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Persistence and irony in the incarceration of women in the Texas Penitentiary, 1907–1910

Gregory, Jane Howe, M.A.
Rice University, 1994

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PERSISTENCE AND IRONY
IN THE INCARCERATION OF WOMEN
IN THE TEXAS PENITENTIARY, 1907-1910

by

JANE HOWE GREGORY

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APPROVED, THESIS COMMITTEE

John B. Boles, Director
Allyn and Gladys Cline Professor of History

Thomas L. Haskell
Samuel G. McCann Professor of History

Martin J. Wiener
Mary Gibbs Jones Professor of History

Matthew J. Mancini
Chairman, Department of History,
Southwest Missouri State University

Houston, Texas
April, 1994
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Jane Howe Gregory
1994
ABSTRACT

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by

Jane Howe Gregory

Between 1907 and 1910, Progressive reformers' attacks on the convict lease system of the Texas Penitentiary brought sexual misconduct of guards with female prisoners into public view and prompted officials to transfer women convicts from farm to farm in an attempt to contain both the abuse and the publicity it generated. In spite of the moves, the efforts of reformers, and the hiring of the first penitentiary matron, little of substance changed for women prisoners. They remained on a penal farm, guarded and supervised by men, their work and housing strictly divided by race. Persistent patterns of labor assignment, punishment, and sexual abuse inherited from slavery, and the continuation of political patronage and widespread administrative perquisites undermined attempts to improve the women's care. Ironically, the testimony of women prisoners to a legislative investigating committee about sexual activity contributed to their continued isolation on a penal farm.
Acknowledgements

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Finally, I am grateful for the patience and good humor of my friends and family whose curiosity about Texas women convicts at the turn of the century has been more than satisfied. Thanks are especially due to my children Elizabeth and John, fellow students and unflagging supporters of my work, and to my husband Charles for generously adjusting his life to the rhythms of my graduate study.
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Introduction

In 1907 women prisoners in the Texas Penitentiary were moved from the Johnson farm, which had been the "women's farm" for twenty-four years, to Eastham farm No. 2. In 1910 they were transferred to the Goree farm, which would house female convicts for the next seventy years. During the time bracketed by these moves, the treatment of female prisoners, consistently a small fraction of the Texas penal population, was discussed and deplored by penitentiary officials, legislators, Progressive reformers, and even the women prisoners themselves.

Debate about the care of female inmates took place within a larger debate about the organization and direction of the Texas Penitentiary. During the administration of Governor Thomas M. Campbell, 1907-1911, the penitentiary was under increasing pressure from Progressive reformers to end the lucrative practice of hiring out convicts, usually called "convict lease," which had been adopted by Texas and other southern states in the aftermath of the Civil War. A disaffected prison chaplain provided dramatic accounts of sexual abuse of female prisoners and physical abuse of male convicts to a zealous young newspaperman for a series of articles criticizing the penal system in the winter of 1908-1909. The articles prompted a thorough legislative investigation of the penitentiary the next summer. Testimony by women prisoners confirmed earlier stories of sexual misconduct by male guards and gave impetus to the urge for reform. In 1910 Texas enacted a bill reorganizing the penitentiary and providing for the end of the convict lease system in Texas. For women prisoners, the investigation and reorganization brought the hiring of the
first matron of the Texas Penitentiary, provisions to control their contact with male prisoners and guards, and the move to the Goree farm.\textsuperscript{1}

Close examination of these efforts, however, reveals that what seem to be significant improvements in the care of female convicts during this period were shallow, even illusory. Long established patterns that deeply affected the treatment of women prisoners persisted through this period of attempted change. Sexual misconduct, labor assignment and prisoner discipline based on race, political patronage, and administrative perquisites continued within the penal system. Ironically, frank revelations by women convicts about sexual activity contributed to their continued isolation on prison farms because penal officials, whose interests came to dominate the reform process, were strongly motivated by the desire to prevent embarrassing publicity.

The experience of female convicts in American penitentiaries, especially in the South, has received little attention from historians. In The Discovery of the Asylum, which investigates the origin of incarcerative institutions in the United States, and Conscience and Convenience, which examines the search for alternatives to institutional confinement during the Progressive Era, David J. Rothman does not consider the special problems of institutionalized women. Vengeance and Justice by Edward Ayers only touches on the experience of women in nineteenth century southern penal institutions. Their Sisters' Keepers by Estelle B. Freedman concentrates on the work of white middle-class female prison reformers in the nineteenth-century and the special institutions for women which they designed. These reformatories were concentrated in the North, especially the Northeast, and housed women considered amenable to reform, most often young white misdemeanants.\textsuperscript{2}
In Partial Justice Nicole Hahn Rafter broadens the study of women in penal institutions by considering women in custodial prisons as well as women's reformatories. She also extends the geographical range of the study of incarcerated women by closely examining their care in the southern state of Tennessee as well as in New York and Ohio. But Tennessee did not send women to penal farms after the Civil War, a practice common in many southern states, including Texas, during convict lease. Rafter does, however, briefly consider the experience of women prisoners on farms in custodial penitentiary systems. Unfortunately her use of Texas as her main example is flawed by misinformation. Rafter's source, other than penitentiary biennial reports, is a dissertation written in 1964, "A Political History of the Texas Penal System, 1829-1951," by Herman Lee Crow. Most of Crow's sources are impressive, but for women prisoners he relies on eight pages of faulty "history" in an uncritical and unfootnoted 1932 sociology Master's thesis.

Donald R. Walker includes brief references to women prisoners at the turn of the century in Penology for Profit: A History of the Texas Prison System, 1867-1912, his thorough analysis of the Texas penal system during convict lease. Walker's version of the life of women prisoners is well grounded. He does not rely on Crow and cites a variety of primary sources, but his account is not entirely accurate.

Historians of women prisoners are often tempted to concentrate on episodes of abuse and to treat those episodes as representative of the women's overall experience. But such an approach raises more questions than it answers. Why did abuses occur? Why were they allowed to persist? How were women prisoners perceived by those in authority over them? On what principles were their lives organized? To begin to address
these questions one must move beyond isolated abusive incidents and examine the place of women prisoners within the structure of the institution confining them. This thesis is grounded on that effort. Chapter One discusses women prisoners within the system of labor and authority of the Texas Penitentiary at the turn of the century. The sudden move of the women from the Johnson or Bowden farm to the Eastham farm No. 2 is the subject of Chapter Two. Chapter Three considers the treatment of women prisoners as a focus of the Progressive reform effort to end convict lease. Chapter Four reviews the testimony of nine of the seventy women in the penitentiary on 29 July 1909, the day the legislative investigating committee visited the Eastham farm No. 2, and analyzes the effects of the testimony on legislation reorganizing the penitentiary.

The treatment of female convicts from 1907 to 1910 was consistent with overall principles of organization and broad trends of change within the Texas penal system. The movement of the women from the private Johnson and Eastham farms to the state-owned Goree farm was in line with the slow and uneven reassertion of state control over its property and prisoners which began with the adoption of convict lease in 1871 and culminated as the lease period ended in 1912 with all prisoners located on state-owned property. The placement of the largely black female population on prison farms was also consistent with the dominance of farm work in the Texas penal system and with labor assignments strongly influenced by race and perceived ability. Women convicts were subject to the same forms of physical discipline as male prisoners and to the vagaries of the same formal and informal administrative structure. But the penal practices shaping the broad outlines of Texas prisoners' incarceration affected women prisoners differently than men. Because the number of
women was small, they could be concentrated at a single location. Lines of racial division among female inmates were more clearly drawn than for male prisoners. Women on remote farms tended to be sexually abused rather than beaten.

Women were a special class of prisoners separated from the rest of the prison population because of their gender, their sexuality considered disruptive to the institution and potentially embarrassing by publicity-conscious administrators. Between 1907 and 1910, as the debate about the convict lease system brought the flaws of the Texas Penitentiary into public view, the publication, and even the threat of publication, of mistreatment of female prisoners prompted the transfer of the women prisoners from farm to farm as officials sought to contain both the abuse and the publicity it generated.

Donald R. Walker uses the term "lease system" for the period when the entire penitentiary was leased to a single lessee and "contract system" to differentiate the period when the state contracted out prisoner labor. Because contemporary sources usually call both phases "convict lease" or the "lease system," I have done the same. Convict lease had two phases in Texas. When the lease system was adopted all prisoners were located in or near the Huntsville prison. From 1871 to 1883 the entire penitentiary, including all buildings, equipment, and prisoners, was controlled by two long term lessees. The lessees were free to employ prisoners themselves or to subcontract them to other individuals or companies. Although a second walled prison was added at Rusk in 1883, the practice of working prisoners in camps outside prison walls was firmly established. The state took over the lucrative role of general contractor during the second phase of the lease system, from 1883 to 1912. Penitentiary property was again under state control, but prisoners continued to be hired to outside contractors.


3Nicole Hahn Rafter, *Partial Justice: Women, Prisons and Social Control*, 2d ed. (New Brunswick: Transaction Publishers, 1990), xxi. Crow, "Political History." Kelly E. McAdams, "A Social Study of the Women's Penitentiary of Texas" (Master's thesis, Texas A&M College, 1932). Crow's work contains so many small errors about women prisoners that his information about them should be discounted or confirmed by another source. McAdams expresses appreciation to "Mr. Gus Bowden, a prominent citizen of Walker County," the son and brother of figures in a sex scandal in 1907 involving women prisoners. According to Crow, "Political History," 197 (and Rafter, *Partial Justice*, 88), the Reverend J. G. Johnson owned the women's farm in 1907 and "appointed his niece and her husband J. G. Bowden managers of the farm." However, according to other sources, Johnson died in 1887 and J. G. Bowden inherited the farm in 1891 from Johnson's widow who was his aunt, his mother's sister, Cynthia Lowe Bolden Johnson. She and her first husband William S. Bolden had bought the farm soon after arriving in Walker County in 1855. After Bolden died, she married the Reverend Jimmie Johnson, a Methodist minister, in 1862. Mary C. Moody, comp., *1890 Walker County, Texas Census Uniquely Reconstructed & Annotated*, (Arlington, TX: Blackstone, 1992), 46.
Walker County Genealogical Society and Walker County Historical Commission, *Walker County, Texas: A History* (Dallas: Curtis Media, 1986), 228-29. These sources were augmented by a telephone conversation 9 March 1993 with James Palmer, Walker County clerk and president of the Walker County Historical Society.

