crime Begins Young,” *Galveston Daily News*, January 4, 1904.

¹²⁷ Judge Robert G. Street, “The Care and Treatment of Dependent, Neglected and Delinquent Children,” *Galveston Daily News*, November 19, 1905.

¹²⁸ “Stopped and Started: Riotous Scenes in House,” *The Galveston Daily News*, April 16, 1905.

¹²⁹ *Annual Report of the Texas Prison System* (1902), 133.

delinquent youths.¹³⁰ For the next four years, judges, state representatives, and ordinary citizens brainstormed on how to improve the state’s juvenile detention system without undermining administrative and staff authority or the state’s revenue stream.¹³¹ For some, like Superintendent Cousins, focusing on the revenue stream poisoned the potential for a juvenile facility to become a reformatory institution.¹³² Cousins wondered, “[i]s it among the conceivable evils that the State would take advantage of these poor fellows to make money out of their misfortune?” As Cousins saw it, “The Reformatory in Texas has the air of a prison and nothing more The boys are in the penitentiary,” and with the amount of money that they produced for the state, it seemed unlikely that administrators and officials would abandon that business plan.¹³³

For others, like District Attorney W. G. Love of Houston, the state’s Reformatory struggled because of its inability to enforce segregation orders. He argued that the “evil effects of contact between the two races in the institution” abounded because it was almost impossible to maintain “a proper separation of the races so long as both are confined and required to work in the same institution.” Love argued that the state needed to fully segregate child inmates, and he believed that “inasmuch as boys of the negro race lack the capacity to become skilled mechanics, a separate institution that operated as a branch of the Gatesville Reformatory” was necessary to

¹³⁰ Judge Robert G. Street, “The Care and Treatment of Dependent, Neglected and Delinquent Children,” *Galveston Daily News*, November 19, 1905.

¹³¹ W.G. Love, District Attorney, “Juvenile Law Breakers—A Remedy,” *The Houston Post*, October 4, 1908 (first quotation); Judge Henry McCune, “Juvenile Court Bill,” *Dallas Morning News*, January 4, 1907; Robert G. Street, “An Appeal on Behalf the Juvenile Court Bill,” *Galveston Daily News*, February 2, 1905; “Prevention the Best Cure,” *Houston Chronicle*, March 5, 1905; Judge Benjamin B. Lindsey, “A Child’s Crusade: Juvenile Court Methods that Reform the Vicious,” *Eagle Pass News*, April 10, 1909; “Outline of Prison Plan is Set Forth,” *The Daily Express*, January 12, 1909.

¹³² This critique of the “American prison plan” was nationwide and persisted since at least the 1880s. See, for example, “Punishment and Profit in Prison Management,” *The Galveston Daily News*, May 5, 1886, and “Address by Charles Dudley Warner, Hartford, Conn.,” *Proceedings of Prison Congress* (1898), 258.

¹³³ R. B. Cousins, *Report of Superintendent of Public Instruction* (1907), 50 (all quotations).

prevent intermingling between African Americans and white inmates.¹³⁴ Feeding the public's concerns that white boys were susceptible to evil—not through physical abuse from guards but from racial intermingling with Black inmates—Love doubled down on his assertion that “reform” was meant only for white boys, not Black boys who, by the 1900s, had supposedly overrun the institution and left little room for white boys to grow into productive adults.¹³⁵

Following a groundswell of agitation and lobbying from reporters and women's groups in Texas, the state established a Juvenile Court in 1907 and in 1909, the state removed the operation and control of the facility out from under the Texas State Prison Board's watch and assigned administrative duties to a newly created five-member board of trustees that consisted of three men and two women. They also changed the name of the institution to detach the facility from its origin in the convict-lease system. It was now the Gatesville State Training School for Juvenile Delinquents.¹³⁶ A new era was afoot, not just for Gatesville, but the entire incarceration system across the state.

Daily life at the Gatesville House of Correction and Reformatory from 1889 to 1909 could be described as filthy, ruthless, and miserable. Officials were secretive about the daily operations at the facility and braggadocios of the profitability of the boys' labor. For the boys incarcerated in the Reformatory, they learned the norms, habits, and the social grammar—the common sense—of an adult prison for males, while their labor was exploited by administrators who had no intentions of “reforming” them.¹³⁷ For administrators, other than the “problems” of

¹³⁴ Love, “Juvenile Law Breakers—A Remedy,” *Houston Daily Post*, October 4, 1908.

¹³⁵ Reports from prison and Reformatory officials do not indicate such an attitude, but letters to newspaper editors did reveal the animosity that Texans held toward African American boys who populated the Reformatory. For example, “The Reformatory at Gatesville,” *Fort Worth Record and Register*, August 4, 1907. Love, “Juvenile Law Breakers—A Remedy,” *Houston Daily Post*, October 4, 1908 (quotation).

¹³⁶ *Report of the State Department of Education* (1911), 13.

¹³⁷ Kelley, *Mental Aspects*, 1; *Penitentiary Investigation Hearings*, (1909), 621.

race-mixing, the prying eyes of investigative journalists, and the occasional state audit, one problem seemingly brought daily Reformatory operations to a halt in its early years: the sentencing of delinquent girls to the Reformatory intended exclusively for boys.

Sociological studies have delved into the “prisonization process in which inmates learn to conform to life in the correctional facility” both behind bars and on the streets. Few historians have studied the subject, however. For an overview of the academic studies surrounding the prisonization process in recent times, see Patrick Lopez-Aguado, “‘I Would be a Bulldog’: Tracing the Spillover of Carceral Identity” in *Social Problems* Vol. 63, No. 2 (May 2006), 203-221.

2. “TRAIN”: DELINQUENT GIRLS IN TEXAS, 1880-1949

It should not be forgotten that the ideals of a “training school” as indicated in its change of name should supersede that of a penal institution.

–R. B. Walthall, 1929

Fannie Young, a twelve-year old African American girl who was “convicted under [the] original law” that sentenced juveniles to the Gatesville Reformatory was among the first batch of inmates to arrive at the new facility in 1889.¹ After she committed a highly publicized string of thefts in her hometown of Brenham, Texas, she became the “most noted character in the city.”² She was known to rob money from the homes of the city’s wealthiest and distribute the funds “around in a very generous manner.” Young attracted statewide attention and became the sly and menacing personification of juvenile delinquency until her luck ran out.³ After a botched robbery of a residence, she was arrested, convicted of theft, and sentenced to five years at the newly opened Gatesville Reformatory and House of Correction. For the next several months, she was an inmate of the Reformatory where she toiled in the unsanitary and overcrowded dormitories. She ate rotten food and worked alongside delinquent boys in neighboring farms under the watch of correctional officers who were known to “beat inmates unmercifully” and at will.⁴

Soon thereafter, in September 1890, a sixteen-year-old African American girl by the name of Dora Holmes found herself in Judge George Henry Noonan’s courtroom in San Antonio

¹ *Second Biennial Report of the Trustees and Superintendent of the House of Correction and Reformatory at Gatesville, Texas*, November 1, 1890, to November 29, 1892 (Austin: Ben C. Jones & Co., State Printers., 1892), 14.

² “Youthful Burglar,” *Brenham Daily Banner*, November 6, 1888; “The City: Good and Bad Cases,” *Brenham Daily Banner*, February 5, 1889.

³ “Too Young to Punish,” *Galveston Daily News*, February 5, 1889.

⁴ George Waverly Briggs, “Reformatory Seeks Profit, Not Reform,” *San Antonio Daily Express*, January 4, 1909.

following a charge of theft under \$20. Judge Noonan sentenced Holmes to two years in the Gatesville House of Correction and Reformatory.⁵ Weeks after that, another girl from San Antonio, Annie Stiles, was admitted to the Reformatory.⁶ Superintendent of the Gatesville Reformatory Captain Ben McCulloch angrily objected to the sentencing of the girls to his institution. He and other administrators believed that the girls were “illegally” sentenced to his facility and should have been sent to the state penitentiary instead.⁷ Citing the Texas state law that established the Gatesville Reformatory, Superintendent McCulloch and, later, Superintendent J.E. McGuire highlighted the precise language that declared the facility as one strictly for delinquent boys: “All *male* persons hereafter convicted of a felony, etc., who are under 16 years of age, shall be confined in the house of correction and reformatory.”⁸

Following litigation that dragged to April 1891, the girls were either pardoned or transported to the privately owned Bowden-Johnson Farm as inmates of the Huntsville State Prison.⁹ But far from answering the question of where to send the state’s young delinquent girls, the Young, Holmes, and Stiles controversy raised more questions for Texas lawmakers and social workers who predicted a growth of the delinquent girl population as the state industrialized and cities grew. For the next fifty years, reformers, educators, and regular citizens

⁵ “Convicted of Theft,” *The Galveston Daily News*, September 25, 1890.

⁶ Newspapers list her as Nellie Stiles, but convict ledger records suggest that reporters confused the name Annie Stiles. “Annie Stiles,” Texas State Library and Archives Commission; *Convict Record Ledgers*; Convict Number Range: B002508-007240; Volume Number: 1998/038-152.

⁷ “Reformatory,” *Austin Weekly Statesman*, January 9, 1890.

⁸ “Reformatory,” *Austin Weekly Statesman*, January 9, 1890; “San Antonio Script,” *Galveston Daily News*, April 9, 1891.

⁹ “Dora Holmes,” TSLAC, *Convict Record Ledgers*, Convict Number Range: B 002508-007240; Vol Number: 1998/038-152.

sought an answer that would provide a destination for the state's convicted girls, uphold Jim Crow segregation, and keep costs at a minimum.

Previous works on the detention of delinquent girls focus on the history of the Gainesville State School for Girls, which scholars argue opened in 1916 after the lobbying efforts of the era's "child-savers," progressive middle-class white women who demanded a place of reform for girls who were at-risk of becoming criminal adults.¹⁰ However, there is more to the history of girls' juvenile detention in Texas than Gainesville. Where did young girls serve their time before Gainesville opened? Where did African American girls serve their time if they were disallowed from attending Gainesville when that institution opened? This chapter addresses that historiographical absence in depth by examining the punishment of girls in the state of Texas from the years 1883 to 1949. The Johnson Prison Farm, sometimes referred to as the Bowden Farm, where Huntsville's women and girls served their time from 1883 to 1907, the Gainesville State School for Girls from 1913 to 1949, and the Brady State School for Colored Girls from 1947 to 1949 are the focal points of this chapter.

Historians Glenda Gilmore, Jaqueline Jones, Linda Kerber, and others have detailed how the labor of women of African and Mexican descent in the United States contributed to the industrialization of the South and the Southwest in the first half of the twentieth century.¹¹ As states and industries in those regions sought to modernize, agents aspired to maintain social customs and hierarchies of the antebellum South and the imperial Southwest intact. Dealing

¹⁰ See for example, Bush, *Who Gets a Childhood* (2010); Wooden, *Weeping in the Playtime of Others* 2nd ed. (2000); Allison Leigh Hughes, "Turning Bad Girls Into Ladies: Female Juvenile Delinquency in Texas in the Twentieth Century," (2012); Donnelly, "The Cycle and Dynamics of Reform," (2018).

¹¹ Gilmore, *Gender & Jim Crow* (1996); Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family, from Slavery to the Present* (New York: Basic Books, 2010); LeFlouria, *Chained in Silence* (2015).

specifically with incarceration and the extraction of labor from inmates, historians like Robert Perkinson, Ethan Blue, Kelly Lytle-Hernández, and Alex Lichtenstein have demonstrated how prison systems contributed to the maintenance of the gendered, racial, and class hierarchy that structured the United States as it industrialized over the twentieth century. As instructive as those works are to our understanding of how the United States shifted into a modern society without sacrificing its antebellum social order, they do not deal specifically or in depth with how the incarceration of women and girls interacted with other exploitative profit-driven endeavors.

Therefore, this chapter follows the lead of Sarah Haley’s 2016 work, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*, and Talitha L. LeFlouria’s *Chained in Silence: Black Women and Convict Labor in the New South*.¹² Examining the role that incarcerated Black women played in the industrializing Jim Crow South, Haley argues that “[s]tate violence alongside gendered forms of labor exploitation made the New South possible, not as a departure from the Old, but as a reworking and extension of previous structures of captivity and abjection through gendered capitalism.”¹³ Haley “seeks to excavate the carceral life of race and gender ideology, how such ideas produced, and were produced by, the southern penal regime.”¹⁴ Concurrently, LeFlouria’s critical look at Georgia’s “artificial dedication toward reforming women prisoners” as a method to “promote New South modernity” significantly influences this dissertation.¹⁵ This dissertation chapter, however, departs from Haley and LeFlouria’s analysis in two ways: first, it relocates the setting from Georgia to Texas; and

¹² Haley, *No Mercy Here* (2016); LeFlouria, *Chained in Silence* (2015).

¹³ Haley, *No Mercy Here*, 3.

¹⁴ Haley, *No Mercy Here*, 5.

¹⁵ LeFlouria, *Chained in Silence*, 12.

second, it takes into consideration the role that underage girls played in the larger system of carceral labor production. If, as we have seen from the previous chapter, prison administrators viewed juvenile delinquent boys as “inevitably criminal” convict laborers, how did that same network of ex-slaveholding, profit-driven prison administrators and their successors view Black juvenile delinquent girls at the turn of the century?

In the early 1880s, prison officials in charge of the Huntsville and Rusk Penitentiaries grew concerned about the upsurge of children and women in their prison population. To be sure, their concern had little to do with the safety and well-being of the “lower class” inmates—young, disabled, women, or mentally ill inmates—among the “first” class inmates who were strong, healthy, and vital to the state’s profit-driven plan to capitalize on the pool of captive labor. Prison officials’ concern had more to do with the productivity of women and children who were unable to work profitably in the fields, factories, wood-cutting camps, railroads, mines, and public-works projects. Reporting about women and “the decrepit white prisoners who are physically unable to produce a net revenue,” financial agent of Texas Prisons John L. Wortham argued that keeping women, girls, and disabled adults “within the walls without continuous profitable employment would be hurtful to the convict and disastrous to the finances of the system.”¹⁶

Prison officials felt that they had few options: on the one hand, they had a pool of labor, but on the other hand, they had no way to financially capitalize on it.¹⁷ Their solution in 1883 was to send the women of Huntsville to the privately-owned Johnson Farm, also known as the Bowden Women’s Farm in Walker County, where women and girls made food and clothing for

¹⁶ John L. Wortham, financial agent, “Report of Financial Agent,” *Biennial Report of the Superintendent of Texas State Penitentiaries* (Austin: Von Boeckmann-Jones Co., Printers, 1906), 97.

¹⁷ Prison Board, *Biennial Report* (1880), 40; Penitentiary Board, *Biennial Report* (1906), 18.

the male inmates and guards of the Huntsville Penitentiary.¹⁸ As one state agent put it, “The Johnson Farm is worked principally by negro women . . . this labor could be used to advantage in no other way.”¹⁹

Although the Johnson Farm was not a jailing site exclusively for minors, it plays an important role in the history of juvenile incarceration in Texas. According to convict record ledgers, girls as young as eleven years old served time at the Johnson Farm from 1883 to 1908.²⁰ In other cases, children were born and lived at the Johnson Farm until the age of seven, often as a result of rape by guards or male inmates from nearby convict camps and labor farms.²¹ Because Black children were held captive at the farm while others were born and lived there—and in one grim instance that will be further examined in this chapter, a child was born, and died there—the history of the Johnson Farm is inextricably tied to the history of juvenile incarceration in the state of Texas. This chapter attempts to widen the temporal scope to include the conditions that Black juvenile delinquent girls faced from 1883 onward, rather than beginning the story of female juvenile delinquency in 1916 with the opening of the all-white Gainesville State Training School for Girls.

¹⁸ R. W. Finley, “Report of Financial Agent,” *Biennial Report of the Superintendent and Financial Agent of the Texas State Penitentiaries* (Austin: November 1, 1894), 82.

¹⁹ J.G. Smither, “Report of Assistant Superintendent,” *Reports of the Texas State Penitentiaries ending October 31, 1890*, 71.

²⁰ “Mary Turner,” TSLAC, *Convict Record Ledgers*, Convict Number Range B 007241-012177; “Dora Holmes,” *Convict Record Ledgers*, 1849-1954, *Volume 1998/038-152* “B” Series: #2508 - #7240, 1884 – 1891.

²¹ George Waverly Briggs, “Treatment of these Women Inhumane,” *San Antonio Daily Express*, December 13, 1908.

The Johnson Farm was a privately owned farm seven miles southwest of the Huntsville State Prison.²² Following a series of marriages and property exchanges that began in 1855, the farm eventually fell under the supervision of J.G. Bowden, a Confederate Civil War veteran and local businessman who managed the property in 1883 and eventually acquired full ownership of it in 1891.²³ Under Bowden's management and ownership, the arrangement in which groups of convicts were leased out had mutually benefited both Bowden and the State of Texas, who received half of the profits of the Bowden Farm, an arrangement that the penitentiary officials called the share basis, in which the state and the Bowden estate evenly split the profits from the women's labor.²⁴ Under the share basis, Bowden had a steady and inexpensive agricultural workforce of inmates who picked cotton and harvested crops, and the State of Texas did not spend money accommodating the growing population of female inmates, "a majority of them . . . able-bodied," Financial Agent Wortham explained, who believed that "50 per cent of them worked together would be equal to a second-class white force of men."²⁵

When women began to serve out their sentences at the Johnson Farm in 1883, Bowden garnered the admiration of prison staff as the perfect man to supervise the female inmates. Captain Ben McCulloch wrote to the governor about Bowden that since he took over, he "has proven himself the right man in the right place." McCulloch continued, "It has been notorious

²² "Report of the Superintendent," *For Twenty-Four Months Ending in 1896*, 16; Jane Howe Gregory, "Persistence and irony in the incarceration of women in the Texas Penitentiary, 1907-1910," (MA Thesis, Rice University, 1994), 43.

²³ Gregory, "Persistence," 6; "Johnson Farm," *Biennial Report*, 1883; "J. G. Bowden," National Archives and Records Administration (NARA); Washington, D.C.; *Compiled Service Records of Confederate Soldiers Who Served in Organizations from the State of Texas*; Series Number: M323; Roll: 296.

²⁴ Jno. L. Wortham, "Report of the Financial Agent," *Biennial Report* (1904), 125.

²⁵ Wortham, "Report of the Financial Agent," *Biennial Report* (1904), 125.

that the women of penitentiary give more trouble than any other class of convicts; but it is not so under his management.” McCulloch, then Assistant Superintendent of the Huntsville Penitentiary and future superintendent of the Gatesville Reformatory, concluded his encomium of Bowden: “Too much praise cannot be given Captain Bowden for his efficient management of this class of labor.”²⁶ By the middle 1890s, the “mostly negro women convicts” at the Johnson State Farm were no longer considered “troublesome,” and in fact, were considered “the least troublesome part of the whole system.”²⁷

The once “very troublesome class of prisoners (negro women)” who grew “corn, oats, cotton and vegetables” were kept separate from the few white women who worked in the tailor shop.²⁸ The labor that women performed at the Johnson Farm remained largely unchanged from the years 1883 to 1908. Rather than complex machinery skills or work considered “men’s work,” the labor that Johnson Farm inmates performed was nonetheless backbreaking. The Black inmates at Johnson picked cotton and produced food and clothing that other inmates and prison staff consumed and used. The women and girls there picked and processed “all the cotton we use for manufacturing all the convict clothing and bedding and sell annually fifty to seventy-five bales.”²⁹ Although picking cotton was grueling, it was considered simpler than mining, building railroads, and building government buildings. As Superintendent of Huntsville Penitentiary J. S.

²⁶ Captain Ben E. McCulloch, “Report of Assistant Superintendent, Huntsville Penitentiary,” in *Report of the Superintendent and Financial Agent of the Texas State Penitentiaries for Two Years Ending October 31, 1884* (Austin: E.W. Swindells, Texas State Printer, 1885), 68.

²⁷ Superintendent L. A. Whatley, “Report of Superintendent,” in *Report of the Superintendent and Financial Agent of the Texas State Penitentiaries, 1892-1894*, 14; “Report of the Superintendent,” *Reports of the Superintendent and Financial Agent of the Texas State Penitentiaries, 1890-1892*, 13.

²⁸ Ben McCulloch, “Report of Assistant Superintendent, Huntsville Penitentiary,” *Biennial Report* (1886), 43.

²⁹ McCulloch, “Report of Assistant Superintendent,” *Biennial Report* (1886), 43.

Rice explained of the “vicious and troublesome” Black women, they were “of a very low order of beings, mostly from the cities,” so the work had to be kept simple.³⁰ Meanwhile, the few white women inmates—who were convicted of homicide and not petty theft like many of the Black inmates—did not work in the fields. Instead, they were expected to do administrative, clerical, or house work in addition to their tailoring duties.³¹ Considering the amount of textiles and food the prison produced for other inmates across the state, prison officials viewed their lease with the Johnson Farm a success.³² Through the 1890s and 1900s, the streak of high cotton yields and low maintenance costs that Johnson Farm inmates produced for the rest of the prison system persisted.³³

Although official government reports and newspaper accounts of the Johnson Farm portrayed favorable and humane working conditions, it is impossible to take those reports at face value. To begin with, the Black women and girls who lived at the Johnson Farm, a total population that ranged from about thirty to one hundred, shared a twenty-five by fifty-foot “commodious prison.”³⁴ Reports of “lung troubles” were not considered direct results of the tight living spaces.³⁵ Meanwhile, the white women (there is no evidence that white girls served time at

³⁰ “Johnson Farm,” *Biennial Report of the Superintendent of Texas State Penitentiaries for Two Years Ending October 31, 1900* (Austin: Von Boeckmann, Moore & Schutze, State Printers, 1900), 12.

³¹ Gary Brown, “Women in the Texas Prison System,” *Heritage* (Summer 2006), 14; Jane Howe Gregory, “Persistence and Irony in the Incarceration of Women in the Texas Penitentiary, 1907-1910,” (Ph.D. dissertation, Rice University, 1994), 18.

³² *Biennial Report* (1906), 96.

³³ Penitentiary Board, “Table J,” *Biennial Report* (1894), 49.

³⁴ According to one report, the farm had a prison for “negro women convicts,” but does not mention white women. R.W. Finley, “Report of Financial Agent,” *For Two Years Ending October 31, 1892*, 91; Another report indicates that white women did not work on the fields or live with Black women. Ben McCulloch, “Report of Assistant Superintendent, Huntsville Penitentiary,” *Biennial Report* (1886), 43.

³⁵ McCulloch, “Report of Assistant Superintendent,” 43.

the Johnson Farm) were “confined on this farm are not required to labor in the field” and slept in individual cabins that fared much better than that of Black women.³⁶ Other than reports that the women were “well fed” and “given plenty of exercise” in the form of work, few official sources describe what daily life was like on the Johnson Prison Farm.³⁷

Existing punishment reports shed some light into the daily threat of physical violence that the girls and women lived under, but they mostly reveal administrators’ loyalty to the “hands-off” doctrine that guided punishment strategies in the 1880s. Girls like Adoline Wilson, aged fifteen, or ex-Gatesville inmate Dora Holmes, aged fourteen, received punishments that included lashings and solitary confinement for infractions like “impudence to a guard,” and other times fighting, although no detailed reports of the supposed impudence or fighting exist.³⁸ It appears as if it was up to the guard’s discretion to determine what constituted fighting or impudence. As a result, girls like fourteen-year-old Lacy Turner received “10 lashes” for “laziness and impudence,” or “cursing the [male] building tenders,” who presented a violent sexual threat to the female inmates.³⁹ Male building tenders “cannot at all times be kept under the eye of the guards, and therefore,” Superintendent Rice explained, “we find it impossible to entirely separate the sexes, as the law requires.”⁴⁰ Up to eight “negro men [were] used as trusties and for the

³⁶ “At Eastham Farm No. 2,” *Penitentiary Investigating Committee*, 545; Searcy Baker, “Report of Superintendent,” *Biennial Report* (1902), 22.

³⁷ *Biennial Report* (1906), 42.

³⁸ “Dora Holmes,” “Adoline Wilson,” TSLAC; *Conduct Registers*; Convict Number Range: B 006376-008277; Volume Number: 1998/038-184.

³⁹ “Lacy Turner,” TSLAC; *Conduct Registers*; Convict Number Range: B 006376-008277; Volume Number: 1998/038-184.

⁴⁰ “Johnson Farm,” *Biennial Report of the Superintendent of Texas State Penitentiaries for Two Years Ending October 31, 1900* (Austin: Von Boeckmann, Moore & Schutze, State Printers, 1900), 12.

heavier work,” and sometimes were “necessary for driving teams, etc.”⁴¹ It is unclear if trustees also administered punishments on behalf of the guards or Bowden’s employees. Regardless, the punishments were brutal.

Laura Moore, a fifteen-year-old girl serving a two-year sentence at the Johnson Farm, received twenty lashes for “laziness and impudence,” while Phoebe Hamilton received thirty lashes for “disorderly conduct.”⁴² While many of the girls who were listed as having been aged sixteen years old, Mrs. L.T. Sloan of the Texas Christian Endeavor Union reported in 1907 that some “were so young they wore short dresses and could not have been more than 12 or 14 years of age.” Sloan also reported of the small sleeping quarters, which consisted of “four tiers of benches hardly four feet apart, furnished with a sack of loose cotton for a mattress.”⁴³ Indeed, sleeping after a long night of hard labor must have been considered additional torture to many of the inmates.

Farm staff implemented other torturous methods of punishment, like confinement in the “dark cell,” which state officials clarified belonged to Bowden, not to the state. Lula Carlson, at age seventeen, was forced into the “dark cell” for an undetermined length of time for “laziness,” “impudence to guard,” and fighting.⁴⁴ All it took sometimes was the accusation of “laziness” to end up in the dark cell for long periods of time, as was the case for sixteen-year-old May

⁴¹ “Johnson Farm,” *Biennial Report of the Superintendent of Texas State Penitentiaries*, (1900), 12; W. M. C. Hill, “Report of the Financial Agent,” *Biennial Report of the Superintendent of the Texas State Penitentiaries* (1902), 103.

⁴² “Laura Moore,” “Phoebe Hamilton,” TSLAC, Convict Number Range: *B 013979-015893*; Volume Number: *1998/038-183-188*.

⁴³ “State C. E. Meeting,” *Dallas Morning News*, June 14, 1907.

⁴⁴ “Lula Carlson,” TSLAC, Convict Number Range: *B 013979-015893*; Volume Number: *1998/038-188*.

Gaston.⁴⁵ The scarcity of reports and insights to the daily routines of life on the Johnson Farm, a disadvantage to the historian today, strengthened the abusive authority that guards and prison officials held over inmates. Like the operations at the Gatesville Reformatory, the Bowden farm operated on the secrecy of the mundane, which suppressed scandals and prolonged the farm's operations for over twenty years. The suppression of information worried some prison officials, however. One prison commissioner commented, "I am fearful that in spite of every precaution we may use that immoral practices may be resorted to While nothing of this nature has ever been brought to light, yet . . . the possibility of it is a source of worry and should be removed."⁴⁶

The narrative that the Johnson Farm as a firm but fair place of state punishment shattered when in 1907, ex-inmate Lula Sanders (sometimes spelled "Lou Saunders") wrote about her experience at the Johnson Farm in a letter to Governor Thomas Campbell. When Sanders returned to her job as a cook in downtown Fort Worth, she heard about the optimistic reports from state officials and wrote to the governor with the intent of correcting commissioners' accounts. After her three years at Johnson, Sanders had to reveal the truth to the governor of Texas. Without knowing it, she helped kickstart a statewide movement to abolish the convict lease system.⁴⁷

Sanders served her sentence at the Johnson Farm from December 31, 1904, to October 2, 1907, following a charge of "assault to murder" during a fight with one Agie Pfifer in 1899.⁴⁸

⁴⁵ "May Gaston," TSLAC, Convict Number Range: *B 013979-015893*; Volume Number: *1998/038-188*.

⁴⁶ "The Penitentiaries," *Galveston Daily News*, January 6, 1897.

⁴⁷ For more on African American women prisoners' rights activists in the South at the turn of the century, see Nikki Brown, "Keeping Black Motherhood Out of Prison: Prison Reform and Woman Saving in the Progressive Era," *The Journal of African American History* Vol. 104 No. 1 (Winter 2019), 6-30.

⁴⁸ "Forty-Eighth District Court," *Fort Worth Morning Register*, October 22, 1899.

That was not her first time in trouble with the law. Viewed as a “notorious woman” from the “Acre,” or Hell’s Half Acre in Downtown Fort Worth, Sanders was not afraid of a fist fight, or a fight that involved weapons or guns.⁴⁹ Weighing around 205 pounds and standing about five feet, seven inches, she was known for drinking and antagonizing the drunkards in the city’s toughest neighborhood. The “tough negress of 12th Street,” Sanders was known to have “won many a victory,” with descriptions of her tussles in Downtown Fort Worth lining several Texas newspapers.⁵⁰

The fight that landed her in prison was the most detailed, however. Armed with a broken billiard cue and a hatchet, she assaulted Agie Pfifer until police arrived at the scene. Sanders overpowered the arresting officer but “He did not escape [sic] her wrath, however, and she being powerful of physique, succeeded in damaging [the officer’s] clothes so much that he was forced later on to don an entirely new outfit.” A supporting officer arrived but swiftly caught a kick from Sanders to his abdomen that dropped him. With the help of armed officers and two nearby men, Sanders was detained and received medical attention.⁵¹ She was charged with assault to murder in a trial that dragged for years.⁵² Sanders eventually arrived at the Walls on December 31, 1904, for processing and was leased out for three years to the Johnson Farm where she served out her sentence.

⁴⁹ “She was Unruly,” *Fort Worth Daily Gazette*, November 15, 1894.

⁵⁰ *Brenham Daily Banner*, March 10, 1889; *Fort Worth Daily Gazette*, August 7, 1890; *The Granbury News*, August 10, 1893; “Fighting Negresses,” *The Galveston Daily News*, August 1, 1893; *Brenham Daily Banner*, March 10, 1889; “Late Police Items,” *Fort Worth Morning Register*, June 24, 1897; “Held for Assault,” *San Antonio Daily Light*, August 2, 1899; “A Bad Negress,” *Beaumont Enterprise*, August 5, 1899.

⁵¹ *Fort Worth Morning Register*, August 2, 1899.

⁵² It appears as if Sanders used the trial period to her advantage and presented herself as a dedicated churchgoer to prove to a potential jury that she had changed her ways. “Her House was Robbed: Miss Lou Sanders Went to Church and While She Prayed the Thief Worked,” *Fort Worth Morning Register*, December 23, 1901.

After her release, she returned to her job as a cook in downtown Fort Worth. As an illiterate woman both before and after prison, Sanders was nonetheless compelled to air her grievances in a letter that she mailed to the highest-ranking official in the State of Texas, Governor Mitchell Campbell. It is unclear who transcribed Sanders's complaints about the Johnson Farm into letter form.⁵³ In the letter, Sanders revealed what daily life at the Johnson Farm under the supervision of Bowden and his son Jeremiah was like. Writing on behalf of the women who "have gotten on there kneese and begged me to make this appeal to you for there sake [sic]," she opened the letter by telling the governor that "there never was a more inhumane place in the world than there."⁵⁴ Saunders described the work they did from "Sunday to Sunday, rain or shine." Pregnant or not, grown or child, the female inmates had to "cut and split rail," "build fences," "cut down trees," and lift logs over eight feet long. They dug ditches five feet deep, and "one mile long" in the mud and in floods. The female inmates had to cut grass "so high that we couldn't see the guards on horses," which undoubtedly intensified fears of surveillance, and they worked on the county roads "just the same as men" regardless of officials' public announcements that the Bowden Farm was where female inmates performed "women's work," or as Superintendent of Huntsville Penitentiary Jonas S. Rice described it, work that was so light

⁵³ Records from the U.S. Census suggest that Dan Southern, a Black literate roommate and coworker of Lula Sanders, may have been the one to write down the Saunders's testimony about Bowden and his guards. Whether it was Southern specifically who wrote for Saunders may be less important than the fact that Sanders had access to educated, or at least, literate individuals in her daily life. Whoever wrote the letter for Sanders must have believed her testimony and wanted to expose it to the public. "Lula Saunders," *1910 United States Federal Census*.

⁵⁴ Lula Sanders to Thomas M. Campbell, October 2, 1907, TSLAC, Campbell Records, box 301-243, Correspondence: Penitentiary, October 2-7, 1907.

that the “very low death rate speaks well for the treatment these women are receiving, and the sanitary conditions at this camp.”⁵⁵

The punishments that Sanders described add depth to the official penitentiary and punishment reports that state officials published. Sanders detailed the “dark cell” that was “six feet long and four feet wide,” which was not much more spacious than the bedbug and flea-ridden cells that five to six women occupied at night.⁵⁶ The cells had no running water, no sewage system, and overall were an “unsanitary and unwholesome quarters.”⁵⁷ If the inmates passed out from exhaustion from the extreme weather conditions, guards dragged them to under a tree and splashed water on them “like a dog.”⁵⁸ When and if the inmate awoke, the guards verbally abused them and physically beat “and choked” them. Whippings occurred regularly, as well. Sanders wrote that in front of other inmates, guards tied “there clothes up over there heads and expose their nakedness [sic] to all the guards” during whippings. In some instances, “the women during their monthly period have been whipped so bad” that they were doubly punished when guards forced them to scrub their own blood off the floor.

Running away or plotting escapes as a group was untenable. Guards emotionally manipulated the inmates and sexually abused the women “for their convenience.” They offered their victims some “privileges” with the intent of instigating turmoil among the others. Sometimes, in front of other inmates, guards told their favorite women that they “were too pretty

⁵⁵ Sanders letter to Campbell (first three quotations); Searcy Baker, “Report of the Superintendent,” *Biennial Report of the Superintendent of Texas State Penitentiaries for Twenty-Two Months Ending August 31, 1902* (Austin: Von Boeckmann, Schutze & Co., State Printers, 1902), 22 (final quotation).

⁵⁶ Sanders to Thomas M. Campbell, October 2, 1907, TSLAC, Campbell Records, box 301-243, Correspondence: Penitentiary, October 2-7, 1907.

⁵⁷ Texas State Legislature, Penitentiary Investigating Committee, *Exhibits and Testimony* (1911), 539.

⁵⁸ Lula Sanders to Thomas M. Campbell, October 2, 1907, TSLAC, Campbell Records, box 301-243, Correspondence: Penitentiary, October 2-7, 1907.

to work.” Sanders explained, “the guards make women work if they want to and if they don’t want to the guards make the rest of the women work for her [sic],” which resulted in physical altercations among the inmates. Child inmates, who were grouped together with adult inmates, were susceptible to such treatment.

Finally, Sanders described the most disturbing story to come out of the Johnson Farm: the birth of inmate Louisa Marshall’s baby in the fields. Although “two thirds of the children that have been borned” at the Johnson Farm were conceived there, Marshall’s pregnancy was noted by intake staff on her first day. They took note of the scars above her left pinky finger and her two scars above her right knee. They noted her literacy levels and her habits. When they finished, they gave her a pair of sized seven shoes and leased her to the Johnson Farm. There, guards did not take her “delicate condition” into consideration, and she was put to work like the rest of the women and girls. One morning, she complained to the guards of pains associated with her pregnancy, but guards demanded her to work in the fields. When Marshall “carried potatoes in a croker sack,” she went into labor “and she went to the guard and told him about her being unable to work and he drove her out of the building and made her go to the field and work just the same.”⁵⁹ Marshall returned to her assignment but instead of continuing to work, she gave birth to a baby.

Ex-chaplain of the Huntsville Prison, Jake Hodges, corroborated Sanders’s testimony in a hearing with the Texas Legislature in 1910. Describing the day that he discovered the baby born in the fields, he explained that he found the “child born in the field, sans attention, medical care

⁵⁹ Lula Sanders to Thomas M. Campbell, October 2, 1907; Gregory, “Persistence and Irony in the Incarceration of Women in the Texas Penitentiary, 1907-1910,” 48.

or decency,” and that “the sand of the cotton field still adhered to and lacerated its tender little body.”⁶⁰ Hodges clarified to the Legislature that the baby had died.⁶¹

When friend of Hodges and investigative reporter George Waverly Briggs learned about the events at the Johnson Farm, he used his platform at the *San Antonio Express News* to bring attention to the conditions that the women and girls—and all inmates of the Texas system, including Gatesville—endured.⁶² In a series of revealing exposés, Briggs publicly accused the Texas Prison system of mismanagement, brutality, and cruelty against captives of all ages.⁶³ Summing up his findings in a testimony to the Texas Legislature, Briggs explained that Texas makes “no effort . . . to achieve the reformation of a criminal.”⁶⁴ It was clear from his investigations that the profit motive dictated prison operations. Texans were shocked and responded by writing damning letters to public officials, including the governor. In one instance, a Texan asked of Governor Campbell in 1909, “How would you feel to be placed in a position where you could not help yourself and where you were absolutely sure that no thought whatever was taken in regard to your reformation, as the State claims to do when a man is sent to the pen, but that the only thing considered was the amount of money that could be made out of your labor, regardless of the physical or moral results of the operation?”⁶⁵

⁶⁰ Gregory, “Persistence and Irony in the Incarceration of Women in the Texas Penitentiary, 1907-1910,” 64.

⁶¹ Texas State Legislature, Penitentiary Investigating Committee, *Exhibits and Testimony* (1910), 218-219.

⁶² Perkinson, *Texas Tough*, 158.

⁶³ Walker, *Penology for Profit*, 185.

⁶⁴ Texas State Legislature, *Exhibits and Testimony* (1910), 194.

⁶⁵ G. E. Dury, Letter to Governor Mitchell Campbell dated January 4, 1909, TSLAC Box 2B175 [SRH1230005175].

The heightened publicity and “recent agitation” that Sanders, Hodges, and Briggs initiated had pressured Governor Campbell to bring the convict lease system to an end and establish a system of punishment anew.⁶⁶ Over the next few years women inmates were relocated to state-owned farms and private contracts were cancelled. Girls were no longer sentenced to the Huntsville State Penitentiary. The Texas prison system was on track for major changes and with them came changes to the system of juvenile incarceration in the state of Texas.⁶⁷ Gatesville, one of the subjects of Briggs’ investigative reporting, was placed under the supervision of the Texas Board of Education and renamed the Gatesville Training School for Boys to reflect its “severing of its relation from the penitentiary system, and providing for more scientific means in dealing with the inmates of the institution.”⁶⁸ Rather than the convict lease system in which inmates were leased out to private businesses, the state turned to the prison lease system, an agreement in which businesses leased state-owned facilities and the staff, inmates, machinery, and other operations therein. Additionally, the state set the stage for the founding of a training school for girls.

The “child-savers,” a network of middle-class, college-educated, reformers who focused on improving the lives of underprivileged children, finally met some success after the abolition of the prison lease system.⁶⁹ For the first time in 1910, according to Texas Federation of Woman’s Clubs President S. J. Wright, “the awakening of the club-women of the State just now is to the importance of the child problem. Never before has so much attention been fixed upon

⁶⁶ “Prison Reform in State of Texas,” *Galveston Tribune*, May 11, 1910.

⁶⁷ Will H. Mayes, “The Texas Penitentiary System, part 6,” *The Democrat-Voice*, November 15, 1912.

⁶⁸ *Report of the State Department of Education 1908-1910*, 13.

⁶⁹ “Resolutions are Introduced: Women Purpose Aiding in Prison Reform Movement,” *San Antonio Daily Express*, December 2, 1910.

child study, and methods of home betterment.”⁷⁰ Notable club women of Texas, including Edward Rotan of Waco, Eleanor Brackenridge of San Antonio, Elizabeth S. Tracy of Houston, and Percy V. Pennybacker of Austin, supported Wright and pushed for “prison reform for girl convicts.” With entire changes to the juvenile and prison system in Texas underway, lawmakers finally agreed that the time was right to establish the Gainesville State School for Girls.⁷¹ The Thirty-third Legislature in 1913 authorized the Gainesville State School to “provide a home for delinquent and dependent girls where they may be trained in those useful arts and sciences to which women are adapted” and inculcate “the sacredness of the responsibility of parenthood and wifehood.”⁷²

The State School officially opened in 1916 in Gainesville, just south of the Oklahoma border and placed under the leadership of head “agitator” and professionally trained educator, Dr. Carrie Weaver Smith.⁷³ Jim Crow law was hardwired into the creation of the Gainesville State Training School for Girls, with initial plans for the school expecting to admit “negro girls and American girls” in separate dorms, but ultimately only white girls, which included ethnic Mexicans, were admitted.⁷⁴ As one 1938 report on Texas children clarified about how race was socially categorized, “‘American-white,’ ‘Latin-American white,’ and ‘negroes’—are known to

⁷⁰ “Child Problem has Attention of Club Women,” *San Antonio Daily Express*, December 1, 1910.

⁷¹ “Child Problem has Attention of Club Women,” *San Antonio Daily Express*, December 1, 1910; “Delinquent Girls’ Home to be Talked,” *The Austin American*, December 16, 1914.

⁷² Carrie Weaver Smith, MD, “Girls’ Training School: Report of Superintendent,” *First Biennial Report 1920*, 117; Bush, *Protecting Texas’ Most Precious Resource*, 7.

⁷³ Michael Phillips and Betsy Friauf, “Smith, Carrie Weaver,” *Handbook of Texas Online*, <https://www.tshaonline.org/handbook/entries/smith-carrie-weaver>.

⁷⁴ “School to Save Wayward Girls,” *El Paso Herald*, September 15, 1913.

be separate in many Texas communities.”⁷⁵ Ethnic Mexicans—citizens, non-citizens, recent Mexican immigrants, and children of Mexican immigrants—were culturally, politically, and socially considered “a class apart” from “American-white” people and African Americans. Ethnic Mexicans were, according to judges, lawmakers, and the Texas Board of Control, “a class of their own,” a vague status that was not clearly defined until the late 1950s.⁷⁶ Although ethnic Mexican girls were legally admitted to the new school, there are no detailed reports of their enrollment until the late 1920s.

Run by white, middle-class progressives, the Gainesville State School was only for white girls and ethnic Mexican girls considered redeemable from “the sin of their parents.”⁷⁷ Influenced by the American eugenics movement of the early twentieth century, the girls admitted to Gainesville were regarded as unfortunate souls born to “unfit” or “feeble-minded” parents who suffered from alcoholism, epilepsy, or depression. To prevent the reproduction of undesirable social traits, girls who arrived to Gainesville pregnant gave birth at a local hospital and were forced to place their babies for adoption within the first week because “mothers so quickly grow attached to the children that separation is too painful if the child allowed to remain with the mother long.”⁷⁸ Regardless of the emotional trauma of forced adoptions, Gainesville was presented as an alternative to the toxic homelife that bred criminality and sexual deviance, a

⁷⁵ Bureau of Research in the Social Sciences, *Texas’ Children: The Report of the Texas Child Welfare Survey* (Austin: University of Texas Press, 1938), 33.

⁷⁶ Inspection of Gainesville State School for Girls, December 8-10, 1945, TSLAC Box 1991/016-48; Bush, *Who Gets a Childhood*, 67; Ignacio M. Garcia, *White But Not Equal: Mexican Americans, Jury Discrimination, and the Supreme Court* (Tucson: University of Arizona Press, 2009); Cynthia E. Orozco, *No Mexicans, Women, or Dogs Allowed: The Rise of the Mexican American Civil Rights Movement* (Austin: University of Texas Press, 2009).

⁷⁷ “State School for Girls,” *Houston Daily Post*, April 8, 1913.

⁷⁸ Bureau of Research in the Social Sciences, *Texas’ Children; The Report of the Texas Child Welfare Survey* (Austin: University of Texas Press, 1938), 339.

place where inmates learned the values and skills of middle-class gendered domesticity (see Figure 4). Staff members and administrators taught inmates how to fulfill the duties of a respectable, domestic white woman, which included skills in child-rearing, cooking, sewing, and other domestic duties under the tutelage of cottage—or dormitory—matrons.⁷⁹

The Gainesville State School was a product of a national movement that enlisted the police and other governmental forces to “restore” femininity in the 1910s to 1920s.⁸⁰ In *Policing Sex in the Sunflower State*, historian Nicole Perry analyzes the national trend of states passing legislation that expanded the role of government in defining proper sexual behavior, and sets the Kansas State Industrial Farm for Women (KSIFW) in Lansing, Kansas, as a prime example of that trend. Although the laws to halt the transmission of venereal diseases were officially gender neutral, such laws were primarily enforced against young women.⁸¹ Poor girls and women were admitted as inmates without due process and on indeterminate sentences to KSIFW for having venereal diseases or being pregnant and unmarried. Most often, however, they were victims of rape or sexual abuse, “forced to go to a prison to get treatment while their attackers often went free,” because according to state authorities, poor women were sexually immoral compared to middle-class “respectable” women.⁸²

At Gainesville, Superintendent Smith was a central actor of the progressive wave aimed at reforming the institutional treatment and training of juvenile delinquent girls, which put her at odds with elected officials who determined financial appropriations and administrative

⁷⁹ Bush, *Protecting Texas’ Most Precious Resource*, 8.

⁸⁰ Nicole Perry, *Policing Sex in the Sunflower State: The Story of the Kansas State Industrial Farm for Women* (Lawrence: University Press of Kansas, 2021).

⁸¹ Perry, *Policing Sex in the Sunflower State*, 2.

⁸² Perry, *Policing Sex in the Sunflower State*, 3, 6.

appointments. But unlike the founders of KSIFW, Smith showed legitimate concern for the poverty, sexual violence, and criminalization that her wards endured. In 1920, she wrote to the state most of the girls “come to us from the sordid environment,” which included either extreme poverty or from homes where they had been “victimized and used for immoral purposes by adult men, practically none of whom are ever held accountable, or, if brought to trial, are given suspended sentences or dismissed for want of corroborative evidence.”⁸³



Figure 4. *Gainesville building swingset 4c rgb*. The Gainesville State School for Girls, ca. 1920s. TSLAC 1991/016-098.

In Texas, the Gainesville State School for Girls departed from traditional forms of youth incarceration because of administrators’ commitment to the idea that the school should serve as a safe home environment. At the state schools, “There should be the best in equipment and opportunity,” Dr. Smith insisted. “A child from a good home may be able to ‘get by’ in a

⁸³ Dr. Carrie Weaver Smith, “Girls’ Training School: Report of the Superintendent,” in *First Annual Report of the State Board of Control to the Governor and the Legislature of the State of Texas Fiscal Year Ending August 31, 1920* (Austin: Von Boeckmann-Jones Co., Printers, 1921), 117.

makeshift school, but the child from a makeshift home must have the best.”⁸⁴ The cottages and bedrooms were designed to invoke a sense of personal responsibility and enforceable boundaries (see Figure 5).⁸⁵ The girls were not expected to labor on the premises during the school’s early years but were expected to attend classes where teachers “programmed” them with skills beyond vocational or domestic ones.⁸⁶ They learned about sex hygiene and Christianity, and they joined the first chapter of the Girls Scouts of America to function at a training school. If they showed progress on their path to domesticity, the girls were promoted to the “Texas Cottage,” where they prepared for life outside of the training school grounds.⁸⁷

Reformers from around the country praised Smith’s accomplishments of training the girls, who were most often sent to Gainesville on account of sexual “delinquency” and general “incorrigibility.” Under Smith’s care, the girls received physical and mental screenings, personalized medical care, and individualized teaching by trained educators. Smith’s vision and her work were recognized by a prestigious national trade publication of social work as one of the “most progressive” training schools in the early 1920s.⁸⁸ Smith understood how well hers compared to other institutions, but she publicly displayed her fears that such high praise would

⁸⁴ Carrie Weaver Smith, “The Elimination of the Reformatory,” *Proceedings of the National Conference of Social Work at the Forty-Eighth Annual Session Held in Milwaukee, Wisconsin, June 22-29, 1921* (Chicago: University of Chicago Press, 1921), 131.

⁸⁵ Photograph, “Gainesville4 dorm 4c bw,” TSLAC, box 1999 087 folder 11.

⁸⁶ *Donald M. Gregg vs Board of Trustees State Juvenile Training School* (1929), R. B. Walthall Files, State Juvenile Training School, Correspondence, April – November, 1929, TSLAC 2002/035-1.

⁸⁷ Bush, *Childhood*, 22-25.

⁸⁸ Bush, *Childhood*, 22-25.

not last forever: “Oh Lord, this institution is the only thing in Texas that is supported by the state for the good of the delinquent girl. Oh Lord, don’t let it do any harm.”⁸⁹

Reports from the Gainesville State School during Smith’s first four years as superintendent were generally positive, but the pressure to convert Gainesville into an economically self-sustaining school disrupted her vision in 1920. In Texas, state officials did not like the high cost of running the institution. The cost of housing, training, and supervising the girls at the Training School neared \$600 a year per girl, which was nearly double the cost to house and train girls at similar institutions across the country.⁹⁰ Understanding that Texas politicians judged programs primarily in terms of profit and loss, Smith preemptively justified the high cost of housing and rehabilitating girls in her written reports: “Training delinquent girls cannot be accomplished on a cheap scale. It is a costly process, but it is worth the investment.”⁹¹ In her addresses to the National Conference of Social Work, she publicly expressed similar justifications for the high cost of housing, educating, and protecting delinquent girls. In 1921, for example, Smith argued that if Texas policymakers truly sought to end juvenile criminality in the State, they would have to provide for an “educational council” whose members would make routine inspections at state schools. She added, “it will necessitate adequate mothers’ pensions; it will necessitate courts of domestic relations; it will necessitate day nurseries; and it will cost money.”⁹² With the growth of Texas cities and accompanying poverty and incarceration rates,

⁸⁹ Laura May Hill, “Changing Emphasis in the Treatment of the Girl Delinquent with a Selected annotated Bibliography for the Period of 1900 to 1940,” (MA Thesis, University of Southern California, 1949), 30.

⁹⁰ Carrie Weaver Smith, MD, “Girls’ Training School: Report of Superintendent,” *First Biennial Report* (1920), 119.

⁹¹ Smith, “Girls’ Training School: Report of Superintendent,” *First Biennial Report* (1920), 117.

⁹² Carrie Weaver Smith, “The Elimination of the Reformatory,” *Proceedings of the National Conference of Social Work at the Forty-Eighth Annual Session Held in Milwaukee, Wisconsin, June 22-29, 1921* (Chicago: University of Chicago Press, 1921), 130.

Smith understood that politicians grew frustrated at the cost of individualized treatment at the State School for Girls.



Figure 5. *Gainesville Dorm*. TSLAC, 1999 087-11.

To manage the state’s eleemosynary institutions financially in an era of unprecedented urban growth and policing, the legislature established the Texas Board of Control, and it was hostile to Smith’s philosophy of managing the school.⁹³ The first members included S. B.

⁹³ “Fails to Get a Single Vote for Position,” “Dr. Smith Refuses to be Interviewed,” *Gainesville Weekly Register*, July 23, 1925; Bush, *Childhood*, 26.

Cowell, a North Texas banker; L.W. Tittle, state comptroller; A. R. Johnson, Jr., East Texas businessman; Sam H. Carter, ex-bookkeeper in the Texas state treasury; businessman W.R. Nabours; state bookkeeper W. J. Womack; cattle rancher John W. Bailey; ex-deputy sheriff of Bell County Haskell Smith; and W. R. Hendrickson, State Inspector of Masonry.⁹⁴ While their money management expertise and government experience was certainly not a matter of debate, their approach of managing state facilities by stripping budgets and applying business strategies to governmental services proved detrimental for institutions like the Gainesville State Training School for Girls.

The Board of Control's financial responsibilities to the state motivated them to turn existing institutions into self-supporting ones. By definition, a "self-sustaining" institution is one in which the revenue or income earned from the labor of the institution's inmates at least matches or exceeds the cost of running the institution. As with the prisons under the pressure of Governor Pat Neff, who believed that "the crippled, the permanently sick, the women," prisoners were "dead weights to the financial system of the penitentiary" and were merely "consumers," budgets that the Board of Control managed were slashed and expectations of profitable outputs were intensified.⁹⁵ To Smith, investing in wayward girls was worth the cost, but to the appointed members of the Board and Control and the politicians they served, especially in the face of the state's increasing carceral and policing institutions, "It appeared almost impossible to harmonize

⁹⁴ "Cowell for Lieutenant Governor," *Gainesville Daily Register*, July 17, 1918; "L.W. Tittle, New State Comptroller Sworn Into Office," *Temple Daily Telegram*, October 16, 1919; A. R. Johnson, "Here's a Citizen Who Makes Suggestions," *Palestine Daily Herald*, October 27, 1919; "Sam Sparks Resigns State Treasurership," *The Daily Herald*, January 20, 1912; "For Sale. A Genuine Bargain," *The Nocona News*, May 31, 1918; *Sherman Daily Democrat*, May 29, 1919; "Bailey, J. W., Gainesville, Texas," *American Short-horn Herd Book, Containing Pedigrees of Short-horn Cattles* Vol. 51, (Springfield, IL: American Short-Horn Breeders' Association, 1902), 543; "Personal and Local Notes," *The Temple Daily Telegram*, September 7, 1912.

⁹⁵ Governor Pat M. Neff, "Message from the Governor," *House Journal: Thirty-Eighth Legislature, Regular Session, Proceedings*, (Austin: Von Boeckmann-Jones, 1923), 281.

theory and practice; idealism and results.”⁹⁶ A member of the Texas Board of Control declared that “I for one believe that the cost per girl placed there is too high.”⁹⁷ To reduce that cost, board members, most of whom had governmental and private business experience, suggested in 1925 to increase the inmate population, build a barbed-wire fence around the facility, terminate the groundskeepers and maintenance staff, and force the inmates to maintain the premises themselves. In short, to convert the training school into a “self-sustaining” facility like the prison farms that made up the adult penitentiary system.

Smith’s greatest fear became a reality, one that she expected but still fought. In 1921, she had cautioned social workers against the trend of states instituting self-sustaining institutions. Smith argued that if social workers have a sincere dedication to the children, they must protest persistently against self-supporting schools that would “prop itself on the labor of the child as a crutch.”⁹⁸ But after her own opposition to Board of Control’s suggestions in 1925, they informed her that the state would not renew her contract as Superintendent of the Gainesville State School for Girls.⁹⁹ Smith and her associates in Texas women’s organizations protested the board’s decision not to renew her contract to no avail. Defeated, Smith resigned and relocated to Maryland.¹⁰⁰ The Board of Control proceeded with reducing appropriations and planned on implementing cost-saving labor “training” programs.

⁹⁶ “Introduction,” *Third Report of the State Board of Control* (1926), 15; For more on Prohibition and how it led to the growth of policing institutions, see Lisa McGirr, *The War on Alcohol: Prohibition and the Rise of the American State* (New York: W. W. Norton, 2016).

⁹⁷ “Head of Local Girls’ School is Criticized,” *Gainesville Daily Register*, February 6, 1925.

⁹⁸ Smith, “The Elimination of the Reformatory,” 131.

⁹⁹ “Head of Local Girls’ School is Criticized,” *Gainesville Daily Register*, February 6, 1925.

¹⁰⁰ “Club Women Petition Governor Ferguson to Delay Confirmation of Mrs. Stephens As Head of Training School,” *Gainesville Weekly Register*, July 23, 1925; Bush, *Childhood*, 25; “Head of Local Girls’ School is Criticized,” *Gainesville Daily Register*, February 6, 1925.

From 1925 through the 1930s, the minimal appropriations from the state, a rapidly growing inmate population, and an emphasis on maintaining Gainesville as a “self-sustaining” facility combined to wipe out the original goals of the progressive “child-savers.” The state replaced the once-educated staff of social workers, educators, and medical professionals with more affordable applicants who possessed fewer to none of the qualifications that Smith had required; punishment and labor, rather than social training, now became the school’s primary purpose (see Figure 6). Without someone like Smith to lobby for and defend the slower paced but expensive training process, the inmate population at Gainesville surged and the care and the quality of the attention given to inmates rapidly declined.

By 1936, the average daily population at the Gainesville Training School numbered 238 inmates who were mostly from large Texas cities, as compared to the average 75 in years prior, and the cost of housing each girl dropped to \$315.43, considerably less than what it had been under the Smith administration.¹⁰¹ According to the frequently reprinted and hardly expounded upon biennial reports throughout the 1930s from Superintendent Agnes Stevens, the school’s operations were efficient and no public controversies arose under her watch: “The activities of the instructional and administrative staffs, the care and treatment of the girls, their discipline, the religious and recreational activities, and operation of the parole and parole-supervision system, indicate that the affairs of the school are being ably administered and its purposes fulfilled.”¹⁰² Notably absent from that list of purposes was the social training of the girls. As such, in 1939 the Board of Control renamed the facility to the State School for Girls to reflect the state’s move

¹⁰¹ “Girls Training School,” *Eighth Biennial Report 1936*, 78; “Girls’ Training School, *Ninth Biennial Report* (1938), 87.

¹⁰² “Girls’ Training School,” *Board of Control Biennial Report* (1930).

away from “training” inmates in the original sense.¹⁰³ With the oft-repeated reports that the purposes of Gainesville were fulfilled, Gainesville received little media scrutiny for most of the 1930s.

The Gainesville State School for Girls was suddenly forced into the public spotlight in 1941 when the Board of Control conducted audits at the facility following reports of abuse. Investigators found numerous building and treatment violations. Girls were fed “one small peanut butter sandwich and a tin-cup of warm hydrant water” and were worked so hard on neighboring fields and on the school grounds that they “they could hardly walk from the dairy back to the dormitory.”¹⁰⁴ Employees who “were too old to be of use in the job to which they were assigned” resorted to corporal punishment rather than “patient redirection” or “individualized treatment,” and fire hazards were abundant at each building in the facility. Stevens was removed as superintendent of the Gainesville State School for Girls and the Board of Control publicly claimed that positive changes were underway.¹⁰⁵

¹⁰³ “Okays Harrell Bill,” *The Paris News*, Paris, Texas, June 2, 1939.

¹⁰⁴ “Girls at State School Given One Peanut Butter Sandwich,” *Amarillo Daily News*, November 4, 1941.

¹⁰⁵ “Failure to Govern Properly Alleged in Auditors’ Report to Board,” *The Brownsville Herald*, November 4, 1941; Division of Child Welfare, *Report 1942*.



Figure 6. *Gainesville State School for Girls*. TSLAC, 1991 016-098.

The Board of Control found a new superintendent for Gainesville, Mrs. Mary Stone, a former teacher at the Austin State School for the Feeble-Minded.¹⁰⁶ Stone took the job at the State School where buildings had already fallen into gross disrepair and the staff had grown accustomed to abusing and neglecting inmates. With such a challenging assignment to improve the facility, Stone, rather than attempting to correct the conditions, found an opportunity for personal gain. She cooked the accounting books, forged checks, stole cash, and purchased personal items on the state's account. Her exploits did not last long when the Board of Control discovered her abuse of power. Stone was arrested, found guilty of forgery, and sentenced to two years in the state penitentiary.¹⁰⁷

¹⁰⁶ "Heads State School . . ." *The Campus Chat* (Denton, TX), August 15, 1941.

¹⁰⁷ "State Girls Home Head Charged with Forgery," *The Eagle*, Bryan, Texas, October 12, 1942; Bush, *Childhood*, 64.

In September 1943, the Board of Control hired Pearl Chadwell, an ex-supervisor of the women's dormitories at the University of Texas. She quickly developed a reputation of resorting to physical violence as a means control over the girls of Gainesville, but ethnic Mexican girls were Chadwell's prime target. Even though ethnic Mexican girls were allowed to attend the Gainesville State School for Girls at its inception in 1916, there were so few admitted that physically segregating them from Anglo girls seemed financially impractical.¹⁰⁸ But as wartime anxieties intensified against ethnic Mexicans across the United States, Chadwell likely perceived herself to have cooperated with public sentiments.¹⁰⁹ When a Mexican girl was in trouble with Chadwell, she preferred to describe her first as a Mexican and exhibited pleasure in physically, mentally, and emotionally abusing her.¹¹⁰ In her discipline reports, she regularly commented on girls that she whipped with remarks like, "I am sorry I did not give her ten. She is a terrible girl," and described another girl as "a Mexican girl who was very bad." In one report she described "another one," presumably Mexican girl, "who should have had ten."¹¹¹ One returned escapee of unknown ethnicity was "given six paddles (and I mean paddles)" while another who "is not right," received five paddles, both of which she justified as "I think in both instances these girls needed a good whipping."¹¹²

¹⁰⁸ In 1949, for example, Gainesville held 114 Anglo girls but only eighteen "Latin-American students." John A. Freeman, Letter to Hall H. Logan dated July 26, 1949, "Statement of Accounts, juvenile training school, Gainesville, 1924-1927," TSLAC, 1991/016-35.

¹⁰⁹ Bush, *Childhood*, 48.

¹¹⁰ Mrs. Pearl Gann Chadwell, Letter to Texas Department of Public Safety, September 28, 1943, TSLAC 1991/016-84, Gainesville State School for Girls, escapes, 1943.

¹¹¹ Pearl Chadwell, Letter to Mr. Hall H. Logan, July 13, 1948, TSLAC, "Punishment Reports," 1991/016-60.

¹¹² Pearl Chadwell, Letter to Board of Control, September 1, 1948, TSLAC, "Punishment Reports," 1991/016-60; Pearl Chadwell, Letter to Hall Logan, March 6, 1948, TSLAC, "Punishment Reports," 1991/016-60.

Chadwell's vague discipline reports, which she submitted to the state only after the Board of Control repeatedly instructed her to do so, displayed an enthusiasm on her part to commit bodily harm. In one case, a girl who "had been just terrible for ages and she was finally brought to the office and given 8 spanks."¹¹³ In another instance, "two great big overgrown Mexican girls were given eight licks for constant disturbances."¹¹⁴ After one girl was seriously injured by Chadwell, she defended her use of corporal punishment by explaining that she did not intend to hurt the girls. Rather, she merely intended to humiliate them.¹¹⁵

For the ethnic Mexican girls—indeed, all the girl inmates—under Chadwell's supervision from 1943 to 1949, discipline was a code word for abuse. She had a reputation among inmates, their parents, and even Gainesville staff of being "arbitrary and discourteous," and an overall "cruel person."¹¹⁶ She disrespected parents and social workers regularly, and she vigorously defended her use of a leather strap and her regular use of the school's "dungeon," or as one report called it, the "reflection room."¹¹⁷ The reflection room was punishment primarily for inmates who attempted to run away. It was small, "no more nor less than" the size of a regular cell and had no room for exercise. There was a window, but when captives looked out of it, all they saw was "nothing." To prevent runaways altogether, Chadwell took a page from McGuire's

¹¹³ Chadwell, Letter to Logan, December 3, 1948, TSLAC, "Punishment Reports," 1991/016-60.

¹¹⁴ Chadwell, "Report on all paddlings administered to girls in the school," September 1, 1948, TSLAC, "Punishment Reports," 1991/016-60.

¹¹⁵ Letter dated February 3, 1948, TSLAC, "Punishment Reports," TSLAC 1991/016-60

¹¹⁶ Letter to Mrs. Chadwell, May 3, 1947, TSLAC, Gainesville State School for Girls (1945-1949); Letter to the Board of Control, undated, Gainesville State School for Girls (1945-1949), TSLAC 1991/016-59.

¹¹⁷ Gainesville State School for Girls (1945-1949), TSLAC 1991/016-59; Gainesville State School for Girls 1947 (1946-1947), 1991/016-59; Report from Albert D. Pattillo, M.D., Terrell State Hospital, May 5, 1947, 1991/016-59; Hall H. Logan, June 11, 1948, TSLAC 1991/016-59 Gainesville State School for Girls 1948; "Girls at Gainesville State School are Brutally Beaten with Strap," *Brenham Banner-Press*, May 12, 1943.

playbook at the Gatesville Reformatory and locked chains onto girls she suspected of plotting for their escape. Reports of infections from the rubbing of the “large log chains” around their legs was not of concern to Chadwell.¹¹⁸ One state representative was worried, however, and showed concern of the treatment that girls received under Chadwell’s care. The state representative commented that the use of log chains around the girls’ legs did nothing but graduate “these young girls from a reform school to the State Penitentiary.” Targeted abuse from Mrs. Chadwell lasted until 1949 when she retired and, coincidentally, when Texas underwent another phase of administrative changes following criticisms directed toward Gatesville, Gainesville, and the State’s newest school, the Brady State School for Colored Girls.

For white girls, the original purpose of the Gainesville State School was to train them to become “proper” domesticated wives and mothers. Such an experiment proved too expensive for the legislature in the first half of the 1920s. Gainesville deteriorated into a facility where poor Anglo and ethnic Mexican girls were held captive and forced to produce revenue for the state performing farm labor. Without the comparatively well-intentioned goal that Dr. Smith had of training inmates, the Gainesville State School devolved into a pit of despair. One historian noted on the conditions that plagued both state schools under the Board of Control, “The sum total of the Board of Control’s actions strongly suggests that its overarching imperative all along had been bureaucratic self-preservation, which extended to defenses of the troubled institutions under its supervision,” but the Board of Control could not even accomplish that.¹¹⁹ It was clear by the late 1940s that the Board of Control’s management methods—or lack thereof—embarrassed the

¹¹⁸ Pat Wiseman, letter to Mr. Hall Logan, June 10, 1948, Gainesville State School for Girls 1948, TSLAC 1991/016-59.

¹¹⁹ Bush, *Childhood*, 65.

State of Texas.¹²⁰ For Black girls in the early twentieth century, the realities that Jim Crow racism presented were much more grim.

After African Americans witnessed the rollbacks of Reconstruction-era victories during the rise of Jim Crow rule in the United States in the early twentieth century, Black organizations and activists in the South implemented different strategies to hold onto what little they still had.¹²¹ Through direct activism, unionism, community building, and lobbying, historian Leslie Brown explained, “black folk upbuilt families, homes, organizations, institutions, and enterprises and erected atop a foundation laid in the past the physical and psychic spaces of black freedom.”¹²² In other words, they countered Jim Crow by adopting and altering Anglo middle-class values and built their own economic prosperity and cultural heritage independent of the white society that constantly sought to subordinate Black Americans. In Texas, Black organizers lobbied and agitated for institutions with mixed results.

In the 1910s, after Texas abolished the convict lease system and acquired land to establish state-owned farms and industrial plants under the new prison-lease system, the state established a juvenile court and converted the Gatesville Reformatory to the Gatesville State Training School for Boys and established the Gainesville State Training School for Girls in 1913, which opened in 1916.¹²³ And while Black girls under the age of eighteen were no longer sent to the women’s prison unit, located at the state-owned Eastham State Farm No.2 and later,

¹²⁰ “Gainesville State School for Girls Under Criticism,” *The Mexia Daily News*, Mexia, Texas, November 26, 1947.

¹²¹ Leslie Brown, *Upbuilding Black Durham: Gender, Class, and Black Community Development in the Jim Crow South* (Chapel Hill: University of North Carolina Press, 2008), 11.

¹²² Brown, *Upbuilding Black Durham*, 10.

¹²³ “The Juvenile Court,” *Houston Post*, January 5, 1905; “Explained Juvenile Court,” *Galveston Daily News*, January 22, 1905; “House Routine,” *Austin American-Statesman*, February 1, 1905.

the Goree State Farm, the state did not establish a unit or a facility specifically for them.¹²⁴ Instead, police officers or sheriff's deputies held them in city or county jails and placed on parole if judges found them delinquent at their court hearings.¹²⁵ The lack of an even superficial attempt to "train" delinquent Black girls in the norms and expectations of middle-class respectability reflected Texas lawmakers' "refusal to include African American youth in the emerging categories of childhood and adolescence," historian William Bush explains.¹²⁶

At the turn of the century, whites' social expectations of Black girls differed from those of Anglo girls. When white girls were expected to grow into respectable stay-at-home mothers and wives, Black girls, while also expected to become wives and mothers, were also expected to work outside of their homes doing the type of work that Black women did in the antebellum South. Across the South, one historian explains, "Black women experienced severe restrictions that limited them to jobs where they did the same work they had done during slavery."¹²⁷ From 1900 to 1940, Black women's employment in domestic service jobs nearly doubled as white women exited the workplace.¹²⁸ The same was true for the prison system's expectations of Black women's labor. Unlike the men's convict system in Texas that capitalized on skilled labor to produce a profit, the system of women's prison farms used "unskilled" labor to offset the cost of penitentiary business. The unskilled labor included the manufacturing of food, clothes, and

¹²⁴ To be sure, abuses and scandals did not cease once the women's prison was relocated to Eastham Farm No. 2. "At Eastham Farm No. 2," *Report of Penitentiary Investigating Committee 1910*, 983-984; "Case at Edna Reveals Fact Little Known: State Has No Place to Confine Its Delinquent Negro Girls," *Victoria Advocate*, March 29, 1933.

¹²⁵ "Says Law Gives No Reform Home for Negro Girl," *Austin American*, July 6, 1922.

¹²⁶ Bush, *Childhood*, 72.

¹²⁷ Enobong Hannah Branch, *Opportunity Denied: Limiting Black Women to Devalued Work* (New Brunswick: Rutgers University Press), 20.

¹²⁸ Branch, *Opportunity Denied*, 50.

furniture specifically for use by male prison inmates.¹²⁹ If Black adult women convicts as a group did the “easiest” work in prison, and if those labor demands were already met by the women at the state prison farm, what use did the state have for building an expensive training school for delinquent Black girls from scratch? If the number of such facilities for Black girls in Texas is any indication, then the answer is none.

Other than lockup in local facilities and parole, few options existed for delinquent Black girls. Without a state institution, one newspaper reported in the 1910s, that “when the conduct of female Negro juvenile become so offensive that it can no longer be ignored, the county judge has to commit them to a certain priest, who in turn sends them to a training school in New Orleans, Louisiana.”¹³⁰ Other states across the south had similar schools for girls that courts found delinquent. In North Carolina, under the leadership of Charlotte Hawkins Brown, upbuilders set their sites in 1919 on building a facility for “the class of negro children now who have nobody’s attention . . . the little boys and girls who find their way into the courts. Not criminals always, but untrained; for it is positively true . . . that while the average colored mother watches over the children of the white race, her own children are growing up in the streets neglected and uncared for.”¹³¹ The training school would protect, supervise, and educate young women that the courts found as “disreputable behaviors and illicit sexuality and who seemed destined for pregnancy, prostitution, or prison.” Brown and the National Association of Colored Women (NACW) raised enough funds to see the Efland Home open in 1927. Operating on meager funds, the Efland

¹²⁹ *Biennial Report* (1906), 96.

¹³⁰ Texas, *Texas’ Children: The Report of the Texas Child Welfare Survey* No. 3837 (Austin: University of Texas Publication, 1938), 352; “Texas Needs Institution for Delinquent Negro Girls,” *Austin American*, December 8, 1919.

¹³¹ Brown, *Upbuilding Black Durham*, 271.

Home closed in 1943. Regardless, the Efland Home campaign set an example for other Black upbuilders across the South, including Texas.

In 1916, Black middle-class organizers lobbied for an alternative and with the cooperation of the State Probation Officers' Association, reformers launched a campaign to establish a training school for Black delinquent girls.¹³² Under the direction of the Texas "upbuilders," the campaign repeatedly met insurmountable barriers over the next three decades. From the 1910s through the early-to-mid 1940s, the denial for an institution for Black girls dealt major blows to the Black middle class reformers because, as Bush concluded, "the lack of even the miserly funding levels afforded for white juvenile rehabilitation left black youth in the hands of adult justice at a time when lynching still posed a major threat."¹³³ Black progressives persisted in their campaign to find a place for Black girls who were susceptible to the white lynch mobs. While in places like Durham, North Carolina, where upbuilders sought to provide a place of protection for delinquents who were targeted and "hunted down," in Texas, the lynch mobs were similarly notorious for taking matters of criminal justice into their own hands during that period.¹³⁴

African American girls were not exempt from the rampant mob violence of the early twentieth century. For example, one young Black girl in Houston was stoned to death by a group

¹³² "Probation Officers Will Launch Drive," *Galveston Daily News*, January 20, 1921; "Willing Workers Club Seeks Funds for Taxes on Negro Girls' Home," *Austin American*, January 2, 1916.

¹³³ Bush, *Childhood*, 72; "Girl's Body Found," *Brenham Banner-Press*, November 5, 1926.

¹³⁴ Brown, *Upbuilding Black Durham*, 221.

For more on lynching in Texas, see Patricia Bernstein, *First Waco Horror: The Lynching of Jesse Washington and the Rise of the NAACP* (College Station: Texas A&M University Press, 2006); Gary Borders, *A Hanging in Nacogdoches: Murder, Race, Politics, and Polemics in Texas's Oldest Town, 1870-1916* (Austin: University of Texas Press, 2006); William D. Carrigan, *The Making of a Lynching Culture: Violence and Vigilantism in Central Texas, 1836-1916* (Urbana: University of Illinois Press, 2004); Nevels, *Lynching to Belong* (2007).

of white youths who accused the deceased of having exited a streetcar “ahead of white people.”¹³⁵ As mob violence threatened girls who purposely or accidentally defied Jim Crow law in Texas, sexual violence loomed as a constant threat for young African American girls who had an “established record” of criminality with local law enforcement. Such was the shocking case of a twelve-year-old Black orphan girl from the small town of Archer who was publicly lambasted after having given birth to a “white” baby. Newspaper staff writers trivialized the sexual violence that led to the young girl’s pregnancy and ridiculed the girl: “But she came from a family of [criminal] record makers—at least back into the fourth cycle.”¹³⁶ Certainly, Black girls were barred from the emerging categories of youth and adolescence, which convinced elected officials that the funding for a facility with the ostensibly noble quest of “reforming” or “training” them was not necessary. The Black middle-class upbuilders of the 1920s and 1930s kept working for an alternative for the girls that judges deemed delinquent in Texas.

Opposite of the Black upbuilders who lobbied tirelessly for such a facility was the white outrage that intensified the threat of retributive vigilante justice against Black girls convicted of crimes and released without greater punishment. One probate officer of Austin explained that because there was no facility for the “delinquent negro girl,” Black girls must “be turned loose,” which “spread vagrancy among negro girls.”¹³⁷ While boys were sent to Gatesville for charges of petty theft and white and ethnic Mexican girls went to Gainesville “almost invariably for immorality,” Black girls whose “immorality” was not contained in a state facility supposedly

¹³⁵ “Crimes in Houston and Lufkin Contrasted,” *Houston Informer*, March 8, 1924; “Saved by Police: White Man Accused of Assaulting Negro Girl Has Close Call,” *Bryan Morning Eagle*, November 15, 1905.

¹³⁶ “N***er Stork Visits In Archer City,” *Archer News*, April 3, 1931; See also, “Attempts Rape on Small Girl,” *The Dallas Express*, April 19, 1924; “Large Object,” *The Dublin Progress*, May 12, 1922.

¹³⁷ “School to Save Wayward Girls,” *El Paso Herald*, September 15, 1913; “Need Home for Delinquent Negro Girls, Says Officer,” *Austin American Statesman*, December 14, 1919.

posed a significant potential for repeat offenses.¹³⁸ When the Texas Legislature passed a law in 1927 to provide a facility for Black girls, it made no appropriation for a facility.¹³⁹ Therefore, a “loophole” that permitted “young negro girls to commit crimes and then go free” fueled white anxiety for even longer.¹⁴⁰ “The negro juvenile problem,” according to one counselor, “is difficult because of sagging morals in some negro families.” The counselor continued, “I am no alarmist, but the increase [of delinquency] is astounding.”¹⁴¹

White outrage toward delinquent Black girls peaked during World War II. According to newspaper reporters, lawmakers, and law enforcement agents, American servicemen were infected with venereal diseases at alarming rates because of the unsupervised Black girls that sexually enticed the servicemen and infected them with venereal diseases. As one a Board of Control member put it, “These negro girls are for the most part infected with venereal diseases. This infection is passed on to members of the armed forces, and to others in the community; posing the most serious health problem imaginable.”¹⁴² Further, “Each Negro girl infected with a venereal disease, within each year, causes infection of other persons, costing a minimum of \$1,000 for treatment.” To the Board of Control, establishing a facility for delinquent Black girls

¹³⁸ “Texas Needs Institution for Delinquent Negro Girls,” *Austin American Statesman*, December 8, 1919.

¹³⁹ “Methodists Favor School Tobacco Tax,” *The Eagle*, Bryan, TX, April 8, 1927; “Case at Edna Reveals Fact Little Known,” *Victoria Advocate*, March 29, 1933.

¹⁴⁰ “Delinquent Negro Girls Are Freed,” *Pampa Daily News*, Pampa, TX, September 30, 1931.

¹⁴¹ “Need Home for Delinquent Negro Girls, Says Officer,” *Austin American-Statesman*, December 14, 1919; Jean Engle, “Negro Juvenile Problem Brings Plea for Delinquency School,” *Lubbock Morning Avalanche*, August 11, 1944.

¹⁴² Weaver H. Baker, letter to E.B. Gregory dated February 25, 1946, Brady POW Camp, TSLAC 1991/016-59.

guilty of sex offenses was a matter of public safety, especially for military personnel, which justified a serious attempt at creating such a facility.¹⁴³

After World War II, Texas took advantage of a surplus prisoner of war camp in Brady with plans to convert it to the first institution for the detention of Black delinquent girls in the State. Without a press release or announcement of the state's acquisition of the Brady property, judges and high-ranking citizens across Texas flooded the Board of Control offices with letters in which they eagerly asked about how soon girls could be sent to the new institution.¹⁴⁴ Following a quick period of converting the prison to a juvenile incarceration facility, the Brady State School for Colored Girls opened on February 14, 1947. It welcomed eight inmates with a motto that reflected the ideals of the Black middle-class upbuilders who were vital to the school's creation: "We build the ladder by which we rise."¹⁴⁵ For the next two years, the inmates at Brady consisted of Black girls under the age of eighteen who were charged mostly with sex crimes like prostitution or "deviancy" across the state's largest cities, which included Galveston, Houston, Dallas, Fort Worth, San Antonio, and Austin. Upon inmates' arrival, staff members screened and treated them for any infectious diseases, received a handbook of the rules of the facility, and assigned a dormitory "cottage."¹⁴⁶

¹⁴³ It is important to note that few servicemen were reportedly held accountable for their rape of underage children, some as young as eleven years old, or for their solicitation of prostitution, which was illegal. "Arrests Preliminary to New Drive on Venereal Disease," *Big Spring Daily Herald Sun*, April 25, 1943; "Negro Juvenile Problem Brings Plea for Delinquency School," *Lubbock Morning Avalanche*, August 11, 1944.

¹⁴⁴ Hall H. Logan, letter dated January 14, 1947, Brady POW Camp, TSLAC 1991/191-1 folder 32.

¹⁴⁵ "Brady Student Hand Book," TSLAC 1989/169-1 folder 32.

¹⁴⁶ Hall H. Logan, Memorandum dated February 5, 1947, Brady State School 1947, 1001/016-59 folder 25.

The girls were inculcated with post-war middle-class values to theoretically help them navigate white society.¹⁴⁷ The *Hand Book* outlined that teachers and staff members expected inmates to “render cheerful obedience to and courteous cooperation with the management” during their stay at Brady. Administrators expected loyalty, allegiance, and “honor” from the students in exchange for merits that counted toward students’ releases. With access to dental, medical, and emergency clinics on site, teachers and staff expected inmates to arrive on time to their day classes, which included arithmetic, English, and sciences. Such a curriculum was attainable under the tutelage of Superintendent Mrs. Iola Winn Rowan, an African American woman and graduate of Prairie View Normal and Industrial College.¹⁴⁸

The sense of triumph and hope did not last long. Before the Brady State School had even opened, the Board of Control had planned to replace Superintendent Rowan with Carl Tibbitts, an Anglo grocer who also worked as the school’s business manager.¹⁴⁹ Prepared to take Rowan’s administrative position, he actively undermined all of Rowan’s work by publicly alleging her misuse of funds and gross incompetence. He could not offer any sound evidence of such allegations.¹⁵⁰ Tibbitts’s first and most consistent complaint was that he was a white man taking orders from a Black woman. In letters to the Board of Control, Tibbitts described his frustration at taking orders from “a Negro Superintendent” as “hard to take,” which made white employees

¹⁴⁷ “Brady State News,” Brady State School, TSLAC, 1991/016-40.

¹⁴⁸ Bush, *Childhood*, 78.

¹⁴⁹ “Carl Tibbitts, 60, Dies of Heart Attack at Home,” *The Brady Standard*, April 19, 1955.

¹⁵⁰ Weaver H. Baker, Chairman of State Board of Control, letter dated August 5, 1946, to Judge W. M. Deans, TSLAC, box 1991/016-59 folder Brady P.O.W. Camp.

“fastly getting fed up.”¹⁵¹ One newspaper reporter described the tension between the storekeeper-accountant and the Superintendent as an “impossible situation.”¹⁵²

Tensions boiled over after a fire broke out on the property. Tibbitts blamed Rowan’s supposed lackadaisical oversight, prompting Rowan’s eventual resignation.¹⁵³ In 1948, the Board of Control named Emma Harrell, school nurse and wife of school ex-principal Pete Harrell, the Superintendent of the Brady State School. Under Harrell’s supervision the Brady State School avoided negative media attention compared to its sibling institutions. Nonetheless, administrators and staff members at Brady expected students to labor for several hours per day in laundromats, fields, and textile machines, which resulted in injuries that were exacerbated from neglect and improper care; and punishment became more severe when she introduced a secure cell block and corporal punishment with more regularity.¹⁵⁴ However, reports of medical malpractice, abuse, neglect, and overall cruelty surfaced alongside the more shocking allegations from Gatesville and Gainesville and paled in comparison.

Such was the trend under the Board of Control. At each school, inmates’ educational standards diminished as administrators pressured them to produce revenue under the threat of corporal punishment and solitary confinement.¹⁵⁵ Punishment methods like solitary confinement in cottage rooms, whippings, and chaining continued.¹⁵⁶ As more instances of cruelty from state

¹⁵¹ Carl Tibbitts, letter dated March 19, 1947, Chairmen Lanning, Logan, Ashley, and Baker Files, TSLAC, Box 1991/016-59; Bush, *Who Gets a Childhood*, 80.

¹⁵² Carter Wesley, “Ram’s Horn,” *Dallas Express*, June 5, 1948.

¹⁵³ Bush, *Childhood*, 86.

¹⁵⁴ Bush, *Childhood*, 86-87.

¹⁵⁵ Texas Training School Code Commission, *A Youth Development Program for the State of Texas* (Austin: Texas, 1949), 14.

¹⁵⁶ *A Youth Development Program*, 21; Bush, *Childhood*, 90.

schools surfaced in the 1940s, the Board of Control, not the individual schools, became the target of public scrutiny and criticism. The Texas Board of Control did little to transform the culture of criminal justice as it related to juvenile delinquents. With its preoccupation on maintaining “self-sustaining” institutions in the same way that the Texas penitentiary system managed its facilities, the Board of Control’s oversight, or lack thereof, led to terrible conditions for inmates. The allegations of rigid rules under the threat of corporal punishment concerned a new cohort of social scientists interested in improving the juvenile detention system in Texas.¹⁵⁷ In the 1940s alone, the “new criminologists” produced an entire body of literature that contained sociological theses, dissertations, and academic studies that analyzed the harm that facilities like the Gatesville and Gainesville State Schools did to children in state custody. They deviated from the repeated claims of poor genetics or “mental deficiency” of the previous generation and instead turned to the systemic challenges that girls faced.¹⁵⁸ For example, one researcher cited poverty, social alienation, and poor educational opportunities as factors that bred delinquency. “The low economic status of a home” explained the researcher, “breeds juvenile delinquency. When as many as ten or twelve people are living in a single room without any of the modern conveniences, the children cannot be expected to develop”¹⁵⁹ According to the new criminologists of the 1940s and 1950s, the solution to juvenile delinquency was *rehabilitation*, not social training. Convincing Texas politicians to adopt rehabilitative programs was another challenge all its own.

¹⁵⁷ Perkinson, *Texas Tough*, 227.

¹⁵⁸ Hill, “Changing Emphasis in Treatment,” 48.

¹⁵⁹ Crew, “Study of One Hundred,” 66.