Chapter One
Within the System

To administrators of the Texas Penitentiary at the turn of the century, women convicts were "troublesome." They required separate accommodation because of their gender. They were classed as relatively unproductive workers in a system designed to produce a profit for the state. And the sexuality of female inmates was a potential source of embarrassing publicity. To women prisoners, their incarceration was "unhumane." The large number of black women were assigned demanding physical labor on the basis of their race. Many were pressured for sexual favors by their guards. And, for complex reasons, high level officials did not control persistent sexual mistreatment of women prisoners.\(^1\)

The experience of Texas women prisoners broadly paralleled that of women kept in custodial prisons throughout the country. Women were at an institutional disadvantage. Surrounded by men, they were both vulnerable to sexual attack and had opportunities for voluntary sexual conduct. Efforts by authorities to control either sort of "sexual mischief" resulted in restrictions for the women. In almost every prison, women were physically separated from the male prisoners. Exceptions, such as the chaining together of leased male and female prisoners in Georgia, were the food of scandal. But although physical isolation diminished the possibility of sexual abuse, it also limited the women's access to staff and to such amenities as the prison might offer, such as libraries, religious services, and schooling. Gender stereotyping, their small numbers, and physical separation from the rest of the prison population joined to limit the work available for women. Typically for women prisoners the domestic ideal
expanded within prison walls to encase them within an institutional
domesticity. Their usual employment was to cook, sew, and launder for
the penitentiary inmates and staff. In the South, the heritage of slavery
added farm and manual labor for black women to the domestic labor
typical for women in northern and western custodial prisons. 2

The percentage of women in the Texas Penitentiary was consistently
small, less than 3 percent in each biennium from the late 1870s, when
reliable statistics were first tabulated, through the end of this study in 1910.
For example, in the summer of 1909 only seventy of approximately thirty-
five hundred prisoners were women. A large majority of the women
prisoners from the Civil War through 1910 were African American. For
example, of the seventy women in prison in July 1909, sixty-six were
black.3

From the opening of the Texas Penitentiary in 1849, women
prisoners were by law to be kept "separate and distinct" from male
convicts, but, although some effort was made to isolate women, until 1910
they were housed near male prisoners. Because all employees of the
penitentiary were male, including the women's sergeant and guards, female
convicts could not be totally separated from men. The potential
embarrassment for administrators that the women's sexual activity, forced
or consensual, might cause, was an early and persistent motive for the
isolation of female inmates. But the Texas penal system during the period
of convict lease was organized to profit from the labor of its prisoners, and
the urge to keep women inmates separate from male convicts and to limit
their contact with male guards was counterbalanced by the stronger urge to
maximize their productivity and minimize the cost of their care to the
state.4
Convicts were assigned work, and therefore location, primarily according to their race and ability. Because most women prisoners were black, they usually performed farm labor, work considered appropriate for African American prisoners. By 1910 prisoner placements within the Texas penal system were extensive: prisons at Huntsville and Rusk, two railroad camps, a coal mine, a turpentine camp, seven state-owned farms, and twenty-three contract or share farms. The first-class or strongest male convicts, usually African Americans, tended to be hired out for a set price per month to large cotton and sugar farms belonging to outside contractors. Second-class or less able male inmates were usually employed within the walled prisons at Huntsville and Rusk, on state-owned farms, or on private share farms, which paid for prisoner labor with a share of produce or profits when crops were sold. Beginning in 1883 most female convicts, black and white, were placed on the Johnson share farm, often called the "women's farm," where "they are not only self-sustaining, but yield some revenue." Although the women's share farm was considered "not a revenue producer and never could be so made," its lack of profitability was reluctantly accepted in the profit-hungry penal system as an "endeavor to make a certain class of labor as near self-sustaining as possible."5

Responsibilities on share farms were divided, "The State feeds, clothes, guards, and provides medicine and medical attention for the convicts worked on share farms; the owner of the land furnishes the land, teams, agricultural implements, and everything necessary to follow farming pursuits." Share farms received mixed reviews from penitentiary officials. Some argued that because these farms required no investment
and employed less able prisoners, they were "good contracts for the State."
Others complained that share farms produced little or no revenue.6

By the turn of the century, the female population was growing rapidly and the overcrowded Johnson farm, one of seven share farms, was losing money, but the penitentiary financial agent did not "consider a loss of $3,172.15 on an average of ninety women convicts at all excessive."
The loss may have seemed tolerable because from 1900 to 1902 share farms brought in "a net profit to the State above maintenance of $147,193.56." The profit for the next biennium was only $8,707.55, and share farms came under increasing pressure. In 1903 the board voted not to renew share farm contracts because of poor financial returns. Apparently no satisfactory disposition of the prisoners housed and worked on these farms could be found, because the next year the board agreed to renew share contracts, but for one year only. The debate continued in 1905 and again the contracts were renewed. In December 1906 the share contract for fifty female convicts of J. G. Bowden, who owned and managed the Johnson farm, was again renewed and was in force the next month when Thomas M. Campbell was inaugurated as governor. In his 1900 assessment of the women's situation, Superintendent J. S. Rice proposed the employment of women in a cotton factory near Huntsville Prison as an alternative to the share contract with Bowden. For the rest of the decade, his suggestion was repeated by officials in biennial reports as they criticized share farms and sought a more satisfactory placement for women prisoners.7

The practice of grouping less fit convicts on state or share farms facilitated the winnowing out of certain classes of less productive prisoners. In addition to separating the workers by strength, at the end of the
nineteenth century Texas joined other southern states in providing special placement for female, young, and infirm inmates. Women were placed on the Johnson farm and unfit men on the recently purchased state-owned Wynne farm in 1883. In 1889 a House of Correction and Reformatory for youthful offenders was opened at Gatesville. As the century turned, the Wynne farm became a "hospital" for consumptive male prisoners, insane prisoners were sent to the state asylum, and women were more tightly grouped at the Johnson farm.8

In terms of their work ability women were consistently equated with ill or incapacitated men, especially those kept at the Wynne farm. The Johnson and Wynne farms were administratively and functionally linked. Both, because of their proximity to the prison, were under the supervision of the Huntsville assistant superintendent, except for a few years at the turn of the century when they were placed in the territory of a prison inspector. The two farms also shared the services of other members of the Huntsville prison staff. Inmates of both farms were treated by the prison doctor, were nursed at the prison hospital when ill, and had religious services conducted by the prison chaplain.9

The Johnson and Wynne farms had the same function within the system, to produce food and cotton for use by the penitentiary. They raised the same crops, "corn, cotton, fodder, goobers, fruits and vegetables," which supplied the farms' needs as well as those of the approximately five hundred inmates of the Huntsville prison. The cotton was processed in the prison, "where all the varieties of cloth used by the entire penitentiary system are manufactured, consuming all the cotton produced on both the Wynne and Johnson Farms."10
From the time of the Civil War, race was an important determinant of the labor and location of all prisoners, and was the critical factor in the treatment of women. At the turn of the century in Texas and throughout the South, racial attitudes hardened, a change reflected in the Texas prison population. While the proportion of blacks in the state population was decreasing from 31 to 18 percent in the years 1870 to 1910, the percentage of incarcerated blacks was increasing. As the number of black prisoners grew, the proportion of blacks among female prisoners remained consistently higher than among male convicts. In the first decade of the 1900s, between 50 and 60 percent of the male penal population was black, but the percentage of African Americans among women inmates hovered near 90 percent.\textsuperscript{11}

On the women's farm, the few white women were considered privileged. They lived apart from African American convicts and worked at lighter tasks in the living quarters or farmyard. But, limited to domestic work, their privilege was accompanied by closer confinement and a narrower range of activity. For African American women racial presumptions overrode those of gender and lessened the distance between the sexes. While white female prisoners were confined to domestic work, black women were treated more as if they were men, laboring at farming and construction jobs as well as domestic tasks. The work considered appropriate for black women gave them a greater range of movement within the system and brought them into increased contact with male prisoners and guards, making them more vulnerable to overwork and sexual abuse.

The division of Texas convict women by race supports the argument of historian Matthew Mancini that the convict lease system had a function
beyond that of labor organization and was "part of the elaborate social system of racial subordination which had previously been assured by the practice of slavery. That is, the lease system was a component of that larger web of law and custom which effectively insured the South's racial hierarchy. . . . Seen in this light the brutality of convict leasing fits clearly into a more comprehensive pattern of intimidation and violence." In the same way, the agricultural labor characteristic of the convict lease period in Texas was part of the repressive southern economic pattern that included sharecropping and debt peonage. After the Civil War, many black women resisted agricultural labor, and at the turn of the century both black and white women were expanding the traditional roles of women. The insistence within the Texas Penitentiary on narrow roles for women based on race and gender can also be seen as part of the "desperate attempt of a caste society to maintain its social structure."12

According to one historian "the last decade of the nineteenth century and the opening of the twentieth century marked the nadir of the Negro's status in American society." Texas, as was typical throughout the South, enacted Jim Crow legislation to reduce political power of blacks and to separate the races. The poll tax, adopted in 1902, the white primary, and the passage of an election law in 1903 that allowed political parties to restrict their membership, effectively disfranchised blacks. Black voters in Texas declined from approximately 100,000 in the 1890s to about 5,000 in 1906. The Texas legislature passed laws requiring separate railway coaches in 1891 and separate streetcar seating in 1907. Theaters, hotels, and restaurants either refused to serve African Americans or offered separate and inferior accommodations. At the turn of the century, most Texas blacks could afford few of these luxuries. Of those employed in
1900, 63 percent were agricultural workers, most sharecropping small acreages, and 28 percent worked as domestics or performing personal services. Lack of political, social, and economic power left blacks vulnerable within the Texas legal system. The difficulties they faced were often made worse by inadequate legal representation and biased judges and juries. African Americans also faced the threat of extralegal action as a wave of lynching swept across the South in the late nineteenth century, resulting in the deaths of between three hundred and five hundred blacks in Texas.13

Racial fears and discrimination were fueled by widely accepted racial stereotypes. African Americans were seen as innately inferior and prone to criminality. Stereotypes set blacks apart from white society through exaggerated, unattractive, and often ridiculous depictions of their appearance, speech, dress, and behavior. In the North as well as the South, African Americans were pictured as "lazy, improvident, child-like, irresponsible, chicken-stealing, crap-shooting, policy-playing, razor-toting, immoral and criminal."14

The stereotypical criminality of blacks was portrayed as either amusing or threatening. Stealing, the crime most often attributed to African Americans, was frequently described in a derogatory but humorous fashion, the thief more a clown than a dangerous character. In the 1890s another version of black crime became more common. Blacks, no longer under the restraints of slavery, were pictured as out of control and capable of any heinous offense, such as sexually motivated attacks by black men against white women. The old image of the happy servant, the simple, docile, childlike black promoted during slavery, was increasingly displaced by that of the black savage, "vicious, brutal, aggressive, violent"
and sexually threatening, "a race entirely distinct from that of the white race around them... alien, animal, half savage, easily made sullen or aroused to fury," requiring the most extreme measures of control.15

A popular image of the African American woman was an extension of the slave mammy, "fat, pitch black, happily obedient, docile, loyal," unthreatening and calling forth paternalistic interest and care. In a more powerful image, the black woman, her hair tucked under a rag, was portrayed as "strong, asexual, ugly, a controller of males." Another view of African American women pictured them as sexually attractive but unchaste, their relations with white men protecting the purity of white women. This stereotype of the sexually alluring black women dovetailed with the "archetype of the Dark Lady--dangerous, strong, erotic, evil--a direct contrast to the obedient, domestic, chaste, and somewhat childlike Fair Lady of popular imagery."16

The image of African American women as strong, independent, aggressive, and sexually active members of a savage race was more "masculine" than the current feminine ideal. Caesar Lombroso's The Female Offender, published in the United States in 1895, linked physical appearance, sensuality, and masculine characteristics of women with criminal behavior. The writings of Social Darwinists supported the superiority of Caucasians and denigrated the mental and moral qualities of darker people. Almost without question the widespread negative stereotypes of African American women affected their rate of incarceration in the Texas penal system.17

As might be expected, gender and racial stereotypes penetrated the penitentiary walls. For African American prisoners the most crucial, and for the institution the most self-serving, stereotype was of blacks as
physically strong but mentally weak: "The convicts employed on the farms cannot be worked to advantage within the walls, consisting almost exclusively of negroes." Black men were considered especially suited to the demanding agricultural work on sugar plantations, but rarely capable of learning technical tasks required in prison industries. They were therefore usually sent to primitive and frequently brutal penal camps outside prison walls, rather than to the relatively comfortable and humane prisons at Huntsville and Rusk. Similarly, because field labor was considered appropriate for black female convicts, eventually all women prisoners, black and white, were assigned to a farm, but the few white women did not work in the fields.18

In outside camps, methods inherited from slavery were adapted to the supervision and punishment of the largely black penal work force. Mounted armed guards oversaw gangs of prisoners in the fields, and dogs were used to track those who escaped. Punishment was physical, largely by whipping with a substantial leather strap called the "bat." Contemporary critics of the convict lease system recognized and deplored the pattern of penal servitude on farms in Texas. Charles Potts described it as "nothing more nor less than a form of human slavery." But in some ways penal servitude, although it was usually temporary, was more harsh than slavery. No family life or family quarters softened the experience. Most importantly, employers had no paternalistic interest or economic investment in individual prisoners, which during slavery had offered some protection from life-threatening neglect, abuse, and violence.19

The policy of dividing prisoners by race influenced the treatment of all prisoners during convict lease, but by the turn of the century it operated with greater force on the women. Men were grouped for work primarily
by race, but also by size, strength, health, and ability, and were assigned to prison industries and farms accordingly. All women, however, after 1899, except for the few who worked as domestics for administrators, were confined to a single farm. There, the work of the female prisoners was determined entirely by race, "the negro women are required to do light farm work, and the white women sew and do light house work."20

Although official rhetoric indicated that blacks were suited to farm work and white men to industrial labor, both black and white male prisoners served inside the prisons and at outside camps. Able-bodied black prisoners tended to be sent to cotton and sugar plantations in river bottoms while whites and Mexican Americans working outside the prisons were usually assigned to railroads and mines as well as farms. But no hard and fast rules seem to have governed the assignment of the men. In prison cell blocks, male inmates were housed according to race, but demands for able-bodied workers during the lease period blurred racial lines as male prisoners, regardless of race, were drawn into the fields. Males, black and white, in outside camps did the work required of their force and were subject to the techniques of labor discipline inherited from slavery. For the female prisoners, assignment to the women's farm had the reverse effect. Racial distinctions between whites and blacks were heightened, not blurred. White women did not labor in the fields and do not seem to have been subject to the disciplinary methods inherited from slavery.21

Ironically, the designation of a "women's farm" formalized the notion that black women were capable of doing "men's work," the agricultural labor of the majority of prisoners. The farm work performed by most of the African American female prisoners brought them more into the mainstream of prison life and management, lessening the distinctiveness
imposed by their gender. In addition, work in the fields brought them physically close to male prisoners and guards, far from the watchful eyes of high-level officials. Working as farmers as well as domestics, black women had more varied labor, more freedom of movement, and more opportunity for consensual sex, but in the fields they were also more vulnerable to overwork and sexual exploitation.

Labor divisions by race for the women were clear, but more subtle distinctions were made as well. Although evidence is scarce, the presence of black women seems to have protected white female prisoners from physical and sexual abuse by the guards. At the same time, the slavery model joined with racial stereotypes seems to have put black women at greater risk, both physically and sexually. In the fields, African American women, like the men, were vulnerable to overwork and heat exhaustion. But the heritage of slavery put additional pressures on black women. Patterns of slave physical punishment and of sexual availability of slave women to their masters seem to have persisted in the treatment of African American women prisoners in Texas after the turn of the century. Descriptions by prisoners of punishment and coerced sexual liaisons reflect similar stories about slave women. During punishment, black women prisoners were laid on the ground in front of the guards with their clothes pulled over their heads. The sergeant then "ties their hands and whips them on the naked meat." Although rape was always a possibility, sexual coercion could be more subtle, playing on the authority of the guard and the submission of the prisoner. Convict Annie "Cora" Morgan described her first sexual experience with guard Jerry Bowden: "Well, I worked with him; I worked under him and then I toted water... and I was going after water one day and after I got near about back I met him... He
asked me to stay with him, and I was a convict and I told him I was a convict and I could stay with him if he said so. . . . I just set my water down and stepped out in the bushes."22

Efforts by penal officials to limit physical and sexual mistreatment of prisoners often proved ineffective. Laws and regulations were frequently adjusted but did not insure that the scattered convicts were properly housed, clothed, and fed, and were not overworked or physically abused. On isolated farms, rules were not distributed to the staff or were simply ignored. Economics also subverted efforts to assure proper care for the prisoners. The less spent on the prisoners and the more work demanded of them, the greater the profits for contractors. When the state purchased farms, the same conflicts between care and profitability infected the state-owned camps.23

The main means of extending the influence of higher penal officials to the outside camps was through the penitentiary inspectors. Inspectors were intended to assure proper care of prisoners and to regulate their punishment, but the office did not always function as it was envisioned. Visits to camps, scheduled only once or twice a month, were sometimes prevented by high rivers, muddy roads, or bad weather, were not performed according to regulations, or simply were not made. Although some camp inspectors were thorough and conscientious, others did little to protect the prisoners.24

Problems with the office of inspector were clear in the testimony of Sam Hawkins, inspector of the northern camps, as he was questioned by legislative investigators in 1909 about his supervision of Eastham farm No. 2, which housed women prisoners. Hawkins, who had made only three of seven required monthly visits to the farm by July 1909, testified that he
did not sign his reports, that he did not fill out paperwork properly for punishment requests, that he did not require sergeants to use lesser means of persuasion before allowing whipping, and that he had served two years without possessing a copy of the penitentiary rules he was employed to enforce. Hawkins was clearly aligned with the penitentiary employees he was intended to supervise. He accepted the sergeants' versions of disciplinary incidents without question and approved almost all of their requests to whip prisoners, "The sergeant is supposed to know more about those things than I; he is there all the time." Hawkins's frustrated questioner asked him, "aren't you trying to superintend the sergeant?... Don't you think there is a little reasonable ground for complaint against your service?" 25

The testimony of Inspector Hawkins emphasized the split between higher level authorities in the penitentiary and those who oversaw its daily functioning in outside camps. Superintendents consistently claimed that "The aim has been, and is, to treat all convicts humanely... Sergeants and guards who have been found to be cruel and abusive in their treatment of the convicts have been dismissed from the service, and an earnest effort to rid the system of any but sober, faithful and competent men has been made." Despite these routine protestations, testimony by convicts during the 1909 investigation revealed frequent and shocking incidents of brutality by guards and sergeants. Prisoners were forced to work when ill, were beaten, shot, sexually humiliated, attacked by dogs, and refused medical care. 26

In the isolated outside camps, poorly paid and untrained sergeants and guards had almost absolute power over the inmates in their charge. The salaries of guards were consistently regarded as too low. In 1900 a
superintendent reported that "the Guards especially are paid entirely too little for the work demanded of them." Salaries were raised from twenty-five to thirty dollars a month in 1910, but one official estimated that a salary of fifty dollars a month, including board, would be necessary to attract and retain "an intelligent, competent and reliable class of men." Good men were difficult to find and hold. Long days, poor pay, harsh conditions, danger, and isolation marked the lives of sergeants and guards. Entries in the Guard Record Book for the period show many dismissals for drunkenness and cruelty and several because the guards were discovered to be former inmates. Those fired for misbehavior in one camp frequently moved on to another within the system.\textsuperscript{27}

Low pay, harsh conditions, and isolation, and even the inclusion of the penitentiary in a system of racial subordination do not fully explain the persistence of abuse by guards. Why in the face of consistent statements by governmental and penal officials deploping mistreatment of prisoners did brutality and sexual abuse continue? In \textit{Penology for Profit}, Donald R. Walker argues that the profit motive overrode concern for prisoner welfare, and evidence supports his argument. The devaluing of prisoners on racial grounds and the inability of available systems of transportation, communication, and accounting to keep up with the complexity and variability of the penitentiary during the lease system also played a part in the continuation of abuse. But the reasons for failure were complex and were not limited to devotion to profitability, racial discrimination, or inadequate communication. Significantly, pressures from higher authorities for humane treatment of prisoners were counterbalanced by unacknowledged protective and exploitive mechanisms that enmeshed those same authorities. Loose and subtle alliances among the penitentiary
officials grew from informal elements of penitentiary organization, such as dependence on political patronage, long established habits of exploiting the system for personal benefit, and patterns of deference among white male officials.\textsuperscript{28}