To convince politicians that a rehabilitation was beneficial, social scientists demonstrated that training delinquents cost the state more than rehabilitation would when the cost of policing, property damage, recidivism, and long-term imprisonment were taken into consideration.¹⁶⁰ They argued that the increasing cost of persistent crime control drained the public fund.¹⁶¹ Texas was primed for a modern, scientific approach to handling juvenile corrections wherein juvenile delinquents were diagnosed and educated to abandon their “anti-social attitudes and habits.” As one report concluded about the state of training schools in the late 1940s, “A training school cannot do a very good job of treatment if it does not know what to treat for.”¹⁶² To move forward with a new plan that adjusted delinquent children to society, Texas needed a new agency to handle matters of juvenile delinquency. After a protracted lobbying movement backed with scientific research, the Texas Legislature dissolved the Board of Control’s authority over the state schools. In its place the Texas legislature formed the Texas Youth Development Council (TYDC).¹⁶³

The TYDC took over in 1949 with evidence-based improvement plans and highly trained personnel who had backgrounds in sociology, education, and public service. Delinquency cases across the country increased in number and in severity and handling them took trained professionals.¹⁶⁴ For the new agency, the biggest challenges that remained was dismantling the

¹⁶⁰ National Commission on Law Observance and Enforcement, *Report on the Cost of Crime* (Washington, DC: United States Government Printing Office, 1931).

¹⁶¹ Samuel Maurice Johnson, “The Texas Reformatory System with Emphasis on the Gatesville School for Boys,” (Master’s thesis, North Texas State Teachers College, 1949), 69-77; Arthur E. Paine, “Relationship and Treatment of Truancy and Delinquency,” (Ph.D. dissertation, University of Southern California, 1939), 298; John H. Adams, “Juvenile Delinquency is Everyone’s Problem” (M.S. thesis, New Jersey State Teachers College, 1956).

¹⁶² *A Youth Development Program for the State of Texas*, 26-28.

¹⁶³ Laurie E. Jasinski, “Texas Youth Commission,” *Handbook of Texas Online*, <https://www.tshaonline.org/handbook/entries/texas-youth-commission>.

¹⁶⁴ Coughlin, *Juvenile Delinquency*, 7.

pre-existing framework of paternalistic abuse established by ex-slaveowners. As the next chapter demonstrates, the system of juvenile incarceration was steeped in racism and secrecy. At the Gatesville State School for Boys, the tradition of the hands-off doctrine became entrenched in the period from the 1910s through the 1940s. The Texas juvenile corrections' lineage pointed to retributive justice, exploitation, and chattel slavery, and it proved a difficult challenge for even the most educated and well-intentioned of bureaucrats to overcome.

3. “WORK PLUS TRAINING”: GATESVILLE AND THE BOARD OF CONTROL,
1909-1949

Each delinquent is given a definite amount of academic work plus training in some useful occupation, and is given also as much moral training and discipline as he is capable of receiving.

—Samuel Maurice Johnson, 1949

Before the Texas Youth Development Council (TYDC) took control of the state’s juvenile detention apparatus in 1949, the Texas Board of Control’s method of managing inmates in “self-sustaining” facilities beginning in 1920 had resulted in abuse scandals and accusations of exploitation at Gainesville, Brady, and as this chapter demonstrates, Gatesville. In the ashes of the convict lease system and the height of the “training” era, the Board of Control not only permitted Gatesville administrators to forcefully extract labor from youthful inmates, but it embraced the practice in the hopes that the public would perceive rigorous agricultural and mechanical work as an effective mode of training inmates to become responsible citizens.¹

The Board of Control did not hide the fact that they expected boy inmates to perform grueling labor. Rather, bureaucrats of the Board of Control presented hard labor as therapeutic to the “undeveloped” inmates: “Naturally, agriculture is the pursuit of a majority of our boys while in the institution. While it is true that most of them come from cities and expect to return to cities to live, it has been found that the open air and the sunshine and toil in the fields is one of the greatest curative agents yet known to juvenile workers.”² Because “seventy-five per cent of the inmates come from cities or towns, and are not interested in farm work,” the Board of Control members professed, the training school would teach the boys skills in both agricultural and mechanical labor and “give these boys the training necessary to enable them to get work

¹ W. N. Adams, “I Have Not Resigned,” *The Weekly Herald*, Amarillo, TX, January 28, 1913.

² Mr. C. E. King, “The Attitude of the Institution Toward the Juvenile Offender,” *Third Report of the State Board of Control* (1926), 113.

immediately upon leaving the institution.”³ The state’s own statistics revealed, however, that most of the boys who did time at Gatesville quickly returned to the facility.⁴

This chapter revisits the Gatesville State Training School for Boys from the years 1909 to 1949, first under the administrations of the Texas Board of Education (1909-1920) and then the Board of Control (1920-1949). During the period from 1909 to 1949, and especially from 1920 to 1949 under the Board of Control, the State Juvenile Training School for Boys operated publicly as a place of juvenile social and vocational “training.” No longer was the juvenile facility a house of correction where staff members “reformed” inmates through hard punishment as they had in previous years. The reality, however, is that the daily pursuit of revenue dictated operations at the Training School for Boys. This chapter demonstrates that to state politicians, the Board of Control, and Gatesville administrators, the inmates were laborers who were indebted to the state of Texas for the crimes that they committed, just the same as the convicts of the state penitentiary system.⁵ Hard labor, regardless of age, was part of the sentence to the criminally convicted in Texas.

Historians and criminologists have researched the period covered in this chapter at length and they unanimously agree that state officials “failed” to achieve their social mission of training inmates to become untroublesome inmates.⁶ That assessment is an unsatisfactory summation of the juvenile detention system in Texas because, while the children who were sent to Gatesville

³ State Board of Control, *Third Report of the State Board of Control to the Governor and the Legislature of Texas Covering Period from September 1, 1924, to August 31, 1926* (Austin: Von Boeckmann-Jones Co., 1926), 14; Mr. C. E. King, “The Attitude of the Institution Toward the Juvenile Offender,” *Third Report of the State Board of Control* (1926), 113.

⁴ Texas Eleemosynary Commission, “Table 19.—Mental Diagnosis and Times Arrested of Inmates of the State Training School,” *Report of the Texas Eleemosynary Commission, Part I: Preliminary Report* (Austin: Von Boeckmann-Jones, Co., 1925), 37.

⁵ Charles Shirley Potts, *Some Practical Problems of Prison Reform*, 31.

⁶ Bush, *Childhood* (2012); Donnelly, “Cycle of Reform” (2018); Trulson, et. al., *Lost Causes* (2016).

did not receive adequate social or career training that the institution publicly promised to deliver—a fact that could suggest that the institution failed—the economic interests that guided the actions of state politicians and Gatesville administrators indicates that they were not interested in “training” inmates into becoming “useful citizens.”⁷ Instead, officials’ primary goal was to extract labor from young inmates.

In all fairness, the oft-repeated narrative that detentions failed is found in primary sources as well. For example, at the beginning of the “training era,” a famous report published in 1910 by UT-Austin Professor of Sociology Charles Shirly Potts argued that “Probably in no part of the penal system of Texas has the state’s policy been a more conspicuous failure in the past than in the management of what has heretofore been called the House of Correction and Reformatory, located at Gatesville.” Potts blamed the “failure” on the institution’s history as a penitentiary in which “boys of tender years have been placed under rough, untrained guards armed with pistols or shotguns, and forced to cultivate the crops grown on the lands owned or leased by the state.” In 1949, at the end of the “training” era, another report determined that “growing public and official awareness that the schools are failing ‘to accomplish their broad social objectives’” of restoring “good citizenship to many of the delinquent children committed” to the state schools.⁸ Additional newspaper reports, state-sponsored studies, and dissertations in the years between 1909 and 1949 shared that sentiment.⁹ The “failure” assessment, as this chapter demonstrates, takes administrators’ professed goals of re-socializing inmates at face value.

⁷ Board of Control, “Juvenile Training School, Gatesville,” *Third Biennial Report* (1926), 13.

⁸ Texas Training School Code Commission, *A Youth Development Program for the State of Texas* (Austin: Texas, 1949), 8.

⁹ See, for example, “Reformatories Do Not Reform,” *Denton Record-Chronicle*, March 8, 1930; Texas, *Child Welfare Survey* (1938), 7; “What About the Boys,” *Amarillo Daily News*, January 30, 1921; Johnson, “The Texas Reformatory System with Emphasis on the Gatesville School for Boys,” (MS thesis, 1949); Charles Shirley Potts, *Crime and the Treatment of the Criminal* (Austin, TX, 1910); Truman Lee Kelley, *Mental Aspects of*

By examining the primary source documents through a new lens, one in which we interrogate lawmakers and officials' actions and policy decisions, we see that the juvenile corrections system in Texas under the Board of Control was primarily interested in securing revenue for the state while satisfying the local Gatesville community's demand for agricultural labor. To conclude that the state "failed" in protecting, training, and re-socializing juvenile delinquents is to assume that politicians and training school administrators' intentions were stifled by incompetence or external forces that prevented them from "training" the children in their custody. Just as Superintendent of Texas Penitentiaries Thomas Goree suggested after the opening of the Gatesville Reformatory in 1889, a penal institution must be "reformatory" or profitable, but it cannot be both. The Gatesville Juvenile Training School embraced the latter under the guise of socially "training" instead of morally "reforming" them.

By refusing to take at face value the official narrative that Gatesville administrators under the Board of Control attempted to train inmates to become better citizens, researchers can analyze in greater depth a period that scholars of juvenile detention in Texas have overlooked: the Great Depression.¹⁰ Few primary sources exist that shed light on how the Gatesville Training School operated during the Great Depression, which is likely why it has received scant attention. Contextualizing those few official sources within the period of economic uncertainty and social instability, however, highlights the administrative intent to exploit youthful inmates. In doing so, this chapter looks to historian Ethan Blue's study on Texas and California prisons during the Great Depression.

Delinquency (Austin, TX, 1917); Griffenhagen and Associates, *Part VII of the Report of the Joint Legislative Committee on Organization and Economy* (Austin, 1933), hereafter, *Griffenhagen Report*.

¹⁰ Bush's *Who Gets a Childhood* does not address conditions at the Gatesville Training School during the Great Depression, but his work on criminality, policing, and youth delinquency in the period paints a clear picture of national concerns related to youth and economic uncertainty. Bush, *Childhood*, 42-69.

In his analysis of Texas penal institutions during the Great Depression, historian Ethan Blue explains that prisons' reliance on "self-sustaining" economic plans saved the State of Texas when tax revenue from citizens was uncertain. He demonstrates that "[l]abor assignments in Texas prisons were geared toward self-sustaining agricultural production," and just like the Board of Control during the Great Depression, administrators turned to "cutting costs to the bone."¹¹ Blue concludes that the self-sustaining "hard labor regime" of Texas prisons was "underwritten by violence."¹² Similarly, this chapter demonstrates that inmates of the Gatesville Training School also "planted, cleaned, harvested, and ginned" the cotton that "became the cash officials used for daily operations."¹³ Inmates of the Gatesville Training School during the Depression were forced to work harder "in more diverse crops, or in more profitable industries," like canning and textile production, according to one report.¹⁴ The Board of Control forced inmates to toil in the fields, supposedly, to "train" inmates in the professions that they could occupy as free laborers upon their release. But for businesses that had established deals with the state government in which they received cheap labor from juvenile detentions and prisons, they had no reason to hire ex-convicts who acquired their skills in Texas correctional facilities. Instead, businesses acquired skilled workers from training schools and prisons at a fraction of the cost of free laborers. Gatesville's public commitment to "training" inmates was a sham.

When Texas officials deliberated abandoning the convict lease system in 1909, a central point that prison administrators defended was the efficiency and utilitarianism of private lessors'

¹¹ Blue, *Doing Time*, 77.

¹² Blue, *Doing Time*, 78; "The Taxing System," *San Antonio Express*, February 2, 1915.

¹³ Blue, *Doing Time*, 78.

¹⁴ "House Concurrent Resolution No. 58 Authorizing Legislative Committee to Investigate State Departments," found in the *Griffenhagen Report*, 1932; Blue, *Doing Time*, 78.

reliance on criminalized labor over free labor.¹⁵ “Free labor,” consists of “noncoerced” workers theoretically “free” to pursue employment according to the market’s need for laborers’ skills.¹⁶ With public and private works projects underway across the state, free laborers saw their job opportunities diminish as contractors hired unfree labor at a fraction of the cost. So lucrative was the convict lease system that the state ran critically low on space to warehouse its surplus labor force, a force that included Gatesville inmates produced on average between \$1,000 to \$2,000 each per year for the state. As Reverend Hodges testified during the legislative committee investigation in 1910, the system of leasing out convicts functioned as a financial backbone of the state and “that is why [Texas] can’t get rid of the lease system,” which included young inmates of the Gatesville institution.¹⁷

Lawmakers proposed a compromise. Rather than lease out inmates to businesses that handled housing, feeding, and security, politicians proposed the prison lease system, an agreement in which state-owned facilities, and the equipment, staff, inmates, and the supplies and inmates therein, were leased out *in toto* to private businesses.¹⁸ Guards, prison staff, and administrators answered to the state, and inmates answered to authority figures like guards and trustees. The labor that inmates performed, however, went toward increasing the private wealth of the business that held the contract over that facility. Over the decade of the 1910s, Governor Oscar Branch Colquitt sped up the transition from the convict lease system to the prison lease

¹⁵ “Young Wards of the State,” *Galveston Tribune*, May 6, 1910.

¹⁶ Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* 2nd ed. (New York: Oxford University Press, 1995), xvi.

¹⁷ Texas State Legislature, Penitentiary Investigating Committee, *Exhibits and Testimony* (1910), 192; Potts, *Practical Problems of Prison Reform*, 31-32.

¹⁸ “Prison Reformers Win,” *The San Antonio Daily Express*, October 7, 1910; Texas, “An Act Establishing a Prison System (1910),” sec. 3; Perkinson, *Texas Tough*, 158.

system by cancelling existing contracts and purchasing state lands to establish new state farms. While prisons transitioned to the new system, the Gatesville facility transitioned to under the authority of the state educational board.

Sociologist Potts, in acknowledging the benefits of abandoning the convict lease system in favor of the prison lease system, warned his readers to “not be too optimistic.” He was concerned about the possibility of continued “failures” in the way that prisons and juvenile detentions handled inmates. Potts explained that the change to the prison lease system “will be of small consequence unless there is a complete reversal in the policy of the management—unless the interest of the men and the protection of society are made the paramount objects of the prison system.” Echoing Goree’s assessment from decades prior that a facility must be either profitable or corrective, Potts argued that “We must shift the emphasis from *money* to *men*.” The prison system made its money from the labor of adult convicts and young boys, and with the massive profits that Texas held from its past in convict labor, it could invest in improvements for the benefit of its inmates. “Now,” he elaborated, “surely the State of Texas is big enough and rich enough not to need to make a profit at the expense of these unfortunate boys.” To Potts and his readers’ dismay, Texas lawmakers intended to continue “capitalizing on the diseases of the body politic,” as urbanization accelerated and with it, policing and incarceration.¹⁹

In the 1910s, reformers, pro-labor agitators, and journalists turned their attention to stamping out the final vestiges of the “backward” practice of the convict-lease system in Texas. At the same time, prison officials and politicians presented to Texans the prison lease system as the alternative that aligned with the idea that the United States had modernized past brutal methods of punishment. Historian Robert Perkinson reminds us that a central component to the

¹⁹ Potts, *Practical Problems of Prison Reform*, 31-32.

early-twentieth century idea of modernity, progress, scientific innovation, social categorization, and “human destiny” was white supremacy. “Civilization” was a hallmark of whiteness, penologists believed, while Black people, the growing majority of Texas’s state prison population, were “not very well adapted to mechanical pursuits . . . The natural place for [him] is the farm, the plantation.”²⁰ In Texas, one defender of the state’s harsh prison conditions explained that while Americans advanced toward civilization following Emancipation, African Americans retreated to their “naturally impulsive” state that bred criminality. To “protect their property,” whites in the South maintained order with physical force and the rigid policing of African Americans. Those beliefs were touted by elected officers, Anglo property owners, and capitalists who interdependently worked to “divide the world into separate spheres, one dominant, one subordinate, thus adapting the social order slavery to the modern era,” and collectively strengthen Jim Crow policies in the South.²¹

At the same time that the Jim Crow order solidified in Texas in the early twentieth century, Texans also witnessed overhauls to the juvenile detention system.²² First, the Texas Legislature passed the 1907 Juvenile Delinquency Court Act, along with a revision in 1913, which established juvenile criminal courts for youths under the age of seventeen and granted courts the power to issue indeterminate sentences to children adjudged delinquent. It also allowed the state to retain custody of children deemed delinquent and expanded jurisdiction of juvenile courts to function as criminal courts.²³ In addition, unlike juvenile courts across the

²⁰ Perkinson, *Texas Tough*, 139.

²¹ Perkinson, *Texas Tough*, 140.

²² Perkinson, *Texas Tough*, 137.

²³ “The New Penitentiary Law of Texas,” *Journal of the American Institute of Criminal Law and Criminology* Vol. 2, No.1 (May 1911), 124-126.

country that essentially functioned as civil courts, the Texas juvenile courts remained committed to issuing punishment and issuing criminal charges to juvenile offenders who were expected to complete their mandatory one to five-year sentences up to the age of twenty-one. Both juvenile and criminal courts could sentence youths to Gatesville, which set the stage for unprecedented population growth at the school.²⁴ Lastly, as part of the revision to criminal justice administration, Texas lawmakers removed the Gatesville Reformatory from under the auspices of the state penitentiary board and instead tasked the Texas Board of Education with overseeing juvenile administration in 1909.²⁵

The Texas Legislature officially changed the name of the facility from the House of Correction and Reformatory to the State Institution for the Training of Juveniles in an attempt to distinguish the “new” facility from its predecessor.²⁶ As a “training school,” the Gatesville School was no longer a publicly sanctioned place of punishment according to officials, but a place where delinquent boys were supposedly trained in social and vocational skills meant to keep them away from criminality.²⁷ State Superintendent of Public Instruction W. F. Doughty explained, “vocational work is . . . given the boys with a view to equipping them to earn their own living on leaving the institution.” Commenting on the new public mission of the State Juvenile Training School, he continued: “The institution, under recent management, has rapidly progressed from the appearances of a penal institution to that of a real home and school for the

²⁴ *Texas Report Child Welfare Survey* (1938), 186.

²⁵ “Young Wards of the State,” *Galveston Tribune*, May 6, 1910.

²⁶ “Young Wards of the State,” *Galveston Tribune*, May 6, 1910; Tom Finty, Jr., “Conditions at Gatesville State Training School,” *The Daily Bulletin*, December 2, 1912; *Report of the State Department of Education 1908-1910*, 13.

²⁷ “All Are Affected by Law: Ruling Is Made Regarding Inmates of Gatesville Reformatory,” *The Daily Express*, June 24, 1910; “For the Training of Juveniles,” *The Daily Express*, January 12, 1911.

training of those boys who, in many instances, are not criminal, but have unfortunately, through poverty and lack of supervision, become delinquent in conduct.”²⁸ The reality was that by shifting the focus from “reforming” to “training” inmates, administrators sought to justify the labor conditions that inmates toiled in. They emphasized training and labor over reform to hide in plain sight the State and facility’s extraction of young inmates’ labor power. Improving the lives of the inmates remained of little concern during Gatesville’s training era.

According to the state, the new purpose of the Gatesville State Juvenile Training School was to offer delinquent boys constructive training so that they would develop “into useful men.”²⁹ As a result, there was a brief decline in the number of African American boys’ commitments to the facility and a seemingly genuine—albeit racist—attempt on behalf of the state to train Anglo boys to become productive, independent citizens under the Texas Board of Education.³⁰ As a training school, the delinquent boy would be given “a change in his attitude of mind toward society, to give him training and respect for authority . . . and vocational training that shall equip him to earn an honest living” as future free laborers.³¹

Meanwhile, state politicians and prison administrators prepared for the construction of the Ferguson State Training School for Negro Boys in Madison County, Texas. In 1917, the Committee to Visit Juvenile Training School reported to the legislature that a “negro dormitory is very much crowded, there being 247 negroes in this dormitory, while it was originally built to

²⁸ W.F. Doughty, “Biennial Report Superintendent Public Instruction,” *Twenty-First Biennial Report of the State Superintendent of Public Instruction* (1918), 432.

²⁹ “Will Visit Training School at Gatesville,” *The Clifton Record*, May 21, 1915.

³⁰ Counties and larger cities in Texas established their own local juvenile “homes,” or jailing units in preexisting jails in the 1910s, with funding from private donors and concerted fundraising campaigns. Such facilities quickly became underfunded and unsustainable. Bush, *Childhood*, 44-49.

³¹ “Unfortunate Boys Given Fair Chance,” *Galveston Daily News*, March 12, 1916.

accommodate about 85.” Overcrowding was a problem because for scheduled lunch times, “50 of the negroes are compelled to eat” at a farther-away location, “which causes a loss of time in getting to work.” The Committee “heartily [recommended] an appropriation” for a new dormitory in 1918.³² The Legislature did the Committee one better and passed a bill for the creation of the facility for Black delinquent boys. Instead of placing it under the authority of the education board of Texas, the Ferguson State Farm, as it was legally called, was placed under the authority of the Board of Prison Commissioners.³³ However, the bill that created the institution did not carry sufficient appropriations to pay for the construction of the training school and it was never established.

Daily material conditions hardly changed for the boy inmates in the 1910s. A 1913 investigation revealed that the inmates at Gatesville “were not well-cared for,” and had miserly rations of food throughout the day, which consisted of cold bread, fried bacon, boiled red beans, and had milk only “once in about every so often.” Despite the construction of new buildings over the previous decade to accommodate a growing population, dormitories hardly changed in quality as cleanliness remained an overlooked priority. The inmates bathed only once a week and slept with a single sheet on poorly manufactured beds or on the dirty floors regardless of the weather and temperature.³⁴ Although their new “school” was administered by the Texas Board of Education, Gatesville boys spent only half their day in school learning material fit for first to

³² Texas Legislature, *House of Representatives of the Regular Session of the Thirty-Fifth Legislature Convened January 9, 1917, and Adjourned March 21, 1917* (Austin: Von Boeckmann-Jones Co., Printers, 1917), 1451.

³³ C. H. Jenkins, editor, *Revised Civil Statutes of Texas 1925 Vol. II*, Title 82 Article 5131, “Juveniles,” (Austin: A. C. Baldwin & Sons, 1925), 1942; Board of Control, “Delinquent Negro Boys,” *Third Biennial Report* (1926), 115.

³⁴ “Probers Declare that the Guards Must Go,” *The Daily Herald* (Weatherford, TX), February 26, 1913.

seventh graders under the instruction of unlicensed teachers. Inmates worked the other half of the day on a variety of other tasks on neighboring farms and on the school grounds.³⁵

Likewise, the labor that juvenile captives performed did not become any easier in the “training” school era. In 1913 and 1914, they built a three-mile-long road over the course of ten months that connected the facility to the city.³⁶ The workforce of mostly urban boys—labeled “city urchins” by one contemporary social scientist—also did the labor associated with producing butter, milk, eggs, and other dairy products.³⁷ Laboring across fifteen hundred acres of land, the boys produced over \$50,000 of yearly revenue from cotton, corn, and hay sales alone for the state multiple times during the 1910s.³⁸ There was big money in youth crime and juvenile incarceration.

Under the Board of Education, the facility was considered a public school and with educational appropriations, students in good standing participated in organized sports, marching band, debate club, Boy Scouts, and military drills (see Figure 7). Newspapers celebrated the policy changes. The *Galveston Tribune*, for example, published a story of a pair of brothers, aged eight and six, who were committed to the facility after a string of thefts in Temple. After they were caught and sentenced, the boys admitted that they preferred living in Gatesville over their normal living conditions anyway because their father regularly chained them up to “keep them out of trouble.” The oldest brother explained that although “I don’t like to go to school here

³⁵ “Juvenile Offenders of Texas are Trained for Work, Taught Values,” *Longview News-Journal*, November 22, 1936.

³⁶ Supt. William Eilers, “My Visit to the Gatesville State Juvenile Training School,” *Hallettsville Herald*, January 30, 1914.

³⁷ Kelley, *Mental Aspects of Delinquency* (1917), 19.

³⁸ “Conditions Are Now Much Better,” *Galveston Tribune*, February 1, 1910; “Probers Declare that the Guards Must Go,” *The Daily Herald* (Weatherford, TX), February 26, 1913.

because the other boys call me a thief,” he looked forward to one thing: “they have a band there and I like music.”³⁹



Figure 7. *State Cadet Battalion on the March*, Gatesville, undated, Portal to Texas History, <https://texashistory.unt.edu/ark:/67531/metaph38528/m1/1/>.

In addition to the music program and scholastic programs, the Training School had a baseball team that competed with area schools and had journalistic coverage from the school newspaper, *The State Boys*. The paper was a tool to rebrand the State School’s image. No longer was the school a product of the Texas prison system, the newspaper reiterated, but a training facility, a place of education and positive socialization, where delinquent children could transform into productive members of society. In its first issue it reported, “Most people have the wrong impression of this institution. They think it is about the same thing as the penitentiary, but they are mistaken—it is a training school for boys. Boys are not sent here to be punished for their crimes, but to teach them to be better boys in the future.”⁴⁰ The *State Boys* also reported on the

³⁹ “Two Old Offenders Again in the Toils, One is 6; Other 8,” *Temple Daily Telegram*, March 13, 1914.

⁴⁰ Bush, *Childhood*, 19.

production output of the boys, facility upgrades, and published inmate-submitted materials. The edition from May 13, 1916, for example, includes a Mother's Day poem titled "We Can Only Have One Mother" that reveals the writer's regret at having stressed out his mother with the antics that led him to Gatesville.⁴¹ To readers of the *State Boys*, the mostly white inmates of the Gatesville State Training School were redeemable.

Over the 1910s, the school administration worked hard to present the Gatesville Training School as a new facility detached from the prison system, even though the Texas criminal court had the legal standing to sentence children to Gatesville. However, Governor Colquitt, who "ordered a swift end to convict leasing" and sped up the abolition of the convict lease system, had difficulty believing that conditions at Gatesville had improved.⁴² To him, the institution was an embarrassing "hybrid" facility, a holdover of the previous administrations and that "if he really had his way about it, he would take all the boys out of the buildings here and destroy the buildings."⁴³ As it stood, according to the governor, the Juvenile Training School carried a culture that grew out of the prison administration in the 1880s and it "could not possibly be a success." Some relics from the previous era persisted, like the presence of armed guards who patrolled the premises with six-shooters at their waists and who brutally punished inmates with whips, straps, and bats. Their choice methods of discipline included hanging inmates by the wrists, whipping them, and beating them without permission or supervision of state officials.⁴⁴ The governor strongly suspected that the Gatesville school did not change.

⁴¹ "We Can Only Have One Mother," *State Boys*, TSLAC, 2008/004-11.

⁴² "Colquitt Favors Parole System at Training School," *The Daily Bulletin* (Brownwood, TX), December 4, 1912; TSLAC, "The Perpetual Inquiry," *Fear, Force, and Leather – The Texas Prison System's First Hundred Years, 1848-1948*, <https://www.tsl.texas.gov/exhibits/prisons/inquiry/page1.html>.

⁴³ "Gatesville Situation Arouses Colquitt," *The Daily Bulletin* (Brownwood, TX), December 3, 1912.

⁴⁴ "Probers Declare that the Guards Must Go," *The Daily Herald* (Weatherford, TX) February 26, 1913.

Students likely could not have believed that the overall daily conditions improved compared to the previous administrations. Conditions at Gatesville remained poor, and physical punishment continued as a staple of the institution. And to the concern of administrators, the school's student population steadily swelled from about three hundred in the early 1910s to over seven hundred at the end of the decade. The large population exacerbated crowded living conditions and further diminished the quality of education and care that inmates, especially Black inmates whose population numbers rapidly grew, had received.⁴⁵ In response to the sluggish pace of facility improvements at the Gatesville State School, Colquitt took matters into his own hands. He ordered Superintendent Adams to implement new rules that protected the inmates from physical abuse and banned the guards from using the "bat" to hit the young inmates. Nineteen Gatesville staff members walked out of their jobs in protest of the new rules, which proved Colquitt's point about how engrained physical abuse was in the fibers of the Gatesville Juvenile Training School.⁴⁶ Colquitt retreated in his attempt to change the school. He and the Gatesville administration replaced or rehired the staff with new agreements that allowed guards to "protect themselves" from the "repeated insult and abuse and danger" that the inmates presented to guards "and their families." Guards' stubbornness of hitting children could not easily disappear, especially if the children were Black.⁴⁷

⁴⁵ "Institution Reports: Texas," *Journal of Delinquency* Vol. V (Whittier, CA: Whittier State School, Department of Research, 1920), 142; "The Gatesville Situation," *The Daily Bulletin* (Brownwood, TX) December 9, 1912.

⁴⁶ Tom Finty, Jr., "Conditions at Gatesville State Training School," *The Daily Bulletin* (Brownwood, TX), December 12, 1912; "Colquitt at Gatesville," *The Temple Daily Telegraph*, December 4, 1912; "To Probe Gatesville," *The Temple Daily Telegraph*, February 4, 1913.

⁴⁷ Finty, Jr., "Conditions at Gatesville," *The Daily Bulletin*, December 12, 1912.

Jim Crow dominated population maintenance in Gatesville during the 1910s.⁴⁸ The urban population of Texas grew steadily in the late 1910s and a disproportionately large number of Gatesville's inmate population consisted of African American children from large Texas cities.⁴⁹ Following the lead of contemporary social scientists and criminologists who believed that "negro children have 3/4 to 4/5 of the learning capacity of white children of the same age," and that "white boys are invariably superior to the colored," Texas legislators sought to introduce a bill in 1917 to "provide a place for the colored juvenile incorrigibles."⁵⁰ When inadequate funds precluded the construction of the Ferguson State Farm, a legislative committee investigated conditions at Gatesville later that year, they found that of the 380 inmates at Gatesville, 247 of them were Black and both dormitory buildings had become overcrowded.⁵¹ To more "sharply draw" the racial line, the state ordered the construction of a separate 125-unit dormitory on the Gatesville premises to enforce Jim Crow segregation.⁵² The high cost of running the facility with a quasi-educational agenda had frustrated politicians. With population numbers rapidly growing, it did not appear as if costs would level out regardless of the boys' labor. Such was the case for several other Texas offices and agencies that were drowning in the face of heightened demand for services. Texas needed an agency strictly dedicated to managing eleemosynary institutions.⁵³

⁴⁸ "Teachers Meet in School Auditorium," *Abilene Daily Reporter*, December 29, 1910.

⁴⁹ "State Juvenile Training School," *First Annual Report of State Board of Control* (Texas, 1920), 95.

⁵⁰ Kelley, "Appendix B: Annotated Bibliography," in *Mental Aspects of Delinquency* (1917), 85-123; "Probers Declare that the Guards Must Go," *The Daily Herald* (Weatherford, TX) February 26, 1913.

⁵¹ "Report of Committee to Visit Juvenile Training School," *Journal of the House of Representatives of the Regular Session of the Thirty-Fifth Legislature* (Austin: Von Boeckmann-Jones Co., 1917), 153; W. F. Doughty, "State Training School for Negro Boys," *Biennial Report of the Superintendent of Public Instruction* (Texas, 1918), 55; Bush, *Childhood*, 20-21.

⁵² "Teachers Meet in School Auditorium," *Abilene Daily Reporter*, December 29, 1910.

⁵³ Dick Smith, "Board of Control," *Handbook of Texas Online*, <https://www.tshaonline.org/handbook/entries/board-of-control>.

In what was touted as “the most sweeping changes in the government of Texas brought about by a single act since the republic became a state were made,” lawmakers established the Board of Control, which consisted of six men appointed by the governor to control state finances.⁵⁴ As we have seen from the previous chapter, one of their main goals was to transform the institutions under their supervision into “self-sustaining” ones. Their goal of self-sustainability influenced management methods of other non-punishment institutions, like the School for the Blind, where children were ordered under the new administration to make brooms, mattresses, and chairs.⁵⁵ At the School for the Deaf, the school’s population of over five hundred children were put to work making shoes.⁵⁶ At the State School for Boys at Gatesville that “trained at this school,” 803 inmates in early 1920 and 956 inmates by the end of that year, the boys’ labor in making shoes, clothes, furniture, and dairy products alone produced \$23,340 in revenue, with additional revenue gained from “hiring” out inmates to neighboring cotton farmers. By 1940, their labor at the facility supplied over \$60,000 in revenue, more than enough to cover salary costs of Gatesville staff and administrators.⁵⁷

Although they generally fared better than other inmates because they were not targeted by racial violence and discrimination across the South, Anglo boys continued to suffer from poor living conditions and violence under the Board of Control.⁵⁸ As part of the “educational” programs that the Board of Control kept from the 1910s, Gatesville’s military training program

⁵⁴ “Sweeping Changes in State Government,” *Palestine Daily Herald*, January 1, 1920.

⁵⁵ “Texas School for the Blind,” *First Annual Report of State Board of Control* (1920), 27.

⁵⁶ “Texas School for the Deaf,” *First Annual Report of State Board of Control*, (1920), 41.

⁵⁷ “State Juvenile Training School,” *First Annual Report of State Board of Control* (1920), 93, 94; *Biennial Report of the State Board of Control* (1940), 93.

⁵⁸ “Fort Worth Boys Live in ‘Honor Cottage,’” *Fort Worth Star-Telegram*, May 6, 1914; “State School Improves,” *San Antonio Express*, November 17, 1912.

prepared children for a future in the armed forces and gave trustees an outlet to enforce their power over other inmates.⁵⁹ Trustees were older boys or boys in good standing who were given leadership roles at the school. Guards and administrators gave trustees responsibilities like overseeing other inmates, informing the guards of suspicious behavior, assisting in the administration of corporal punishment, and serving as “sub-officers” in the military drilling program. Drill instructors ordered trustees in the military training program to kick the other boys and if the trusty boys refused, drill instructors would whip the defiant trustees.⁶⁰ In exchange for a trusty’s duties, guards gave trustees additional perks like the freedom of mobility on the school grounds, extra food, and even tobacco products, “just like you are in the pen,” one boy explained.⁶¹

In 1921, just one year into the Board of Control’s oversight of the Gatesville State School, the military drilling program gained negative media coverage after two consecutive wrongful deaths. In the first, a boy from Bexar County had allegedly died at the State Training School after drill sergeants kicked him in the head and stomach during military drilling. The superintendent of the school claimed that Santos Burgos, the boy who publicized the incident, lied about the accusations. Senator Harry Hertzberg of San Antonio defended Burgos and publicly aligned himself with other ex-inmates of Gatesville who reported cruelty and abuse under Gatesville administrators and drill sergeants.⁶²

⁵⁹ “Honor System for Texas Prison Farm,” *Lampasas Leader*, September 12, 1924; “Texas’ Training School Reports a New Career,” *San Antonio Express*, November 4, 1914.

⁶⁰ Statement of [rescinded], TSLAC, 2002/035-1, Folder 36.

⁶¹ Texas, *Texas’ Children* (1938), 261; Letter from “SM,” Dated February 25, 1927, TSLAC, 1991/016-34 Folder 26.

⁶² “Boy Alleged to Have Died of Mistreatment,” and “Superintendent Says Gatesville Boys Tell Lies,” *Houston Post*, October 16, 1921.

The second, more infamous account of harsh military training emerged after Drill Sergeant H. G. Twyman strangled a young boy, Dell Thames, to death. Thames had only been a student at Gatesville for a week and after frustrating leaders for his “refusal” or inability to drill, the sub-officers beat him to near unconsciousness. After their assault on Thames, the sub-officers brought him to Twyman, who choked Thames until he passed out. Twyman then picked up Thames’s unconscious body off the ground and choked Thames to death.⁶³ Twyman was convicted of murder and sentenced to ten years in prison, but a successful appeal reduced the charges to manslaughter.⁶⁴ The military program continued through at least the 1940s and the trusty system continued into the 1970s.

In the 1920s, while drill sergeants trained white Gatesville inmates to death, administrators leased out African American inmates to local farmers as laborers, even though the convict lease system had been abolished for years by then. Gatesville overseers preferred to lease out Black inmates because “Of course, it is expected that the negro boys will be utilized as far as practicable because they are capable laborers, and because the other boys can be controlled better on the grounds” of the facility.⁶⁵ Gatesville administrators also leased out their inmates to other eleemosynary institutions, like the Austin State School and the Wichita Falls State Hospital.⁶⁶ Disturbingly, Gatesville School administrators legally continued the practice through semantics.

⁶³ Bush, *Childhood*, 26.

⁶⁴ Donnelly, “Cycles and Dynamics,” 25.

⁶⁵ H. H. Harrington, Letter to T.A. Saunders September 15, 1927, TSLAC, 1991/016-34.

⁶⁶ Mr. T. A. Saunders, “List of Unpaid Labor Accounts as of August 4, 1927,” “List of Unpaid Labor Accounts as of May 31, 1927,” and Letter to H. H. Harrington, November 18, 1926, TSLAC, 1991/034-34.

To administrators, the inmates were not “convicts,” they were “students” and “cotton pickers;” they were not “leased out,” but served “apprenticeships.”⁶⁷ It was a legal operation.⁶⁸

Gatesville’s continued practice of leasing out inmates upset Texas Prison Board Member Rabbi Henry Cohen, whose scorn in Texas newspapers offended Gatesville leaders as an unwarranted attack on local farmers.⁶⁹ Cohen criticized the practice and argued that the “juvenile peons of Texas” should not work to financially support the institution “where they are imprisoned.” He asked the Board of Control, “Is the state so poor that we must make peons of the unfortunate boys, most of whom have been denied childhood’s greatest boon, in order to pay the salaries of their keepers?” The fact that youthful inmates were hired out years after the abolition of the convict lease system was “a blot upon Texas legislation.”⁷⁰ Gatesville administrators defended their reliance on hiring out inmates by attributing the practice to neighboring farmers whose local economy depended on cheap labor.⁷¹

Indeed, for the amount that farmers paid for the inmates, most of who were African American “husky fellows that have been use [sic] to work all their lives,” it was a deal that farmers could not let slip away.⁷² For \$25.26 in 1927, for example, an area cotton farmer “hired” Gatesville inmates who picked 2,028 pounds of cotton in a single week. An area judge had 2,184

⁶⁷ Office of the Attorney General of Texas, Letter to Weaver H. Baker dated September 3, 1942, TSLAC, Gatesville State School for Boys 1947, Box 1991/016-60.

⁶⁸ Telegram and Letter to Mr. T. A. Saunders dated September 15, 1927, TSLAC, 1991/016-34 Folder 63.

⁶⁹ Newspaper Clipping, “Resolutions Are Passed Regarding Training School,” undated, TSLAC, 1991/016-34 Folder 63.

⁷⁰ Henry Cohen, newspaper clipping, “Juvenile Peons of Texas,” *Galveston Tribune*, undated, and newspaper clipping, “Tribune Stand Declared Right,” TSLAC, 1991/016-34 Folder 63.

⁷¹ H. H. Harrington, Letter to *Galveston Daily News*, September 16, 1927; Rabbi Henry Cohen, Letter to Dr. H. H. Harrington, September 19, 1927, TSLAC, Gatesville Juvenile Training School, 1927, 1991/016-34. T. A. Saunders, Memo to Dr. H. H. Harrington September 12, 1927, TSLAC, 1991/016-34; Bush, *Childhood*, 35

⁷² Board of Control, Letter to Mr. G. A. Seel dated September 16, 1927, TSLAC, 1991/016-34 Folder 63.

pounds of cotton picked by Gatesville inmates for the price of \$27.28. In one week, a Mr. W. A. Graham had Gatesville inmates pick 3,277 pounds of cotton for \$40.95.⁷³ At approximately five hundred pounds of cotton per bale, which sold at around \$225 in 1927, leasers needed cheap labor to maximize their profit.⁷⁴ Without the practice of leasing out its youthful inmates, the Gatesville community would endure “a storm” comparable to the 1900 Galveston Hurricane, that would “[inundate] the stores, blow down buildings, and [create] such general havoc as Galveston is familiar with” a leaser explained to the Board of Control.⁷⁵ The Gatesville school fueled the local economy dependent on cheap labor, and guards acted by community expectations. As one observer noted in the early 1920s, “[t]he cotton crop in Texas about equals in value all other crops combined.”⁷⁶ Guards, understanding that cotton was the lifeblood of the institution and the source of their income as employees of Gatesville, extracted labor from the boys with the whip to perpetuate that financially viable agreement. When guards caught inmates taking unauthorized breaks or committing forms of “disobedience,” they whipped the boys so hard that residents reported hearing their screams of agony up to three quarters of a mile away.⁷⁷

The practice of leasing out inmates continued after Cohen took back his condemnation of the Board of Control’s management method. He wrote directly to chairman of the Board, H. H. Harrington, “your own name as Chairman disarms any criticism, and I ought to say that as far as

⁷³ J.B. Hearn, Letter to Dr. H. H. Harrington, October 17, 1927, TSLAC, 1991/016-34.

⁷⁴ “First Bale Cotton is Auctioned Off,” *Matagorda County Tribune*, Friday July 22, 1927; “Where King Cotton Still Reigns Supreme,” by East Texas Chamber of Commerce, *East Texas* (1923), 6.

⁷⁵ Board of Control, Letter to Mr. G. A. Seel dated September 16, 1927, TSLAC, 1991/016-34 Folder 63.

⁷⁶ M. H. Wolfe, “The Texas Cotton Industry,” *The Encyclopedia of Texas* edited by Ellis A. Davis and Edwin H. Grobe, (Austin: Texas Development Bureau, 1922), 34.

⁷⁷ Letter to H. H. Harrington, April 19, 1927, TSLAC, 1991/016-34; Wooden, *Weeping in the Playtime of Others*, xx; Rabbi Henry Cohen, Letter to The State of Texas, November 2, 1927, TSLAC, 1991/016-34.