The most obvious unity was that of staff in opposition to inmates. As the testimony of inspector Hawkins demonstrated, the natural alliance of prison personnel could not easily be dissolved by job descriptions or written procedures. The alliance was of long standing and was a natural outgrowth of penal organization. In 1881 Assistant Superintendent I. W. Middlebrook wrote Governor O. M. Roberts that "frequently there is a conflict in Statement of Sargent & Convict. The result is that nine times out of ten the Sargent Statement is taken for truth and acted upon. . . . and as he is a Sworn Officer of the State we rely upon him for the correct report on all matters connected with his camp." Almost thirty years later Lulu Lane reported that when she told Sergeant Brabham a guard was having her whipped because she refused to have sex with him, he said, "You are a liar; I don't believe Mr. Baines was after you."\textsuperscript{29}

Another powerful form of protection was political. At all levels of authority during the operation of convict lease the penitentiary was a political entity, seen as an extension of, and necessarily loyal to, the current governor's administration. The election of a new governor, usually every four years, "brought a new division of the spoils." Governors' patronage appointments, which extended from the penitentiary board through the higher levels of administration, often reflected the influence of wealthy and powerful men who owned sugar and cotton plantations using prison labor. Patronage sometimes brought men of ability into positions of authority in the penitentiary, but it often gave employment to those whose main
qualification was long friendship, political service, or need, rather than integrity, experience, or ability. The inclusion of the penitentiary in the system of political rewards was disruptive to the administrative flow, for "continuity of management and policy is dependent almost wholly upon the ability of penitentiary officials in office to make an early and accurate forecast of the result of political contests." The expectation of loyalty to the administration within the system was universal. Even guards were subject to dismissal if they supported the losing candidate. Once in office, penal officials traveling to far-flung prison camps acted as political emissaries and disciplinarians, lining up the vote for the administration.30

Biennial reports were framed to justify the continued authority of the current administration and its agents, the appointed penal officials. The acknowledgements of obligation and gratitude at the end of most officials' reports joined administration and staff in a ritual of mutual dependence and corporate worthiness. Publicity, or the threat of it, sometimes provoked change of personnel or policy, but loyalty to the governor or to the institution kept most administrators silent about abuses. The protection offered by this system of mutual defense was powerful and extended outside the penitentiary. In 1902 members of the penitentiary board congratulated themselves that "in no instance where a convict has been killed has a grand jury found a bill of indictment against the employe who did the shooting." The thorough legislative investigation of 1909, which revealed extensive prisoner abuse and toppled the lease system, similarly resulted in no legal action against penal employees.31

Running through all the alliances that united the broad spectrum of penal authority--governors, legislators, and board members as well as penitentiary employees--was the sense that they were speaking "gentleman
to gentleman, as befit members of the same club and class." The boundaries of the penal "club" were fluid, sometimes including the lower class guards as male, sometimes excluding them as not exhibiting the proper values or behavior, and blaming them for system failures. Trying to maintain their patina of noblesse oblige and paternalism, penal leaders were sensitive to negative publicity, but the brutality and corruption of the convict lease system made a "mockery of any pretensions . . . and in the process actually eroded their power. . . . This erosion of . . . moral authority" was "the true price for whites of the convict lease system."

Sexual exploitation of women prisoners was symbolic of the moral failure of governmental, class, and gender authority. After testimony of sexual misconduct by guards with women prisoners, investigators in 1909 told Sergeant Brabham of the women's farm that he was responsible for "the shame of the nation resting upon us through your conduct."32

The inclusion of the penitentiary in the spoils system encouraged officials to exploit it for personal and financial benefit. The custom of obtaining perquisites while serving the penitentiary began early in the institution's history and soon became extensive and imaginative. Early in the twentieth century many perquisites were formalized by the board. All employees were permitted "to buy such surplus fruits, vegetables, water, steam, lights and ice as may be produced on the premises of the Penitentiaries at actual cost to the State, which price is to be fixed by the Financial Agent." Penal employees benefitting from this ruling decided what was "surplus" and determined the cost. Perquisites for high level officials included the use of houses and furniture and convict servants necessary for the "care and preservation" of this state property. Some officials kept a horse at state expense, used state pastures, and had inmates
milk their cows. Other perquisites more generally available were repair of buggies, furniture, and harness, free meals for those employed in prisons, shaves and haircuts by inmate barbers, and the use of inmate labor to make clothes, mattresses, and overcoats, all free or "at the regular price charged to officials" set by the financial agent. During the Campbell administration cedar chests made by inmates were popular with prison officials and one was even bought by the governor.33

The use of the domestic labor and sexuality of women prisoners by those in authority over them can be seen as an extension of this practice. Prison board minutes record the hiring of female convict domestic workers in the same self-serving pattern that marks that of other perquisites. While the price charged for outside male labor was consistently rising, that paid by prison employees for domestic labor remained flat. For example, in 1904 the penitentiary received twenty-one dollars a month for each male first-class prisoner and eighteen dollars a month for each second-class prisoner. By 1908, when only first-class prisoners were contracted out, the state received thirty-one dollars a month for each African American laborer and twenty-nine dollars a month for each white laborer. Yet Huntsville officials continued to charge themselves only three dollars a month for female domestic labor. An investigator in 1909, commenting on Superintendent Herring's paying this price, asked, "isn't that practically giving him free servants?"34

The persistent sexual use of women convicts by their guards also seems to fit the pattern of appropriation of available penitentiary resources by officials within the institution. Women prisoners were moved from Johnson farm after twenty-four years because of a sex scandal involving a guard only to have similar abuses by several guards begin almost
immediately at their new location. Within months after the investigating committee revealed sexual improprieties at Eastham farm No. 2, a convict reported that she had seen a guard "feeling of Lizzie Berry's rump and breast" and another who "hugged and kissed Rosa Brewing and gave her money."35

Sexual use of black women prisoners may have served the same function within the penitentiary that acts of brutality served with the men, to reinforce the existing social hierarchy. Both sorts of acts were performed by the guards, the lowest, and therefore the least secure members of the authority structure, those most in need of establishing dominance. But abusive acts were consistently tolerated by higher authorities, if officially deplored, and the offenders, though sometimes fired, were never prosecuted. The same complicated race, class, and gender issues that made the sexually pure white woman "the most potent symbol of white male supremacy" and fueled the lynching of black men accused of violating that symbol, might have made the sexual dominance of black female prisoners a further "dramatization of hierarchical power relationships based both on gender and on race."36

Women were a small but troublesome element in the Texas Penitentiary at the turn of the century. Their placement on a remote share farm, consistent with penal policy of assigning labor and location according to race and ability, increased their sexual vulnerability in an institution unable or unwilling to control abuse of its prisoners. Racial divisions were crucial to the treatment of women prisoners. White women were not assigned field work and, perhaps protected by the presence of black women, do not seem to have been physically or sexually abused. The experience of black women in the penitentiary was more varied, but also
more harsh, as patterns of labor, punishment, and sexual availability inherited from slavery persisted in the Texas Penitentiary.
1"The Negro women are of a very low order of beings, mostly from the cities, and as a rule are vicious and troublesome to control." *Biennial Report of the Superintendent of the Texas State Penitentiaries for the Two Years Ending October 31, 1900* (Austin: Von Boeckmann, Moore & Schutze, State Printers, 1900), 13 (hereafter referred to as *Biennial Report*, followed by the year of issue and the page number). Lula Sanders to Governor T. M. Campbell, 2 October 1907, Letters Received, Thomas M. Campbell Papers (RG 301-243), Archives Division - Texas State Library (hereafter cited as Thomas M. Campbell Papers, TSL-A).


3

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*Biennial Report, 1880, 39-40; 1884, 32; 1886, 35; 1888, 27; 1890, 55; 1894, 31; 1896, 30; 1898, 28; 1900, 28; 1902, 36; 1904, 36; 1908, 30; 1910, 34. Percentages rounded to the nearest tenth. The percentage of women imprisoned in Texas was apparently smaller than in the rest of the South and the nation, approximately seven percent in the period following the Civil War. Ayers, *Vengeance,* 200. Convict Record, Record and Classification Department, Texas Department of Criminal Justice, Institutional Division, Huntsville, Texas (hereafter cited as Convict Record). For a detailed analysis of reasons for the disproportionate incarceration of black women see Rafter, *Partial Justice,* 141-43.


5Walker, *Penology,* 114. Minute Book of Penitentiary Board, 16 November 1900 to 15 November 1910, TDCJ-A (hereafter cited as Board Minutes), 8 July 1903. *Biennial*
Percentage of Black Female Prisoners Compared to Black Male Prisoners in the Texas Penitentiary, 1894-1904

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Biennial Report, 1894, 13-14; 1896, 13; 1898, 13, 28; 1900, 13, 28; 1902, 22; 1904, 36, 125. Percentages rounded to the nearest tenth. From 1906 through 1910 no breakdown by race was given for women prisoners. The white and Mexican American women are grouped because no distinctions were made in their treatment, and in 1894, 1896, and 1904 no separate figures were given. In 1898 four white and five Mexican American women were reported, in 1900 six and three, and in 1902 five and seven. Incarceration rates were disproportionately high for black women throughout the United States as shown in a chart of the "Racial Composition of State Prison Populations, 1880, 1904, and 1923, by Sex and Region," Rafter, Partial Justice, 142.


14Barr, Black Texans, 83. Logan, Negro, 241, 160.


McAdams tells two stories that reveal the persistence of the image of black women's sexuality as valuable and alluring, but dangerous. In one story, a prisoner hid a diamond ring in her vagina. In another, the inmate kept a knife "hidden in a small scabbard which she wore between her legs." McAdams, "Social Study," 120-21.


18"Outside camps" were placements outside of the prison walls, usually farms or plantations, but also mines, railroads, sawmills, etc. Biennial Report, 1910, 14, 18; 1894, 11. At the turn of the century, all penitentiary officials were white, but Strother Green, "a prominent black educator in Huntsville," had served on the board of directors during Reconstruction. Walker, Penology, 31n. Stereotypes were used as justification for other policies economically beneficial to the institution. The building of separate cells for prisoners was objected to, not because of the expense, but because "this in the case of the negro with his intensely social instinct amounts to inhumanity. Talk, laughter, sympathy from his fellows is a necessity of his nature." Biennial Report, 1910, 4.


20Biennial Report, 1904, 126; 1910, 14; 1906, 12. Convict Record.