I am concerned, your connection with the Institution is positive proof that erstwhile conditions at the Reformatory have been ameliorated. . . . I feel assured that the inmates of the Gatesville Reformatory are in good hands. I did not know when I wrote to the *Tribune* that you were Chairman of the Board.”⁷⁸ Whatever working relationship that members of the Board of Control and the Prison Board had took precedent over beliefs of ethical principles related to labor and juveniles. The institution was meant to house young laborers, especially African American laborers. As the African American inmate population grew in the 1920s, Superintendent C. E. King, agreed that those boys in his custody should work. “If these boys are not taken care of in this way, they must be kept at the institution and taught to play games, but I must confess that a buck negro looks better to me with a goose-necked hoe in his hand than he does with a baseball bat or golf club.”⁷⁹

In addition to the growing African American population, ethnic Mexicans were committed to the Gatesville Training School in the 1920s through the 1940s at higher rates than Anglos as well. “Mexicans,” or “Latin Americans,” as official records referred to them in the 1940s, had become a heavily targeted in American society.⁸⁰ With steady immigration numbers following the outbreak of the Mexican Revolution, “Mexicans were continually being reinscribed as immigrants, despite their long presence in the United States” regardless of their citizenship status.⁸¹ Additionally, the strengthening of policing forces during Prohibition, the formation of the Border Patrol with the Johnson-Reed Act of 1924, the deportation drives of the

⁷⁸ Henry Cohen, Letter to Dr. H. H. Harrington dated September 19, 1927, TSLAC, 1991/016-34 Folder 63.

⁷⁹ C. E. King, Letter to H. H. Harrington dated August 16, 1927, TSLAC, 1991/016-34 Folder 26.

⁸⁰ Hernández, *City of Inmates*, 6; Natalia Molina, *How Race is Made in America: Immigration, Citizenship, and the Historical Power of Racial Scripts* (Berkeley: University of California Press, 2014), 29.

⁸¹ Molina, *How Race is Made in America*, 53.

1930s, and the extralegal targeting of ethnic Mexicans during the 1940s combined to preclude first-class citizenship for most ethnic Mexicans except for the wealthiest and lightest skinned Hispanics.⁸² Ethnic Mexican population numbers increased among correctional facilities, namely Gatesville. Most arrests of ethnic Mexican youths in the 1930s were for “violations of the Immigration Act,” which resulted in their deportation, probation, fines, or a stay at the Gatesville Training School.⁸³ In 1920, Gatesville had sixty eight Mexican boys; that number grew to 105 in 1940, and 147 in 1949, a population large enough to warrant a segregated building specifically for “Mexicans” in the 1930s and for “Latin-Americans” in the 1940s (see Figure 8).⁸⁴

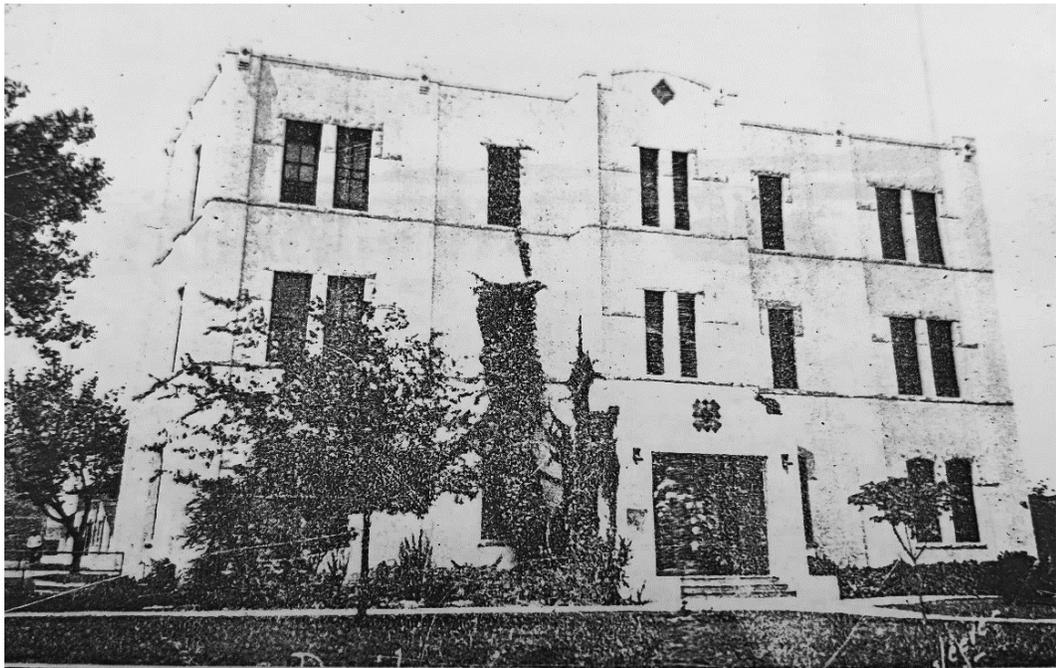


Figure 8. *Sul Ross Dormitory*, image from *Pictorial Review State Juvenile Training School* (1932).

⁸² Mae M Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004), 13; McGirr, *The War on Alcohol*, 93; Perkinson, *Texas Tough*, 54, 141.

⁸³ *Federal Juvenile Offenders*, (1933), 80, 110-114; *Texas' Children* (1938), 223.

⁸⁴ Gatesville, Misc., 1949, TSLAC, 1991/016-60; *Pictorial Review*, “Mexican Dormitory”; Similarly, Huntsville had 355 in 1920; 743 in 1940; and 1,167 by 1953; *Biennial Report* (1936), 34.

In American society, Anglos attached slurs like “wetbacks,” “greasers,” “inferior,” and “terrorists” to ethnic Mexicans by mid-century.⁸⁵ Ethnic Mexicans were classified as white on their U.S. birth certificates and not counted as “colored” by statutes, but prominent Anglo Texans in the 1930s believed that the “Mexicans” were “not as good as Americans,” and that “you can’t give them social equality.”⁸⁶ At the beginning of the twentieth century, while their status as “white” was not considered equal to “American white,” Anglo staff and administrators considered them a “step above the negroes,” as nineteenth-century observer Frederick Law Olmstead described them in 1857.⁸⁷ In 1907, one reporter explained, that among the “plurality of negroes” who were “vagabonds from the cities without any homes” and with “no hope of doing anything,” the “Mexicans are little better,” some of whom had “intelligent faces and who the superintendent said were the equal in intellect and moral feeling and promise to any of the whites.”⁸⁸ But over subsequent decades, and certainly by 1949, Gatesville administrators believed that of the inmates classified “as either kleptomaniacs, psychoneurotics or psychoneurotic deviates, hypochondriacs, or sexual perverts” with the “lowest I.Q.’s,” the “number of Mexicans affected runs higher than both the white and colored boys combined.”⁸⁹ In

⁸⁵ Photograph, “Border Patrolmen on the Lookout for Wetbacks,” 1930, *Portal to Texas History*; John J. Herrera, “LULAC and the Latin-American in Texas,” 1940, *Portal to Texas History*; Paul S. Taylor, *An American-Mexican Frontier* (Chapel Hill: University of North Carolina Press, 1934), 219, 275, 306; “Believed at Texas Base,” *Dallas Morning News*, August 26, 1954.

⁸⁶ Taylor, *An American-Mexican Frontier* (1932), 257.

⁸⁷ Frederick Law Olmstead, *A Journey Through Texas, Or, A Saddle-trip on the southwestern Frontier* (New York: Dix, Edwards and Co., 1857), 427 (last quotation); Kelley, *Mental Aspects of Delinquency* (1917), 109.

⁸⁸ S. J. Thomas, “The Reformatory at Gatesville,” *Fort Worth Record and Register*, August 4, 1907.

⁸⁹ Johnson, “Texas Reformatory,” (1949), 47; Kelley, *Mental Aspects* (1917), 60. For more on the biases against ethnic Mexican children in the American Southwest, see García, *White But Not Equal* (2009); Guadalupe San Miguel, *Chicana/o Struggles for Education*; Stephanie Lewthwaite, *Race, Place, and Reform in Mexican Los Angeles: A Transnational Perspective, 1890-1940* (Tucson: University of Arizona Press, 2009); Mario T. García, *Mexican Americans*; Gilbert Gonzalez, *Chicano Education in the Era of Segregation* (Denton: University of North Texas Press, 1990); Chavez-Garcia, *States of Delinquency* (2012).

addition, authorities viewed ethnic Mexicans as drug dealers, and in Gatesville, as dealers who sold white inmates marijuana that motivated them to “run crazy.”⁹⁰ One Anglo boy explained of the marijuana he bought “from the Mexicans,” that “when I smoke it, I steals [sic] and do things like that and when I don’t I get along alright.”⁹¹ Such perceptions were carried by other inmates who directed their physical angst against ethnic Mexican inmates, such as one boy who was caught “carrying knife to use on Mexican boy” in 1947.⁹²

It was no coincidence that the Central Texas facility had a reputation of racial hostility, especially in the 1920s.⁹³ The spirit of the Confederacy had revived and expanded in the area, as it was the era of the Ku Klux Klan’s second incarnation.⁹⁴ The Klan had a strong presence from Corpus Christi to Gainesville, and Amarillo to Galveston, and across the American South and Midwest in the 1920s.⁹⁵ When famous anti-KKK governor Ma Ferguson’s appointed Superintendent C. E. King fired employees for their alleged opposition to the Ferguson political

⁹⁰ Taylor, *An American-Mexican Frontier*, 167.

⁹¹ Statement of Gatesville Boys regarding Sgt. Twyman’s murder of inmate, R. B. Walthall Files, undated, TSLAC 2002/035-1 Folder 36.

⁹² R. E. Blair, Letter to State Board of Control dated July 14, 1947, Punishment Reports, 1949, TSLAC, 1991/016-60.

⁹³ “Ku Klux Sermon Brings Out Many,” *The Celina Record*, February 16, 1922.

⁹⁴ Katherine Kuehler Walters, “The 1920s Texas Ku Klux Klan Revisited: White Supremacy and Structural Power in a Rural County,” (Dissertation, Texas A&M University, 2018); Norman D. Brown, *Hood, Bonnet, and Little Brown Jug: Texas Politics, 1921-1928* (College Station: Texas A&M University Press, 1984); Perkinson, *Texas Tough*, 187-188.

⁹⁵ Henry Peck Fry, *The Modern Ku Klux Klan* (Boston: Small and Maynard, 1922); “Ten Persons Wounded in Ku Klux Affray During a Klan Parade,” *The Democrat Voice*, October 7, 1921; “The Boy Scouts Have a Banquet,” “The Banquet,” *The Clifton Record*, February 16, 1923; “Ku Klux Klan Officially Announces Branch Here: Knights of Invisible Empire Deny Anonymous Notes,” *Gainesville Daily Register*, September 29, 1921; “Three Grand Juries Will Probe Ku Klux,” *Plano Star-Courier*, October 7, 1921; “Lock me up,” *Lampasas Leader*, October 12, 1923; Officers in Battle with Alleged Klan Members at Lorena When Effort is Made to Halt Parade;” *Temple Daily Telegram*, October 2, 1921; “The Ku Klux Klan is in Sherman,” *Whitewright Sun*, July 29, 1921; “Ku Klux Klan Visit Revival Meeting at Hackney Sunday,” *The Clifton Record*, August 25, 1922; “KKK In Lampasas,” *Lampasas Leader*, September 2, 1921; Letters to the Editor, *Temple Daily Telegram*, September 26, 1922.

dynasty, there is reason to believe that such firings involved employees' membership or allegiance with the local Klan.⁹⁶ "I am no K.K.K.," protested one ex-guard in a letter to the Board of Control who objected to his termination.⁹⁷ The Klan's reliance on secrecy makes it difficult to pinpoint who of Gatesville's staff were in fact members of the "Invisible Empire" dedicated to white supremacy, extreme patriotism, and a militant code of Protestant morality, but strong Klan activity in an area with a small, mostly white population suggests a strong likelihood that at least some Gatesville staff members were affiliated.⁹⁸ For example, one of the largest crowds assembled in the Gatesville area "seen on any occasion" was a Klan parade, reported one newspaper in 1922.⁹⁹ Given the population and culture of the area, Night Rider presence among Gatesville staff was likely common knowledge in the 1920s.¹⁰⁰

Since the creation of the juvenile facility at Gatesville, it was also common knowledge that a high rate of Gatesville inmates would become inmates at the Walls.¹⁰¹ Prison administrators informally referred to them as "Gatesville Graduates," and they were so common that for decades, Huntsville officials saw no need to determine who exactly among their inmates had previously served at Gatesville. They assumed that most Huntsville inmates were Gatesville

⁹⁶ "Jim Says Fergusonism is Not Dead," *Lampasas Leader*, September 3, 1926; Clarence A. Mayberry, Letter to H. H. Harrington, April 3, 1927, TSLAC, 1991/016-34.

⁹⁷ J. A. Farquhar, Letter to H. H. Harrington, August 11, 1927, TSLAC, 1991/016-34.

⁹⁸ Christopher Long, "Ku Klux Klan," *Handbook of Texas Online*; For more on Texas police officers and public officials' participation in the KKK, see Michael Phillips, *White Metropolis: Race Ethnicity, and Religion in Dallas, 1841-2001* (Austin: University of Texas Press, 2010).

⁹⁹ "Local News Items," *Clifton Record*, September 8, 1922; Chase, *We Are Not Slaves*, XX; Perkinson, *Texas Tough*, 187-189; Bush, *Childhood*, 26.

¹⁰⁰ Janelle Easley, Interview with Merle Mears McClellan Duncan, 1977, *Women in Waco Oral History Project*, Waco and McLennan County Oral History Collection; Margaret Logue and Thomas Lee Charlton, Interview with Homa S. Hill, 1990-1991, Baylor University Oral History Collection.

¹⁰¹ Joe L. Pope, "State Crime Schools," *Amarillo Daily News*, October 23, 1921; Karl Ashburn, "Crime in Texas," *Southwest Review* Vol 19 No. 4 (July 1934), 368.

Graduates.¹⁰² But in the 1920s, the state had begun to consider implementing a system to track exactly how many adult convicts had experience in Gatesville, “in view of the number of boys that get into trouble again after leaving that school.”¹⁰³ One expert opined, “Since the young man, or better, boy, does start his carrer [sic] in the Reformatory, I think it to be of great importance, that his record should also start there,” beginning with finger print identification.¹⁰⁴ The identification offices were established in 1935 at the Huntsville Penitentiary instead of Gatesville, but from then on, administrators and staff at the Walls had begun to collect the data and determined that many of their “first time” offenders actually had a criminal history that dated back to their youth.¹⁰⁵ As a result, tracking inmates’ criminal histories made it easier for prison staff to select their ideal building tenders, or as Gatesville officials referred to them, “trusties.”¹⁰⁶

As we have seen in Chapter 1, trusties were a surveillance cost-saving measure at the Gatesville House of Correction and Reformatory and the Huntsville State Penitentiary. Like the building tenders in adult prison, trusties wielded privilege and power over other inmates at the Reformatory, power that they abused regularly, as we have seen with the Twyman incident. A major trusty perk was reduced or tempered punishments for infractions. For example, one trusty boy of the “honor company” faced the punishment of six lashes instead of the standard ten for “not giving a boy a drink in the field” during harvesting season.¹⁰⁷ Often, however, in addition to

¹⁰² *Annual Report of Texas Prison Board*, 1946, 12; Kelley, *Mental Aspects of Delinquency*, (1917), 7.

¹⁰³ H. H. Harrington, Letter to W. P. Bockman, November 19, 1927, TSLAC, 1991/016-34.

¹⁰⁴ W. P. Bockman, Letter to Dan Moody, November 16, 1927, TSLAC, 1991/016-34.

¹⁰⁵ Carl Basland, “Classification in the Texas Prison System,” in *The University of Texas Publication No. 3847* December 15, 1938 (Austin: University of Texas, 1938), 11, 23.

¹⁰⁶ *Annual Report of the Texas Prison Board* (1940), 26

¹⁰⁷ R. E. Blair, Letter to State Board of Control dated November 10, 1947, Punishment Reports, 1949, TSLAC, 1991/016-60; R. E. Blair, Letter to State Board of Control dated August 8, 1947, Punishment Reports, 1949, TSLAC, 1991/016-60.

perks like cigarettes, free time, and freedom to roam the campus, Gatesville administrators used trustees to “supervise” other inmates and used their assistance to administer whippings to other boy inmates.¹⁰⁸ Trustees vital to the economically successful management of the school, especially when revenue from taxes across the state became uncertain.

The Board of Control’s dedication to managing self-sustaining facilities amplified with the Great Depression in the 1930s, under the direction of Superintendent Earl Nesbitt. He understood the “urge of the Legislature and the Board of Control that expenses be kept as low as possible,” and cooperated with their strong emphasis “on productive labor and that rehabilitative activities should take a secondary place.”¹⁰⁹ Nesbitt had plenty to work with. In 1931, the Gatesville State Juvenile Training School had a daily average of 752 inmates who produced a total of \$147,141.66 for the Training School that year.¹¹⁰ They worked across 882 acres of state-owned land and 2,480 acres that were leased on a share basis, an agreement that yielded profits for private landowners and the Gatesville facility. In 1931 alone, inmates produced 210 bales of cotton (105,000 pounds), 5,500 bushels of corn, 3,600 bushels of oats, 9,000 bales of hay, 12,000 watermelons, 800 bushels of peaches, 2,000 pounds of pork, and 900 bushels of millet seed. Additionally, the inmates canned 13,000 half-gallon and gallon cans of the products they produced for winter consumption.¹¹¹ The Great Depression tested Gatesville’s “efficiency” and ability to maintain operations under the self-sustainability plan. Education and training were not

¹⁰⁸ Investigation Report to State Board of Control dated March 31, 1927, TSLAC, Gatesville Juvenile Training School, 1927, 1991/016-34; *Texas’ Children; Report of the Texas Child Welfare Survey* (1938), 260.

¹⁰⁹ *Griffenhagen Report* (1932), 250.

¹¹⁰ “Institutional Receipts (Local),” and “Movement of Institutional Inmate Population,” *Sixth Biennial Report of the Texas State Board of Control, 1930-1932*, 50; “Table 16, Statistics and Private Residential Schools for Exceptional Children, 1930-1931,” *Biennial Survey of Education* (1930-1932), 84.

¹¹¹ *Griffenhagen Report* (1932), 252.

priorities, and when children did attend classes, they were typically geared toward training the inmates to become better laborers.¹¹²

Administrators made no real attempt at “training” the boys in something that they would find useful after their release from Gatesville. The money that inmates brought in was too important for the state to have them do anything else, especially during the Depression.

“Important as it is that the State should use the labor of the boys to reduce expense and thereby save appropriations from the tax funds,” one inspector sympathized in his report to the State, “it should never be forgotten that these boys are soon to be citizens, voters, and heads of families.”¹¹³ Disturbingly, many of the boys were not sentenced for violent or even property crimes, but “because they were orphans and the courts had no other place to send them.”¹¹⁴ They were boys who worked and lived on the streets and were charged with general “delinquency” or incorrigibility. Even worse was that most of their stays averaged about a year, which meant that “the boys do not remain long enough to make it advisable to attempt training them as finished artisans.” The report offered a quick, albeit financially costly solution: if the state purchased machines to reduce or eliminate the labor demand on the boys, inmates could have the time to gain useful skills in academic or vocational schools. But “labor being the cheapest commodity the institution has, the investment of funds in labor-saving machinery would be largely wasted.”¹¹⁵ The report concluded, “the system is vicious.”¹¹⁶

¹¹² *Griddenhagen Report* (1932), 251.

¹¹³ *Griffenhagen Report* (1932), 252.

¹¹⁴ “Investigation of Reformatory is Being Conducted,” *Mt. Pleasant Daily Times*, April 26, 1937.

¹¹⁵ *Griffenhagen Report* (1932), 256.

¹¹⁶ *Griffenhagen Report* (1932), 252-253.

In 1939, Nesbitt oversaw a daily population average of about 840 to one-thousand inmates whose labor contributed to the school's gross revenue of \$211,829.¹¹⁷ They additionally contributed to the lowered maintenance cost of the state's other institutions. In 1936, the inmates of the Gatesville School were tasked with pasteurizing dairy products for consumption at other state facilities.¹¹⁸ The group of boys who worked in the mattress factory made mattresses for all the beds and manufactured "the majority of, if not all, the mattresses for the other eleemosynary institutions of the state" (see Figure 9).¹¹⁹ The boys did their own laundry, made uniforms, and repaired shoes, thereby keeping the costs of their own captivity to a minimum.¹²⁰

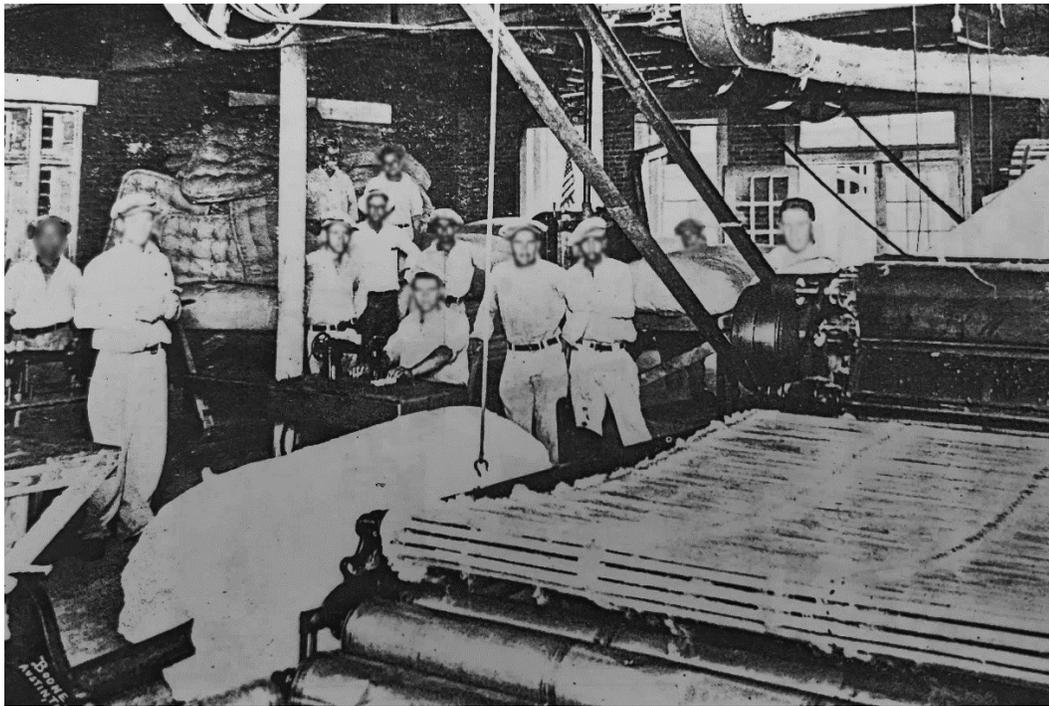


Figure 9. *Mattress Factory*, image from *Pictorial Review State Juvenile Training School* (1932). Edited by author to maintain the privacy of subjects.

¹¹⁷ *Texas Almanac* (Dallas, TX: Dallas Morning News, 1940), 491; U.S. Office of Education, *Biennial Surveys of Education in the United States* (1940), 178; *Biennial Report of the Board of Control* (1940), 87.

¹¹⁸ *Biennial Report of the State Board of Control* (1938), 43; Photograph, "Interior Dairy Barn," *Pictorial Review* (1932).

¹¹⁹ Photograph, "Mattress Factory," *Pictorial Review* (1932).

¹²⁰ *Pictorial Review* (1932).

The Gatesville State School and the Board of Control also cut costs by assigning trusties as instructors of mechanical and industrial tasks.¹²¹ With dense population numbers and minimal state appropriations, the value of the trusty in running Gatesville during the Depression is truly unaccountable. In fact, during the decade of the Depression, the most basic information about the inmates of the Gatesville State School remains unknown. One report indicated, for example, that “no record by ages of such children committed there during the year 1934 was available,” a trend that persisted throughout the decade.¹²² The Board of Control’s biennial reports over the 1930s offer no substantive data about the training schools it managed. One thing that is certain about the Gatesville State School during the Depression is that self-sustaining inmates functioned as one of several load-bearing pillars for the Texas government during the period of economic uncertainty.

Although overseers expected sycophantic behavior from their valued trusties, some trusties used their privileged status to plot escapes, both in juvenile and adult facilities.¹²³ The “hands off” doctrine, minimal record-keeping, and privacy regulations dealing with youth records make it difficult to obtain or find extensive records of inmate resistance.¹²⁴ In the 1930s, for example, when trusty inmates were punished they were “given their choice between whipping, having their hair cut short, or having their offenses put on record, they will usually

¹²¹ *Texas’ Children* (1938), 261; “No Guards for Boys at Gatesville School,” *The Albany News*, November 18, 1943.

¹²² *Texas’s Children* (1938), 194, 229; Karl Ashburn, “Crime in Texas,” *Southwest Review* Vol 19 No. 4 (July 1934), 368.

¹²³ *Annual Report of Texas Prison Board* (1946), 37; “State Press Gleanings,” *Austin Weekly Statesman*, January 17, 1889; Captain Ben McCulloch, “Report of the Superintendent,” reproduced in *Austin Weekly Statesman*, January 9, 1890; “Fighting Folks are Cause of Delinquencies,” *Waco Sunday Tribune-Herald*, October 13, 1929; “Playin’ Hooky Gets Young Waco Into Most James,” *Waco Tribune-Herald*, October 6, 1929.

¹²⁴ Names of juvenile court cases and Reformatory students became less common in the 1930s. *Texas’ Children* (1938), 207.

choose the whipping,” which left few traces of their resistance.¹²⁵ But escape and punishment records, and newspaper accounts, offer some insight. After all, Gatesville trusties as a group had a history of using their positions of privilege to escape and subvert the penitentiary order.¹²⁶ For instance, one of Gatesville’s first ever runaways was a trusty who escaped when McCulloch transported the first batch of inmates from the Walls.¹²⁷ In 1898, two more trusties made headlines after they escaped from the Reformatory.¹²⁸ Another instance is of a “Mexican” trusty from Gatesville who “took advantage of the liberties given him and made his escape” on horseback in 1911. County deputy sheriffs caught him less than twenty-four hours later.¹²⁹

“As always under repression, the human spirit rebels,” one state report sympathized, “and plots endlessly to escape.”¹³⁰ Indeed, trusty or not, escaping was the quickest and safest way out of Gatesville for many inmates, especially during the Board of Control era. Escape carried risks with it, which included tracking by Gatesville’s bloodhounds, corporal punishment from angry guards, and solitary confinement in the “bull pen.”¹³¹ Many took their chances anyway. With a long lineage of pure-bred blood hounds, Gatesville’s canines were trained to “sick” the boys, “tree” them, and intimidate them (see Figure 10 and Figure 11).¹³² The wounds that the dogs inflicted on runners were often serious and required medical attention that the inmates rarely

¹²⁵ *Griffenhagen Report* (1932), 250.

¹²⁶ “Wardens Favor Trusty System,” *The Christian Science Monitor*, October 21, 1926.

¹²⁷ “George McCown,” inmate No. 6., “Roll of Inmates of House of correction and Reformatory from January 3, 1889 to November 20, 1892,” *Second Biennial Report*, 1892.

¹²⁸ “Joe Mealer and Wyatt Nix,” *The Eagle*, January 28, 1898.

¹²⁹ “Trusty Escapes, Steals a Horse,” *Clifton Record*, November 10, 1911

¹³⁰ *A Youth Development Council* (1949), 22.

¹³¹ “Escaped Convict Captured Near Waco Thursday,” *Corsicana Semi-Weekly Light*, June 2, 1939.

¹³² TSLAC, 1991/016-34; TSLAC, 1991/016-60; Bush, *Childhood*, 7.

received.¹³³ Whippings were no minor punishment, either. A 1949 report admitted that “the dogs deal with the boys more gently than many of the punitive law enforcement officers” who administered at least ten lashes per escape attempt.¹³⁴ The worst punishment, however, was a stay in the bull pen for ten days, where inmates reported conditions that were so mentally and emotionally traumatic that they preferred the whippings.¹³⁵ A researcher explained of the bull pen that “a more dismal, desolate room can hardly be imagined.”¹³⁶

¹³³ Gatesville inmate parent, Letter to R.B. Walthall dated March 12, R.B. Walthall Files, State Juvenile Training School, Correspondence, 1925-1927, undated, TSLAC, 2002/035-1; Investigation Report to State Board of Control dated March 31, 1927, TSLAC, Gatesville Juvenile Training School, 1927, 1991/016-34.

¹³⁴ *Report of the Texas Child Welfare Survey* (1949), 21; Punishment Reports, 1949, TSLAC, 1991/016-60; Office of the State Board of Control, “Investigation of Gatesville State School for Boys,” 1949, TSLAC.

¹³⁵ Johnson, “Texas Reformatory System,” (1949), 43; *Report of the Texas Child Welfare Survey* (1938), 343; *Report of the Texas Child Welfare Survey* (1949), 21; “Wardens Favor Trusty System,” *The Christian Science Monitor* (Pittsburgh, PA) October 21, 1926; R. E. Blair, Letter to H. H. Logan dated December 8, 1947, Punishment Reports, 1949, TSLAC, 1991/016-60; Newspaper clipping, “Escapes at Gatesville School Blamed on Board’s New Rules,” *Waco Tribune-Herald*, June 12, 1949, Gatesville Investigation, TSLAC, 1991/016-60; Office of the State Board of Control, “Investigation of Gatesville State School for Boys,” June 6, 1949, TSLAC.

¹³⁶ Johnson, “Texas Reformatory System,” 43.



Figure 10. *Bloodhounds chasing African-American at Gatesville reformatory, January 1945*, Texas Digital Archive, Texas Department of Public Safety Photographs, folder R.260.007.

The inmates unlucky enough to stay in the bull pen experienced untold horrors—“untold” because overseers kept the illegal punishment methods that they used on their victims a secret. In 1949 state inspectors discovered at the bull pen overseer’s desk that “Tiny” Hodges, who also doubled as Superintendent Blair’s enforcer and “henchman” when someone needed intimidating, kept “instruments” of torture that included a “newly cut and still green” tree branch; “two iron straps approximately three feet long of 1’ x ¼” steel, with ends wrapped in cloth for handles; some broom poles with rags tied on the end which might have been used as pokers but were not particularly burned, but had shown evidence of being in a fire”; and “there were two long boards, approximately 1’ x 3’, properly trimmed down and fashioned for beating

the boys” (see Figure 12).¹³⁷ In the bull pen, boys were starved, disallowed from sitting, forced to “remain throughout the day within the limits of an imaginary boundary of approximately 5’ x 5’,” and were disallowed from speaking.¹³⁸ With the overseer’s tendency to keep illegal instruments of torture with him, it is difficult to imagine what else he did with his doubly caged captives.



Figure 11. *Bloodhounds chasing African-American at Gatesville reformatory, January 1945.* Texas Digital Archive, Texas Department of Public Safety Photographs, folder M.234.

¹³⁷ Hall Logan, Memorandum to the Board dated May 18, 1949, TSLAC, 1991/016-60, Folder 176; Weaver Baker, report of inspection at the Gatesville State School, May 7, 1945, TSLAC, Gatesville State School for Boys, 1944-1945, 1991/016-40.

¹³⁸ *A Youth Development Program for the State of Texas* (1949), 20; Bob Bray, “Juvenile Punishment ‘Harsh But Justified,’” Newspaper Clipping, Gatesville State School for Boys, 1948, 1991/016-40.

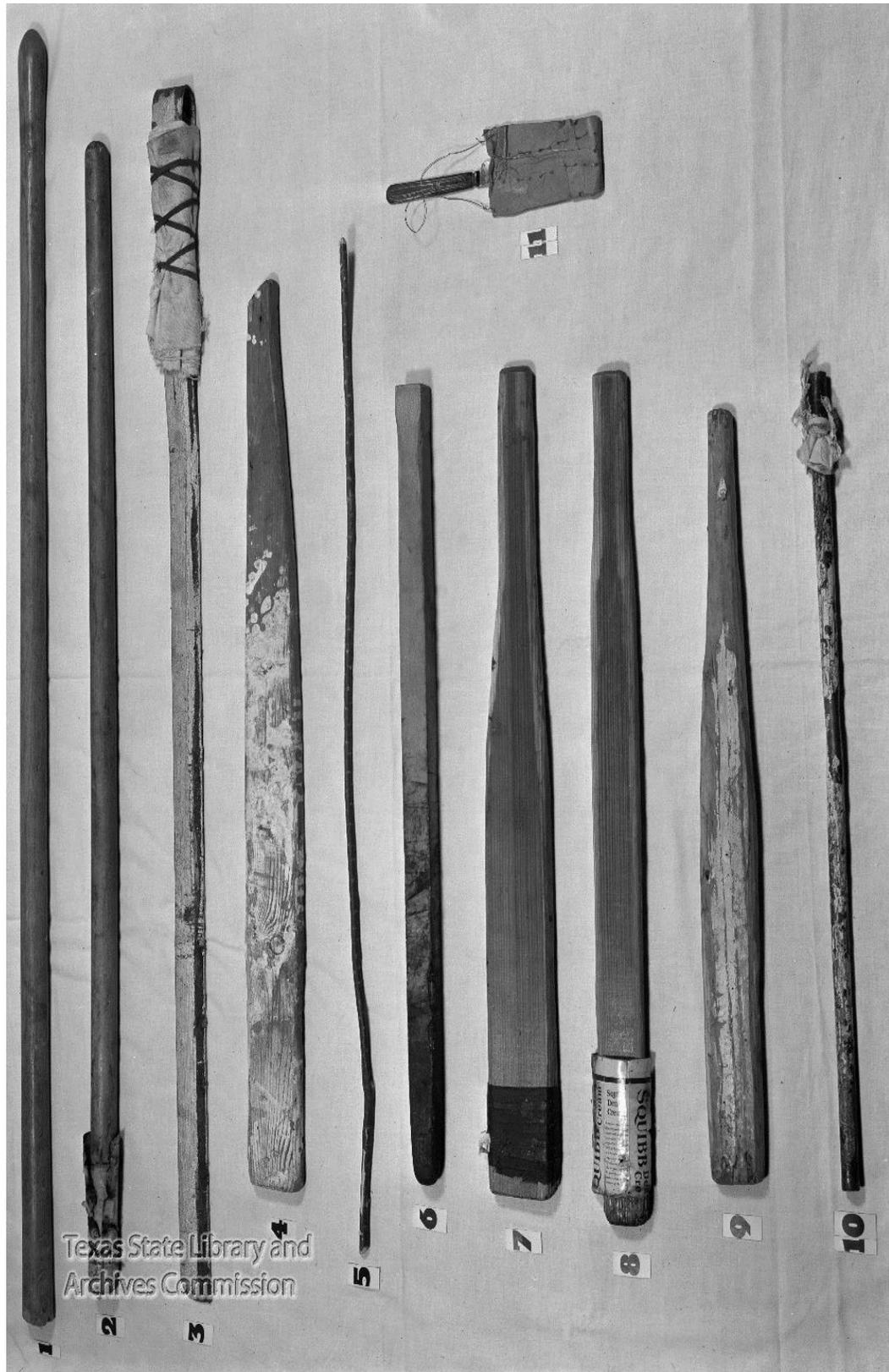


Figure 12. Eleven paddles or whipping tools allegedly used at the Gatesville Reformatory, photographed for Mr. Logan, June 21, 1949, Texas Digital Archive, Texas Department of Public Safety Photographs, folder M.234.

Punishment, not medical assistance for injured runners, was where Gatesville overseers' priorities lied. One boy who was assigned to the bull pen with a broken pelvis was forced to stand up for a long duration, but "Of course, he is a negro, I guess that maybe that's all right," explained a Board of Control member in justifying the administration's use of the bull pen.¹³⁹ Terrible medical attention extended to non-runners, too. Boys infected with tuberculosis were not released or relocated to a more appropriate setting or given proper treatment. In fact, parents of Gatesville inmates, who did not have custodial rights of their children, were rarely notified that their children contracted the illness. If they learned about their children's illness, Gatesville medical staff members discouraged them from visiting.¹⁴⁰ In one example, a school nurse wrote to a student's mother about the student's "trouble with his heart"—likely lung pain from tuberculosis—and "reassured" her: "It isn't necessary for you to come so don't worry about that."¹⁴¹ Several parents did worry about their children but they did not have the legal power to remove them from the facility, despite contracted pleas and petitions.¹⁴² Many children were released from Gatesville in dying condition and perished upon their arrival home.¹⁴³

For most inmates, the overwhelming threat of corporal punishment and lack of medical attention motivated other forms of resistance. Some of them viewed "escape" as a frame of mind achievable with the assistance of drugs or inhalants, such as the case of four Gatesville boys who

¹³⁹ Office of the State Board of Control, "Investigation of Gatesville State School for Boys," 1949, TSLAC.

¹⁴⁰ Correspondence between mother of Gatesville inmate, Mr. Harrington, and Board of Control, Gatesville Juvenile Training School, 1927-1928, TSLAC, 1991/016-34.

¹⁴¹ Mrs. Hunt, Letter to Inmate mother dated September 7, 1927, Gatesville Juvenile Training School, 1927-1928, TSLAC, 1991/016-34.

¹⁴² There are some instances of wealthy or well-connected parents successfully removing their children from Gatesville, but most parent requests were denied. General correspondence, R. B. Walthall Files, State Juvenile Training School, Correspondence, June-July 1929, TSLAC, 2002/035-1; Bush, *Childhood*, 7; Johnson, "Reformatory," 7; Letter to Mr. Walthall dated March 10, 1927, TSLAC, 2002/035-1.

¹⁴³ Letter dated July 25, 1928, TSLAC 2002/035-1; TSLAC 1991/016-34; TSLAC 2002/035-1.

were caught stealing gasoline for the purposes of inhaling it to achieve intoxication.¹⁴⁴ Cigarettes offered reprieve from Gatesville's brutality, as well.¹⁴⁵ Other inmates preferred property damage as their means of resistance, like the boy who was given ten lashes for "sticking a pitch fork in truck tires."¹⁴⁶ Sometimes inmates took symbolic gestures, like the "Mexican" boy who "insulted the flag" during a patriotic ceremony in 1945.¹⁴⁷ For some, the only solution to the horrors of life was the promise of death's embrace. At least one boy, a "half Mexican and half Negro," for example, was placed in the bull pen after a runaway attempt. He developed a "fear complex" and temporary blindness from his stay in the bull pen and later attempted suicide.¹⁴⁸ Institutional records do not detail how often suicide attempts occurred or how seriously administrators took them under the oversight of the Board of Control.

A minority of boys viewed outright violence and brutality against their captors as their only ticket to freedom. In 1949, one boy was given eight lashes for "slipping a butcher knife into the hospital for the purpose of using it on a night attendant."¹⁴⁹ Kidnapping guards was an intelligent decision for a group of boys in 1939, who held a guard at gunpoint and directed him to unlock doors on their way to his automobile. The boys tied his wrists and stored him in the backseat. When they were a safe distance away from Gatesville, they threw him out of his own

¹⁴⁴ R. E. Blair, Letter to State Board of Control dated July 14, 1947, Punishment Reports, 1949, TSLAC, 1991/016-60.

¹⁴⁵ Price Daniel, Letter to Hall H. Logan dated July 7, 1949; Hall H. Logan, Letter to Price Daniel dated July 6, 1949, TSLAC, 1991/016-60.

¹⁴⁶ "Disciplinary Record," July 6, 1949, Punishment Reports, 1949, TSLAC, 1991/016-60.

¹⁴⁷ Weaver Baker, report of inspection at the Gatesville State School, May 7, 1945, TSLAC, Gatesville State School for Boys 1944-1945, 1991/016-40.

¹⁴⁸ Hall H. Logan, Letter to the Board dated May 23, 1949, TSLAC, Gatesville State School for Boys 1949, 1991/016-60, Folder 176.

¹⁴⁹ R. E. Blair, Letter to Dr. J. S. Scarborough dated June 11, 1948, Punishment Reports, 1949, TSLAC, 1991/016-60.

moving vehicle.¹⁵⁰ A grislier example of inmates resorting to violence occurred in 1933 when four Anglo boys used a sledgehammer and an axe to murder Gatesville's blacksmithing teacher. After they killed him, they took his car keys and escaped in his vehicle. Gatesville bloodhounds later tracked the boys down. The eighteen-year-old inmates were convicted of murder and sentenced to the Huntsville State Penitentiary.¹⁵¹

The most successful strategy that inmates used, however, was mass escape. Notably in 1927, after one inmate made a hole in a high wooden fence that surrounded the playground, twenty-four inmates saw the opportunity and made their exodus. They each ran in different directions but eleven were caught and returned.¹⁵² An even larger mass escape occurred in 1941 when forty-seven boys fled. After legislators investigated the incident, it was no surprise that they risked it all. The daily punishments that they had endured included having been "forced to lie on their stomachs and clutch a mattress while being beaten with a strap or a rubber hose," which left blood on one of the mattresses.¹⁵³

The legislative investigators found additional shocking discoveries. Horse-mounted guards regularly kicked inmates, hit inmates on their backs with bats, and punched them in the face. One newspaper sympathized, "In view of the agony caused by such beatings, the surprising thing is not that some of the youths escaped, but that they did not get away earlier and in larger numbers."¹⁵⁴ Soon after the reports were publicized, the superintendent of the Training School

¹⁵⁰ "Three Youths Escape from Reformatory," *Henderson Daily News*, April 28, 1939.

¹⁵¹ "Four Reform School Youths Held After Blacksmith Slain," *Nolan County News*, June 29, 1933; "Youths Sentenced in Ax Murder of Prison Worker," *Brenham Banner-Press*, August 18, 1933; Hall Logan, Letter to the Texas Training School Code Commission dated November 8, 1947, TSLAC 1991/016-60.

¹⁵² "Gatesville Inmates Flee from School," *The Bryan Eagle*, May 13, 1927.

¹⁵³ "Boys Beaten With Leather Strap at Gatesville, Lawmakers Say," *El Paso Herald Post*, September 5, 1941; "Outlawed Bats are Used in Whippings," *Sweetwater Reporter*, September 5, 1941.

¹⁵⁴ "Cruelty at Gatesville," *Dallas Morning News*, September 6, 1941.

Earl Nesbitt seemingly confirmed the regularity of abuse when he told the press that the boys, when recaptured, will be further punished with “beatings with the strap.”¹⁵⁵ Nesbitt was terminated from his position of twelve years and seven guards resigned in the fall of 1941 when detailed reports of the school were publicized.¹⁵⁶

After Nesbitt’s resignation, the Board of Control appointed Robert Winship as Superintendent at Gatesville. Winship was a “new criminologist” who viewed juvenile delinquents not as little criminals, but as misunderstood, neglected, and abused youths who needed mentorship and positive attention. Winship applied his philosophies to the management of the school and immediately sought to change Gatesville.¹⁵⁷ A new culture at Gatesville was forthcoming. With the support of a judge, Gatesville ended the practice of “hiring out” Gatesville’s “inmates” to private persons or agencies in 1942.¹⁵⁸ To reduce labor expectations from inmates, Gatesville received an increased yearly appropriation of \$215,089. Additionally, Winship put restrictions on corporal punishment with the hopes of completely banning it. His philosophy, undoubtedly influenced by the emerging school of criminology that sought to rehabilitate inmates rather than reform or train them, marked a bold departure from Gatesville’s past: “We do not regard the boys here as having committed crimes . . . they are, rather, delinquent boys who are in need of guardianship above and beyond what they are getting at home.” Winship expanded on his “rehabilitative” outlook by explaining that the boys, “They are

¹⁵⁵ “Three Boys are Caught,” *McAllen Daily Press*, September 1, 1941.

¹⁵⁶ “Leather Straps Used Whip Boys Shown Committee,” *The Bonham Daily Favorite*, September 5, 1941; “Ousted Head at Gatesville Training School Defended,” *Clifton Record*, October 10, 1941; “47 Youths Escape from Reformatory,” *The Daily Sun* (Goose Creek, TX), August 30, 1941.

¹⁵⁷ “Reform School Inmates Going on Honor System,” *The Denison Press*, September 27, 1941.

¹⁵⁸ *Attorney General Annual Report for 1942*, 151.

somewhat like a boy who is sick. Such a boy has something wrong with him physically, but these boys have something wrong with them because they are sick socially, and need help where the proper guidance in the community has failed.”¹⁵⁹ Unlike his predecessor, Winship did not believe that the purpose of a Training School should have been “self-sustainability.”¹⁶⁰

The surrounding community of staff members, cotton farmers, property owners, bankers, and elected officials expressed dissatisfaction at Nesbitt’s release.¹⁶¹ Later, their dissatisfaction boiled over into frustration at Winship’s lenient control methods. Community members did not believe that “cruel bodily punishment engenders resentment and revenge rather than repentance and reform.”¹⁶² Instead, they feared that the reduction of corporal punishment would result in more escapes, heightened crime, greater taxation, and the evaporation of abundant cheap labor. The community circulated a petition demanding the Board of Control to remove Winship, but he was not willing to abandon his ideals. He defended his positions with hard evidence in several public hearings and talks across the State in the face of demands to restore traditional practices.¹⁶³ The boys respected Winship according to some reports and they ran away less frequently under his watch. It appeared as if things had finally begun to improve. Unfortunately for the boys under his supervision, Winship died suddenly from injuries that he sustained in a car accident just a few months after his appointment.¹⁶⁴ For the boys who knew what the pre-

¹⁵⁹ “State Training School if Testing Ground for New Plan for Delinquent boys,” *Fort Worth Star-Telegram*, March 11, 1942; “Boys Projects Here Praised,” *The Amarillo Globe-Times*, November 13, 1942.

¹⁶⁰ “Bundy,” *Wichita Daily Times*, May 9, 1941.

¹⁶¹ “Ousted Head at Gatesville Training School Defended,” *Clifton Record*, October 10, 1941.

¹⁶² “Reform at Gatesville,” *Dallas Morning News*, May 16, 1941.

¹⁶³ “Most Bad Boys in Reformatory Lack Normal Home Life,” *Mexia Weekly Herald*, May 28, 1943; “Home Life Blamed in Delinquency,” *Sweetwater Reporter*, May 21, 1943; “Quarterly FBI Police Conference Will be Held at Bandera and Medina Next Wednesday,” *The Harden Herald*, June 4, 1943; “Interesting News at Cranfills Gap,” *The Clifton Record*, August 20, 1943.

¹⁶⁴ Donnelly, “Cycle and Dynamics,” 31.

Winship days at Gatesville looked like, they must have felt like a dark cloud hovered over them as they anticipated what the facility could revert to under sustained pressure from the surrounding community.

In 1943, the Board of Control promoted Robert Blair, Winship's assistant superintendent to administer the Gatesville State School for Boys. His experience of managing young people came from having worked as a football coach and teacher at Daniel Baker College in Central Texas and as a staff member at Corsicana State Home for Orphan Boys. Blair was not a new criminologist. He understood how to turn the Gatesville State School for Boys into a financial success in the eyes of the Board of Control. In short, Blair intended to implement familiar methods that extracted the most labor out of the inmates. The community that surrounded the Gatesville State School welcomed Blair, especially as a new wave of criminal delinquency threatened the home front during World War II.¹⁶⁵

At the Gatesville State School for Boys, the 1943 population had averaged at around five hundred inmates year-round, but the number of recidivists had dramatically reduced from 43 percent of the inmate population to 9 percent, largely because of the war itself. Over three hundred of Gatesville's ex-inmates from a year prior had enlisted in the war effort. Incarceration of first-time offenders had exponentially increased over the same period.¹⁶⁶ Critics blamed the lack of parental supervision. Absentee fathers were fought in the war overseas and mothers

¹⁶⁵ For more on juvenile delinquency leading up to the US's involvement in WWII, see David B. Wolcott, *Cops and Kids: Policing Juvenile Delinquency in Urban America, 1890-1940* (Columbus: Ohio University Press, 2005); for more on juvenile delinquency during the WWII years, see Rachel Devlin, "Female Juvenile Delinquency and the Problem of Sexual Authority in America, 1945-1965," in *Delinquent and Debutantes, Twentieth-Century Girls' Cultures*, edited by Sherrie A. Inness (New York: New York University Press, 1998), 83-106; Jon Savage, *Teenage: The Creation of Youth Culture* (New York: Viking Books, 2007); and Luis Alvarez, *The Power of the Zoot: Youth Culture and Resistance During World War II* (Berkeley: University of California Press, 2008).

¹⁶⁶ "Gatesville Schools Gets Few Cases of Second Offenders," *The Clifton Record*, October 22, 1943.

worked in factories, which resulted in the increase in local “prisoners of war,” juvenile delinquents of the State School whose parents were involved in the war effort (see Figure 13).¹⁶⁷ Additionally, the Texas Legislature transformed all matters involving juvenile from criminal matters to civil matters which made it easier for guardians, parents, or other authority figures in Texas to commit juveniles to state schools without a court hearing or legal counsel.¹⁶⁸ It was easier than ever for parents and guardians to send children to juvenile facilities who were not alleged to have committed any crimes. With menaces on the home front, Blair had ideas on how to discipline the ones who were sent to his facility.

¹⁶⁷ “Juvenile Delinquency Problem Grows in Defense Areas, Worker Reports,” *Brownwood Bulletin*, February 18, 1943; “Gatesville School Gets Few Cases of Second Offenders,” *The Clifton Record*, October 23, 1943; Ad, “Prisoner of War,” *The Orange Leader*, November 3, 1944; “Juvenile Problems [unclear] by State,” *The Albany News*, December 9, 1943.

¹⁶⁸ Trulson, et al., *Lost Causes*, 6; Texas Youth Development Council. *First Annual Report of the TYDC, Year Ended August 31, 1950*. Austin, 1950.



Figure 13. "Prisoner of War," *The Orange Leader*, November 3, 1944.

One of Blair's first orders as Superintendent was to reinstate corporal punishment. Within days of the reinstatement, he and his staff beat two runners so badly that they both required hospitalization.¹⁶⁹ News of the beatings reached a judge who insisted that the state legislature launch an official investigation. Their subsequent reports revealed that R. B. Johnson, the school's sociologist, also inflicted beatings onto the children. Johnson resigned soon after the allegations, but further allegations exposed some of the more sinister practices at Gatesville. Ex-inmates testified that Johnson coerced sexual favors from inmates—or, “had an action with boys”—in exchange for commendations and merits to speed up their releases from Gatesville.¹⁷⁰ Months before the allegations, when reporters asked Johnson about the increase of shortened sentences at Gatesville, Johnson responded (unnervingly, in hindsight), that “They write their own ticket to their release.”¹⁷¹

Although it is unclear whether the allegations were proven, they are believable considering how frequent sexual abuse against inmates was in Texas institutions. As we have seen in the previous chapter, inmates at the Bowden farm lived under constant fear of sexual abuse from guards. Such a reality was not limited to women's prisons. As Perkinson explains, “whippings were perversely intimate affairs” that “took on twisted, even sadistic homoerotic qualities” sometimes subtly and other times especially violent.¹⁷² Primary source materials from the 1920s to 1940s do not, with certainty, reveal cases of violent sexual abuse from Gatesville guards on inmates, comparable to Perkinson's example of a guard forcing an inmate to perform

¹⁶⁹ Donnelly, “Cycle and Dynamics of Reform,” 32-43; Bush, *Childhood*, 63

¹⁷⁰ Bush, *Childhood*, 63; Handwritten note, TSLAC 1991/016-60, Folder 80.

¹⁷¹ “No Guards for Boys at Gatesville School,” *The Albany News*, November 18, 1943.

¹⁷² Perkinson, *Texas Tough*, 129.

oral sex on another inmate and eat his feces while others watched. But the form of whippings that guards preferred at Gatesville certainly mirrored the sexual undertones of the “stagecraft of dominion and degradation” that occurred in Texas prisons.¹⁷³

On one occasion, for reasons that are unclear, a state inspector caught a teacher during a surprise visit who was “tilted back in his executive chair with his back to the door and his feet on the desk, with two students standing up in front bending over touching their toes.” When the inspector asked the teacher what he was doing, the teacher responded “Oh, we’re doing a little teaching here.”¹⁷⁴ The investigator found the sight unsettling. Of all the schools, the inspector reported that “The atmosphere at the Gatesville School was the worst that I have seen in any school that I have visited in the eleemosynary service.” Punishments were worse. Most commonly, Gatesville inmates received a “‘busting,’ which means he is taken to what is called the ‘plumbing shop’ and stripped and lashed with ‘Bats’—a wide leather strap.”¹⁷⁵ Disgusted with what he had seen on several occasions, one Gatesville staff member wrote a letter to the Board of Control and described the pleasure that a coworker expressed when he “whips the negro boys” and “laughs and brags how he bursts his fist on their black heads [sic].”¹⁷⁶ The letter-writer concluded, “I am an employee here and know more than I have told you.” Overtly sexual or not, the pleasure that guards felt and expressed by having inflicted physical, mental,

¹⁷³ State Eleemosynary and Reformatory Committee, *Report on the Legislative Investigating Committee on Eleemosynary and Reformatory Institutions*, April 23, 1947, TSLAC, Gatesville State School for Boys 1947 Legislative Investigation, 1991/016-60.

¹⁷⁴ Memorandum dated June 9, 1948, Folder 155, TSLAC 1991/016-60.

¹⁷⁵ A.S. Hull, “A Report to the Governor of the State of Texas on conditions in the Gatesville State School for Boys at Gatesville, Texas,” May 19, 1949, TSLAC, 1991/016-60; Weaver Baker, report of inspection at the Gatesville State School, May 7, 1945, TSLAC, Gatesville State School for Boys, 1944-1945, 1991/016-40.

¹⁷⁶ W. E. Smith, Letter to the State Board of Control undated, Folder 179, TSLAC, 1991/016-60.

and emotional trauma onto unclothed minors suggests that much more occurred in Gatesville than what the archives reveal.¹⁷⁷

Blair's method of supervision over the school satisfied guards, staff, and local community members. Without a new criminologist supervising Gatesville, the state reverted to reduced appropriations, which reopened the administration's focus on monetizing the boys' labor, although leasing out the boys remained illegal. As in previous years, administrators "apprenticed" them out.¹⁷⁸ But beyond the Gatesville community members who apprenticed training school boys to perform farm labor, professional and civic organizations grew increasingly critical and embarrassed of the practices that reportedly occurred at the Gatesville State School. They demanded an inspection of the facility. Legislative inspectors noted the usual open-air toilets that made the dormitory smell of feces, dilapidated buildings, inmate overcrowding, and employee understaffing (see Figure 14). To add to their disgust, they witnessed sexual violence firsthand when guards stripped two boys naked and beat them unmercifully for attempting to run away. The Gatesville citizenry defended Blair's management style that relied on strict control over the boys in interviews with investigators. They believed that the boys' misbehavior justified physical punishment. The State Legislature acted and proposed a bill to ban corporal punishment, but it was quickly defeated. The Board of Control instead implemented a policy in which administrators had to record information about the whippings they administered. They had to administer the whippings with other administrators present, but even that was considered too limiting.¹⁷⁹ Local community members defended Blair

¹⁷⁷ Smith, Letter to the Board of Control, Folder 179, TSLAC, 1991/016-60.

¹⁷⁸ "Texas State Expenditures are Reduced," *Brenham Banner Press*, September 9, 1946.

¹⁷⁹ Bush, *Childhood*, 68-70.

and reported that he was “a high-class gentleman with the best interest of the institution and his community at heart. It seems his hands are tied by the rules and regulations” from the Board of Control.¹⁸⁰

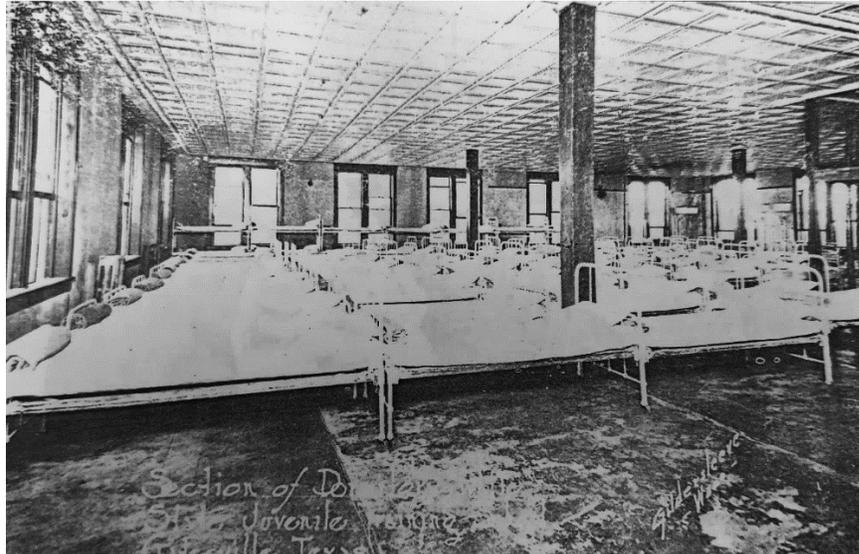


Figure 14. *Section Campbell Dormitory*, image from *Pictorial Review State Juvenile Training School* (1932).

Quick defenses of Blair’s methods were not enough to maintain the status-quo. National awareness in the late 1940s about the brutality that occurred in juvenile detention centers across the country forced Texas politicians into transforming the “training schools” into a space of “safe and healthful physical care and custody.”¹⁸¹ The specter of juvenile detention facilities as training schools for criminality intensified with the post-war incarceration boom. Inmate populations were growing at a faster rate than facilities could hold and faster than the Board of Control could keep up with. In 1950, for example, while the Texas Correctional system oversaw over thirteen-thousand inmates in Texas prisons, between 70 and 90 percent of those inmates had

¹⁸⁰ Newspaper Clipping, “Escapes at Gatesville School Blamed on Board’s New Rules,” *Waco Tribune Herald*, June 12, 1949, Folder 179, TSLAC, 1991/016-60.

¹⁸¹ National Conference on Prevention and Control of Juvenile Delinquency, “Report on Juvenile Detention,” in *Report on Juvenile Delinquency* (Washington, D.C.: United States Government Printing Office, 1947), 21-23.

reportedly been inmates of juvenile detention facilities prior to their sentences at the penitentiary.¹⁸² Gatesville Graduates had filled Texas prisons in record numbers.

According to some lawmakers, the convict and delinquent rate growths posed a statewide emergency.¹⁸³ Added to the heightened fears of juvenile delinquency was national coverage of the country's juvenile detention facilities as places of torture, humiliation, and exploitation.¹⁸⁴ They also still served as convict lease centers even after that practice had been outlawed in the Texas penitentiary system.¹⁸⁵ Investigators proposed a bill in 1949 to establish a new agency, the Texas State Youth Development Council, which was dedicated to overseeing juvenile detention facilities and managing the influx of delinquents through rehabilitative measures.¹⁸⁶ With data, proposed methods, and philosophies that had now become widely accepted by professionals and regular Texans—and support from a new head of the prison system who believed in the “rehabilitation” of convicts at the adult penitentiary system—the TYDC got to work, first by appointing new administrative personnel at the Gatesville State School for Boys.¹⁸⁷ With press

¹⁸² U.S. Census Bureau, *Historical Corrections Statistics in the United States, 1850-1984*, 195; *Report and Recommendations of the Texas Training School Code Commission* (1949), 8.

¹⁸³ S. B. 244, “An Act to Create a State Youth Development Council,” Youth Development Council Act to Create, 1949, TSLAC, 1991/016-60; Governor Beauford H. Jester, Letter to Hall Logan dated February 14, 1949, TSLAC, 1991/016-60; “Juvenile Courts Carrying Heavy Docket of Cases,” *The Dallas Craftsman*, April 12, 1946.

¹⁸⁴ Bush, *Childhood*, 95-97.

¹⁸⁵ Johnson, “Texas Reformatory System,” 60.

¹⁸⁶ Johnson, “Texas Reformatory System,” 71. Office of the State Board of Control, “Investigation of Gatesville State School for Boys,” 1949, TSLAC; Hall H. Logan, Memorandum to State Board of Control dated May 18, 1949, TSLAC, 1991/016-60.

¹⁸⁷ Miss Doris Connerly of Legislative Reference Division of the Texas State Library, Memo to Mr. McGill for use of the Texas Training School Code Commission dated November 7, 1947, TSLAC, 1991/016-60; Texas, Laws Relating to the State Training Schools as of November 1947, Gatesville State School for Boys Revised Civil Statutes, Art. 5119a. Change in name of institution 1947; A. B. J. Hammett, *Miracle within the Walls* (Corpus Christi, TX: South Texas Publishing Company, 1963), 22; National Conference on Prevention and Control of Juvenile Delinquency, Washington, D. C., *Report on Institutional Treatment of Delinquent Juveniles*, November 20-22, 1946, TSLAC, 1991/016-60.

coverage and to the relief of new criminologists, the era of “training” juvenile inmates had finally ended.¹⁸⁸ But by entering Gatesville, both the school and the surrounding community, the TYDC stepped into hostile territory.

Without community support, repurposing a system with a brutal legacy of “reform” and “training” into a system of “rehabilitation” was a difficult challenge for TYDC staff.¹⁸⁹ After all, two of its brick-and-mortar facilities were built under the lease systems and employees there still maintained the aura of prison at juvenile facilities.¹⁹⁰ They viewed their subjects as convicts, “little criminals,” who “must be treated like caged animals,” and as we will see in the next chapter, they aggressively defended their positions. Additionally, the Gatesville citizenry had grown frustrated at the runaways who trespassed on their property.¹⁹¹ The newly formed TYDC faced an uphill battle in their proclaimed effort to “rehabilitate” both the youths in their custody and the juvenile detention system itself.¹⁹²

¹⁸⁸ O.B. Ellis assumed responsibilities of prison system with views on “rehabilitation.” A. B. J. Hammett, *Miracle within the Walls* (Corpus Christi, TX: South Texas Publishing Company, 1963), 22; Hall Logan, Letter to Mr. William L. McGill dated November 7, 1947, TSLAC, 1991/016-60.

¹⁸⁹ Hall Logan, Letter to the Texas Training School Code Commission dated November 8, 1947, TSLAC 1991/016-60; Weaver Baker, report of inspection at the Gatesville State School, May 7, 1945, TSLAC, Gatesville State School for Boys, 1944-1945, 1991/016-40.

¹⁹⁰ *Griffenhagen Report*, 250-251.

¹⁹¹ A.S. Hull, “A Report to the Governor of the State of Texas on conditions in the Gatesville State School for Boys at Gatesville, Texas,” May 19, 1949, TSLAC, 1991/016-60.

¹⁹² Minutes, State Youth Development Council, September 21, 1950, TSLAC, Youth Development Council, 1949-50; William McGill, Letter to Sid Gregory dated June 9, 1949, TSLAC, 1991/016-60.

4. “REHABILITATE”: THE TEXAS YOUTH COUNCILS, 1947-1979

CC states that DC was left out in the hot sun for about an hour, without medical attention, until it was time for all the boys to go in from being “rehabilitated” at the dirt pile.

—Raúl A. González, 1969

With mounting allegations of abuse and mistreatment against the Board of Control’s training schools, and their so-called “failure” to “accomplish their broad social objectives,” the Texas Legislature created the Texas State Training School Code Commission in 1947 to investigate conditions at Gatesville, Gainesville, and Brady.¹ The Legislature expected the Code Commission to submit reports of its findings and to draft a new bill that would reorganize the youth detention system in Texas by the time of the next session in 1949.² Commission members got to work and were immediately shocked at what they found: open-air toilets, repulsive food, filthy beds, brutal working conditions, whippings, overcrowding, and dreadful medical treatment (see Figure 15). Equally appalling was the fact that a growing percentage of inmates at both Gatesville and Gainesville were repeat offenders, and a “substantial percentage of the graduates of the Training Schools” later found “their way to the Texas prisons for serious offenses.”³ The Code Commission concluded that the training schools did not train inmates to become socially well-adjusted or independent adults in the free world. Instead, Commission members agreed with the critics of the Board of Control who argued that Texas training schools were institutions where petty lawbreaking minors became “confirmed criminals” who adjusted to institutional

¹ “Reform School Code Group is Appointed,” *The Orange Leader*, November 5, 1947.

² “Russell Appointed to Training School Code Commission,” November 5, 1947; Reba Graham, “Juvenile Aid Program Outlined by Kerr,” *Austin American*, January 25, 1950.

³ Training School Code Commission, *Report and Recommendations of the Texas Training School Code Commission*, TSLAC, 1991/016-60, Folder 527, (hereafter *A Youth Development Program*), 4.

life.⁴ The Commission emphatically concluded that Texas needed a new “youth development program” with a new philosophy of managing juvenile corrections, a radical departure from its long tradition of revenue-driven retributive justice.⁵

This chapter examines the efforts of the Commission and the resultant agency, the Texas Youth Development Council (TYDC), from the years 1947 to 1957, and the TYDC’s successor, the Texas Youth Council (TYC) from the years 1957 to 1979. In the post-World War II era, the Code Commission’s investigations and data-gathering efforts produced hard evidence that new methods of individualized teaching, community mentoring, local treatment facilities, and recreational activities reduced juvenile detention commitments, and in the long term, reduced prison commitments. Politicians nonetheless became frustrated at the financial cost of the TYDC’s attempt at “rehabilitating” juvenile delinquents. They pulled the plug on the costly experiment in 1957, and from that year through the 1970s, the TYC doubled down on labor expectations, disregarded rehabilitative efforts, and built a new maximum-security facility for the state’s most “uncooperative” juvenile inmates, wherein one of the nation’s most notorious prison riots erupted in 1973.⁶

With the largest juvenile detention bureaucracy that the state had ever managed, the TYC found it difficult to hide the details surrounding its daily treatment of inmates in the 1960s and 1970s. Newspaper reports, documentary films, state inspections, and witness testimonies that emerged about the TYC stunned Texans and Americans alike. The courts were forced to

⁴ Texas Training School Code Commission, *A Youth Development Program* (1949), 4; “R.B. Johnston Gives Impressive Address,” *The Shamrock Texas*, October 16, 1947.

⁵ Training School Code Commission, *Report and Recommendations of the Texas Training School Code Commission*, TSLAC, 1991/016-60, Folder 527, (hereafter *A Youth Development Program*).

⁶ Robert T. Chase, “We Are Not Slaves: Rethinking the Rise of Carceral States through the Lens of the Prisoners’ Rights Movement,” *The Journal of American History* (June 2015), 73.

intervene and trample over the “hands off” doctrine that had guided the state’s prison and juvenile incarceration system from its inception. Youth incarceration officials could not have been surprised by the turn of events of the 1970s. Thirty years earlier, a minority of concerned bureaucrats tried to resolve some of the chronic problems of the institution of juvenile corrections to no avail.



Figure 15. *Dormitory*. Notice the proximity of the beds to the open-air toilets. TSLAC, 2007/203-017.

In 1948, the Commission concluded that “the basic defects” of the existing program “lie not in the Schools themselves but in the whole correctional system and [its] philosophy.” In short, the Commission found that daily conditions at the Training Schools resulted from habits of corporal punishment and hard labor that derived from the days of the convict lease system. Over their existence, training schools evolved into “mass-custody” institutions that contained young inmates, many of whom “did not belong there.” Several of them required specialized, long-term medical care instead.⁷ The Commission learned that judges, faced with no other options, sent

⁷ Texas Training School Code Commission, *A Youth Development Program* (1949), 12.

“dependent and handicapped children” to Gatesville or Gainesville because “the courts do not have the facilities necessary” to accommodate those children. As a result, the institution lost credibility over the long term with judges. Some judges who dealt with able-bodied and neurotypical lawbreaking youths often refused to send those boys to Gatesville because of the stigma that was attached to the facility. Officials knew that of the boys committed to Gatesville, the “brightest” ones who have “the strength to get into a little trouble as he goes along just as any normal child,” developed into career criminals as a result of excessive punishment. Meanwhile, the well-behaved and obedient youths made no “individual improvement at all as a person” and matured into institutional men—that is, career criminals and adult inmates.⁸ In addition, hard labor requirements stood in the way of providing youths the professional attention they required. The fact that the inmates had to toil in the fields at all spoke to the institutions’ deep connection to the convict lease system.

To help the Commission draft a bill that would establish a new agency, one that removed itself from the legacy of the convict lease system, the Commission called in the consulting services of Richard Clendenen of the United States Children’s Bureau. Clendenen was an expert in his own right. After he consulted for the California Youth Authority, which reported favorable results by the late 1940s, he was in high demand with states that were establishing new models of juvenile detention. Under Clendenen’s guidance, the Commission proposed the creation of a two-pronged agency that would coordinate “various programs within the State into one unified development program” and administer care for the “youngsters declared delinquent by the courts

⁸ Minutes of the Training School Code Commission, Austin: 1948, TSLAC, 1991/016-60 Folder 527, 46.

and referred to it for treatment.” Their program would have a strong emphasis on “diagnosis, rehabilitation, and re-establishment in the community.”⁹

With supporting data, a long list of qualified professionals ready to take on the work, and Texas-wide public support, the plan seemed doable. That is, until Clendenen and Commission members realized that the steep financial cost of producing such results would likely exceed the amount that the legislature would award the new agency. To help pay for their expensive mission of rehabilitation, the Commission decided to keep farm labor as part of the daily regimen for some inmates. Without realizing it, Clendenen and the Commission’s compromised plan of labor-infused juvenile rehabilitation in 1948 extended the life of the most noxious element of the juvenile detention system for another thirty years.

When the Commission submitted their bill to the Texas Legislature in 1949 for a new system that followed the Youth Authority model, the proposed plan reflected the ambitious but shortsighted goals of the highly educated social workers who sincerely wanted to put an end to the harm that juvenile facilities inflicted upon children. The Youth Authority model was one in which the state organized a two-division bureaucracy aimed at keeping juvenile delinquents close to their communities and would send children to state facilities only in the most extreme cases. The bureaucracy aimed to exhaust most of its efforts through the “community services” division before admitting a juvenile delinquent into the “institutions” division. With highly trained social workers to cooperate and communicate with local juvenile courts and local youth authority agencies, state agents would monitor sentencing, educational development, job training programs, and parole. Depending on the severity of the crime, petty lawbreakers would stay in area facilities or under the care of competent guardians, while juveniles guilty of more egregious

⁹ Minutes, 1948, Training Code Commission; Bob Bray, “Launch Investigation at Gatesville Boys’ School,” *Amarillo Times*, October 27, 1948; *A Youth Development Program* (1949), 26, 31.

infractions would be sent to the State Schools at Gatesville, Gainesville, or Brady, under the direction of the TYDC's institutions division.¹⁰ The idea was that instead of managing self-sustaining penal facilities for all delinquent youths, the TYDC would employ measures to socially readjust and rehabilitate them into "self-supporting" individuals "rather than inmates of our prison system in the state."¹¹

Along the way, Clendenen offered invaluable advice to the Commission as they drafted House Bill No. 705, which lawmakers passed at the Regular Session of the Fifty-first Legislature in January 1949.¹² Governor Beauford Jester's signature marked the official establishment of the TYDC, which was scheduled to take control of the juvenile detention facilities in September of that year. The Board of Control's administration of the State Schools remained effective until then.

With the Board of Control's authority over the state schools ending, the TYDC prepared for the transfer of power by sending psychologist Dr. John Freeman to Gatesville to compile intelligence and behavioral tests of inmates, and to create individual case files for them. Freeman did not experience a warm welcome from Superintendent Blair and his staff, who suspected that their days of employment at the State School for Boys were numbered.¹³ The doctor and his family were intimidated upon arrival, mostly by bull pen overseer Tiny Hodges. He lurked in front of the Freeman residence at odd hours, which terrified Freeman's wife and young daughter,

¹⁰ "Youth Correction Model," *The University of Chicago Law Review* Vol. 17 (January 1, 1949), 683; Minutes, Training Code Commission (1948), 3; Training Code Commission, *A Youth Development Program for the State of Texas* (1949), 10.

¹¹ "Grady Perry Submits Report on Legislature," *Stephenville daily Empire*, February 9, 1950.

¹² Minutes, 1948, Training Code Commission.

¹³ Hall H. Logan, Letter to Governor Beauford H. Jester, dated February 23, 1949, TSLAC, 1991/016-60 Folder 527.

and vocally threatened Freeman on multiple occasions.¹⁴ The new TYDC accountant, James Teague, encountered similar intimidation tactics from Hodges after he reported that several of Gatesville administrators' wives were on the payroll. Although allegations of financial mismanagement, nepotism, and inmate abuse against Blair piled up, the Board of Control allowed him to keep his job until the TYDC officially moved in. The Council would decide whether Blair would keep his job or not. Sure enough, on September 1, 1949, the TYDC acted quickly and appointed new staff members to manage the Gatesville State School. In November, they fired Blair and assigned his assistant, M. B. Kindrick, to the position of Superintendent of the Gatesville State School for Boys.¹⁵ Overhauls were imminent—so it seemed.

By 1950, the TYDC changed the appearance of the schools at Gatesville and Gainesville. Guided by their new motto, “To develop in all children the spiritual, mental, and physical resources necessary for complete citizenship, responsibility, and participation,” the TYDC took the next steps to follow through with their plan.¹⁶ The TYDC dispatched a “mobile clinic” that quickly operated at “full force, having been to San Antonio, Tyler, and Texarkana, with arrangements made to be in El Paso,” and helped locales establish their own permanent youth councils, juvenile courts, and local facilities.¹⁷ At state schools, the number of “runners” dramatically declined and while abuse and mismanagement reports were not eliminated, they

¹⁴ For a full retelling of the events and hostility between Board of Control and TYDC employees, see Bush, *Childhood*, 101.

¹⁵ “Ex, James Atlee, Announces Change at Gatesville,” *The J-Jar*, October 3, 1950.

¹⁶ TYDC Manual, *A Community Organization for Children and Youth* (Austin: 1950), TSLAC, Youth Development Council 1950-1952, Folder 59.

¹⁷ Minutes, Regular Meeting of the Youth Development Council March 15, 1951, TSLAC, 1991/016-60 Folder 527.

became more infrequent—albeit slowly.¹⁸ In addition, the recidivism rate for all schools plummeted.¹⁹ At the Gainesville State School for Girls, girls were no longer expected to work on the dairy farm, and to accommodate the needs and location of the majority of Texas’s Black population, the Brady State School prepared for relocation to East Texas.²⁰

New intake methods under the TYDC produced information integral to staff and administrators who developed individualized plans toward inmate rehabilitation.²¹ In doing so, they analyzed aggregate data and arrived at other conclusions that showed promising signs of improvement. For example, while concerns of youth drug use across the United States intensified, Texans learned through the TYDC’s data that there were only thirty-four inmates who were committed with “liquor or drugs listed as a major factor in their delinquency, and the majority of these records listed liquor alone.”²² To the relief of citizens and politicians, if there was a drug problem among Texas youths, it was not evident in the data that the TYDC collected. In another demonstration of their effectiveness, the TYDC also helped to establish youth parole offices in communities that previously did not have any option but to directly send juvenile delinquents to state institutions.²³

¹⁸ “Young Girl Tells of Seeing Inmates Beaten,” *Gladewater Daily Mirror*, February 1, 1952; “Girl’s Charges Against State School are Denied,” *Palacios Beacon*, February 21, 1952.

¹⁹ Minutes, Regular Meeting of the Youth Development Council March 15, 1951, TSLAC, 1991/016-60 Folder 527; Chart, TSLAC, Youth Development Council, 1949-195, Folder 251.

²⁰ Staff of the Texas Legislative Council, “Map V: Location of Texas Cities Whose Police Departments Have Juvenile Control Units or Designated Officer to Deal with Juveniles,” “Map VI: Juvenile Detention Homes in Texas,” *Juvenile Delinquency in Texas: Incidence, Laws, and Services* (Austin: November, 1954), 96a, 151.

²¹ Office of the State Auditor, *Audit Report: Youth Development Council*, April 30, 1951, 27-28, TSLAC, 1991/016-60; Texas Legislative Council, *Juvenile Delinquents in Texas* (1954), 273-275.

²² Subcommittee on Improvements in the Federal Criminal Code of the Committee on the Judiciary United States Senate, *Illicit Narcotics Traffic (Austin, Dallas, Fort Worth, Houston, and San Antonio, Texas) Part 7*, October 12-21, December 14-15, 1955, 2437.

²³ Texas Youth Development Council, *Fifth Annual Report, Fiscal Year Ended August 31, 1954* (Austin, TX), 7.

The campuses also took on a new outward appearance.²⁴ The schools were de-fenced, uniforms were removed from dress codes, and corporal punishment was banned.²⁵ Inmates were given access to recreation, movies, television, and radio content. Paddles and whips were notably absent. Rather than punishing inmates through corporal measures or threatening inmates with violence, staff and administrators were expected to implement disciplinary policies like withholding those new privileges.²⁶ Inmates, if they did not violate the rules and if they cooperated with authority figures on their path toward rehabilitation, could participate in the activities that free children partook in like reading comic books, watching movies, and playing organized sports.²⁷

Those changes were expensive, however.²⁸ The Brady relocation project alone was a costly pursuit that wound up frustrating the Senate Finance Committee, which slashed the recommended TYDC budget in half after inspectors discovered that water and sewage lines were not operational at the new facility in Crockett, a town one hundred miles north of Houston.²⁹ TYDC members met with the legislature and resolved the budgetary issues, but the threat of a

²⁴ Governor Allan Shivers, "Texas' Spending Record," *Denton Record-Chronicle*, April 30, 1953.

²⁵ Texas Youth Development Council, *Fifth Annual Report, Fiscal Year Ended August 31, 1954* (Austin, TX), 6.

²⁶ Judge Sarah Hughes, "Facilities for Handling Delinquents Up To People," *The Baytown Sun*, April 9, 1958.

²⁷ Texas Youth Development Council, *State Youth Development Council to the Governor, Fiscal Year Ending August 31, 1951* (Austin, TX); Texas Youth Development Council, *Fourth Annual Report, Texas State Youth Development Council to the Governor Fiscal Year Ended August 31, 1953* (Austin, TX).

²⁸ Texas Youth Development Council, *Fifth Annual Report, Fiscal Year Ended August 31, 1954* (Austin, TX), 4; Texas State Youth Development Council, *Eighth and Final Annual Report, Fiscal Year Ended August 31, 1957* (Austin, TX).

²⁹ Minutes, Regular Meeting of the Youth Development Council March 15, 1951, TSLAC, 1991/016-60 Folder 527.

slashed budget threatened to obstruct Texas's march into the modern age of juvenile corrections. The TYDC took the budgetary cut as a clear warning that financial costs topped the list of priorities. Such a warning was not a surprise. In 1948, the Commission and Clendenen had the foresight that finances would determine Legislative decisions. The promise of rehabilitating inmates alone would not convince legislators to approve the program. It had to make fiscal sense. In preparation for those demands, the Commission preserved an important practice in the establishment of the TYDC to ease politicians' concerns about the cost of juvenile detention: some inmates would work to help pay for their own "rehabilitation."

"Today," Clendenen explained about the juvenile facilities that relied on farm revenue in 1948, "a good many of them certainly are profitable business ventures." "I have no doubt," he clarified, that the farm labor from Gatesville inmates "is paying."³⁰ A Commission member disliked the idea of continuing the practice. She objected to it and argued that if farm labor remained, inmates would not receive individual treatment and "the boys [would] have to spend so much time on the farm itself that in terms of working with the boys, it would not be possible because of the number of hours the boys actually have to spend on the farm."³¹ That exact situation played out previously under the Board of Control when children had no time to attend school.³² In their search for a way to keep farming programs while also delivering on the promise of rehabilitation, the Commission and Clendenen unwittingly grappled with Thomas Goree's

³⁰ Minutes, Texas Training School Code Commission, June 19, 1948, TSLAC, 1991/016-60.

³¹ Quotations from Minutes, Texas Training School Code Commission, June 19, 1948, TSLAC, 1991/016-60.

³² Johnson, "The Texas Reformatory System with Emphasis on the Gatesville School for Boys," (MA Thesis, North Texas State Teachers College, 1949), 60.

nineteenth-century assessment that an institution of incarceration cannot be both “reformatory” and profitable at the same time.

Commission members and Clendenen struggled with the fact that Gatesville remained “dominated by an agricultural economy.” Labor demands were symbolic of “punishment,” and “terror, from a certain phase.” They all agreed, “that’s outmoded now.”³³ Clendenen surmised that keeping a for-profit labor program could result in a “place where [administrators] were having to sacrifice training and treatment for farming.” But on the other hand, the high price of the rehabilitation plan in Texas was sure to be rejected by the Legislature, especially as youth crime rates trended upward. The work the Commission had done would be for nothing if the legislature shot down their proposed bill. The Commission agreed to keep inmate labor as part of the new rehabilitation plan. Clendenen warned Commission members, however, that labor duties “must be justified in terms of training and treatment values or it cannot be justified at all.” To avoid contradicting themselves, members of the Commission had to present farm labor as a tool for rehabilitation and treatment for the juvenile delinquent, but how?

One suggestion was that farm labor could be framed as “healthful.” Clendenen concurred that farm labor could benefit physical health. “However,” he elaborated, “these children by and large do not go to training schools because of health problems if you understand what I mean.” He reiterated, “Actually, they go to training schools because of certain social and emotional problems.” Another suggestion from the TYDC was to frame farm labor at the school strictly as agricultural training for inmates who would later become free laborers. The problem, of course, was that for the mostly urban boys who learned farming jobs at Gatesville, no jobs would be available to them when they returned to their home cities after their sentences. Similarly, for

³³ Office of the State Auditor, *Audit Report: Youth Development Council*, April 30, 1951, 25, TSLAC, 1991/016-60.

rural dwellers, farming jobs would be absent because growers would continue to use the cheaper inmate workforce as they had for decades or mechanize their farm operations.³⁴ Presenting farming as a future job seemed implausible, unless the young inmate laborers were “Spanish boys,” because that was “the kind of things the Latin-Americans are going to work on,” posited Clendenen. The total population of ethnic Mexican inmates was too low to support that idea, so they moved on. The conversation trailed off, and the subject was not again revisited.³⁵

In the final bill that the Commission submitted to the Legislature, farm labor was not banned but it was, in the Commission’s words, “limited.” Facility administrators were allowed to expect physically fit boys to perform labor for the purpose of “rehabilitating” them rather than to make the institutions “self-sustaining.”³⁶ The demand for labor from the pre-TYDC days persisted under the pretense that work was, according to the TYDC, meant to “restore and build up the self-respect and self-reliance of the children,” and not to achieve a profit. Their decision not to ban labor outright yielded results almost immediately. The TYDC generated surplus revenue in 1951.³⁷ Training measures and the types of labor that schools required from inmates remained largely informed by racial stereotypes at a time when race relations were beginning to drastically shift change across the country.

The financial problem at Gatesville that presented ethnic Mexican boys’ labor as the answer reveals how embedded racist ideas were in the post-war juvenile incarceration system in

³⁴ Open Letter, July 15, 1891, “Convict Labor vs. Honest Labor,” July 15, 1891, *Portal to Texas History*.

³⁵ Minutes, Training Code Commission, June 19, 1948, Texas Training Code Commission, TSLAC, 1991/016-60, 18.

³⁶ Texas, H.B. 795, Fifty-first Legislature.

³⁷ C. H. Cavness, State Auditor, *Audit Report: Youth Development Council*, April 30th, 1951, TSLAC, 1991/016-60, Folder 38; State Youth Development Council, *First Annual Report, Fiscal Year Ended August 31, 1950* (Austin, TX), 78-80.

Texas, a state under Jim Crow rule.³⁸ “Separate but equal” was the supposed justification behind the segregation of southern schools, discriminatory institutional policies, unequal job opportunities, and disparate access to medical attention. But as several critics of state-sanctioned segregation opined leading up to and after *Brown v. Board of Education* (1954), the intent behind racial segregation was inequality. It was not an organic evolution of American society, as some defenders of Jim Crow argued.³⁹ Jim Crow racism was enacted by powerful men who used their influence in political offices from the local to the federal level as a means of social control. Half a century after *Plessy v. Ferguson* (1896), bureaucrats defended racial segregation and white supremacy as the natural state of American society and went to great lengths to protect that social order using the courts, financial and policing institutions, and extralegal violence.⁴⁰

For policymakers in the 1950s, gender played an integral part in the collective effort to preserve white supremacy. The rise of white juvenile delinquency, especially among girls, worsened the perceived crisis of white supremacy’s longevity.⁴¹ As historian Linda Kerber demonstrates, the centuries old American fascination for the “republican mother” archetype worked to reinforce the law of domestic relations that placed married women’s bodies and property under the legal control of their husbands. White girls were expected to mature into embodiments of the republican mother so that they could perpetuate the existing social structure, in which they would raise sons “who were educated for civic virtue and for responsible

³⁸ For more on how ethnic Mexican labor expectations factored into Jim Crow rule in the South, see Mae Ngai, *Impossible Subjects*; Natalia Molina, *How Race is Made in America*; Montejano, *Anglos and Mexicans in the Making of Texas*; Neil Foley, *The White Scourge* (1998).