21Walker, Penology, 126. Ayers, Vengeance, 198. A fire 13 February 1899 destroyed the Huntsville prison administration and cell buildings. "In rebuilding, fifty-four (54) cells, accommodating one hundred and eight (108) convicts, were added in the room formerly used as a school room, thus enabling a separation of the different races. The whites now occupy one building, the negroes another and the Mexicans the new cell building." In the 1904 Biennial Report, financial agent John Wortham stated, "Such of the convicts as are able to do farm work are assigned to the farms and contract forces, while to the prisons proper are sent the frailest and debilitated classes, and all desperate characters without regard to their physical condition; and at times, some of the able-bodied men, as the exigencies of the case may demand." But racial stereotypes skewed assignments. In recommending that only first-class (or physically fit) prisoners be hired out for farm work, Wortham said, "It is proper that the stronger and more able-bodied should be placed in the contract forces; while the white men, Mexicans, and smaller and weaker negroes are set to work on enterprises operated by the State." In 1910, of 500 prisoners at Huntsville prison, approximately 250 were white, 200 were African American and 50 were Mexican American. That year only 77 men served at Rusk, so of a total 3,578 prisoners, fewer than six hundred were in prisons. The remainder of 1,119 whites, 2,095 African Americans, and 363 Mexican Americans were assigned to outside forces. Biennial Report, 1900, 41; 1902, 41; 1904, 112, 126; 1910, 43, 63.
22Mexican American women were identified as "Mexican" in the Convict Record, but were consistently treated as "white" for housing and work assignments. Evidence is scarce and my search through prison records was not exhaustive, but I found no record of sexual abuse or whipping of a white woman. In testimony during the 1909 investigation, a white woman laughed when asked if she had ever been whipped. Lula Sanders to Governor T. M. Campbell, 2 October 1907, Letters Received, Thomas M. Campbell Papers, TSL-A. *Report of the Penitentiary Investigating Committee Including All Exhibits and Testimony Taken by the Committee, Published by order of the House of Representatives, August, 1910*, 547-48, 565. Solomon Northup, *Twelve Years A Slave*, ed. Sue Eaken and Joseph Logsdon (Baton Rouge: Louisiana State University Press, 1968), 142, 173, 196-97.


30Walker, *Penology*, 143-62. Ayers, *Vengeance*, 195. Tom Finty, Jr., *Our Penal System and its Purposes* (Galveston-Dallas News: 1909). 2. R. T. Llewellyn to Governor O. M. Roberts, 3 September 1879, Penitentiary Records, TSL-A, "no man needs an office with some bread and butter attached more than he, for he does not own a foot of soil, has a young wife and four children, and has been a leading and influential democrat in his county." Chaplain Jake Hodges appointed by Governor Campbell in 1907 was a former teacher and college president who seems to have been named chaplain after a nervous breakdown, "a few years ago I lost out nervously, lost my health." *Report of the Investigating Committee, 1910*, 209, 213.

31Ayers calls penal reports models of "obfuscation and officialese," *Vengeance*, 196. This self-protectiveness was an extension of the practices of the planter class, "potential hostility held them together and required each member to defend the group and to conceal dissensions within it from envious and critical eyes." Charles Sydnor, "The Southerner and the Laws," *Journal of Southern History* 6 (February-November 1940): 15. *Biennial Report, 1902*, 7, 12. For example, the letter of transmittal from the board to the governor in the 1902 *Biennial Report* ends "with sincere thanks to your Excellency for manifold courtesies and able counsel and assistance rendered us during our service as members of your official family, and this additional testimonial to the faithfulness and efficiency of the several officers and employes of the penitentiary system with whom our supervision of prison affairs has brought us into close business relations and pleasant association, we beg to ascribe ourselves..." *Report of the Investigating Committee, 1910*, 25.


work done by men. The price fixed for female domestic servants was three dollars a month, while that for male prisoners was five dollars a month. Board Minutes, 8 April 1903.

Chapter Two
Leaving Johnson Farm

From long habit penitentiary officials in 1907 still called the farm housing women prisoners the "Johnson farm" even though J. G. Bowden had inherited it from his aunt in 1891. Little evidence remains of most episodes in the history of Texas female prisoners, but a number of sources provide insight into the sudden transfer of women convicts from the Johnson/Bowden farm to Eastham farm No. 2 on 15 October 1907. The Johnson share farm, located in Walker County near the penitentiary headquarters, had been the "women's farm" since 1883. Despite problems with overcrowding, lack of profitability, and the presence of male guards and prisoners, it remained the women's farm until October 1907 when former prisoner Lula Sanders wrote a damning letter to Governor Thomas M. Campbell. Within two weeks the women were moved.¹

The Johnson farm was administratively connected to the Huntsville prison, yet was seven miles from it. Women inmates held there had neither the range of privileges of the men within the prison walls nor the worst hardships of men on remote farms. Their experience was a blend of the two extremes. Most women labored in the fields and were subject to overwork and heatstroke, but because they were considered rather unproductive laborers, they probably were driven less ruthlessly than first-class male farm workers. Because the Johnson farm was near Huntsville, some of the prison's amenities were available to the women. The prison doctor attended the women and if necessary they were taken to the relatively well equipped prison hospital. Men in the prison were offered religious services and Sunday school classes each week, as well as
religiously based reformatory groups. The prison chaplain also ran a small night school for a few white inmates and was in charge of the library which in 1906 contained over four thousand volumes. The women had only a fraction of these privileges and opportunities. Once a month the chaplain travelled to the women's farm to hold services. The women had no school, Sunday school, or Christian societies. However, at least for a while, they were offered a significant amount of reading material. In the 1906 Biennial Report, Chaplain W. T. McDonald listed more than two thousand donated papers, magazines, and books distributed at the women's farm during the two years covered by the report.\(^2\)

Although the Johnson farm was included with the Wynne farm among the responsibilities of the assistant superintendent in charge of the Huntsville prison, it was managed by its owner J. G. Bowden with little official interference. Because Bowden acted "in a supervisory capacity over the female convicts" and also as "Sergeant in charge without pay," his 50 percent share of farm production was greater than that of other penitentiary share farmers who received only 40 percent. Bowden's arrangement with the penitentiary was a significant departure from usual practice. In order to prevent conflict of interest and to safeguard prisoners from overwork and neglect, for years the penitentiary had paid the sergeants and guards who directly cared for and supervised the prisoners. Although this intention was sometimes undermined by contractors who gave money on the side to poorly paid prison employees, the penitentiary made an effort to counterbalance the economic interests of contractors. Only the women lacked this protection.\(^3\)

Officials clearly were pleased with the placement of women on the Johnson farm in 1883. It was near the penitentiary, had employed prison
labor for years, and its manager J. G. Bowden was soon judged "the right man in the right place. It has been notorious that the women of the penitentiary give more trouble than any other class of convicts; but it is not so under his management. He is very positive with them, rarely ever punishes one, yet he succeeds in getting a great deal of work out of them, preserving excellent discipline, and their appearance is always tidy and clean. Too much praise cannot be given Captain Bowden for his efficient management of this class of labor."4

Bowden continued to receive consistent praise in penitentiary reports. In 1894 the superintendent said, "this is the least troublesome part of the whole system . . . I consider this a fortunate and humane disposition of the female prisoners." "Competent," "satisfactory," "to be commended," and "humane" were typical descriptions of him in biennial reports. Bowden's character was so firmly established with prison officials that his care of the women was almost exempted from close scrutiny. One stated that for the women, "being under the charge of as humane a man as Capt. J. G. Bowden is sufficient guarantee of their being well cared for."5

Despite misgivings about sexual activity between women prisoners and the men on the farm and dissatisfaction with share contracts, confidence in Bowden's management and the inertia of habit were powerful deterrents to change. In 1904 the financial agent, while recommending that the women be moved to a larger farm to protect the state from financial loss, voiced the arguments against any move. Bowden, he said, "has for the past twenty years managed the convicts so humanely and with so much satisfaction to the penitentiary officials, that the arrangements have been allowed to remain intact, for fear that a change from his able and
satisfactory management might work some detriment to the female convict population of the State.6

Bowden's "excellent wife" was praised along with her husband. Her inclusion in biennial reports, for her role was not mentioned elsewhere, might have been meant to defuse criticism of exclusively male supervision of the women and to answer demands for a matron. Her attentions to the female prisoners were mentioned similarly several times, "Mrs. Bowden visits them often in their sickness and administers to them personally when they are in need of a woman's gentle care and nursing."7

Satisfaction with the Bowdens did not eliminate uneasiness about the placement of the women on their farm. No public scandal touched the women from the end of the century to 1907, but ripples on the surface of reports hinted at problems. In 1896 the superintendent admitted that "while this farm has been admirably conducted in the main, and there has never been any trouble whatever in connection therewith, it is a source of constant anxiety to me. These women are worked daily on the farm, and they must be guarded to prevent escapes, and they are compelled to come in contact more or less with the male employes of the prison and others on the farm, and I am fearful that in spite of every precaution we may use that immoral practices may be resorted to, unless some other provision is made regarding them."8

The 1898 Biennial Report said of the Johnson Farm, "on it are employed all the female convicts of the State." Yet a only year later at least thirty women out of a total of approximately eighty-five female prisoners were transferred from other locations, principally the prisons at Huntsville and Rusk, to the Johnson farm. Perhaps the rapid growth in the number of women prisoners, from fifty-four in 1896 to eighty-nine in
1898, a 65 percent increase in two years, had stretched the capacity of the Johnson farm so that other placements were made. But the administrative changes accompanying the consolidation of the women on the farm 1 August 1899 seem to signal dissatisfaction with their management. For several years the women were removed from the supervision of the assistant superintendent in charge of the Huntsville prison and put under the authority of a penitentiary inspector.9

In an assessment of the problems of the women's care in 1900, Superintendent J. S. Rice termed Bowden's management "satisfactory," but expressed concern about arrangements made for the women, especially their unavoidable proximity to male prisoners: "on the farm there must be a few used as trusties to do the cooking, washing and other camp duties. There must also be a few men used as trusties to do the hauling to and from town, and look after the stock. These trusties cannot at all times be kept under the eye of the guards, and therefore we find it impossible to entirely separate the sexes, as the law requires."10

In 1905 another hint of problems surfaced. When renewal of share farm contracts were being considered in August, "Messrs. Eastham of Huntsville appeared before the Board and asked the consideration of a proposition for the employment on a share contract of the female convict force now at Johnson's farm. After a thorough discussion of the matter, the Board declined to sanction at this time any changes in the existing conditions." Perhaps some questions about the women's care were raised in the discussion because a month later the penitentiary board "accompanied by the Governor, proceeded to the Bowden Farm and investigated the same, finding everything in proper condition."11
When Governor Thomas Mitchell Campbell was inaugurated in January 1907, the penitentiary hierarchy underwent its usual transformation. The board and all high level officers were replaced with Campbell appointees. Because they were not responsible for actions of their predecessors, these men had a brief opportunity to criticize and improve the system before they felt compelled to defend their own policies and practices. Campbell's choice for superintendent, however, was not a man to change the system. Formerly associated with the penitentiary as a sergeant at Harlem farm and as a share farm contractor in partnership with former superintendent L. A. Whatley, J. A. Herring knew the penal system intimately and had profited from it. But Herring and the other officials had a potent, though seemingly inept, adversary. Jake Hodges, the energetic and idealistic chaplain appointed by Campbell, quickly became a bothersome prisoner advocate. Hodges did not close ranks with other appointees to protect the Campbell administration as he uncovered stories of prisoner abuse.12

Campbell's sensitivity to negative publicity and confidence in his own rectitude led him to demand proper treatment of prisoners. But his pride of office was also expressed in conflicting drives: to defend his penitentiary appointees and to make the convict lease system as profitable as possible, and yet to ride the tide against lease and to attempt to take credit for ending it. On March 8 after he took office, responding to criticism of the penitentiary, Campbell wrote Superintendent Herring a strongly worded letter demanding humane treatment of convicts.