³⁹ Michael Omi and Howard Winant, *Racial Formation in the United States* (New York: Taylor and Francis, 2014), 115-119.

⁴⁰ Brown, *Upbuilding Black Durham*, 10-11.

⁴¹ Herbert A. Block and Frank T. Flynn, *Delinquency: The Juvenile Offender in America Today* (New York: Random House, 1956), 56.

citizenship” and “raise self-reliant daughters who, in their turn, would raise republican sons.”⁴² That ideal was so integral to the seemingly crumbling social order that young women who rejected those values in the mid to late 1950s, according to the research of historian Stephanie Coontz, were considered “sick,” “neurotic,” and “immoral” by a large portion of middle-class Americans.⁴³ There was hope for delinquent white girls, according to officials in Texas. White girls who were sexually active, insolent, lawbreaking, uneducated, or untrained in the norms of middle-class domesticity could reach respectability through learning the curriculum at schools like the Gainesville State School, especially now that forced labor in the dairy farms and punishments like leg irons and head-shavings were officially removed from the daily regimen under the TYDC.⁴⁴

With the policy changes, however, brutality and harsh treatment persisted at the Gainesville State School for Girls in the 1950s. In 1953, only 10 percent of girls in Gainesville were imprisoned for having committed actual crimes, like property offenses or acts of violence.⁴⁵ The majority of the facility’s white population came from a so-called “broken home” headed by a single parent, and like almost every other TYDC inmate, girls came from a poverty-stricken household.⁴⁶ What is more, almost half of Gainesville’s 190 inmates on average had been victims

⁴² Kerber, *No Constitutional Right*, 146.

⁴³ Stephanie Coontz, *The Way We Never Were: American Families and the Nostalgia Trap* (New York: Basic Books, 2000), 186; “State School Truants: Young Girls Stage Prison ‘Riot’ Here,” *Denton Record-Chronicle*, March 8, 1954.

⁴⁴ For more on the welfare state, middle-class values, and how they shaped policy, see Linda Gordon, *Pitied but Not Entitled: Single Mothers and the History of Welfare* (Cambridge, MA: Harvard University Press, 1994); “Progressive Steps Taken at School,” *The Daily News-Telegram*, May 21, 1952.

⁴⁵ Texas Legislative Council, *Juvenile Delinquents in Texas* (1954), 301-302.

⁴⁶ Texas Youth Development Council, *Sixth Annual Report of the State Youth Development Council* (1955), 24; Block and Flynn, *Delinquency: The Juvenile Offender in America Today* (1956), 11.

of sexual violence before they arrived at the State School for Girls.⁴⁷ Their “crime” was that they were defiant against the male heads of households.⁴⁸ Other times, their crimes fell under the wide categorization of “immoral conduct” or “sex offenses.”⁴⁹ Adding to the indignity and trauma of sexual violence that the girls faced on top of incarceration, they became subject to public humiliation. For example, one newspaper reporter shamed two adolescent delinquent girls for having so many adult “lovers” that they did not remember their names.⁵⁰ In one major study in the mid-1950s, the authors reported that according to aggregate data from across the country on the so-called “criminality” of delinquent girls, “[the] girl from an underprivileged environment . . . may, under certain circumstances, very readily become a sexual offender.”⁵¹

Some of Gainesville’s white inmates were not exactly considered children in the legal sense, either. There were inmates under the age of twenty who had already been married and became mothers when they were deemed delinquent for having acted out of line of respectable middle-class norms. One young married woman, for example, engaged in an extramarital affair with another woman. The married woman was sentenced to Gainesville and the local newspaper reported her “crimes.”⁵² Because of the generational crisis that the girls presented to the state, discipline was necessary to rehabilitate them, according to school Superintendent Maxine Burlingham. She contended that “We have in our school tomorrow’s potential mothers. If we

⁴⁷ Texas, *Juvenile Delinquents* (1954), 301.

⁴⁸ “Sulphur Springs Girl Committed to State School,” *The daily News-Telegram* (Sulphur Springs, TX), June 23, 1953.

⁴⁹ Texas, *Juvenile Delinquents in Texas* (1954), 301-302.

⁵⁰ “Run-Away Girls Can’t Remember Lovers,” *The Orange Leader*, October 31, 1951.

⁵¹ Block and Flynn, *Delinquency* (1956), 140.

⁵² “Mrs. Nichols is Held Delinquent, Maxwell Fined,” *The Stephens County Times*, June 19, 1958.

don't rehabilitate them now our next generation will have a job on its hands."⁵³ Almost all the girls were from major cities in Texas, and they were all subject to brutal disciplinary measures.

Discipline entailed "shocking penitentiary conditions," according to one runaway girl's attorney. The girl escaped the facility after she suffered a mental breakdown from having been caged in solitary confinement for 183 days straight.⁵⁴ The girl reported that she and many other Gainesville inmates self-mutilated out of frustration and that she "preferred death" over ever returning to Gainesville.⁵⁵ She also testified to witnessing girl inmates suffer beatings from male staff members, which launched a state investigation into Gainesville's conditions in early 1952. The investigation did not produce any changes except for a temporary pause on disciplinary measures. After the investigation ended, Gainesville proceeded to manage inmates as it had before. Guards, who were supposedly "afraid of the girls," resumed administering whippings. One newspaper editor believed that inmates were "hardened beyond their years, or they would not be at Gainesville," and thus deserved such treatment. In a defense of Gainesville's disciplinary methods, he concluded that "Some discipline is necessary, but Texas citizens can be confident that under Mrs. Burlingham it will be firm but humane."⁵⁶

Being a young, nonwhite female American presented additional challenges beyond those of gender roles and class. Historian Vicki Ruíz demonstrates that often, labor performed by ethnic Mexican women and girls in the early to mid-twentieth century was not only expected, it

⁵³ "Rotarians See Movies of State School for Girls," *The Nocona News*, February 24, 1956.

⁵⁴ "Houston Lawyer Blasts Conditions in Reform School," *The Daily News-Telegram*, February 1, 1952.

⁵⁵ "Teen-Age Girl Prefers Death to Reform School," *The Daily News-Telegram*, February 7, 1952; "Group Will Discuss Gainesville School," *The Baytown Sun*, February 5, 1952.

⁵⁶ "Vacation Ends for Girls, Superintendent is Given Free Hand," *The Baytown Sun*, February 22, 1952; "State School in Good Hands," *The Denton Record-Chronicle*, May 18, 1952.

was largely invisible, unpaid, and unrecognized.⁵⁷ It was also expected at an early age. When ethnic Mexican girls rejected gendered expectations as youths, their status as outsiders alarmed community elders and Anglo gatekeepers responded vehemently on their behalf. Since Gainesville was an all-white school that admitted ethnic Mexican girls, it is impossible to tell if and how the terrible treatment differed between both groups.⁵⁸ For Black girls, the story is much clearer. Historian Jacqueline Jones explains that as Americans who were systematically denied the privileges assumed by race, class, and oftentimes color, Black girls saw nothing but the barriers of Jim Crow racism and respectability politics around them in the 1950s.⁵⁹

The “new criminologists” who lobbied for rehabilitative treatment of juvenile delinquents had begun to seriously consider the effects that racism had on children by the 1940s.⁶⁰ In 1942, the American Council on Education published a study about the unique disadvantages that Black youths faced in the United States. Author Robert Sutherland argued Black inferiority “is not a biological fact but a social matter,” and that the “caste-like system” in the United States isolates African American children from the opportunities that Anglos took for granted and in turn justified as biological supremacy. He reminded readers that even the act of expressing dreams of upward mobility was a racial privilege that Black children were not permitted, a fact that they

⁵⁷ Vicki Ruiz, *From Out of the Shadows: Mexican Women in Twentieth-Century America* (Oxford: Oxford University Press, 2008), 88-89.

⁵⁸ Texas Legislative Council, *Juvenile Delinquents in Texas* (1954), 56.

⁵⁹ For more on the racial segregation and girls in the South, see Jones, *Labor of Love, Labor of Sorrow*, 129.

⁶⁰ Block and Flynn, *Delinquency: The Juvenile Offender in America Today* (1956), 130.

Authors of *Delinquency* Block and Flynn took umbrage at a social scientist whose 1939 publication influenced policymakers across the United States. Block and Flynn explained that most social scientists criticized as a deeply flawed and racially biased study of criminality and explained that “Crime is a *social* phenomenon, hardly a biological trait . . . This is evidenced in changing conceptions of crime among different cultures, during different period, and for different class levels. Is [the author] implying that a given physical constitution predisposes toward crime irrespective of the period and society in which it exists and the social class level on which an individual finds himself? There is not a shred of statistical or empirical evidence to support such a contention.”

were forced to accept in the segregated schools that they attended.⁶¹ With the addition of racist policing and racist court systems, Black children were debarred from the privilege to live up to the standard that powerful voices set for white children in the country.⁶² For Black girls, that assessment was doubly true, and the new criminologists of the 1940s and 1950s made wholehearted attempts to address the problems that racism inflicted onto children.⁶³

In Texas, studies of childhood delinquency replicated the conclusion that the crucial element that led to juvenile “delinquency” was a child’s environment, especially environments that poor children endured.⁶⁴ However, unlike the aforementioned national 1942 piece that directly called attention to systemic racism’s role at the root of inequality for children in the United States, the new criminologists of Texas did not directly challenge the deep-seated racism in the state. For example, one 1949 Texas study tiptoed around the conviction that racism and disproportionate policing were to blame for juvenile delinquency, without indicting, or even mentioning, Jim Crow. In her study of Gainesville inmates, the author instead listed “low economic status,” “low cultural status,” low wages, “inadequate children’s facilities,” “low educational attainment,” “irregular school attendance,” and most of all, “the home backgrounds” that do not give girls “a feeling of belonging” in society as major contributors to the growing female juvenile delinquency problem in Texas.⁶⁵ In other words, she identified the symptoms but

⁶¹ Robert L. Sutherland, *Color, Class, and Personality* (Washington, D.C.: American Council on Education, 1942), 7.

⁶² Sutherland, *Color, Class, and Personality*, 11, 50.

⁶³ Sutherland, *Color, Class, and Personality*, 60.

⁶⁴ Hill, “Changing Emphasis,” 50.

⁶⁵ Rachel Melvina Crews, “A Study of One Hundred Texas State Training School Girls at Gainesville, Texas, To Determine the Major Factors in Juvenile Delinquency,” MS thesis, North Texas State Teachers College, 67-68.

not the root cause, racism. Evidence that contradicted the defense of institutions as “separate but equal” abounded. Inequality persisted because of the systems that perpetuate the way that power was distributed. With an opportunity to make some sort of meaningful change, however, the TYDC chose to cooperate with the existing racial order and did not directly challenge Jim Crow in Texas.

Under the TYDC, the Gainesville School and the Brady State School reoriented their missions in 1949 toward transforming delinquent girls into specific role-occupying women based on their race.⁶⁶ At Gainesville, administrators replaced farm labor with homemaking, cooking, sewing, and typing classes—skills that placated middle-class sentiments. As we have seen, they also kept harsh discipline. At Brady, the TYDC’s main priority was reducing the cost of detaining inmates, which meant that inmates were forced to labor on the premises. Girls were now expected to work in the school’s so-called “farming operations” to adjust for the expenses that they incurred as involuntary captives.⁶⁷ With a low daily inmate population compared to the other state schools, the price of captivity remained expensive.

Of course, as many had suggested for decades, merging the white and Black schools would dramatically lower operating costs for the State. TYDC members recognized that fiscally speaking, keeping all girl inmates at one facility could reduce the cost of operations, but they insisted, as had members of the Board of Control and the Prison Board in decades prior had, that “much better results can be obtained and a generally happier situation maintained if the colored

⁶⁶ Office of the State Auditor, *Audit Report: Youth Development Council*, April 30, 1951, TSLAC, 1991/016-60; Texas Youth Development Council, Memorandum dated February 7, 1950, “Relocation of the School for Girls at Brady,” Youth Development Council, TSLAC, 1950-1952, Folder 59.

⁶⁷ Office of the State Auditor, *Audit Report: Youth Development Council*, April 30, 1951, TSLAC, 1991/016-60.

school is in a location to itself.”⁶⁸ Incarcerated Black girls most likely did not consider themselves as having occupied a “happier situation.” They did not become happier when in 1950 the State Negro School for Girls relocated from Brady to Crockett.

At Crockett, where the daily population average did not exceed ninety inmates from 1950 to 1957, Black girls were trained to perform Black women’s jobs.⁶⁹ According to officials, they did not receive the same job training as the girls at Gainesville because they had a significant “number of children who are too dull or feeble-minded to benefit from either vocational or academic training.”⁷⁰ While inmates were allowed similar recreational activities and vocational training as the girls at Gainesville, administrators and teachers expected inmates to learn table service, as Director of Institutions Harold J. Matthews explained, “as an on-the-job part of the school’s homemaking course” that was unique to Crockett. Another “vocational skill” that girls acquired was in the school’s laundry, which “helps prepare the girls for good jobs upon their release.” Staff and administrators also demanded that the inmates handle all the clothing and linen for the school, students, and staff.⁷¹ The upkeep of the grounds was the responsibility of the girls, and they were also expected to work in the garden and on landscaping duties. Discipline included the deprivation of privileges like in other schools, but it also consisted of work assignments and a stay in the “detention cottage,” otherwise known as solitary

⁶⁸ Texas Youth Development Council, Memorandum dated February 7, 1950, “Relocation of the School for Girls at Brady,” Youth Development Council, TSLAC, 1950-1952, Folder 59; Mitchel P. Roth, *Convict Cowboys: The Untold History of the Texas Prison Rodeo* (Denton: University of North Texas Press, 2016), 21.

⁶⁹ ““Old Buildings, Old Methods’ Used in State Reformatories,” *The Daily Sun News*, December 9, 1952; “No Delinquents in Correctional State Schools,” *The Alto Herald*, January 12, 1956.

⁷⁰ Texas Legislative Council, *Juvenile Delinquents in Texas* (1954), 316.

⁷¹ Harold J. Matthews, “Negro Girls Taught New Life at Crockett,” *The Denton Record-Chronicle*, July 10, 1952.

confinement.⁷² It was all, according to Matthews, so that the TYDC could “prepare them to return to their home communities as better citizens, capable of taking their places in society and earning a decent living.”

At the boys’ school in Gatesville, other elements of the pre-TYDC days persisted, especially as population numbers swelled in the 1950s. Corporal punishment, although illegal, made its way back into the administrators’ management tactics with the growth of the juvenile population.⁷³ In 1951, the TYDC learned that 54 percent of Gatesville inmates were repeating offenders, and to the dismay of pro-rehabilitation criminologists, at least 25 percent of the entire population of the Texas penitentiary system came from the Gatesville State School for Boys, which represented undesirable results in their attempts to rehabilitate juvenile delinquents.⁷⁴ To manage the population boom of the mid-1950s, the TYDC kept Gatesville as a “mass-custody” institution, which meant that it was broken into smaller segregated units for maximum control.⁷⁵ Quite obviously, segmenting the population does not improve the staff-to-inmate ratio. Releasing inmates was not effective, either. From September 1, 1949, to April 30, 1951, the TYDC released 1,292 inmates, but completely lost track of every one of them. The agency admitted that they lacked the personnel capable “of handling this type of work.”⁷⁶

⁷² Harold J. Matthews, “Negro Girls’ School Fills Social Needs,” *The Denton Record-Chronicle*, July 20, 1952.

⁷³ ““Old Buildings, Old Methods”” Used in State Reformatories,” *The Daily Sun*, December 9, 1952.

⁷⁴ “State Asked to Build Four More Schools for Boys,” *The Mercedes Enterprise*, May 3, 1951.

⁷⁵ “Ex, James Atlee, Announces Change at Gatesville,” *The J-Tar* (Tarleton State College, Stephenville, TX), October 3, 1950; “Public Invited to Attend Opening of School for Boys,” *The Celeste Courier*, November 30, 1962.

⁷⁶ Office of the State Auditor, *Audit Report: Youth Development Council*, April 30, 1951, TSLAC, 1991/016-60.

In fact, the TYDC lacked the personnel to operate the “mobile clinic” as well, the name of which would suggest to a modern audience a large truck akin to a repurposed RV, bus, or trailer where minor offenders would be interviewed, diagnosed, and perhaps treated for medical conditions during pre-hearing detentions. The reality was that the mobile clinic was nothing more than a few TYDC members who commuted in their own vehicles and offered advice to courts that dealt with minors. Regardless, Rev. Walter Kerr, head of the TYDC in 1951, praised the efficacy of the mobile clinic. He gave an example of one boy’s undiagnosed “glandular difficulty” that forced his body to emit an offensive odor, which made life so difficult for the boy that he attempted to burn down the school after classmates relentlessly taunted him for his smell. Once he was in police custody for attempted arson, “Stinky” received a full physical under the orders of a TYDC member, and his glandular disorder was diagnosed and “cured.” (Doctors probably prescribed the boy special deodorant or antiperspirant). The boy was released to his mother and when they moved to a new town, Stinky received a “fresh start,” presumably with a different nickname. The TYDC never dealt with the boy again.⁷⁷

As helpful as that was for Stinky, the reality was that the TYDC could not intervene at that capacity for most children who were placed under arrest. After the mobile clinic would arrive to a town or county, the state auditor clarified, TYDC members would merely “point out the areas of need, offer suggestions, and pass on.”⁷⁸ For counties that did not have any juvenile courts or local probation services at all, TYDC members stayed longer and served as an intermediary between the criminal courts where children were adjudged and the TYDC. But as with the tracking of parolees, the TYDC lacked the people power to fully implement the

⁷⁷ Reba Graham, “Juvenile Aid Program Outlined by Kerr,” *Austin American*, January 25, 1950.

⁷⁸ Office of the State Auditor, *Audit Report: Youth Development Council* (1951).

strategies that would curb the detention to prison statistics rate. Overall, the Commission and the TYDC did not account for how messy the transfer of power from the Board of Control could become. With inadequate funding, the cracks in the foundation of the TYDC were becoming increasingly difficult to step over.

The TYDC did not account for the abrupt spike of juvenile delinquency cases by mid-decade. The agency reported in 1954 that more than nineteen thousand children were arrested and adjudged in juvenile or criminal courts for having committed “delinquent acts,” which ranged from petty theft to curfew violations, and armed robbery to murder. The rate only grew as the Baby Boomer generation aged into adolescence.⁷⁹ Whereas in 1953, the delinquency rate peaked at fifteen per one thousand children in Texas, it increased to eighteen per one thousand a year later.⁸⁰ By 1956, one in fifty Texas children were referred to juvenile courts.⁸¹ The population of delinquent juveniles in Texas was quickly trending upward, and without the essential personnel to implement their vision of a juvenile rehabilitation system, TYDC members found themselves drowning to meet the expectations that the Commission had set for the agency. To add to the administrative and practical problems of the new agency, they struggled on the public relations front as well.⁸²

Local Gatesville community members were skeptical and critical of the agency’s ban on corporal punishment because they believed that physical force was the best deterrent of malfeasance and escape attempts. Tensions reached a boiling point when one runaway boy shot

⁷⁹ Loic Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham, NC: Duke University Press, 2009), 210; Coontz, *The Way We Never Were*, 134-135; Mintz, *Huck’s Raft*, 341.

⁸⁰ *Juvenile Delinquency in Texas* (1954), 52.

⁸¹ Texas State Youth Development Council, *Eighth and Final Annual Report of the Texas State Youth Development Council to the Governor* (Austin, 1957), 9.

⁸² C. H. Cavness, State Auditor, *Audit Report: Youth Development Council*, 28.

and injured a local farmer during an attempted escape. Gatesville men organized what they called a “last straw” meeting to protest the TYDC’s ban on corporal punishment. Forgetting that during the era of harsh corporal punishment a group of boys had slaughtered a man with an axe and a hammer during their attempted escape, the community men misplaced blame for the “soft” treatment that the inmates received on the Dallas Women’s Voter League. One hundred and twenty-five men demanded that the TYDC reinstate corporal punishment policies or relocate the facility and “let the Dallas sob sisters have the school.”⁸³

Across the nation in the 1950s, American masculinity was in a panic state. Historian K. A. Cuordileone’s compelling study of early Cold War-era language in the United States demonstrates that Anglo masculinity’s panic was emblematic by “the reduction of political identities and issues to dualistic images that tended to supersede a policy-oriented politics and obscure the degree to which a broader political consensus was in fact emerging.”⁸⁴ At midcentury, Americans struggled with the fear that citizens “were growing too soft and self-indulgent next to their hard-driving, self-denying Spartan enemies in the U.S.S.R.”⁸⁵ Cuordileone demonstrates that the accusation of softness was the primary weapon that anti-communists “clubbed their political enemies” with, and that the dualistic hard/soft imagery was the reflex of a political culture that “put a premium on hard masculine toughness and rendered anything less than that soft, timid, feminine, and as such a real or potential threat to the security of the nation.”

⁸³ “House Passes Measure Banning Corporal Punishment from State Reformatories,” *The Orange Leader*, May 7, 1947; “Senate Votes to Abolish Corporal Punishment from Reform Schools,” *The Orange Leader*, April 29, 1947; “State School is Nuisance; ‘Let the Dallas Sob Sister Have It,’ Citizens Demand,” *Stephenville Daily Empire*, August 17, 1950; “Sob Sisters May Have Boys School at Gatesville,” *Breckenridge American*, August 17, 1950.

⁸⁴ K. A. Cuordileone, *Manhood and American Political Culture in the Cold War* (New York: Taylor and Francis Group, 2005), vii.

⁸⁵ Cuordileone, *Manhood and American Political Culture in the Cold War*, 23.

There was power in language, and the power of the “hard/soft dualism in cold war political discourse lay here, in the gendered, symbolic baggage that gave such imagery its meaning.”⁸⁶

To ameliorate the Gatesville men’s concern about the “soft” treatment—and by extension, quelling concerns about the threat of communism—William E. Crawford III, a state investigative committee member who supported the ban on whipping inmates, assured the men that corporal punishment was not a sign that treatment at Gatesville was going “soft.”⁸⁷ Speaking from his experience as an Army officer who dealt with prisoners of war, Crawford explained that he successfully managed the toughest prisoners while working “under regulations that prevent laying a hand on the prisoners.” Rather than hitting inmates, he elaborated, “we could put them on a minimum diet, sweat them out, put them on hard labor and make them wish they had been given the whip instead.”⁸⁸ Crawford, in an attempt to prove to the Gatesville men that he was “hard,” appeased their preoccupation with physical punishment, and effectively undermined the TYDC’s mission of protecting, educating, and re-socializing the inmates of Gatesville. TYDC may not condone hitting inmates, but that did not mean that inmates would enjoy their time at the facility.

As a compromise with community members, the TYDC hired additional security guards and promised that the facilities would receive upgrades to reduce escape attempts. Those upgrades were quickly put to the test. On the night of November 5, 1951, a group of four non-inmate boys drove up to the front doors of the Gatesville facility on a mission to extract some of their incarcerated partners in crime. The extraction team infiltrated the dorm and like an elite

⁸⁶ Cuordileone, *Manhood and American Political Culture in the Cold War*, viii.

⁸⁷ Cuordileone, *Manhood and American Political Culture*, 133.

⁸⁸ “Ban on Reformatory Whippings Approved,” *Denton Record-Chronicle*, May 7, 1947.

team of highly trained guerillas, the boys performed their assigned duties according to plan. One boy held a knife to the back of the night watchman while the others, armed with clubs, located their partners whom they planned on escorting off the premises. The group rendezvoused and made their way to their cars parked at the main entrance and escaped the facility at approximately 3:20 a.m.⁸⁹ The police did not capture them.

Out of desperation to regain control, the staff began to reinstate pre-TYDC disciplinary measures. They kept corporal punishment officially off limits, but Gatesville staff reimplemented the merit and demerit system. Inmates, depending on their behavior, received or lost merits, which indicated how near the boy was to reaching parole or discharge status. With enough merits, boys could participate in sports teams, band, and other extracurriculars. Demerits, on the other hand, were distributed to entire “companies,” or segregated units, based on the behavior of one or two company members despite the good behavior of others. The method of doling out disciplinary measures frustrated a pair of boys in 1953. After they lost considerable merits when some boys in their company were involved in a fight, they decided to run away. The pair of boys escaped the grounds, waded through water, hid at a nearby cemetery, stole cars, hitchhiked, and made their way south to San Antonio, back up north to Fort Worth, and back south again, stopping in nearby Brownwood. They broke into a gas station in search for supplies but police apprehended them and returned them to Gatesville.⁹⁰

Even for the boys who had enough merits to participate in extracurriculars, conditions at Gatesville remained terrible. Some boys capitalized on unique opportunities to escape, regardless of the time and place. In 1955, for example, three boys from the State Training School for Boys

⁸⁹ “Four Escape from Gatesville School,” *Gladewater Daily Mirror*, November 5, 1951.

⁹⁰ “Two Escapees from Gatesville Boys School Arrested in Burglary Here,” *Brownwood Bulletin*, March 13, 1953.

basketball team sauntered off after a game against the Jaycees Boys Club Basketball team in Waco. The two Houstonians and the one San-Angelonian snuck out of the locker room past the guard. Days later, police reported that they could not find any trace of the three boys.⁹¹

Mass escape proved the most effective method of fleeing the institution. In 1957, a group of fifteen boys allegedly “slipped off from the school,” and made their way back to their homes in El Paso, Austin, Fort Worth, Houston, and Corpus Christi.⁹² From the staff’s methods of managing their inmates to the boys’ relentless yearning for freedom, it appeared as if the material conditions and the daily realities had not changed all that much compared to the previous decade. The TYDC publicly insisted, however, that conditions did in fact improve, albeit incrementally.⁹³

With a steady daily average population growth from about five hundred inmates at Gatesville in 1952 to over one thousand in 1957, administrators took advantage of the “vocational education” program at Gatesville, most of which consisted of farm work and forcing the boys to upkeep the property.⁹⁴ It is unclear how many hours per day they boys spent working in the fields and how many hours they spent in an educational setting. In addition to labor on the fields, the boys worked in a canning plant, preserving the crops that they harvested themselves.⁹⁵ Across the 472 acres of land, Gatesville inmates also raised cotton and feed. The inmates produced some revenue for the state, but with the new costs that the TYDC incurred from

⁹¹ “Gatesville Boys Escape at Waco,” *Breckenridge American*, January 14, 1955; “Reform School Cagers Walk Away After Tilt,” *Cleburne Time-Review*, January 14, 1955; “Reform School Cagers Hit Road After Game,” *The Baytown Sun*, January 14, 1955.

⁹² “Fifteen Flee State School,” *The Cuero Record*, September 9, 1957.

⁹³ Office of the State Auditor, *Audit Report: Youth Development Council*, April 30, 1951, TSLAC, 1991/016-60.

⁹⁴ Texas Legislative Council, *Juvenile Delinquents in Texas* (1954), 275-300.

⁹⁵ Office of the State Auditor, *Audit Report: Youth Development Council*, April 30, 1951, TSLAC, 1991/016-60.

launching statewide rehabilitative programs and upgrading the institutions, the profits paled in comparison to what juvenile inmates had produced in decades prior.⁹⁶ At the same time, the growth of juvenile commitment rate to state facilities and the costs associated with “rehabilitating” them frustrated politicians and citizens alike. The TYDC’s rehabilitation plan did not produce the results that members had promised.⁹⁷ It was time to take a page from the Texas Department of Corrections’ playbook. It was time to “get tough” on inmates.

In the middle 1950s, especially after *Brown v. Board* desegregation decision in 1954, anti-integration battles erupted across the South, most famously in Little Rock, Arkansas, with notable crises also unfolding in Clinton, Tennessee and Mansfield, Texas.⁹⁸ Schools were not the only battlegrounds over the new law of the land.⁹⁹ Zealous Anglos organized to defend neighborhood segregation, citing integration and desegregation as evil effects of communism

⁹⁶ Texas Legislative Council, *Juvenile Delinquents in Texas* (1954), 300.

⁹⁷ Texas State Youth Development Council, *Eighth and Final Annual Report of the Texas State Youth Development Council to the Governor* (Austin, 1957), i.

⁹⁸ Karen Andersen, *Little Rock: Race and Resistance at Central High School* (Princeton, NJ: Princeton University Press, 2010); Dwonna Goldstone, *Integrating the 40 Acres: The 50-Year Struggle for Racial Equality at the University of Texas* (Athens: University of Georgia Press, 2006); Robyn Duff Ladino, *The Crisis at Mansfield* (1996); Online Museum, *The Crisis at Mansfield* (2014).

⁹⁹ For more on Civil Rights Movement of the 1950s and 1960s in Texas, see Max Krochmal, *Blue Texas: The Making of a Multiracial Coalition in the Civil Rights Era* (Chapel Hill: University of North Carolina Press, 2016); J. Todd Moye, *Ella Baker: Community Organizer of the Civil Rights Movement* (New York: Rowman & Littlefield, 2013); Max Krochmal and J. Todd Moye, editors, *Civil Rights in Black and Brown: Histories of Struggle in Texas* (Austin: University of Texas Press, 2021).

(see Figure 16).¹⁰⁰ Prison systems did not face desegregation orders until the 1960s and 1970s.¹⁰¹ But until then, police served as the protectors of middle-class property, defenders of middle-class values, and guardians of white middle-class standards of education. Police took on that duty with gusto, and sometimes as members of their local Klans.¹⁰² Arrest and incarceration rates for African Americans and ethnic Mexicans skyrocketed, which led conservatives to point to the increase in crime as a sign of the evils associated with desegregation orders. They called for more policing to protect “law and order,” which in turn produced exponentially greater arrest and incarceration rates over the late 1950s and 1960s.¹⁰³ As the 1960s approached and through the beginning of the 1970s, African American youth incarceration rates shot upward while Anglo delinquency plummeted in Texas.¹⁰⁴

¹⁰⁰ Gordon, *Mapping Decline* (2008); Richard Rothstein, *The Color of Law: A Forgotten History of How our Government Segregated America* (New York: Liveright Publishing Corporation, 2017); Ira Katznelson, *When Affirmative Action was White: An Untold History of Racial Inequality in Twentieth Century America* (New York: W. W. Norton and Company, 2005); Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* 2nd ed., (Princeton, NJ: Princeton University Press, 2005); Kevin M. Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton, NJ: Princeton University Press, 2005); William H. Chafe, *Civilities and Civil Rights: Greensboro, North Carolina, and the Black Struggle for Freedom* (Oxford: Oxford University Press, 1981); Hinton, *From the War on Poverty to the War on Crime* (2016); Edward J. Escobar, *Race, Police, and the Making of a Political Identity: Mexican Americans and the Los Angeles Police Department, 1900-1945* (Berkeley: University of California Press, 1999); Max Felker-Kantor, *Policing Los Angeles: Race, Resistance, and the Rise of the LAPD* (Chapel Hill: University of North Carolina Press, 2018); Elizabeth Hinton, *America on Fire: The Untold History of Police Violence and Black Rebellion Since the 1960s* (New York: Liveright, 2021); Simon Balto, *Occupied Territory: Policing Black Chicago from Red Summer to Black Power* (Chapel Hill: University of North Carolina Press, 2019).

¹⁰¹ Trulson et. al., *First Available Cell*; Roth, *Convict Cowboys*, 99.

¹⁰² Kruse, *White Flight*, 52; Sugrue, *The Origins of the Urban Crisis*, 248-249

¹⁰³ “Sharp Increase in Delinquency Reported in Texas,” *The Daily News Telegram* (Sulphur Springs, TX), December 11, 1953; Political Ad, “Vote for C. F. (Frank) Barter Candidate for Sheriff,” *The Mercedes Enterprise*, July 22, 1954; “Fletcher Davis Warns Against the Evil of an Overgrowing Government,” *Anvil Herald*, March 5, 1954; Trulson and Marquart, *First Available Cell*, 29.

¹⁰⁴ Bush, *Childhood*, 175, Figure 17.



Figure 16. Screenshot of Civil Rights Demonstration in Austin (1963). Just out of frame a protester held a sign that read, “Down with Black Supremacy.” *Texas Archive of the Moving Image*, https://texasarchive.org/2011_03880.

Elected members of the Legislature had begun to spout the same contentions that increased arrest and incarceration rates of minorities reflected their propensity to crime.¹⁰⁵ At the same time, fiscal conservatives targeted austerity measures and eleemosynary budgets in attempts to save money. State Senator Crawford Martin of Hillsboro sponsored a bill to cut spending on the TYDC and to eliminate the social programs that it launched across Texas. Although he was politically neutral on issues regarding race and social issues in Texas, his bill to eliminate TYDC programs had long-reaching effects that ultimately served the racist measures veiled behind the emergent “tough on crime” policies.¹⁰⁶ The newly formed Texas Youth Council replaced the TYDC as the state’s juvenile corrections agency.

¹⁰⁵ Charles Waite, “Price Daniel, Texas Democrats, and School Segregation, 1956-1957,” in *East Texas Historical Journal* Vol. XLVII, No. 2. (Fall 2010), 110.

¹⁰⁶ “Segregation Bills Facing Filibuster,” *The Cuero Record*, April 18, 1957; Brian Hart, “Martin, Crawford Collins,” *Handbook of Texas Online*, <https://www.tshaonline.org/handbook/entries/martin-crawford-collins>.

The TYC reduced the number of regular board members from six to three, removed its community programs division, and named Texas social worker Dr. James Aubrey Turman as executive director. Turman, who had written his PhD dissertation at UT-Austin on the potential benefits of desegregation and had served as a consultant for the TYDC, abandoned his liberal ideals that had been informed by progressive thinkers like Gunnar Myrdal.¹⁰⁷ In his new position of power he instead promised to cooperate with the “tough on crime” agenda of the state.¹⁰⁸ Turman recalled years later that he simply acted in service to Texans: “They wanted a facility that created few problems, that was low cost, and that kept children in control. Texas has a reputation anyway of being kind of hard-assed.”¹⁰⁹

Turman looked to the Texas Prison System, renamed the Texas Department of Corrections (TDC) in 1957, for inspiration of new management strategies.¹¹⁰ O.B. Ellis, a self-proclaimed rehabilitation-oriented administrator whose tenure as the superintendent of Texas penitentiaries began in the same year as the TYDC’s formation in 1949, and whose cooperation with the Commission was praised by social scientists as “progressive,” led the TDC into its most profitable decade up to that point. Under his direction, Texas prisons adopted the “control model” of administering justice, a system in which overseers had total control over the inmates from daily regimentation to censoring mail.¹¹¹ Ellis expanded mechanization on prison farms, increased prison industries, built new cell-block units, and increased expenditures for fences,

¹⁰⁷ Bush, *Childhood*, 120.

¹⁰⁸ Bush, *Childhood*, 122; “Social Science Club Makes Tour of Gatesville State Boys’ School,” *Leopard Times* (Temple, TX), April 8, 1965.

¹⁰⁹ Frank R. Kemerer, *William Wayne Justice: A Judicial Biography*, (Austin: University of Texas Press, 2008), 160.

¹¹⁰ Perkinson, *Texas Tough*, 228.

¹¹¹ Perkinson, *Texas Tough*, 233.

picket towers, flood lights, and converted farms into so-called smaller “units,” which helped to classify inmates according to their labor output.¹¹² Administrators relied heavily on the work that inmates performed under the threat of punishment. To purportedly balance his hardline approach of handling inmates, Ellis adopted “modern” measures like establishing libraries in prisons and providing electricity, hot water, and indoor plumbing in every prison unit.¹¹³

With superficial improvements in place, inmates had no excuse but to work and generate revenue in diversified industries, from baking bricks to picking cotton, and under the Texas control model, inmates produced record profits for the state. Cotton proceeds alone topped \$2 million annually during the Korean War. With cattle raising and dairy farming, along with the production of corn, rice, and potatoes, the prison system in the 1950s under Ellis was a shining example of how an infamous institution could shed its reputation through minimal controversy, intensive farm labor, and efficient convict labor for a profit that enriched state coffers.¹¹⁴ As an added bonus, none of the profits from inmate labor went toward paying for the so-called rehabilitative programs. Instead, inmates paid for their educational and rehabilitative programs exclusively with the revenue from the yearly Prison Rodeo.¹¹⁵ It also did not hurt Ellis and the TDC that many of Texas inmates, who hailed from Texas’s urban areas and would normally have had no experience doing farm labor, once served as inmates at the Gatesville State School. Under Turman and the TYC, inmates learned how to use farming tools and adjusted to daily

¹¹² Paul M. Lucko, “Prison System,” *Handbook of Texas Online*, <https://www.tshaonline.org/handbook/entries/prison-system>; Trulson and Marquart, *First Available Cell*, 81-82.

¹¹³ Perkinson, *Texas Tough*, 228.

¹¹⁴ Perkinson, *Texas Tough*, 228; Reba Graham, “Juvenile Aid Program Outlined by Kerr,” *Austin American*, January 25, 1950.

¹¹⁵ Roth, *Convict Cowboys*, 198-203.

prison regimentation, hardly the “rehabilitation” that the new criminologists lobbied for in the previous decades.¹¹⁶

Following his assignment as executive director of the TYC, Turman followed up on his promise to deliver to Texans the type of institution they wanted. The TYC reinstated uniforms, strengthened anti-escape measures, and projected the image of tighter control over the inmates. In his estimation, the TYC had been “moderately successful” and made “tangible progress.” That was until a 125-inmate break from Gatesville drew negative media attention to Turman and the TYC. Two weeks later, nine boys, including one trusty, planned their escape and killed night watchman Billie Malone with a baseball bat.¹¹⁷ The inmates ambushed Malone at 11:00 p.m. on Sunday, July 30, 1961, and took turns repeatedly clubbing him until he was incapacitated. After the beating, some of the youths escaped the premises in Malone’s vehicle and others fled on foot. Malone was pronounced dead the next morning as a result of head fractures and blunt force trauma. The boys were all captured by Tuesday morning and charged for murder. “The trickery involved and not the absence of arms was responsible for Mr. Malone’s death,” Turman explained to angry citizens who demanded that the TYC arm the staff.¹¹⁸ Turman and Gatesville Superintendent O. F. Perry assured the neighboring community, “every possible precaution is being taken to secure the institution and to prevent further escapes, disturbances, or violence.” Turman implemented even greater control measures after the 1961 murder.¹¹⁹

¹¹⁶ “State Capital News,” *Burleson Dispatcher*, September 14, 1961.

¹¹⁷ John Banta, “Gatesville Parley Called on School,” *Waco News-Tribune*, August 3, 1961; “Teenagers Charged with Baseball Bat Murder of Reformatory Guard,” *Gatesville Messenger and Star Forum*, August 4, 1961.

¹¹⁸ “‘Perry Runs School’—Turman,” *Gatesville Messenger and Star Forum*, August 4, 1961.

¹¹⁹ “Texas Parole Setup Pushed,” *Christian Science Monitor*, March 25, 1961; “Escape Rate Dwindling at Gatesville School,” *The Waco News-Tribune*, November 12, 1962.

The next year, 1962, was a turning point for the TYC and for Turman. That year, African American children were not only incarcerated at a higher rate in proportion to their overall population in Texas, but they also represented a numerical majority of total commitments to the TYC.¹²⁰ That trend intensified by the middle 1960s. At the same time, the TYC had begun to build its new maximum-security unit for the state's most violent youthful offenders, the Mountain View State School for Boys, near the original Gatesville facility. For Turman, it was also the year that he hoped to become the face of juvenile rehabilitation in Texas.

A special TV news report that aired in Austin in 1962 investigated the causes, consequences, and potential deterrents of juvenile delinquency locally and across the state. In the report, authority figures from the state level and from the TYC unanimously claimed that parenting was to blame for the unprecedented rise in delinquency. Fathers who were too busy working and mothers who were too busy with organizational activities or working for wages outside of the home were the root cause of delinquency, according to those professionals. Men, according to the supervising psychologist for the Texas State Hospitals and Schools, and especially fathers, were becoming more feminine, and women were becoming more masculine. In a clear attack on working class families who relied on dual incomes and on nonwhite families with mothers actively participating in campaigns during major civil rights and labor union battles in Texas, Dr. Phillippe Russe made the unsubstantiated claim that in addition to their activities outside of the home, parents “don't have a clearcut perception of what it means to be a man and what it means to be a woman,” which produced delinquency and criminality.¹²¹

¹²⁰ Bush, *Childhood*, 175, Figure 17.

¹²¹ Gordon Wilkison, documentary, *Progress Report Austin 4-Juvenile Delinquency* (The Austin National Bank, 1964), Texas Archive of the Moving Image, texasarchive.org/2008_00057; For more on women compared to men and the “feminization” of men during the Civil Rights Movement in the South, see Barbara Ransby, *Ella Baker & the Black Freedom Movement: A Radical Democratic Vision* (Chapel Hill: University of North Carolina Press, 2003); Ashley D. Farmer, *Remaking Black Power: How Black Women Transformed an Era* (Chapel Hill: University

During his on-air segment, Turman explained that the purpose of the TYC was to manage the institutions that deal with delinquent children.¹²² When reporters asked Turman if the Training Schools are like “prisons, in the old sense of the word,” Turman smirked and responded, “They are definitely not prisons. They are training schools as the name implies. Our job is to reeducate, rehabilitate, and retrain” the 2,160 inmates in State Schools and the 1,800 minors on parole (see Figure 17).¹²³ Delinquency was on the rise, Turman explained, but he reassured viewers that the system of corrections was growing with it.



Figure 17. Screenshot of Dr. James Turman responding to question about training schools as prisons, in *Documentary Progress Report Austin 4-Juvenile Delinquency* (1962). Texas Archive of the Moving Image, https://texasarchive.org/2008_00057.

Upon Turman’s appointment as executive director in 1957, the Legislature segmented the Gatesville population into separate units, just like the TDC had with its prisons around the same time. Each unit at Gatesville had its own superintendent, academic and vocational school, and

of North Carolina Press, 2017); Jones, *Labor of Love, Labor of Sorrow* (2010); Anderson, *Little Rock* (2010); Charles M. Payne, *I’ve Got the Light of Freedom: The Organizing Tradition and the Mississippi Freedom Movement* (Berkeley: University of California Press, 2007).