I want to call your attention to the importance of having close inspection made of the farms leasing convicts, and railroad camps and to that section of the law which provides
that "no sergeant or guard is allowed to curse, abuse, strike or whip any convict, unless a written order from the Superintendent of the Penitentiaries or one of the inspectors."

I also hope that you will personally see to it that these convicts are dealt with humanely and that no double work is required of them. If you find on your personal inspection that any contractor has violated his contract by mis-use of the convicts, or overworking them, or otherwise abusing them, that you immediately cancel his contract and return the convicts to the walls. I want this done, even if you have to do it in the middle of the crop and without regard to the damage done to the men who would be guilty of such brutality.

The convicts should, of course, be made to work, but sergeants and guards should be made to treat them as human beings, and with all the humanity and kindness that their situation will permit.13

In his reply, Herring assured Campbell that after visiting most of the camps, "I find everything in as good shape as you could reasonably expect. It shall be my earnest endeavor to carry out my full duty, and I will personally see that all contracts are lived up to, and that the convicts are neither misused or overworked."14

As the publicity about alleged abuses in the penitentiary was answered by Campbell's strongly worded admonition to Herring, a potential scandal was being suppressed at the Johnson farm. In the next few weeks, a significant series of changes quietly took place, bringing the staffing arrangements made for the women in line with those for the male prisoners. No document names Chaplain Jake Hodges as the one who called attention to problems at the Johnson farm, but he seems by far the most likely candidate. Hodges was not officially appointed chaplain to the women's farm until May, but it is probable that he was a regular visitor to the farm from soon after his appointment, continuing his predecessors' schedule of holding one service a month for the women.15
Hodges appeared before the penitentiary board 26 February 1907. Board minutes rarely spell out sensitive problems, but after a seemingly innocuous statement about Hodges, they contain a promise of further action. "Chaplain Jake Hodges made several remarks to the Board relative to the spiritual condition of the men, as well as asking for a school building... Action was deferred until further investigation on the 14th." Perhaps as part of the investigative process, Dr. B. F. Gibson was appointed physician for the Johnson farm on March tenth. Board minutes contain a record of an appearance by Hodges on the thirteenth and by Gibson the next day, both on seemingly routine business. On March fifteenth, "Capt. J. G. Bowden, in charge of the Bowden Farm, appeared before the board, relative to the condition of his Contract and Force." Following his appearance, the board passed a motion changing the terms of Bowden's contract so that "Bowden, who is now acting as Sergeant of his own force, shall not act as such, and that the Superintendent be instructed to provide a Sergeant for this force, of the same regulation and authority as exists on other forces, and that the contract be so modified that during this year and hereafter the State shall receive 60% of the crops, and the said Bowden 40% of the proceeds from same. If this order is not executed said Contract shall be abrogated." The required changes were quickly made. On 2 April 1907 Bowden was officially removed as sergeant and I. L. Brabham took charge. At the next board meeting a revised contract with Bowden was approved by the Board.16

No official record or correspondence at this time states the reason for such an abrupt change in arrangements that had been satisfactory for twenty-four years, but payroll records and a later investigation give strong clues. According to payroll records, 18 March was the last day that Jerry
Bowden, son of the manager, served as a guard at the Johnson farm. Jerry Bowden was thirty-six years old, unmarried, and had a reputation as a ladies' man. The local paper had reported the year before that "Jerry Bowden was in from the Bowden farm one night last week and wound up at the rink. He made many heavy hits while going around and his record as a masher was sustained." 17

During the legislative investigation conducted in the summer of 1909, long-term black prisoner Annie "Cora" Morgan convincingly claimed that Jerry Bowden had fathered her first child and that "he didn't only have me; he had all them convicts there." When asked if she told J. G. Bowden the name of the father of the child, Morgan replied that she lied because she was afraid.

A. I told him it was a negro because she was little and he didn't know. There was a yellow negro there and he asked me was he the baby's daddy, and I told him yes, sir, because I was scared to tell him because I was scared he would kill me.

Q. You were afraid they would kill you if you told the truth?

A. Yes, sir; you can get killed about the truth in prison as easy as you can out.

Morgan testified that her second child, conceived at the Johnson farm and born at Eastham farm No. 2, was fathered by a black convict trusty named Charley Chappell and that she had told the superintendent and assistant superintendent his name. When asked if she had named the father of her older child, Morgan said, "I know I have never told none of the officials." She said that she had informed Chaplain Hodges and newspaper reporter George Waverly Briggs that Jerry Bowden was the father, although she did not say when the conversations occurred. 18
That J. G. Bowden had winked at sexual advantage taken of women under his charge by his son was apparently not considered "mis-use of the convicts . . . or otherwise abusing them," which according to Campbell's letter should have prompted Herring to "immediately cancel his contract and return the convicts to the walls." J. G. Bowden was only superficially penalized; his contract was not ended. His new contract simply brought practices on the Johnson farm in line with those elsewhere within the penal system. No justification of the decision survives, but J. G. Bowden's deficiencies seem to have been outweighed by his long connection with the penitentiary and the convenience of housing the women at his farm. Governor Campbell's rhetoric was not matched by action.19

In a system that measured success against the bottom line, an economic motive must be suspected for any action. The incentive for the women's continuing residence at the Johnson farm seems not to have been that of profit, but of economy. Even with the additional expense of a paid sergeant, which after all was offset by the 10 percent increase in the state's share of the crops, the Johnson farm was an inexpensive solution to the problem of where to place the women. In each cost analysis of outside camps from February through July of 1907, the only months available, the average cost of maintenance per prisoner was by far the lowest on the Johnson farm. In the February analysis, which the board would have had available while considering whether or not the women should move from the Johnson farm, the average cost of maintenance per prisoner of the other thirty-three outside forces was $11.32. At the other share farms, it was $11.28. At the Johnson farm, the average cost of maintenance per prisoner was $5.35, or less than half that of almost all other outside placements.20
If the women were moved from the tightly managed Johnson farm, even though the lower per capita costs of provisions and guards for the women might travel with them, the cost to the system probably would have risen. In addition, because the Johnson farm provided produce and cotton to the Huntsville prison, change would have been disruptive to long practice and probably would have been expensive as well. Although no reasons were given by the board for not removing the women from the Johnson farm, clearly the decision was in the economic interest of the system. Financial records for the months following Bowden's demotion show only a slightly higher cost for the maintenance of the women, and the Johnson farm continued to have by far the lowest per capita expense of the penitentiary's outside forces.21

The compromise with Bowden lasted only six months. Again the stage for change was set by the threat of scandal from another part of the system, this time deeply involving Chaplain Jake Hodges. In late September 1907 Governor Campbell received a packet of correspondence about the death of inmate J. H. Foster from Judge James S. Kone of Denison. Kone included letters to Foster's friend Mrs. V. J. Douglas of Denison from Chaplain Hodges and from John Tardy, a former inmate who had nursed Foster after he was transferred from the Whatley and Jones farm in Midway to the Huntsville prison hospital. Kone was convinced of foul play. "There is no doubt in my mind but that this convict was beaten to death by guards at Midway." Campbell sent the letters to Herring, who wrote a defensive reply assuring the governor that Foster had been well treated and condemning Hodges as a troublemaker.22

The letter that Kone sent Campbell from former inmate nurse Tardy detailed the mistreatment of Foster, then linked Campbell and Herring with
financial exploitation of the prisoners, "They have killed three other men on that farm this last spring that I know of and that is Mr. Herrings farm, the man our Christian Governor has appointed to manage about four thousand men." He continued, "These men are making millions of dollars every year and not one dollar ever gets into the treasury of the State."23

Tardy then suggested that Mrs. Douglas have his letter published and ended with a reference to children on the women's farm. "I am willing for you to have this published in the papers to let the people know of what is going on in this great State of Texas. These officers are not satisfied with the number of convicted men sent them by the Courts. They are raising themselves some convicts out on a farm from convict negro women. . . . This is not a drop in the tub."24

Against the background of the threat of public exposure of brutality to Foster and of sexual activity between guards and women prisoners, Campbell received a passionate letter dated 2 October 1907 from former inmate Lula Sanders damning the Johnson farm. "I were a prisioner at the female farm at Johnson farm seven miles from Hunsville Texas and I worked 2 years 8 mths and 12 day and there were never a more unhumane place in the world than there. . . . Dear Governor the Commisioners have been down there and they tell you all that they treat the convicts nice but it is a sad mistake. we were afraid to mention it to you for if we had it would have been hard for us. . . . that is shure a tough place for poor female prisoners for they are treated like brutes. . . . women have gotten on there kneese and begged me to make this apeal to you for there sake."25

Lula Sanders, or Lou Saunders as her name is spelled in prisoner records, was admitted to the penitentiary 31 December 1904 to serve three years for assault to murder. She was twenty-eight when she entered and so
was thirty or thirty-one when she wrote to Campbell about six weeks after her release 15 August 1907. According to penitentiary records, Sanders had had no schooling and was unable to read or write, but another document, the "Description of Convict when Received," stated that she had been to school three months and could read a little although she could not write. Either Sanders's abilities exceeded the official evaluation or she asked someone to write the letter for her. Sanders had pled not guilty to the assault charge at the April court term, but in November the Court of Criminal Appeals had found "no error" in the guilty verdict. After entering the penitentiary at Huntsville 31 December 1904, Sanders was taken to Johnson farm 2 January 1905 where, except for five days at Huntsville in January 1906, she served her time. Only one official punishment was recorded for her. On 28 May 1906, she was given "20 licks" for fighting with a razor.26