¹²² Wilkison, *Progress Report Austin 4-Juvenile Delinquency* (1964).

¹²³ Wilkison, *Progress Report Austin 4* (1964).

professional counseling staff. They each had their own unique set of rules for inmates. The Valley School, which was still at Gatesville, was for younger inmates who committed less serious offenses. It had a capacity of 160 beds. The Terrace School opened in early 1960s with a capacity of 240 beds for intermediate age and backgrounds. The Hackberry School was another intermediate unit, also with a capacity for 240 inmates. The Riverside School expanded into two units, the Live Oak School with a capacity of two-hundred inmates, and the Hilltop School, the oldest section of Gatesville, which held the mature inmate with a capacity of four hundred. Lastly, the Mountain View Unit, built to control 480 of the State's chronic and serious offenders, opened in 1962.¹²⁴

One of the largest TYC projects, administrators designed the \$2.5 million Mountain View School for Boys as a maximum-security facility (see Figure 18 and Figure 19).¹²⁵ Designed to hold almost five hundred of the most dangerous and chronically insolent boys of the Gatesville State School for boys, it mirrored the facilities that the TDC had opened in the same period. Mountain View, surrounded by a double row of barb-wired fence and ultramodern prison management systems, opened on September 5, 1962, to much fanfare and media coverage.¹²⁶ For the next decade, Mountain View served as a reminder to the public that Texas took crime control seriously, regardless of the age and, contrary to its stated purpose, regardless of the crimes that inmates committed. One unsupervised boy, for example, was given the full

¹²⁴ Texas Legislative Council, *A Report to the 60th Legislature: Facilities for Care of Delinquent and Dependent and Neglected Children in Texas* No. 5903 (Austin, December 1966), 5.

¹²⁵ Bush, *Childhood*, 124.

¹²⁶ "Public Invited to Attend Opening of School for Boys," *Celeste Courier*, November 30, 1962.

experience of the Texas control model for having committed the punishable “offense of begging for food and money” in his hometown.¹²⁷

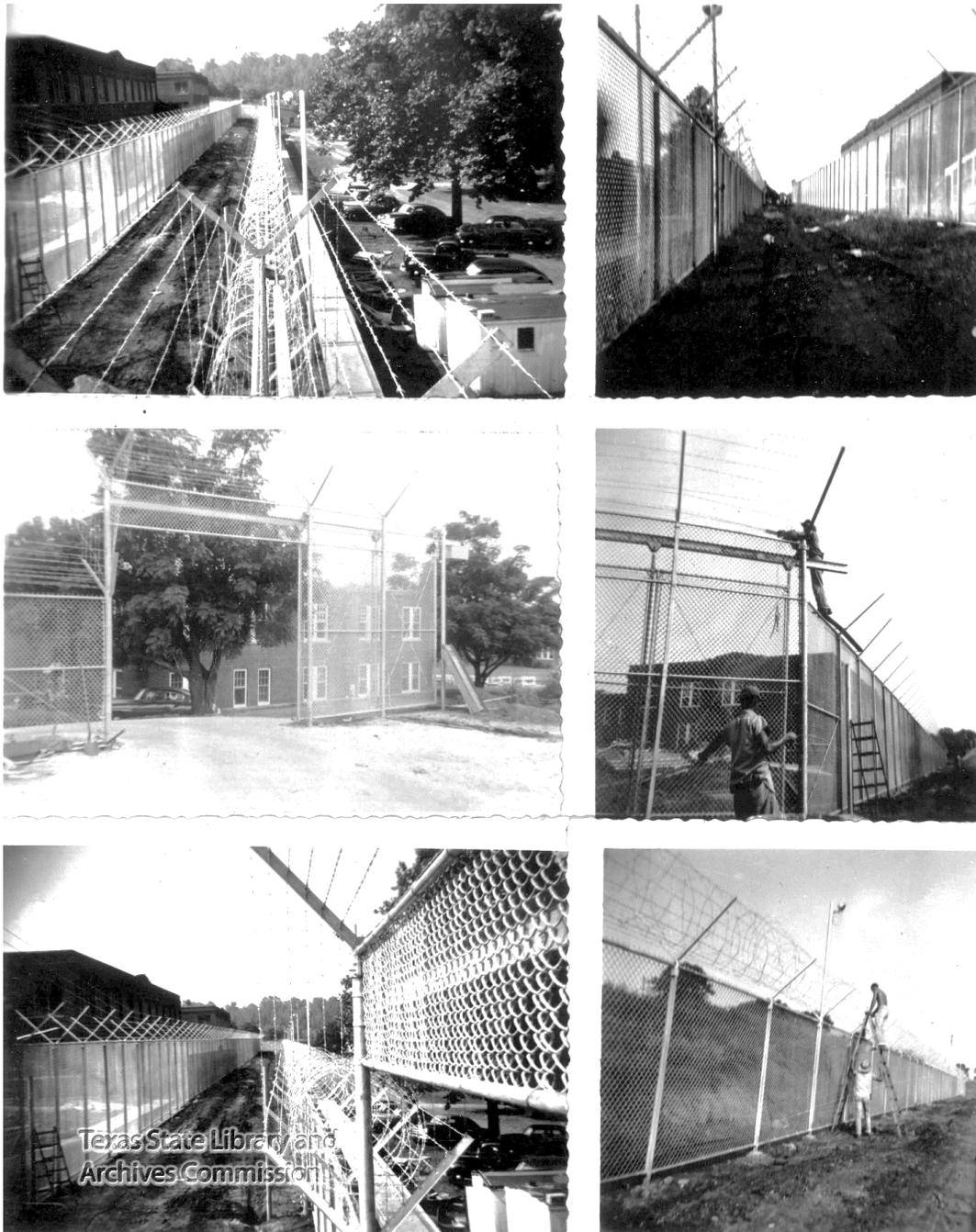


Figure 18. *Mountain View Fence Snaps*. TSLAC, 1999 087-11.

¹²⁷ Texas Legislative Council, *A Report to the 60th Legislature: Facilities for Care of Delinquent and Dependent and Neglected Children in Texas* No. 5903 (Austin, December 1966), 14.

The inmate population under the Turman administration levelled out with the daily inmate population across all TYC facilities ranging from two thousand to approximately 2,470 in the 1960s. They were all subject to heinous punishments.¹²⁸ Without official permission to use whips or paddles, guards instead used screwdrivers, pliers, and other tools as their preferred instruments of torture. Gatesville superintendent O. F. Perry resigned in 1963 after the TYC discovered that he allowed abuse and corporal punishment under his watch, which garnered national attention.¹²⁹ Investigations in response to public allegations of abuse became more frequent as the decade progressed, but they failed reveal truths that influenced institutional changes. In 1964, for example, the Texas Rangers did not find evidence of abuse after serious allegations from ex-inmates, and similarly, in 1968 the FBI did not find clear evidence that supported allegations of abuse.¹³⁰ A year later, however, a state investigation revealed that the boys were coerced under the threat of physical punishment to rescind their official complaints or to claim that they lied about what they had previously reported.¹³¹

¹²⁸ “Legislative Report to the People of District 34,” *Refugio Timely Remarks*, July 11, 1963; US Census, “Historical Corrections Statistics,” 44, 104; Bush, *Childhood*, 175, Figure 17.

¹²⁹ Texas Legislature. House of Representatives. *Journal of the House of Representatives of the First, Second, and Third Called Sessions of the Fifty-Seventh Legislature of the State of Texas* (Austin, TX: 1962)

¹³⁰ *Hearings Congress 91 Session 1 Judiciary v. 14 1969*. It is worth noting that the FBI responded to my FOIA request for documents related to the 1968 investigation. The FBI reported that it destroyed those files.

¹³¹ *Hearings Congress 91 Session 1 Judiciary v. 14 1969*, 5657, 5683.



Figure 19. *Campus Scene*, July 10, 1962. TSLAC, 1999 087-11.

Under the Texas control model, retributive justice and agricultural labor went together, but the TYC broke from its tradition as a Texas penal institution and eliminated revenue-producing labor demands in 1961. In September of that year, President John F. Kennedy signed into law the Juvenile Delinquency and Youth Offenses Control Act, which funded nonprofit local and state agencies that dealt with the prevention and control of juvenile delinquency and youth offenses.¹³² The U.S. government would invest in rehabilitation, vocational training, and counseling for juvenile delinquents at the state and local level through organizations dedicated to juvenile corrections. To meet the criteria for approval of the federal grant, the TYC eliminated for-profit labor programs. For a brief moment, the TYC was, once again, an agency aimed at the rehabilitation of the juvenile delinquents, at least from the outside looking in.¹³³

¹³² John F. Kennedy, Remarks Upon Signing the Juvenile Delinquency and Youth Offenses Control Act Online by Gerhard Peters and John T. Woolley, *The American Presidency Project* <https://www.presidency.ucsb.edu/node/235667>; Juvenile Delinquency and Youth Offenses Control Act of 1961, Sec. 3. (b); 466.

¹³³ Department of Health, Education, and Welfare, *Hearings before a Subcommittee of the Committee on Appropriations House of Representatives* (Washington, D.C., 1962), 562, 1138, 1729.

Revenue-producing labor may have finally been banned from the state's juvenile system, but labor itself was far from gone. After the reforms of the early 1960s, the TYC began forcing inmates to perform meaningless make-work, such as shoveling dirt from one pile to another or hoeing land that would not be used to plant crops (see Figure 20). Sometimes the make-work was grueling and dangerous, such as forcing inmates to pull grass in extreme temperatures. Inmates participated—unclear if willingly—in a “work experience program,” laboring for no pay in the laundry, maintenance division, warehouse, food services, dormitory clothing room, or wherever correctional officers decided. In addition to back-breaking labor, the daily living conditions that consisted of harsh regimentation of the most trivial of tasks led experts to compare the “worse than ruthless” conditions—especially at Mountain View—to the Angola State Prison in Louisiana.¹³⁴

Discipline was “irrational” and punishments for refusing to work or for working too slowly included “broguing,” “peels,” “tights,” and “rackings,” all administered by correctional officers or their “office boys,” inmates who served as enforcers for the guards in exchange for special privileges.¹³⁵ Broguing was when correctional officers kicked inmates in the shins with their thick, sometimes steel-toed, boots. A “peel,” was administered when a guard or office boy forced an inmate to bend over and struck him repeatedly on the back with a fist or an open hand; a “tight” was applied when a guard forced a boy to bend over and hold his ankles, then struck him on the buttocks with the handle of a broom; and guards applied a “racking” when they forced an inmate to put his hands in his pockets, behind his back, or up against a wall so that the

¹³⁴ District Judge William Wayne Justice, *Morales v. Turman*, 383 F. Supp. 53 (E. D. Tex. 1974); Kemerer, *William Wayne Justice*, 153; David Gilman, “Developments in Correctional Law,” *Crime and Delinquency* (April 1975).

¹³⁵ Justice, *Morales v. Turman*, 383 F. Supp. 53 (E. D. Tex. 1974); Kemerer, *William Wayne Justice*, 153; David Gilman, “Developments in Correctional Law,” *Crime and Delinquency* (April 1975).

guard could punch or kick the inmates in the torso.¹³⁶ Those punishments were also meted onto inmates who altered their state-issued uniforms, left their shoes in walkways, did not put away playing cards, or lost recreational games.¹³⁷ Worse, guards forced inmates to sign false incident reports in which the inmates claimed that they were hit in the face with a ball, slipped down a flight of stairs, or that they were homosexuals and that the bruises resulted from a fight with other homosexual inmates.¹³⁸

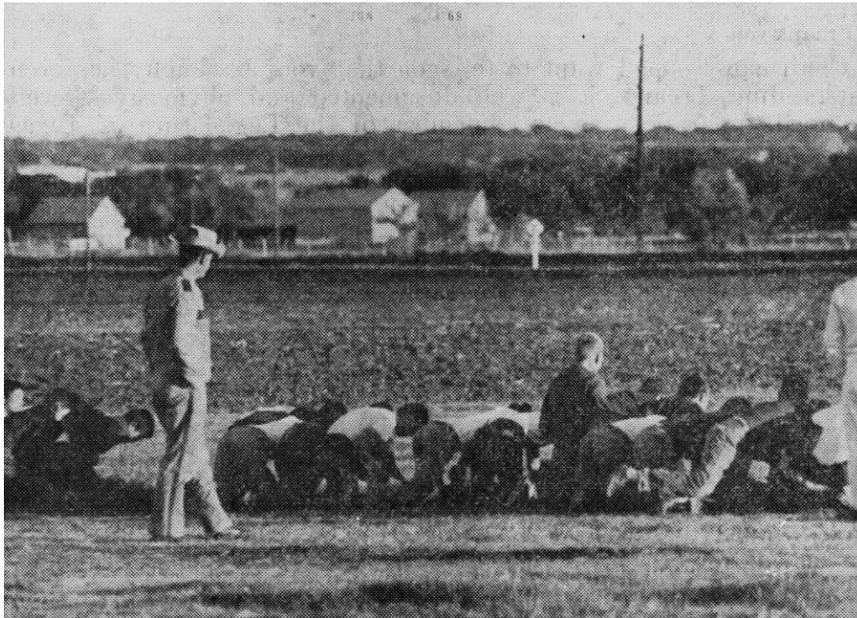


Figure 20. *Exhibit No. 197: Not Considered Punishment*. “Boys pulling grass infested with burrs.” In 100-degree heat, boys did unproductive labor as part of the rehabilitative program. *Ninety-first U.S. Congressional Hearings, Juvenile Delinquency* (1969).

Such reports garnered media and governmental attention after ex-inmates, investigative journalists, and ex-staff members publicized the practices that occurred at Gatesville. At a U.S. Congressional hearing on juvenile delinquency in 1969, critics of the TYC exposed how

¹³⁶ Justice, *Morales v. Turman*, 383 F. Supp. 53 (E. D. Tex. 1974); Kemerer, *William Wayne Justice*, 153; David Gilman, “Developments in Correctional Law,” *Crime and Delinquency* (April 1975); Martin and Ekland-Olson, *Texas Prisons*, 89.

¹³⁷ Texas Youth Council, “Gatesville State School for Boys Receipts, Expenditures, and Balances, Fiscal Year Ended August 31, 1959,” *Annual Report of the Texas Youth Council, Fiscal Year Ended August 31, 1959* (Austin, 1959), 62; District Judge William Wayne Justice, *Morales v. Turman*, 383 F. Supp. 53 (E. D. Tex. 1974).

¹³⁸ *Hearings Congress 91 Session 1 Judiciary v. 14 1969*, 5659.

commonly correctional officers abused inmates and forced them into submitting falsified reports, including lying to state and federal investigators. Members of Congress heard about one ethnic Mexican inmate who was described as a “mentally retarded boy” with “an IQ of about 60.” He was forced to admit that he made shives, jiggers, and knives with plans to use them on a guard at Mountain View. The reality was that he was placed in solitary confinement after refusing to work. After he was thrown into solitary confinement, the boy experienced an epileptic seizure. The guards “quieted” him down by throwing a tear gas canister into his unventilated cell.¹³⁹ After the episode, he was interrogated and forced to sign another incident report in which he took the blame for having been tear gassed. The boy was ill and unable to eat solid foods for a month following the tear gassing.¹⁴⁰ Instances of correctional guards who tear gassed caged inmates after any alleged infraction were allegedly commonplace.¹⁴¹

Tear gas was a powerful tool at the disposal of correctional officers who sought to maintain rigid control of the inmates. On one particularly cruel instance, guards interrogated a boy who had attempted suicide in Mountain View’s solitary confinement wing. During the interrogation, the boy refused to answer any questions, so the correctional officer struck the boy several times and knocked him to the ground. The guard proceeded to spray tear gas in the boy’s face from close range while shouting, “I have a way to make you talk.” The boy was sent to the infirmary, but the attendant did not ask about the injuries and administered no medical treatment to the physically, emotionally, and mentally injured boy.¹⁴²

¹³⁹ *Hearings Congress 91 Session 1 Judiciary v. 14 1969*, 5665-5666.

¹⁴⁰ *Hearings Congress 91 Session 1 Judiciary v. 14 1969*, 5668.

¹⁴¹ *Hearings Congress 91 Session 1 Judiciary v. 14 1969*, 5669.

¹⁴² District Judge William Wayne Justice, *Morales v. Turman*, 383 F. Supp. 53 (E. D. Tex. 1974).

Another famous report of cruel control measures involved a thirteen-year-old boy. At Mountain View, correctional officers and inmates had a system in which guards gave inmates individual cigarettes and in return, the inmate had to provide two cigarettes for every cigarette the guard loaned. The guard asked for the cigarettes that the boy owed him and when the boy explained that he could not pay the guard his cigarettes back, the guard demanded, “Come with me, I will take it out on your ass.” The guard took the boy into a room, whipped him with an electrical cord, beat him with a closed fist and kicked the boy’s legs.¹⁴³ A litany of additional reports of guards raping minors, beating inmates, and covering up incidents surfaced at the congressional hearings from similar institutions across the country. It became abundantly clear that, as Thomas J. Dodd of Connecticut concluded, “rehabilitation . . . is just another word for the warehousing of inmates.”¹⁴⁴

Around the same time, a news director at KIII-TV Corpus Christi launched an investigative probe of his into the conditions at Gatesville and Mountain View.¹⁴⁵ The resultant three-part documentary “horror series,” *Brutality in Gatesville, An Exposé* (1968), shocked viewers. Ex-employees described to the producer the beatings that they had witnessed. Interviewees admitted that inmates were beaten for the smallest infractions like speaking Spanish or falling behind in gym class. They told viewers that inmates were raped by office boys under the encouragement or directions of the guards, who committed those actions themselves. Viewers learned from firsthand accounts that inmates were deprived communication with

¹⁴³ *Hearings Congress 91 Session 1 Judiciary v. 14 1969*, 5671.

¹⁴⁴ *Hearings Congress 91 Session 1 Judiciary v. 14 1969*, 4692.

¹⁴⁵ “5 Gatesville Boys Undergo Lie Tests,” *Fort Worth Star Telegram* January 6, 1969.

lawyers and family members.¹⁴⁶ Feeling cornered from the subsequent scrutiny, Turman responded publicly by calling the news director a homosexual.¹⁴⁷

Homosexual conduct was a crime in Texas in 1969, and an accusation of homosexuality carried serious weight. One newspaper reported, for example, that at the Gatesville and Mountain View Schools, there were twenty-four killers, twenty-six rapists, fifty-two armed robbers, twenty-five inmates who committed robbery by assault, and eight who committed the crime of sodomy, out of a daily average population of approximately two thousand inmates.¹⁴⁸ “In common prison practice,” the boys labeled homosexual by correctional officers worked together in the laundry and lived in the so-called “punk dorm,” segregated from most of the other inmates.¹⁴⁹ They were also subject to rape from guards who, when caught committing the violent sexual assault, were fired without facing further legal consequences.¹⁵⁰

The sexualization and subsequent violence from labeling children as homosexual in hostile environments traces back to the earliest days of the Gatesville House of Correction and Reformatory. Children were regularly committed to the institution for gender nonconforming acts. It held inmates convicted of sexual “crimes,” like Buck McCrary, “a negro youth,” whose official charge of sodomy was reported in the newspaper as a “crime against nature.”¹⁵¹ In the 1940s, some inmates were incarcerated for the vague charge of “sex perversion,” “sexual

¹⁴⁶ Kemerer, *William Wayne Justice*, 153.

¹⁴⁷ *Hearings Congress 91 Session 1 Judiciary v. 14 1969*, 5668.

¹⁴⁸ “Mountain View: ‘The Bad Ones . . . We Get the Worst,’” *Fort Worth Star Telegram*, January 26, 1969.

¹⁴⁹ “Mountain View: ‘The Bad Ones,’” *Fort Worth Star Telegram*, January 26, 1969.

¹⁵⁰ *Hearings Congress 91 Session 1 Judiciary v. 14 1969*, 5677, 5680.

¹⁵¹ “Ellis District Court,” *Galveston Daily News*, September 1892; “Roll of Inmates of House of Correction and Reformatory from Jan. 3, 1889, to Nov. 20, 1892,” *Second Biennial Report of the Trustees and Superintendent of the House of Correction and Reformatory* (1892).

deviancy,” and one was incarcerated for “impersonating a female.” By the end of that decade, Gatesville had segregated about thirty “sex problems” under the watch of predatory guards.¹⁵² In the 1960s, they were subject to some of the harshest abuses from administrators, correctional officers, and other inmates. The largest, strongest, and most aggressive sexual predators were housed with the smallest or weakest boys in the punk dorm according to the observations of untrained correctional officers, which left the most vulnerable inmates unprotected from daily and nightly assaults.¹⁵³

At the Gatesville facility, the policing of homosexuality, or perceived homosexuality, and the subsequent abuse that grew from those accusations mirrored practices at the state penitentiaries. For inmates of the Texas prison system in the post-WWII “rehabilitation” landscape, historian Robert T. Chase explains that “sexual violence as prisoner control stood at the very heart of the Texas carceral regime.”¹⁵⁴ It grew out of the New Deal-era governmental definitions of sexuality that defined homosexuality as a growing social disease, explains Chase. “But as antigay policing ended in convictions,” he continues, “criminologists turned the scrutiny of their sex crime paranoia toward the postwar prison, where they feared that state incarceration itself was a site for the active reproduction and spread of homosexuality.”¹⁵⁵ The practice of housing prisoners in labor camps and shared prison dorms—such as the ones in Gatesville minimum and medium-security units—reified the metaphor of homosexuality as a communicable disease. As a result, the punishments that inmates endured for alleged

¹⁵² Office of the State Auditor, *Audit Report: Youth Development Council*, April 30, 1951, TSLAC, 1991/016-60; IX (b) of Mack Hull, TSLAC, 1991/016-60; Punishment Report; Hall Logan, Memorandum to the Board of Control, TSLAC 1991/16-60.

¹⁵³ District Judge William Wayne Justice, *Morales v. Turman*, 383 F. Supp. 53 (E. D. Tex. 1974); District Judge William Wayne Justice, *Morales v. Turman*, 364 F. Supp. 166 (E.D. Tex 1973).

¹⁵⁴ Chase, *We Are Not Slaves*, 32.

¹⁵⁵ Chase, *We Are Not Slaves*, 32.

homosexuality took on incredibly violent forms, all sanctioned, or at least tolerated, by the state. When prison units transitioned from dorms to cells in the postwar period, the building tenders' power and influence in the prison system increased. Building tenders, who "ruled the dormitories," maintained discipline and authority in favor of prison overseers through their "gang rapes, beatings, and harassment of the weaker cons."¹⁵⁶ Such was the case at Gatesville.

A Mountain View inmate recounted that inmates and guards referred to Dorm 9 at Mountain View as the "punk dorm," where guards assigned the allegedly homosexual boys. He testified of a particularly acute instance of violence against gender non-conforming inmates. "Mr. Freeman," the supervisor of the so-called punk dorm, assigned "Cameron" to the disciplinary ward under the watch of "Mr. Schnick." Cameron, who was assigned male at birth but identified as a girl, became tired while pulling grass and took a moment to rest when Mr. Schnick kicked her in the head. "I've been wanting to get you anyway," Mr. Schnick commented, he had "been trying to chomp on him. That means he been trying to make a fool out of him." After the head kick, Mr. Schnick whipped and beat Cameron. Cameron tried to run, but another inmate, seemingly a trusty, chased her, "and they caught her, and that's all I seen." The witness later saw Cameron and saw that her skin was "peeling off her face" because Mr. Freeman "poured tear gas on him."¹⁵⁷

Public attention surrounding juvenile detention facilities intensified as the 1970s approached. News of the Charles Manson murders simultaneously terrified and fascinated the

¹⁵⁶ Chase, *We Are Not Slaves*, 38.

¹⁵⁷ "Cameron" is a pseudonym for an inmate that cross-examiners clarified for the court was assigned male at birth. The inmate on the witness stand constantly referred to Cameron as her and she, but the court explained, "Well, if this is, in fact, a male, let's refer him as a he." Mountain View Witness, July 19 and 20, 1973, *Morales v. Turman*, TSLAC, 9-32 Testimony [minors] 1999/085-35.

country, which left the public eager to understand the psychology of a killer.¹⁵⁸ Journalists and arm-chair psychologists agreed that his childhood experiences in juvenile detention facilities disrupted his psyche. With the public demanding information on the conditions in juvenile detention facilities, NBC jumped on the opportunity to supply some answers. In *This Child is Rated X* (1971), producer Martin Carr traveled the country to investigate the most notorious facilities for juveniles. “We would like you to remember two facts,” NBC News Correspondent Edwin Newman tells the audience in the opening segment of the documentary, “half the children in America who are deprived of their liberty and sent to correctional institutions have done nothing that would have been a crime for an adult, and half the children in those institutions will come back to them having committed a more serious crime.”¹⁵⁹ Administrators and inmates from the Cook County Jail, Elgin State Mental Hospital, Indiana Girls School, and the Indiana State Boys School—which Newman mentioned as the school that Manson escaped from five times as a youth—were all subject to Carr’s probing questions. In the second half of the film, some of TYC’s ex-inmates and their parents exposed the cruelty of Turman’s administration. TYC officials refused invitations for interviews and disallowed NBC cameras anywhere near the state schools.

¹⁵⁸ Wooden, *Weeping in the Playtime of Others*, 51-56; Carr, Documentary, *This Child is Rated X* (1971); “Faces of an Accused Killer,” *The Baytown Sun*, December 28, 1969.

Historian William S. Bush credits the sudden rise of the public’s interest in the conditions at juvenile detention centers nationwide to the new diagnostic category of “battered child syndrome” in the early 1960s. Although his tracing of the academic and professional interest in BCS among scholars aligns, it is difficult to ignore the attention that writers of the popular media paid to the Manson murders in the late 1960s and their constant reference to his background as a juvenile delinquent. A critic of juvenile detentions in the early 1980s posited, “Why, for example, would a 13-year-old Charles Manson enter a juvenile correctional system as a ‘runaway’ and emerge from San Quentin 19 years later to be involved in unspeakable violence? Could his being raped as a 13-year-old in one of our treatment facilities in any way be of relevance to his later rape of others in a ‘correctional’ institution? It is a possibility.” Statement of Jerome Miller, *Violent Juvenile Crime Hearing before the Subcommittee on Juvenile Justice of the Committee on the Judiciary United State Senate* (Washington, 1981), 4.J 89/2: J 97/48., 181.

¹⁵⁹ Martin Carr, *This Child is Rated X* (1971), NBC News, Released by NBC Educational Enterprises, *Internet Archive*, <https://archive.org/details/thischildisratedx/thischildisratedxreel1.mov>.

This Child is Rated X featured an interview with Legal Aid attorney Steven Bercu (see Figure 21).¹⁶⁰ Unlike Turman, who ten years earlier had praised the work of the TYC in front of the cameras, Bercu admonished the agency. Bercu, a lawyer from California, was primarily concerned with the prevalence of agreed judgements in El Paso, which he defined as “an agreement by the parents with the chief probation officer of El Paso County—the man who runs the detention home—agreeing to the fact the child is a delinquent without any sort of consent by the child and is then taken to the judge. And without a hearing, the child is sent to one of the Texas Youth Council facilities.”¹⁶¹ Carr remarked, “I take it that it is against the law both here in Texas and against the law of the nation.” Bercu agreed, “I find it completely against the law, I can find no justification in any law of the United States for this procedure.”¹⁶² To make matters worse, parents rarely knew what exactly the terms and conditions of what they signed.¹⁶³

The film then revealed that inmates in the custody of the TYC were victimized and terrorized by guards. An ex-inmate boy described witnessing a three-hundred-pound guard throw a boy against the wall and repeatedly step on him and kick him. Clearly still in shock from what he witnessed, the boy added, “I’ve seen a man pull a leg off a table and beat a boy with it.” To make matters worse, parents had “no idea” what they signed and were disallowed from recanting their agreed judgements. Often, parents signed the papers to “straighten” the boys out and believed that they had the power to remove their children from the TYC’s custody. What was not

¹⁶⁰ For a more detailed account of Steven Bercu’s life and career, see Bush, *Childhood* (2012); Frank Kemerer, “Chapter 6: Juvenile Rights in Texas Reform Schools,” in *William Wayne Justice: A Judicial Biography* (Austin: University of Texas Press, 1991), 145-181.

¹⁶¹ Frank R. Kemerer, *William Wayne Justice: A Judicial Biography* (Austin: University of Texas Press, 1991), 147.

¹⁶² Martin Carr, *This Child is Rated X* (1971), NBC News, Released by NBC Educational Enterprises, *Internet Archive*, <https://archive.org/details/thischildisratedx/thischildisratedxreel2.mov>.

¹⁶³ Kemerer, *William Wayne Justice*, 147.

explicitly clear in the documentary was that at the time of his on-screen interview, Bercu was preparing to file a class action lawsuit against that would pulverize the foundations of the TYC.



Figure 21. Screenshot of Steven Bercu, plaintiff attorney in *Morales v. Turman* (1971), from *This Child is Rated X* (1971).

Unlike the several inmates whose parents did not know what they were signing, some parents did. Alicia Morales, the oldest of eight children, was committed to the Gainesville State School for Girls at age fifteen because she had refused to find outside employment to support her father's alcoholism.¹⁶⁴ In a violation of the recent *In re Gault* (1967) decision, which extended due process protections to minors, the TYC had admitted Morales without a hearing and committed her to confinement in Gainesville. When Bercu learned about the infringement of rights guaranteed by the U.S. Constitution, Bercu confronted State District Judge Edwin Berliner for an explanation on the continued practice of agreed judgements. Berliner told Bercu to “get lost.”¹⁶⁵¹⁶⁶

¹⁶⁴ Kemerer, *William Wayne Justice*, 147.

¹⁶⁵ Kemerer, *William Wayne Justice*, 146; Bush, *Childhood*, 173.

¹⁶⁶ For more on Bercu's background and interest in juvenile incarceration cases, see Bush, *Childhood* (2012).

Bercu's next option was to file a writ of habeas corpus in a state court on behalf of twelve El Paso inmates to then challenge the conditions of their incarceration. He also had a discovery order which permitted him to gather inmate testimonies and begin building a case against the TYC's commitment policies. But after the backlash against the TYC after the documentary films *Brutality in Gatesville* and *This Child is Rated X*, TYC staff and administrators prevented lawyers from meeting inmates in January of 1971.¹⁶⁷ Federal Judge William Wayne Justice granted an injunction in February 1971 against further state interference with the clients' right to confer privately with their attorney, which gave Bercu and staff permission to interview inmates at TYC institutions. Twelve inmates filed writs of habeas corpus and Judge Justice, upon learning that the inmates were detained illegally, granted the releases of the inmates. Additionally, judges were no longer permitted to commit minors to TYC facilities without due process and Bercu committed his efforts toward ensuring the release of other inmates who were illegally detained.¹⁶⁸

Judge Justice had gained a reputation as an activist judge, much to the discontent of conservative Texans who accused him of abusing his power.¹⁶⁹ Originally from a small town in East Texas, the lawyer's son had always sought a career in law to equalize balances of power.¹⁷⁰ After he had served as President John F. Kennedy's 1961 selection as U.S. attorney for the Eastern District in Texas, President Lyndon B. Johnson appointed him to serve as U.S. district

¹⁶⁷ Kemerer, *William Wayne Justice*, 148.

¹⁶⁸ Kemerer, *William Wayne Justice*, 149.

¹⁶⁹ Kemerer, *William Wayne Justice*, x.

¹⁷⁰ For more on the life and career, see Kemerer, *William Wayne Justice* (2008); Jordan Risedorf, "Justice, William Wayne Justice (1920-2009)," *Handbook of Texas Online*, <https://www.tshaonline.org/handbook/entries/justice-william-wayne>; "Biography," *The William Wayne Justice Papers*, Texas Law, Tarlton Law Library, <https://tarlton.law.utexas.edu/william-wayne-justice/biography>.

judge in 1968. He served in that capacity until 1980. An early landmark decision that Justice ruled was in favor of the desegregation of the Texas Education Agency in *United States v. Texas* (1970). At around the same time, in *Landsale, et al. v. Tyler Junior College*, Justice declared the junior college's policy that prohibited male students from having long hair or beards unconstitutional.¹⁷¹ Bercu understood that Judge Justice would not have been hostile to hearing the case of children's unconstitutional incarceration.¹⁷²

Indeed, Justice showed interest almost immediately. To gain a clearer understanding of the situation for future hearings regarding inmates conditions under the TYC, Justice sent TYC's twenty-five hundred inmates a questionnaire in the summer of 1971, asking if they had a court hearing or a lawyer. Of the 2,294 who responded, one-third of the inmates indicated that they did not have a lawyer, and 280 inmates indicated that they had no hearing before their confinement in TYC facilities. To Justice's surprise, questionnaires included hand-written allegations of abuse against TYC staff, thereby potentially extending the matter to a "major conditions-of-confinement case."¹⁷³ A hearing date was set in the fall of 1971 that would decide if the case could expand the scope of the original suit.

On the morning of Labor Day 1971, between ninety and one hundred boys of the Sycamore School gathered on the athletic field during breakfast and marched off campus. They headed to Austin to protest the conditions of the TYC facilities and draw attention to the upcoming hearing. Frenzied, guards attempted to block the boys, but the boys pushed through multiple times. News of the demonstration reached the Texas Rangers, the local sheriff's

¹⁷¹ Kemerer, *William Wayne Justice*, 90-91.

¹⁷² Kemerer, *William Wayne Justice*, 147-148.

¹⁷³ Kemerer, *William Wayne Justice*, 149.

department, and the local news. “Officials said the boys started the 70-mile walk in 90-degree weather from the Sycamore unit to Austin,” WBAP-TV Fort Worth reported.¹⁷⁴ On their way to Austin, the boys chanted “freedom is what we want!” and “we want somebody to listen to us.” The boys made it clear that they learned from the anti-war demonstrations, labor strikes, the Chicano movement, and the Black Power movement of the late 1960s and early 1970s when the young inmate protestors signaled to the cameras the power fist and the “peace” sign (see Figure 22).¹⁷⁵ After marching for several hours, they met a blockade of Texas Rangers. Surrounded by television news cameras and newspaper reporters, a Ranger fired his shotgun in the air and the march was quelled.¹⁷⁶ While most of the inmates returned to Gatesville, seventeen inmates seized the opportunity to escape.¹⁷⁷ Regardless, the demonstration brought attention to what would become one of the most important civil rights cases of the twentieth century.

¹⁷⁴ NBC 5/KXAS News Scripts (AR0787), University of North Texas Special Collections; WBAP-TV (Television station: Fort Worth, TX), [News Script: Gatesville walkout], item, September 7, 1971, 12:00 p.m.; University of North Texas Libraries, *The Portal to Texas History*, <https://texashistory.unt.edu>; crediting UNT Libraries Special Collections.

¹⁷⁵ “State Boys’ ‘March to Austin’ Halted by Local Lawmen,” *The Gatesville Messenger and Star-Forum*, September 9, 1971.

¹⁷⁶ The online blog, *The Gatesville State School for Boys*, dedicated to the juvenile detention system in Texas, includes first-hand testimonies from ex-inmates who were involved in this incident. Allegedly, the Texas Ranger shot his gun in the air after a boy named Kevin Long spit on one of the Rangers. <https://gatesville.blogspot.com/2012/01/protest-march-to-austin.html>.

¹⁷⁷ Bush mentions that there were no escapes, but TV reports suggest that there were. Bush, *Childhood*, 176; WBAP-TV (Television station: Fort Worth, Tex.). [News Script: Inmate walkout], item, September 7, 1971, 8:25 a.m., *The Portal to Texas History*, <https://texashistory.unt.edu>; crediting UNT Libraries Special Collections.



Figure 22. Boys confront local police, sheriff's deputies, and the Texas State Rangers. "State Boys' 'March to Austin' Halted by Local Lawmen," *The Gatesville Messenger and Star-Forum*, September 9, 1971.

In the winter of 1972, law students from the University of Texas and Southern Methodist University descended upon TYC campuses and conducted interviews for the upcoming hearings. With compiled testimonies and findings to amend the pleadings to also focus to the treatment of incarcerated juveniles, the plaintiffs called in attorneys from the U.S. Justice Department and the Mental Health Law Project from New York. With a total of nine lawyers to take on the TYC, plaintiffs were prepared to take down a system that had become a "law unto itself."¹⁷⁸ For the first time in its history, the Texas juvenile detention system itself was under major scrutiny from a federal court.

For the next couple years, details from the TYC hearings lined Texas newspapers. On the witness stand, inmates and ex-inmates described the horrors they experienced. Boys described beatings, sexual assaults, poor medical treatment, mail censorship, and the work that they had to

¹⁷⁸ Kemerer, *William Wayne Justice*, 153.

perform at Gatesville. Girls from the Gainesville State School described the abortion pills that staff members forced them to take and testified to staff members forcibly tranquilizing inmates. Girls at Crockett faced punishments that included sleeping on the floor of unfurnished rooms with nothing but a chamber pot.¹⁷⁹ In a show of courage, boys at Mountain View described the threats they received from correctional officers for testifying against their captors and, later, described the beatings that they received after they returned to Mountain View.¹⁸⁰ They also described how prevalent the use of tear gas was at the schools.¹⁸¹

During the hearings, a boy from El Paso shared with the court his initial expectations upon being committed. He said he was expecting a prison, “you know, because the way people talked about it back in El Paso I wasn’t really surprised.”¹⁸² He described his cell, the dress code, the daily routine, all of which mirrored the daily routines in Texas State prisons. Boys from major cities like Austin, San Antonio, and Amarillo described the favors that the office boys received from guards for intimidating and reporting inmates.¹⁸³ Boys from Houston and Dallas County described the abuse that alleged homosexual boys received and the physical punishments that they, and all boys, received for the smallest of infractions like forgetting to change one’s pair of jeans. Guards forced inmates to pull grass, but unlike before when the children were forced to their hands and knees to do the pulling, guards forced inmates to stand, keep their legs straight,

¹⁷⁹ Justice, *Morales v. Turman*, 383 F. Supp. 53.

¹⁸⁰ Kemerer, *William Wayne Justice*, 154; Elliot Jones, “Reprisals Feared in School Probe,” *Houston Chronicle*, July 20, 1973.

¹⁸¹ Kemerer, *William Wayne Justice*, 159-60.

¹⁸² Testimony of El Paso boy, July 5, 1973, *Morales v. Turman*, 9-29 Testimony [minor], TSLAC 1999/085-35.

¹⁸³ Testimony of Austin boy, July 19-20, 1973, *Morales v. Turman* 9-32 [minors], TSLAC, 1999/085-35; Testimony of San Antonio boy, July 19, 1973, *Morales v. Turman* 9-36 Testimony [minors], TSLAC, 1999/085-35.

and bend over to pull the grass.¹⁸⁴ Boys attempted suicide often and were beaten for it. Guards smashed inmates' heads through windowpanes, kicked in inmates' teeth, stomped on the heads of inmates, punched them in the stomach, slapped their ears and burst their eardrums.¹⁸⁵

In August 1973, Judge Justice issued an interim order that racially desegregated dorms, prohibited make-work assignments, and ended the separation of suspected homosexuals. Justice required the TYC to follow due process procedures, stipulated procedures for the assignments of inmates to Mountain View, and ordered the TYC to establish a human resources department to handle complaints. The order also curtailed mail censorship, allowed inmates to speak in languages other than English, liberalized visitation rights, required that medical care was accessible twenty-four hours a day, and ordered the screening of prospective TYC employees. The order also banned TYC staff members from using tear gas.¹⁸⁶

In 1951, when the TYDC received appropriations to build a new facility, TYDC members discussed the pros and cons of building it as either a minimum-security or maximum-security facility.¹⁸⁷ Members had agreed that they did not want a "little Alcatraz" situation to happen in the future, referring to the so-called "Battle of Alcatraz" from 1946 wherein inmates staged an uprising against staff and administration. After a bloody uprising, the island prison was bombarded with mortars until inmate resistance subsided. Two federal officers and three inmates were killed in the skirmish, and two years later, two inmates who organized the uprising were executed by the state of California.¹⁸⁸

¹⁸⁴ Testimony of Houston boy, July 5, 1973, *Morales v. Turman* 9-35 Testimony [minors], TSLAC, 1999/085-35; Richardson boy, July 19, 1973, *Morales v. Turman* 9-31 Testimony [minors], TSLAC, 1999/085-35.

¹⁸⁵ Temple boy, July 10-11, 1973, *Morales v. Turman* 9-33 Testimony [minors], TSLAC, 1999/085-35.

¹⁸⁶ Justice, *Morales v. Turman*, 383 F. Supp. 53.

¹⁸⁷ Minutes, TYDC, July 19, 1951, TSLAC, Youth Development Council (1950-1952), Folder 59.

¹⁸⁸ "The Battle of Alcatraz," *Federal Bureau of Prisons* website, bop.gov/about/history/Alcatraz.

But in September 1973, the fears of the 1951 TYDC planners were confirmed when a “little Alcatraz” situation occurred following the court’s interim order.¹⁸⁹ The inmates, known to capitalize on opportunities to revolt against their captors, collectively decided to strike first.¹⁹⁰ This time, however, tear gas canisters were absent, and to the surprise of the inmates, the guards did not retaliate. For almost a week, inmates took advantage of the situation to burn the units at Gatesville, including the Mountain View School, to the ground.¹⁹¹ Beginning with the Mountain View Unit, inmates smashed out windows, destroyed prison property, and set whatever they could on fire. Several boys escaped after they used bed frames to break through doors (see Figure 23).¹⁹² The uprising then spread to the old Gatesville campus. Inmates reportedly equipped themselves with hoe and mop handles and threw rocks at Gatesville staff and guards in what was considered the “most violent uprising in the facility’s 90-year history,” according to the *Houston Chronicle*.¹⁹³ The youths caused an estimated \$60,000 in property damage to both campuses.¹⁹⁴

Some of the boys saw the opportunity to openly imbibe their cell-made toilet wine, which they followed up with the commandeering of a pickup truck to further destroy TYC property.

¹⁸⁹ Mary Rice Brogan, “TYC Blames ‘Riots’ on U.S. Court Order,” *Houston Chronicle*, September 13, 1973; “30 Boys Still Roam Free After Gatesville Violence,” *Houston Chronicle*, September 13, 1973.

¹⁹⁰ “U. S. Probes Complaints Staff Fostered Riots at Boys School,” *Houston Chronicle*, September 18, 1973.

¹⁹¹ “Reform School Agency Head Quits,” *Houston Chronicle*, September 21, 1973; “Riot at 2 State Boys Schools,” *Houston Chronicle*, September 12, 1973.

¹⁹² George Kuempel, “30 Boys on Loose After Gatesville School Violence,” *Houston Chronicle*, September 13, 1973; “‘Riot situations’ at State Schools Blamed on Court,” *Houston Chronicle*, September 13, 1973.

¹⁹³ Kuempel, “30 Boys on Loose,” *Houston Chronicle*, September 13, 1973.

¹⁹⁴ “U.S. Probes Complaints Staff Fostered Riots at Boys School,” *Houston Chronicle*, September 18, 1973. According to the U.S. Bureau of Labor Statistics, \$60,000 in 1973 equals \$381,642.58 in 2022 dollars. “CPI Inflation Calculator,” U.S. Bureau of Labor Statistics, https://www.bls.gov/data/inflation_calculator.htm.

Not all the boys were involved in the mutiny. Seventeen boys reportedly broke into the paint and print shops and huffed paint thinner amidst the chaos.¹⁹⁵ Unfortunately for some boys, however, many saw the uprising as an opportunity to administer their own retributive justice against others with whom they had a quarrel. There were reports that some inmates were victims of brutal gang assaults and gang rapes during the mayhem.¹⁹⁶

In a shoddy attempt to embarrass federal Judge Justice, Turman told newspaper reporters that the riot occurred because TYC staff's hands were tied from the order that prevented them from effectively dealing with the uprising.¹⁹⁷ Turman claimed that "This type of court order is difficult to read for a layman, and I speak as a layman."¹⁹⁸ Newspaper reports soon made it clear that Truman conveniently ignored the section of the order that allowed "reasonable physical force." A riot, according to Justice's order, called for the use of reasonable force. After Justice pointed Governor Dolph Briscoe to the exact line in the order that allowed reasonable force during the riot, it became obvious to the governor that Turman had attempted to undermine the judge's orders by permitting the riot to unfold. Turman resigned soon thereafter.

A year later, in 1974, Justice had heard enough to hand down a decision giving permanent force to his previous interim order. In near identical verbiage to the 1949 TYDC bill, Justice ordered that TYC staff hiring must be based on professional training and banned corporal punishment.¹⁹⁹ Make-work was prohibited, and solitary confinement for more than several days at a time was abolished. Justice ordered the TYC to implement individual rehabilitation plans

¹⁹⁵ "30 Boys Still Roam Free After Gatesville Violence," *Houston Chronicle*, September 13, 1973.

¹⁹⁶ Kuempel, "30 Boys on Loose," *Houston Chronicle*, September 13, 1973.

¹⁹⁷ "30 Boys Still Roam Free," *Houston Chronicle*, September 13, 1973.

¹⁹⁸ Kemerer, *William Wayne Justice*, 161.

¹⁹⁹ "Local Care Ordered for Texas Delinquents," *The Christian Science Monitor*, September 24, 1974.

and juvenile inmates were entitled to bilingual education, medical treatment, career training, and counseling. Additionally, Justice ordered the TYC to administer community facilities and ordered the desegregation of all TYC facilities and the closing of the Mountain View Unit and the gradual closing of the original Gatesville campus. Texas officials appealed the ruling and protested Justice's reasonings by threatening to build a TYC facility next to Justice's private residence. The appeals and bellicose protest failed.²⁰⁰ In 1979, with the old models of discipline and punishment fully discredited, Gatesville finally shut down.

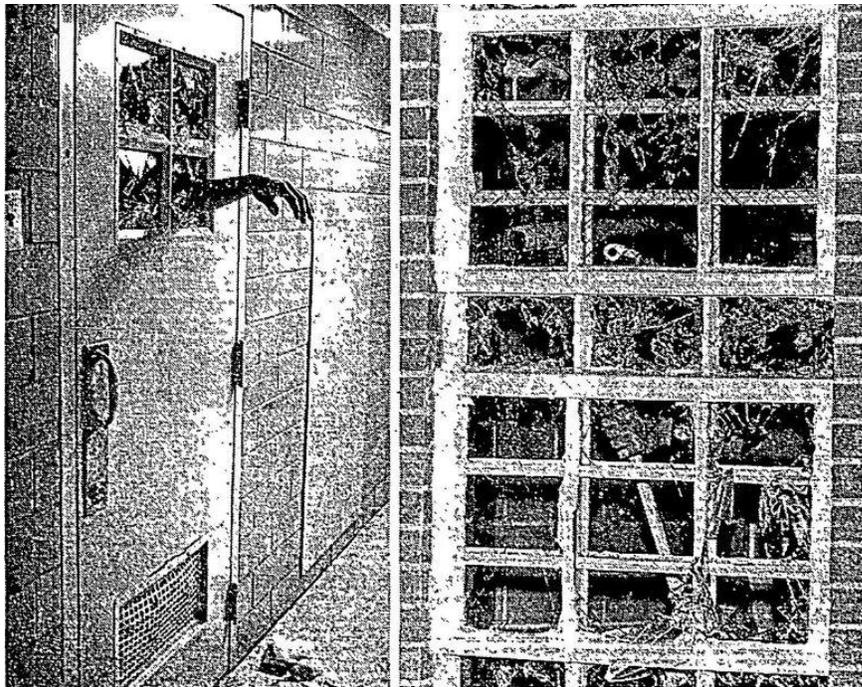


Figure 23. Photo by Othell O. Owensby Jr., *Houston Chronicle* staff. The original caption reads, "LEFT, RECAPTURED GATESVILLE SCHOOL STUDENTS SMASHES WINDOWS OF CELL DOOR, Right, He Uses Steel Bed Posts to Knock Out Back Window; He Was Taken to County Jail," *Houston Chronicle*, September 13, 1973.

²⁰⁰ Online Exhibit, "Juvenile Incarceration: *Morales v. Turman*," *The William Wayne Justice Papers*, University of Texas Tarlton Law Library, <https://tarlton.law.utexas.edu/william-wayne-justice/morales-v-turman#s-lg-box-8869798>.

CONCLUSION: GATEWAY TO THE WALLS

Is Gatesville really turning out boys that have been rehabilitated and ready to live a normal and pleasant life or are they producing candidates for Huntsville?

—Walter Dunbar, 1969

When David Resendez Ruíz was a child in the 1940s and 1950s, teachers beat children like him after they spoke Spanish in Texas schools. In Ruiz's words, "we were handicap from the get-go."¹ Teachers assumed that he and other ethnic Mexicans were lazy, illiterate, or mentally challenged from being their inability to speak or understand English, so they relied on corporal punishment to correct the students who could not participate in classroom activities. Few options for upward mobility existed for Ruíz beyond school. His parents were farmworkers and, in his neighborhood, designated as Austin's "Negro District" in 1928, only low-wage jobs were in sight for most inhabitants of the area.² Seeing few options for upward mobility, Ruíz dropped out of school when he was eleven years old. To sustain himself, he stole money from newspaper boys and stole cars with some of the other boys who shared Ruíz's discontent and disillusionment he met on the streets of East Austin.³

Ruíz recalled that his life in and out of state institutions began after he was caught stealing a vehicle in the 1950s. The judge sent him to the Gatesville State School for Boys. In Ruiz's words, conditions there were bad, sometimes worse than the ones he later encountered in the Huntsville State Penitentiary.⁴ He rationalized that if Judge Justice closed Gatesville in the

¹ Robert Perkinson, Interview with David Ruiz, July 6, 2003, Goree Unit, Huntsville, TX.

² Michael King, "Decades of Community, Decades of Change," in *Fault Lines: Portraits of East Austin*, edited by John Langmore, (San Antonio, TX: Maverick Books/Trinity University Press, 2019), 9.

³ "Teen-aged Mexicans Break Out of Calaboose Monday," *The La Grange Journal*, November 3, 1955; "Praise 'Boys' Have Rough Monday, Tho' Everything Ends Well," *Fayette County Record*, November 4, 1955.

⁴ Perkinson, Interview with David Ruiz, July 6, 2003, Goree Unit, Huntsville, TX.

1970s “because of their own constitutional convictions, just imagine what it was in ’53, ’55, and in the 50s,” when he was a child.⁵ But the rough conditions there were evident to Ruiz before he arrived at the facility. He recalled that he was beaten on the bus that transported him from a local juvenile detention facility in Austin to Gatesville. “Dr. Lee,” the correctional officer in charge of the bus that transported inmates, saw Ruiz talking with a friend after he demanded silence from the young inmates. “And all of a sudden,” Dr. Lee “hit me in the face and I went down to the floor.” When Ruiz “went to the floor,” Lee “started kicking me with [his] cowboy boots.” Ruiz took the beating, and he remembered Dr. Lee yelling ““Cry! Cry, you son of a bitch, cry!”” Ruiz would not cry. He just “balled up” and braced himself. Lee angrily shouted, “Fuck this son of a bitch. I’m gonna take care him,” as two of Lee’s coworkers pulled him away from the injured Ruiz. Ruiz recounted, “that was the first beating that I got in reform school.” It set informed his expectations of life at Gatesville. He later learned that some of the correctional officers would “help a Latino brother out and treat the kids with compassion and understanding,” but Ruiz asserted that if it were up to him, he would not allow most of the guards to “take care of my cows, the pigs or anything. Because they didn’t have no kind of understanding and they were savage and brutal.” His experiences in Gatesville stuck with him and informed his psyche through adolescence and adulthood. “They,” the Gatesville guards, “enjoyed inflicting pain on the kids.”

At the State School, Ruiz quickly understood the pecking order. The older kids, “they [encouraged] the younger kids to be strong Mind your business and if you like to fight, you know, fight. But don’t take any bull honk from anybody.” Indeed, Ruiz’s tolerance for bull honk was low. He admitted that most of his time at Gatesville was spent in “the boat,” with the

⁵ Perkinson, Interview with Ruiz, July 6, 2003, Huntsville, TX.

“hardcore kids” as punishment for his incessant fighting, or in the bull pen as punishment for escape attempts. Ruíz confessed, mid-laughter, that he escaped thirteen times from Gatesville. After so many hours spent working in the scorching Central Texas heat picking cotton, there was hardly any reason to stay. In addition to the beatings from guards or trusties, individual or gang fights were a daily occasion, sometimes up to three times per day. Ruíz struggled to find the words to explain his stay in Gatesville: “It was a rough environment. There, you just—that horror, sensing for your next step.” After he was released at the age of seventeen, he committed a robbery that landed him in The Walls.⁶ The judge sentenced him to twelve years at the Walls. Ruíz figured that Huntsville would “probably be something like the reform school.”⁷

Ruíz was right (see Figure 23 and Figure 24 for a comparison of the types of labor inmates performed at both Gatesville and Huntsville). Like the Gatesville State School, Texas penitentiaries employed the building tender system, sometimes referred to as the “honor” or “trusty” system, and it had dominated state farms and penitentiary units since at least the 1870s.⁸ Penitentiary superintendents found tremendous value from building tenders. In 1926, Mrs. J. E. King, wife of Gatesville superintendent and delegate of the Texas prison system, spoke on behalf of Texas prison administrators and defended the system that other states had begun to reconsider using in their facilities. She argued, “A Man who has committed a crime can still be honorable . . . I am for the trusty first, last, and always.”⁹ At the Gatesville State School in the 1950s and 1960s, officials referred to them as “office boys,” and they worked as enforcers who used

⁶ “Two Dallas Youths Committed to SSB, Third Indicted,” *The Gatesville Messenger and Star-Forum*, June 26, 1959.

⁷ Perkinson, Interview with David Ruiz, July 6, 2003, Goree Unit, Huntsville, TX.

⁸ “Honor System for Texas Prison Farm,” *Lampasas Leader*, September 12, 1924.

⁹ “Wardens Favor Trusty System,” *The Christian Science Monitor* (Pittsburgh, PA) October 21, 1926.

“threats and violence on other inmates at the direction or with the encouragement of the officers.” As scholars Steve J. Martin and Sheldon Ekland-Olson clarify, “Some of these same office boys would go on to become building tenders in the [Texas Department of Corrections].”¹⁰ Ruíz recalled that one of his former friends from Gatesville became a building tender in the state prison system. In Ruíz’s estimation, building tenders were “nothing but sadists and snitches—cowards that depended on the officers to back them up so they could have that authority.”¹¹ Luckily, Ruíz knew how to protect himself from the building tenders. Sticking with friends offered the greatest protection against predatory and state-protected inmates with violent tendencies. “The building tenders were more hesitant to tango with [Chicanos] because they knew that we had friends.” Building tenders “would have to fight a whole bunch of us,” Ruíz explained.¹²

¹⁰ Martin and Ekland-Olson, *Texas Prisons*, 91.

¹¹ Chase, *We Are Not Slaves*, 278.

¹² Perkinson, Interview with Ruiz, July 6, 2003.



Figure 24. Boys performing make-work at Gatesville, circa 1975. *Corrections Magazine* Vol. IV, No. 3 (September 1978), 27.



Figure 25. Original caption reads, "They keep you in, they keep you busy, and they keep you alive." Photo by Bill Powers, *Corrections Magazine* Vol. IV No. 1 (September 1978), 4.

As an adult at the state prison system, the threat of physical pain and punishment did little to deter Ruiz from continuing his streak of defiance. Death threats from administrative staff and beatings from correctional officers and building tenders could not convince him to labor in the fields as a slave of the state for a system that officials touted as “the largest agribusiness operation” in Texas. Building tenders beat him and correctional officers threw him into a separate wing of the Eastham prison plantation with hostile inmates in 1969. To escape the horrendous conditions, he mutilated himself with a razor blade. His plan worked, if only for a few moments. Ruíz was taken to the infirmary where doctors stitched him back up without anesthesia as punishment for his transgressions. Prison administrators then transferred to the Wynn prison plantation where conditions worsened and gang beatings from building tenders intensified. He held “his own body as hostage,” historian Robert Chase explains, in protest of the racially hierarchical building tender system and cut in two the Achilles tendon of his right foot.¹³

Ruiz was returned to Eastham and after he intervened in a fight between a building tender and an inmate, guards stripped him of all his clothes and threw him into solitary confinement. In solitary, he received only one meal that never exceeded a few spoonfuls of food every three days. After five days, he was given some overalls but no other toiletries. After administrators readmitted him into the general population, Ruiz defied the prison hierarchy was placed in solitary confinement with regularity, from where he wrote the “writ that evolved into the prisoners’ rights case that put the entirety of the Texas prison plantation system on trial.”¹⁴ Ruiz finished and notarized his handwritten complaint against the TDC on June 26, 1972, marking the

¹³ Chase, *We Are Not Slaves*, 273.

¹⁴ Chase, *We Are Not Slaves*, 274.

beginning of a collaborative, organized movement that included work strikes and letter-writing campaigns that drew on the language of the Black Power and Chicano movements.

When Ruíz's filed his writ, Judge William Wayne Justice had gained a reputation of an activist judge, especially after his ruling on school desegregation issues and *Morales v. Turman*. Many of the prisoners' complaints resembled the charges against the Texas Youth Commission in the *Morales* case, which interested prison writ writers who sought the court's intervention against the TDC.¹⁵ With both the TYC and the TDC under the control model, "The model based on the assumption that prisoners are inferiors without the rights of citizens," the hands-off rule thrived. Biographer Frank R. Kemerer points out that "Any institution that asserts total control over those confined within it is likely to be highly resistant to challenge and to change. So it was with the TDC," and as previous chapters demonstrate, it was too with the TYC.¹⁶ In both, "the absence of external accountability" allowed "tyrants in the system" to maintain control through "unnecessarily brutal force."¹⁷ Given that the Gatesville facility was established as a solution to Huntsville's productivity problem, it is unsurprising that conditions were nearly identical in both systems.

A year after Judge Justice ruled that youthful inmates of the TYC had a constitutional right to legal counsel, due process, and rehabilitative treatment, Ruíz's complaint listed the TDC's lack of medical care, the institutional violence from building tenders, and overall inhumane living conditions in Texas prisons. Ruíz's writ evolved into *Ruíz v. Estelle*, "the longest and largest prisoners' rights trial in the nation's history," explains historian Robert T.

¹⁵ Chase, *We Are Not Slaves*, 283.

¹⁶ Kemerer, *Justice*, 363.

¹⁷ Kemerer, *Justice*, 363.

Chase.¹⁸ Judge Justice’s final verdict echoed his previous conclusions from the *Morales* decision and the prison system was forced to change the way it did business. With the *Ruíz* ruling in the same decade as the *Morales* decision, the hands-off doctrine in Texas State penitentiaries had been completely trampled. The prison system and the control model that administrators, politicians, and incarceration experts had touted as the “best in the world” was exposed as a living unconstitutional nightmare for inmates.¹⁹ A director of another state system commented that the only reason that it existed as it had for so long was that Texas had “such a powerful P.R. apparatus that it’s hard to demythologize the system In perhaps five years, the correctional community is going to realize that [Texas is] actually very backward.”²⁰

Over the Texas prison’s history, observers and administrators rarely, if ever, considered it to have “failed.” One of the TDC’s most persistent defenses was that Texas prisons were among the “best in the world.”²¹ While the same management style dominated juvenile facilities over their history, critics constantly reiterated that the juvenile incarceration system was a failure even as it evolved in lockstep with the “best” prison system in the world. In fact, during the *Morales* hearings, TYC administrators seldom took the witness stand because, as they later admitted, they could not defend the conditions and abuses in their facilities.²² Could a facility, an institution, a bureaucracy, or an individual, fail if it the best in the world? If the TYC blatantly mirrored the

¹⁸ Chase, *We Are Not Slaves*, 274.

¹⁹ Justice, *Morales v. Turman*, 383 F. Supp. 53.

²⁰ Kaye Northcott, “Why Are There So Many Inmates in Texas?” *Corrections Magazine* Vol. 4, No. 1 (September 1978), 16.

²¹ Kemerer, *Justice*, 362; Perkinson, *Texas Tough*, 268; Martin and Ekland-Olson, *Texas Prisons*, 61.

²² Kemerer, *Justice*, 153.

TDC's management procedures with the knowledge that it would not rehabilitate inmates, did it fail?

Reform, Train, and Rehabilitate have been the three purported goals of Texas agencies that oversaw facilities that held juvenile delinquents across three distinct eras from 1883 to the landmark *Morales v. Turman* case in the 1970s. Even with policies that presented juvenile incarceration to the public as a system that socially trains—or “straightens out”—delinquent youths, facilities and the agencies that managed them imitated the Texas penitentiary system in several ways.²³ While there were plenty of observers in the twentieth century who critiqued juvenile corrections as a system that “failed” to achieve its social objectives, some critiqued the State’s evolving public missions as thinly veiled attempts to preserve the commitment to extract labor from inmates. Dr. Carrie Weaver Smith, Superintendent of the State Training School for Girls in Gainesville, criticized Texas’s unchanging treatment of juvenile inmates despite the new crusade it had adopted to “train” delinquents during her tenure from 1916 to 1925. At a national conference for social workers, she expressed her distrust of Texas’s constant adaptation of words to describe what she viewed as constant punishment. She argued, “Probably the greatest hindrance to social progress is our blind worship of words. Just let an idea get incased in words, and it is apt to cease to functionate as an idea. Social platitudes are arid deserts.”²⁴ She expressed her frustration at social workers and Texas state officials who uncritically believed the “fairy stories” that a new state-endorsed public mission would produce new results— “a bath, a shave,

²³ Gary Wayne Hull, Interview with John Horace Vanston, Sr., Waco, TX, Baylor University Institute for Oral History Interviews, July 16, 1977 – August 19, 1977.

²⁴ Carrie Weaver Smith, “The Elimination of the Reformatory,” *Proceedings of the National Conference of Social Work at the Forty-Eighth Annual Session Held in Milwaukee, Wisconsin, June 22-29, 1921* (Chicago: University of Chicago Press, 1921), 127.

psychological examination, vocational guidance, high school, machine shop, model institution, hocus pocus!—out pops a new man. . . . Of course, it is silly.”²⁵

Regardless of the names of the facilities that contained juvenile delinquents, be it a reformatory or training school, officials treated inmates as inevitably criminal delinquents who deserved the type of treatment that adults in state prisons received.²⁶ From its inception, violence, solitary confinement, and hard labor was woven in the system’s “very brick and mortar,” as Judge Justice opined in his final judgement of the *Morales* case.²⁷ He was not the first to make the connection between juvenile and adult facilities. Critics early on understood the damage associated with forcing children into conditions that were like the ones at Huntsville or Rusk. The Texas Children’s Bureau lamented in 1938 that “children, in Texas, have never yet been rescued from the clutches of criminal law.” Those clutches maintained a firm grip to the end of the 1970s.²⁸

By examining the history of the juvenile detention system as one informed by the penitentiary system, it becomes apparent that the juvenile system did not intend to re-socialize inmates, and thus did not “fail” to achieve that mission. Previous histories on the subject have traced the lineage of juvenile corrections, beginning with the Gatesville House of Correction and Reformatory, to concerned “social mothers” of the 1880s.²⁹ Based on that assumption, scholars have argued that the original intent of the Reformatory was to save the children from influence of criminality, and erroneously conclude that the juvenile detention system “failed” to reform, train,

²⁵ Smith, “The Elimination of the Reformatory,” 128.

²⁶ “Address of Z. R. Brockway,” *Proceedings of Prison Conference* (1898), 19.

²⁷ Kemerer, *William Wayne Justice*, 167.

²⁸ Texas, *Report of the Child Welfare Survey* (1938), 170.

²⁹ Bush, *Protecting Texas’ Most Precious Resource* (2008), i-2.

or rehabilitate young inmates from 1889 to the 1970s. However, evidence suggests that while the social mothers may have expressed interest in the creation of a Reformatory in Texas, prison officials were the driving force behind the creation of the juvenile facility in Gatesville since the late 1870s and early 1880s by prison administrators who sought to maximize the profit of each incarcerated person early 1880s.³⁰ Thomas Goree, ex-slaveowner, Civil War captain, and Texas bureaucrat, reorganized the prison system around efficiency and inmate classification. He forced profitable convicts to work the most physically demanding jobs across the State of Texas as inmates of the Texas penitentiary system under the convict lease system. Meanwhile, the mentally disabled were moved to separate institutions, the physically disabled were assigned lighter work duties, women and girls were sent to a farm, and young boys were sent Gatesville, established in 1887 after Goree's near-decade long campaign to classify and assign inmates to jobs according to their perceived profitability.

To replicate his system of inmate control at state prisons, Goree appointed his most trusted colleague in the prison system, Captain Ben McCulloch, as the Gatesville House of Correction and Reformatory's first superintendent. He brought to Gatesville the culture of the hands-off doctrine, a "gentleman's agreement" that permitted prisons and reformatories to work without governmental oversight. To officials, corrections was the business of inmates and overseers, not of the public and certainly not of the State. But in times of negative publicity, Gatesville and the State prison regained public trust through semantics. When the state prison's purpose was to "reform" inmates, that mission supported the Gatesville Reformatory as its original purpose. Then, when the state publicly denounced the convict lease system, prisons reoriented their mission to "train" inmates out of criminality by using inmates labor to self-

³⁰ Bush, *Childhood*, 10, 211 n.17-18.

sustain state-owned facilities. Gatesville and the new Gainesville facility followed suit. From the 1940s to the 1970s, the Texas prison system's public mission was to "rehabilitate" inmates and the juvenile detention system claimed that mission as its own. That juvenile detentions were prisons for children was obvious to observers, critics, and the inmates who did time in both institutions.

It was true "that all of the children are not misguided angels as some social-minded citizens would make us believe," as Board of Control Hall Logan rationalized in 1947.³¹ It is also true that some inmates, especially at Gatesville, were convicted of violent crimes and repeated acts of violence when given the opportunity. As previous chapters show, however, the rate of children who were incarcerated for violent crimes was incredibly low. For example, in its first two years of operation, the number of children who were incarcerated for violent crimes like murder, attempted murder, rape, and attempted rape at Gatesville consisted of eight out of 330 inmates. Given that the South's history of disproportionately charging Black men and boys with rape and attempted rape, the number could reduce to six out of 330.³²

Similar statistics were commonplace in the decades after. In the TYDC's first annual report in 1950, agents were concerned about the type of juveniles who were committed to their facilities. The high number of "feeble-minded" children who were committed to Gatesville was "tragic and forms a very serious problem." Several others arrived at Gatesville because of hostile behavior, not crimes, that stemmed from "poor environment, lack of opportunity, lack of parental love and guidance." The TYDC also reported that of the children who committed crimes did so

³¹ Hall Logan, Letter to the Texas Training School Code Commission dated November 8, 1947, TSLAC 1991/016-60.

³² *Second Biennial Report of the Trustees and Superintendent of the House of Correction and Reformatory, Gatesville, Texas, November 1, 1890, to November 20, 1892* (Austin: Ben C. Jones and Co., State Printers, 1892), 13.

because they sought to express their “hostility against a society which had mistreated him.” The “feeling that he is rejected and unloved by his parents, seems to be back of the anti-social behavior of most children.” They reported that often, all those children needed was a course in “remedial readings, a pair of glasses or a hearing-aid.” Many required long-term psychiatric care, not incarceration.³³ The rate of violent juvenile inmates in captivity remained low as the TYDC morphed into the TYC. In the 1970s, the rate of inmates who were sentenced to juvenile detentions in Texas and nationwide for violent crimes had “demonstrated a remarkable level of consistency” over the previous seventy-five years, according to the Census Bureau, at less than 10 percent of the near 2,500 total number of inmates.³⁴

In the late 1960s that most of the child inmates who were not violent criminals were offered no opportunity to mature into socially adjusted adults. Many inmates, as Edwin Newman explained in the documentary *This Child is Rated X*, committed status violations, not crimes, that applied only to children. Most of them were unsupervised in highly policed urban areas. Others were not guilty of any crime or rule violation whatsoever and were committed to a TYC facility for general incorrigibility or disobedience by their parents or guardians.³⁵ Regardless of the convictions, the punishments that TYC inmates received rarely fit the crimes they allegedly committed.

On one of the rare occasions of a TYC administrator taking the stand during the *Morales* trial, the TYC testified to not receiving or requesting records from courts about a child’s court

³³ Texas Youth Development Council, *First Annual Report of the State Youth Development Council, Fiscal Year Ended August 31, 1950* (Austin, TX), 1950.

³⁴ US Census, “Historical Corrections Statistics,” 44, 104; Carr, Documentary, *This Child is Rated X* (1971).

³⁵ Carr, Documentary, *This Child is Rated X* (1971).

and criminal records.³⁶ They all received the same treatment, and it was all cruel and unusual. Whether a child was committed for loitering or for committing murder, the Eighth Amendment intended to protect all captives from cruel and unusual punishment, regardless of age or crime committed. In the *Morales* cast, Judge Justice decided that the TYC violated the Eighth Amendment when its administrators hid behind the hands-off doctrine and administered abusive correctional methods to children.

State agencies tasked with managing several juvenile facilities steadfastly perpetuated the institution's original intent to exploit inmate labor production. Even with research, agitation for improvements, lobbying, and the rare sincere administrator who occasionally changed the outward appearance of the juvenile detention system over the years, lawmakers and aligned business interests believed that they had too much to lose if they halted labor expectations from young inmates. Among a chorus of bureaucrats interested in juvenile corrections, the loudest voices favored the decisions to mirror the revenue-production methods of the adult prison system, which drowned out the softest ones that hoped to give children a second chance.

The experiences that incarcerated children endured is not emblematic of a failure at the administrative or legislative levels, and cruel treatment was not symptomatic of policymakers or staff members who tried to rehabilitate children and failed. Instead, the conditions, expectations, and punishments that children were subjected to reveals the outright retributive and vindictive nature of the people who were put in charge of children who needed social, personal, medical, or emotional guidance and support. The system of juvenile incarceration did not fail youthful delinquents, it doomed them.

³⁶ Larry York, Steven Bercu, Cross-Examination, July 5, 1973, *Morales v. Turman*, 9-29 Testimony [minor], TSLAC 1999/085-35.

The history of juvenile incarceration could not be characterized as a “cycle,” as one scholar suggested.³⁷ Instead, it can be described as a consistent systematic effort to use the juveniles to generate revenue for the state. And since the juvenile detention system was conspicuously cruel and exploitative at its inception. In 1890, at the Annual Congress of the National Prison Association, which Captain Ben McCulloch and Thomas Goree had served as esteemed members, a lively debate about prison conditions in Southern self-sufficient reformatory prisons dominated the conference. One observer argued, “Let the self-supporting idea be abandoned, and let the superintendents and wardens be authorized to give assistance to each prisoner to enable him to get a good start in life.”³⁸ It was objectively harmful to place the cost of captivity onto inmates while the overseers raked in profits, but McCulloch and Goree chose to manage their facilities the only way they knew how, through punishment and strict control. When the convict lease system ended, there were several more opportunities to enact transformative inmate management plans, but administrators and politicians in Texas chose to exploit the labor power they had at their disposal.

In 1910, after investigative hearings resulted in the abolition of the convict lease system, a committee member dissented against his own political party’s recommendation for replacing the convict lease with the prison lease system. C. B. Hudspeth reasoned that abolishing the convict lease system and replacing it with another system that still commodified criminality would perpetuate brutality and exploitation in state correctional facilities. He explained that the prison system itself was an “antiquated and vicious system, the foul odors from which have

³⁷ Donnelly, “Cycle of Reform,” (2018).

³⁸ National Prison Association, *Proceedings of the Annual Congress*, Cincinnati, September 25-30, 1890 (Pittsburgh: Shaw Brothers, Printers, 1891), 302; National Prison Association of the United States, *Proceedings of the Annual Congress*, Boston, July 14-19, 1888 (Chicago: Knight and Leonard Co., Printers, 1888).

permeated this entire State for fifty years.” It was a system promoted by “the siren song of the men of avarice and greed and the professional politician who procures his daily sustenance at the political pie counter.” He concluded, “The great object of reforming criminals is defeated whenever the State turns them over to any class of men who seek money through the labor and groans of human beings . . . the great object of reform will be forgotten whenever the chief object is to make money out of men’s bones and muscles.”³⁹ Disregarding minority dissent and a protracted decades-long campaign to end the convict lease system, senators repeatedly appointed business-minded men to manage prisons and juvenile facilities in Texas.⁴⁰

Following the lead of the Texas penitentiary system, the Board of Control embraced hard labor and self-sufficiency at their facilities. They called it “training” and that new mission perpetuated state-sanctioned abuse of inmates. Critiques of its inhumanity followed. In 1942, one group argued that what Texas needed was “a constructive program for well-established juvenile courts or court, of domestic relations, probation courts, foster homes, case work services to meet every exigency, and more adequate provision for aid to dependent children.” That sort of program was discounted because it was “enormously expensive.”⁴¹ Years later, the TYDC knew that hard labor and “rehabilitation” were incompatible, but they kept labor on the docket to pay for the new delinquent youth management agency in the State, which undermined any attempt at rehabilitating inmates. Planners understood that such an outcome was a strong possibility if labor remained part of the daily treatment plan at the state training schools. Yet, they decided to keep hard labor as part of the new TYDC plan. Finally, when the federal government offered the

³⁹ C. B. Hudspeth, “Minority Opinion,” *Report of Penitentiary Investigating Committee* (1910), 22.

⁴⁰ Cantrell, *The People’s Revolt*, 195-197.

⁴¹ “Children’s Week Draws Attention to Delinquency,” *The Orange Leader*, April 21, 1942.

successive TYC incentive to remove demands for profitable labor, the agency chose to continue forcing children to perform make-work as punishment for becoming an inmate of the TYC. Given the lineage of the system, it is not surprising that Texas officials relied on the only method of inmate management that they understood: hard labor under the threat of violence.

Historian Linda Kerber reminds us that “[T]hroughout the former Confederacy, the creative energy that masters had once dedicated to defending slavery was quickly refocused on creating a labor system that would continue to guarantee docile and intimidated workers.”⁴² As we have seen in Chapter 2, many of those men rebuilt the prison system to replicate the antebellum relationship of property owners and a racialized workforce. That lineage is clear from the language and colloquialisms that were omnipresent at Gatesville. In 1973, during a *Morales* hearing, one examiner asked a Gatesville inmate to describe the kinds of abuse that he received from guards. He listed off several short-hand phrases of the kind of abuse they received, including “broguing.” The examiner, confused, asked the boy to elaborate. The boy responded that it was when guards wore thick boots and kicked inmates’ shins. The examiner asked the boy if he knew where that nickname derived from, to which the seventeen-year-old witness replied, “No. It has probably been with the state for a long time.”⁴³ The witness was correct. “Broguing,” both the method and the phrase, derived from the days of slavery.⁴⁴

⁴² Kerber, *No Constitutional Right*, 48.

⁴³ Statement of Kilgore boy, seventeen-years-old, inmate, Gatesville School for Boys,” July 10-11, 1973, submitted to the Texas Attorney General, July 17, 1973, Morales Case Files, Texas Youth Commission, Archives and Information Services Division, Texas State Library and Archives Commission, Austin, TX (hereafter cited as Morales Case Files).

⁴⁴ William Carleton, *Traits and Stories of the Irish Peasantry* (William Tegg & Company: London, 1864), 312; Statement of Kilgore boy, Morales Case Files; Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary, United State Senate, Ninety-First Congress, First Session, “Conditions of Juvenile and Young Offenders Institutions,” July 11, 1969, Washington, D.C., 5672; Kemerer, *William Wayne Justice*, 153; Frederick Douglass, *The Heroic Slave* (Boston: John P. Jewett and Co., 1853), 229., docsouth.unc.edu/neh/douglass1853/douglass1853.html.

Another example of the cultural remnants of slavery becoming obvious to observers comes from Richard Clendenen. On one of his visits to Gatesville in 1947, Clendenen was surprised at the language that inmates used because it echoed the system that predated the Board of Control administration: “one of your students here in Texas used some of the terms. That terminology has clung to us through the years, even though we have lost that system.”⁴⁵ Similarly, Senator Thomas J. Dodd in 1969 pointed out in his observation about the Texas prison system in general that at the Ellis Penitentiary Unit, correctional officers “ride horses, carry pistols, are referred to as ‘bosses’ (master-slave tradition) and supervise the hounds in the fields.”⁴⁶ In Texas, indeed, across the South, the master-slave tradition persisted in correctional facilities.

Another remnant of slavery was the use of solitary confinement, a preferred punishment of Southern slaveholders because it was “the most severe punishment short of death.”⁴⁷ It was one of Captain McCulloch’s favorite methods of punishment, whose family was deeply entrenched in the slaveholding tradition. On his uncle’s deathbed in the 1850s, for example, Ben McCulloch was promised money from the McCulloch estate and his older sister was willed a “small negro girl no older than twelve years old.”⁴⁸ After the Civil War ended, Ben McCulloch became a prison administrator and later the first superintendent of Gatesville. Following his lead and the lead of so many other prison administrators, solitary confinement remained a preferred punishment through the 1970s. Such etymological and methodological connections between

⁴⁵ Minutes, Training Code Commission, June 19, 1948, TSLAC, Texas Training Code Commission, 1991/016-60.

⁴⁶ *Hearings Congress 91*, Session 1 Judiciary v. 14 1969, 4984.

⁴⁷ N. Herbemont, “On the Moral Discipline and Treatment of Slaves,” *Southern Agriculturist and Register of Rural Affairs* Vol. 9 ed. 2 (February 1836), 70.

⁴⁸ Final will and testament, Ben McCulloch, Washington City, Texas, April 3, 1858.

incarceration and slavery cast doubt that juvenile detention facilities were established by social mothers who had good intentions. Unsurprisingly, the common terminology, punishment methods, and daily practices were nearly identical at the adult penitentiary, an institution that financially benefitted from the caging inmates who had served time in Gatesville.⁴⁹

With the training and experience that Huntsville inmates acquired from their time in Gatesville, Huntsville had a streamlined money-making operation on their hands.⁵⁰ At mid-century, Huntsville's record profits from textile manufacturing were due in large part to the experienced workforce that was trained in Gatesville performing similar labor.⁵¹ As children, they produced mattresses and uniforms in Gatesville and as adults, they produced textiles in Huntsville. In Gatesville, child inmates picked cotton, and in Huntsville, they picked record amounts leading to the state being regarded as the leading grower in Texas. By the 1960s and 1970s, Gatesville graduates' labor on the cotton fields as inmates of the Huntsville State Prison contributed to the most profitable era of Texas prisons. The prison system directly benefitted from having had so many inmates with experience in Gatesville.

Texas benefited so much, in fact, that some elected officials who criticized the Texas incarceration system found it a suspiciously efficient business model to force criminalized urban youths to learn agricultural work, considering how often Gatesville inmates become inmates of the state prisons when they became adults. In his search for data to support or debunk that theory, one senator pointed out in 1968 that his investigative committee had been unable to find

⁴⁹ Perkinson, *Texas Tough* (2012); Chase, *We Are Not Slaves* (2021); Blue, *Doing Time in the Depression* (2012); Martin and Olson, *Texas Prisons* (1987).

⁵⁰ *Hearings Congress 91 Session 1 Judiciary v. 14 1969*, 1019. Trulson et. al call the process of teaching children to adjust to prison conditions "prisonization." Trulson et. al, *Lost Causes*, 161.

⁵¹ Texas Department of Corrections, *Thirty Years of Progress*, 38, 44.

the exact rate of TYC inmates who “graduated” from Gatesville to the adult penitentiary system. “The Texas Department of Corrections and the Texas Youth Council must have some kind of conspiracy going on,” Graves alleged, “because they will not release those figures.” He expressed his frustration further, “[t]hey will give you relative figures and they will tell you of all of the people released from Texas and the Texas Youth Council, only a certain percentage are in the department of corrections. They do not give you true figures and I have not been able to ascertain what the truth is here.” U.S. Senator Dodd responded, “You might be interested to know we have not been able to find out, either. I guess they will not tell anybody.” “No,” Graves concluded, “they keep that a deep, dark secret.”⁵²

In the late-1970s, the juvenile detention system had finally been shut down in favor of community-based diagnostic centers, detention halls, alternative schools, and local parole offices. With a new motive to treat and re-socialize inmates that defined Texas’s administration of juvenile detention, the TYC, equipped with professionals and dedicated public servants, became a “national model for juvenile correctional programs elsewhere” in the early 1980s.⁵³ That victory was short lived when the profit motive reared its head again in the middle of the decade as the moral panic surrounding crime intensified and private prison contractors influenced administrative policies of prisons and juvenile detention systems across the country, beginning with Texas.⁵⁴ There remained money in the incarceration business, and corporations applied their business models to profit from juvenile detention in new ways.

⁵² *Hearings Congress 91 Session 1 Judiciary v. 14 1969, 5689-5690.*

⁵³ Bush, *Childhood*, 202.

⁵⁴ Bush, *Childhood*, 206-207; Camp, *Incarcerating the Crisis*, 10-11; Hinton, *From the War on Poverty to the War on Crime*, 314; Perkinson, *Texas Tough*, 320; Rupert Neate, “Welcome to Jail Inc: How Private Companies Make Money off US Prison,” *The Guardian*, June 16, 2016; Katy Vine, “Acting Up,” *Texas Monthly*, November 2006.

Beginning with the founding of the Gatesville facility in 1889, the juvenile detention system in Texas did not fail in what it had set out to do. Like the prison system from where it originated, the purpose of the juvenile correctional system was to extract revenue from inmates, who were children and minors. As authority and management responsibilities of the system changed hands from agency to agency, and as rapid urbanization in Texas led to the growth of its inmate population, administrators and officials' motivations remained to generate revenue for the State. From the years 1883 to 1979, the hands-off doctrine gave juvenile detention and criminal corrections systems in Texas almost total immunity from governmental sanctions. The doctrine allowed juvenile corrections institutions, to act as if they had near total exemption from the laws of captivity that the U.S. Constitution protected for inmates, just as the doctrine served that purpose at adult incarceration facilities. As such, juvenile detention functioned exactly as state representatives, administrators, and staff members had intended, save for a few exceptions.

As this dissertation has shown, the juvenile incarceration apparatus was an extension of the state penitentiary system. It was not designed to re-socialize disadvantaged, misdiagnosed, maladapted, and unprotected children into untroublesome wage-earners. To policymakers, often against the best wishes of the minority of sympathetic administrators or concerned staff members, the young inmates served as components of the larger money-making carceral machine in the State of Texas. The intent to exploit—beginning with Goree's insistence that all inmates, regardless of age or gender, must be profitable—was baked into the very bricks of the first building at the Gatesville House of Correction and Reformatory. It was not until 1979, when the Gatesville facilities closed, that the juvenile detention system in Texas had truly failed. For many of TYC's ex-inmates, unfortunately, their experience at Gatesville was only the beginning

of their stay in hell.⁵⁵ Many of them had to relive daily brutality, dehumanization, sexual violence, and exploitative labor as adult convicts in the “burning hell” that was the Walls.⁵⁶



Figure 26. *Pictures of Gatesville*, progress shots, 1957-1962, TSLAC box 2007/203-15

⁵⁵ Wooden, *Weeping in the Playtime of Others*, 3; Username Sheldon TYC#47333, “About Me,” *Gatesville State School for Boys*, online blog, <https://www.blogger.com/profile/17236854879241753231>.

⁵⁶ Historian Robert Perkinson relies on autobiographies of Texas convicts to tell the story of the penitentiary system in Texas. Authors typically described the state prison system as hell. For example, Phillip McIntyre, *Two Years in the Texas Hell at Huntsville* (Beeville, TX: Picayne Book Print, 1894); L. Rankin, *No. 6847, or the Horrors of Prison Life* (Author, 1897); O. J. Gillis, *To Hel land Back Again . . . Or, Life in the Penitentiaries of Arkansas and Texas* (Little Rock: Arkansas House, 1906); John Shotwell, *A Victim of Revenge, or Fourteen Years in Hell* (San Antonio, TX: E. T. Jackson Company, 1909).

Perkinson, *Texas Tough*, 43, 396, 403; Trulson et. al, *First Available Cell*, 97-106.



Figure 27. *Pictures of Gatesville*, Gatesville, progress shots, 1957-1962, TSLAC box 2007/203-15.

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