The 1906 Biennial Report, which covered time Sanders served in the penitentiary, gave high praise to Bowden and the Johnson farm, "Ninety per cent of those sent to this camp are in very bad physical condition when received, and it is a source of pleasure to see the wonderful improvement in their conditions in a very short period, due, no doubt, to plenty of good, wholesome exercise, plenty of well-cooked provisions, and an enforcement of regular habits." The women were judged "exceptionally well fed and cared for, and the buildings and premises are at all times kept in excellent sanitary condition." But the much praised Johnson farm of the biennial reports looked vastly different when seen through Sanders's eyes. She described dismal living conditions and scanty food, "after we work hard all day at night we are all urshed in an old building and it is all open and we sleep in shucks and have but two quilts and the fleas and bed bugs nearly
eat us up and some some times we get enough something to eat and some time we dont and what we do get it isnt fit to eat for the bread is two or three days old."27

According to the 1906 Biennial Report, "the negro women are required to do light farm work, and the white women sew and do light house work." Sanders's version of the black women's labor cannot be characterized as "light." In her letter she stated that "women have to work from sun to sun rain or shine I speake from what I know not from what I heard. . . . and they have to cut and split rail build fences cut down trees cut cord wood and stack it and have to lift logs 8 and 10 feet long and dig ditches 5 feet deep and one mile long build dam."28

Sanders described harsh working conditions. The women "have had to work in mud and water up to our kneese . . . and we had to cut Johnson grass so high that we couldnt see the guards on horses. . . . and they have worked so hard during the hot months untill they would get over heat and would fall out and they were dragged out under a tree and throwed water on like a dog . . . and concerning the women that get over heat I have seen as many as 8 at a time." Bowden's much praised humanity is brought into question by her description of the punishment for those who could not work, "and when we were unable to work we were put in a dark sell six feet long and 4 feet wide there is 5 and 6 in one little sell together."29

The 1906 report claimed that "the health of this force is remarkably good," but Sanders questioned the medical care given the women, "Alice Climon had the consumption and were put out on the galery one cold evening and chiled to death. Nellie Johnson were given some kind of medicine and from the effect died." Pregnancy and even labor did not exempt women from field work, "Women that are in a delicate condition
have to work in the field just as same as the others and if there times comes
to give birth they have to lay down there hoes and lay down in the field and
give birth and probably lay there 2 or three hours before there are cared
for. . . . one women by the name of Louise Marshall carried potatoes in a
croker sack when she were in 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." Whether or not she was
right about the details, Sanders clearly was suspicious of the motives and
abilities of those providing medical care for the women.30

Although biennial reports said that the approximately six to eight
black male prisoners kept at the farm did "the heavier work" while the
women did "very light farm work," Sanders claimed the black women did
the work of men, "and we have had to work on the county road just as
same as men. we have had to cut down trees and build roads like we were
men." An informal survey of male prisoners kept at the Johnson farm
brings into question the officially stated motive for assigning them there.
Almost all of the men were considerably older than the prisoner profile,
many in their sixties and two in their eighties. Judging from the
characteristics of the male prisoners, the Johnson farm might have served
as a relatively easy berth for old or weak black men. The explanation that
male prisoners were necessary at the Johnson farm to perform heavy tasks
does not hold up.31

Sanders's letter confirmed the misgivings of officials who worried
about the necessity of male guards for the women. The guards described in
her letter were cruel and exploitive, "and the guards would curse and beat
and choked and called all kinds of dirty names . . . The guards are very
mean to the prisoners. They pay but a very little attention to our
comfort." She told that guards used the women sexually and gave special privileges to their favorites, causing jealousy and resentment, "and if they see any women in any squad that they want to use for there convenience they will take her out and then they will make the rest of the woman look up to her. . . . one women by the name of Charity Williams whipped a women by the name of Bess Baily over the head with a wash board because the guard told her she were two pretty to work. The guards women work if the wont to and if they dont want to the guards make the rest of the women work for her." Sanders connected the sexual exploitation of the women with their punishment, "and when they whip poor women they tie there clothes up over ther heads and expose their nackedness to all the guards and in some cases I have seen some of the women during their monthly period have been whipped so bad untill they have had to scrubbed the floor after them. the abuse from the guards is what caused that woman to run away in August."32

Sanders ended her letter with a plea for immediate action, "Dear Govoner I hope you will read this letter very careful and study over the matter and go down there right away and take action Just as soon as you can for those poor women are certainly abused and would be very glad for you to come to there rescue." Campbell did respond. Within two weeks the women were removed from the Johnson farm. But the reasons behind his response are not clear. No evidence links Campbell with the administrative changes made at the Johnson farm in March and April. Perhaps his appointees, hoping to avoid the drastic action Campbell demanded in his March letter, tried to cover up their findings and correct the problems by firing the Bowdens and hiring Brabham. In that case, Sanders's accusation that the guards were fathering the children of inmates,
"two thirds of the children that have been borned down there is the guards," coming so quickly after Tardy's similar claim could have led to a thorough investigation. If Campbell were ignorant of the earlier arrangements, his removal of the women seems admirable.33

However, it is difficult to imagine that not one member of the board or high level staff, his recent appointees and theoretically loyal to him, did not inform him of the potentially damaging situation at the Johnson farm. If he was informed, Campbell's March rhetoric was belied by his April actions. His motivation for moving the women in October is then less clear. Probably the relocation was a defensive action in response to the threat of publicity from Tardy, but possibly Campbell was reacting to Sanders's moving revelations.

Whatever the reasons, the attempted cure for the women's problems in October was geographical, not administrative. On 15 October 1907 the women were moved to Eastham farm No. 2, a share farm in Houston County about twenty-three miles from Huntsville. The Easthams, probably widow Delha and her son B. A., had requested the women's contract in 1905 and had possibly raised questions about the care of the women on the Johnson farm. Because the Easthams were well established Huntsville residents who had hired prisoner labor for years, the choice of Delha Eastham's farm as the new location for the women seems logical. However, if the welfare of the women was the goal of the move, the choice of the Eastham farm was questionable. Less than two months before, Campbell had received an anonymous letter complaining about conditions there.34

Sergeant I. L. Brabham accompanied the female prisoners to Eastham farm No. 2, the main location for women for three years, until 12
December 1910, when they were moved to the state-owned Goree farm. During those three years, the lease system came under intense scrutiny, a thorough investigation of the penal system was conducted, and legislation was passed to end convict lease.

The letter from Sanders resulted in no fundamental improvement in the organization of the women's lives. They remained on a farm near male convicts guarded and supervised by men, living and working according to the racial divisions established at the Johnson farm. Sexual use of female prisoners by guards, the abuse that prompted the women's removal from the Johnson farm, continued to occur at their new location. However, the move from Johnson farm which occurred in response to Sanders's complaints resulted in a diminishment of care and privilege for women prisoners. Because Eastham farm No. 2 was in Houston County, more than twenty miles from Huntsville, women prisoners were deprived of amenities and medical care associated with the prison. Significantly, they were moved far from the sympathetic ears of Chaplain Hodges who no longer provided monthly religious services at their new location. The institutional response to a prisoner's embarrassing revelations of sexual activity between women prisoners and their guards, the prelude to a similar response in 1910, was to increase the isolation of the women.

2Chaplain McDonald listed the following items distributed to the women: 1,578 Christian papers, 223 Sunday editions of daily papers, 46 Literary Digests, 12 Saturday Evening Posts, 20 Collier's Weeklies, 28 Ladies' Home Journals, 191 magazines, 50 Testaments, and 36 hymn books. McDonald sent donated periodicals to two other share farms and three state farms, but the women received the greatest number and variety. Biennial Report, 1906, 52-55.


4Biennial Report, 1884, 65.

5Biennial Report, 1894, 14; 1898, 13; 1902, 22; 1902, 103.

6Biennial Report, 1904, 125.

7Biennial Report, 1904, 16; 1906, 42.


9Biennial Report, 1898, 40; 1900, 41.

10Biennial Report, 1900, 13.

11Board Minutes, 9 August 1905, 13 September 1905.

12Walker, Penology, 150-51, 183-84.

13Walker, Penology, 187-88. Governor T. M. Campbell to J. A. Herring (copy), 8 March 1907, Letters Received, Thomas M. Campbell Papers, TSL-A.

14J. A. Herring to Governor T. M. Campbell, 9 March 1907, Letters Received, Thomas M. Campbell Papers, TSL-A.

15Untitled Ledger of Camp Physicians, Sergeants, Preachers, 113, TDCJ-A.

16Untitled Ledger of Camp Physicians, Sergeants, Preachers, 9, TDCJ-A. Board Minutes, 26 February 1907, 10 March 1907, 13 March 1907, 14 March 1907, 15 March 1907, 10 April 1907. Untitled Ledger of Camp Physicians, Sergeants, Preachers, 20, TDCJ-A.

17Payrolls, March 1907, Penitentiary Records, TSL-A. Huntsville Post-Item, 23 March 1906.

18Report of the Investigating Committee, 1910, 564-66. If her testimony is correct, Cora Morgan's second child was conceived after Jerry Bowden left the farm 18 March and before I. L. Brabham took charge from J. G. Bowden 2 April. The probable father, Clack Chappell, a black fifty-one year old farmer from Burleson County serving two years for "theft of one cattle," was assigned to the Johnson farm from 8 January 1906 until his discharge 29 March 1907. Convict Record. Conduct Register.

19Governor T. M. Campbell to J. A. Herring (copy), 8 March 1907, Letters Received, Thomas M. Campbell Papers, TSL-A.

20Outside Force Cost analysis, February 1907, March 1907, April 1907, May 1907, June 1907, July 1907, Letters Received, Thomas M. Campbell Papers, TSL-A.

21Outside Force Cost analysis.

22James S. Kone to Governor T. M. Campbell, 23 September 1907; Jake Hodges to Mrs. V. J. Douglas (copy), 17 August 1907; John Tardy to Mrs. V. J. Douglas (copy), 16 September 1907; J. A. Herring to Governor T. M. Campbell, 26 September 1907; Letters Received, Thomas M. Campbell Papers, TSL-A.
Foster reported that he had been beaten because he was too old and weak to keep up with other workers. Sand was rubbed in his wounds and he was beaten again. Then he was forced to climb a tree covered with ants and was badly bitten. He died from his wounds. John Tardy to Mrs. V. J. Douglas (copy), 16 September 1907, Letters Received, Thomas M. Campbell Papers, TSL-A. The Whatley and Jones farm in Midway had been the Whatley and Herring farm before Herring became penitentiary superintendent.

Tardy to Douglas.

Sanders to Campbell.

Convict Record. Conduct Register. Microfilm files, Record and Classification Department, Texas Department of Criminal Justice, Institutional Division, Huntsville, Texas. Sanders was described as a large black woman, 5' 7" tall and weighing 205 pounds, with dark brown skin and hair and black eyes. Sanders was unmarried when she entered prison, and used tobacco, but not alcohol. She was a native Texan, born at Mansfield, but her parents were born in other southern states. On her arrest, Sanders was working as a cook in Fort Worth."

Biennial Report, 1906, 12, 42. Sanders to Campbell.

Biennial Report, 1906, 42. Sanders to Campbell.

Sanders to Campbell.

Biennial Report, 1906, 12. Sanders to Campbell. Prisoner records do not yield perfect matches for the names and cases given by Sanders. There were, however, prisoners at the Johnson farm during her residence there whose names closely resemble those she cites. Alice Clements, who entered in 1901 to serve eight years for burglary and theft, did not die of consumption, but was pardoned by Governor Lanham 9 February 1906. Twenty-six year old Lila Johnson serving a life term for murder, died of consumption in September of 1906. Louisa Marshall served from 3 June 1906 to 1 June 1908 and was noted as pregnant in the "marks on person" column of the Convict Record when she entered. Sanders was at the Johnson farm when the baby was born in the field.

Biennial Report, 1898, 79; 1902, 22. Sanders to Campbell.

Sanders to Campbell. Convict Record. Conduct Register. Viola Smith, twenty-five, who entered the penitentiary 23 May 1907 to serve two years for theft, escaped from Johnson farm 5 August 1907, only ten days before Sanders was discharged. No official punishments were recorded for Smith. Unlike most female escapees, Smith was not recaptured and was one of the few women listed in a book of escapees published by the penitentiary board in 1911, Escapes from the Texas State Penitentiaries, Center for American History, University of Texas at Austin, 219.

Sanders to Campbell.

Chapter Three

The Urge for Reform

The rhetoric of reformers transformed the "troublesome" women prisoners of earlier biennial reports into "unfortunate" creatures needing the comforting and exemplary presence of a female authority figure and requiring protection from the sexual advances of guards. The changes in the care of female convicts initiated in 1910, especially the hiring of a matron, were influenced by the pressures that advocates of penal reform exerted on legislators and penitentiary authorities. The main goal of reformers for the Texas penal system was the end of the convict lease system. For female prisoners, the reformers' goal was equally straightforward, to put women under the care of a matron. Added to these goals was the widely accepted principle that prisoners should work, for their physical and mental health, to prevent "discontent and restlessness," to instill regular habits, to provide job training, and because "society should not be required to support its criminally diseased in idleness." Debate occurred within this broad consensus and centered on disagreements about the appropriate punishment and labor for convicts.¹

The lines in the debate over punishment were clearly drawn. Prison officials insisted the whip was essential for discipline, especially of black prisoners, but reformers argued that "whipping and all other forms of corporal punishment should be absolutely prohibited by law" because "you can not make useful and safe citizens out of men who have no will, no backbone, no self-respect." The issues involved in the debate over labor were more complex. Industries in the prisons, favored by many reformers because of the inhumanity of outside camps, were expensive to modernize
and maintain, produced goods that were sometimes difficult to sell, and raised the ire of labor organizations that resented state-subsidized competition with free labor. The preference of penal authorities for a state plantation system after the end of convict lease was rational. Prison industries had consistently lost money, especially the Rusk iron industry, while farms had absorbed the growing penitentiary population and had made profits for both the contractors and the state. One influential reformer favored working convicts at building roads, and another, while admitting the profitability of isolated sugar plantations, favored a system of prisons with nearby farms on humanitarian grounds. But penitentiary officials had already gone a long way in committing the state to penal farms by purchasing several large sugar producing plantations in Fort Bend and Brazoria counties.²

Progressive Era penal "reform" had two intertwined meanings, reform of prisoners so that they would abandon criminal behavior and become productive citizens, and reform of the institution so that it would function more efficiently and humanely and would promote reform of prisoners. The series of newspaper articles published by George Waverly Briggs in the San Antonio Express in the winter of 1908-1909, which energized opposition to the lease system in Texas, called for the reformation of the Texas Penitentiary because it had abandoned the reformation of its prisoners.³

Reformation of the prisoner had never been a primary goal of the Texas penal system. Built in 1849 after the reformatory impulse which characterized early penitentiary building in America had waned, the Texas Penitentiary was a typical custodial institution framed on the Auburn model. In the 1820s and 1830s debate raged over the relative merits of
two largely similar ways of designing and organizing a penitentiary, the Auburn or congregate system and the Pennsylvania or separate system. The Pennsylvania system required total isolation and silence of the prisoners in individual cells during work as well as rest. The more flexible and less expensive Auburn system called for isolation in individual cells at night but allowed silent group labor during the day. By the turn of the century only vestiges of the Auburn discipline remained in the Texas Penitentiary, chiefly the labor required of convicts. Work was routinely praised for its reformatory value by penal officials in biennial reports, but the burden of moral reformation within the penitentiary was carried by overworked and underpaid chaplains, who were responsible for libraries, schools, and hospital visits as well as religious services. Chaplains functioned mainly in the prisons; convicts on outside farms had little benefit from their efforts. But even in the prisons chaplains received little support from other officials.4

Texas did not produce penal reformers of the stature of Rebecca Latimer Felton of Georgia, Julia Tutwiler of Alabama, or George Washington Cable of Louisiana, but the lease system in Texas was actively opposed. The Reverend Benjamin H. Rogers organized the Prison Reform Association of Texas after attending International Prison Congress meetings in Baltimore and London in 1872 and 1873. Although his organization had many influential members, it had little effect on the penitentiary. The Texas Federation of Women's Clubs, founded in 1897, and the Texas branch of the Society for the Friendless worked for prison reform, but the impact of their efforts is difficult to measure. Labor organizations, opposing the leasing of convicts to outside contractors and
the production of goods with prisoner labor in competition free labor, also worked changes in the penal system. 5

No movement for a state women's reformatory had taken root in Texas or any other southern state by the turn of the century. In the North and Northeast where the reformatory movement was strongest, many of the women who began these institutions in the second half of the nineteenth century had a Quaker and abolitionist background, and those who continued the movement after the turn of the century were often single and professionally trained. They sought to gently and firmly convert primarily young, white, lower-class, sexually active female misdemeanants to the standards and behavior prescribed by their middle-class concept of womanliness. Few black women in the North were sent to these reformatories, and African Americans in states were they were built continued to be disproportionately incarcerated in custodial prisons. The few black women in reformatories, except at Bedford Hills, New York, headed by Katharine Bement Davis, were racially segregated within the institution. Bement and other northern reformers emphasized "Outdoor Work for Women Prisoners," the subject of one of Davis's speeches, work which included traditionally male manual labor such as constructing cement walks, painting, and leveling building sites, as well as gardening to produce vegetables for the institution. In some reformatories, inmates were allowed to keep infant children. 6

In contrast to the reformatory program that emphasized sexual restraint, women in the Texas Penitentiary, probably because of their race, were accepted as sexually active. They were also considered mature. In reformatories female prisoners, regardless of age, were frequently termed "girls." During this period equations of women inmates in Texas with
children were rare, and prisoners, many of whom were in their teens, were almost always called "women." No rhetoric about the "fallen women" or their "innate depravity" characterized discussions of female convicts in penal reports. To Texas officials, through the turn of the century, women, especially black women, were simply "troublesome" prisoners.7

Penal authorities participated in the reform consensus, associating the increase of their authority with Progressive aims and improved conditions for prisoners. In 1898 Superintendent Whatley wrote that "supplies, provisions, and food of every kind, are now furnished directly by the State, on requisitions made by Sergeants in charge of each force . . . This is another step that brings the State more completely into supervision over the convicts, and by its adoption, chances for abuse have been removed. . . . the whole tendency of prison discipline and management, has been humanely progressive." For years officials had hoped to replace "the abominable convict-lease system," which was largely out of their control, with state farms. After the second large sugar plantation, the Clemens farm, was bought in 1899, Superintendent J. S. Rice made this intention clear, "The purchase of this farm for the State I hope marks the beginning of the end of the lease system." "I am unalterably opposed to working the men under this system, but it cannot be discontinued until farms are provided upon which to work the men on State account, or additional prisons built in which to confine them." Rice looked to Mississippi and Louisiana, which had chosen penal plantations to replace the lease system, as models for Texas because they also had large numbers of black convicts: "we can draw few lessons from the Northern institutions where the character of the prison population differs so widely from the criminal in the Southern prison." Thoughtful men, North and South, including the
northern reformer Frederick H. Wines, saw the penal farm as a Progressive solution to southern problems. In 1906 Wines said, "It is difficult to conceive of a more ideal method of dealing with prisoners, especially Negro prisoners, than this." Having attended meetings of the National Prison Association since the 1880s, Texas prison officials were well aware of developing theories of penal management, including those for women. Superintendent Rice echoed promoters of rural reformatories for women in his assertion a farm was the most healthful location for female prisoners.8

Texas officials did not justify their placement of female convicts on a farm as consistent with the aims of the reformatory movement, but, ironically, the arrangements for Texas women prisoners were a darker version of those promoted by northern reformers such as Katharine Bement Davis. Most Texas women did farm work and manual labor as she recommended and were allowed to keep infant children with them. But the type of outdoor labor considered healthful by reformers was harsh and demanding in Texas, and the babies whose presence was celebrated in northern reformatories were merely tolerated in Texas. Children in the Texas Penitentiary were officially invisible. No statistics were gathered about them, they appeared in no official reports, and they do not seem to have been counted by census takers. But the infant mortality rate was probably high. Three of seventy women incarcerated in the summer of 1909 were noted as pregnant on entry; none of the children survived.9

Convict lease had been under pressure for years from both within and outside the penal system, but for political and economic reasons the legislature had resisted making the necessary appropriations to provide housing and employment for prisoners in order to end it. The lease system
was not only profitable for the state, but the predictable labor of prisoners, especially at harvest time, was considered by politically influential planters to be essential to the operation of their sugar plantations. By 1906 as Progressive reformers became more vociferous, the political and economic underpinnings of legislative resistance had weakened. The discovery of oil at Spindletop in 1901 accelerated growth of the Texas economy, which was still largely agricultural but was relatively diversified when compared to that of other southern states. Prosperity lessened the attractions of a remunerative but brutal penal system.10

The political landscape was changing as well. The influence of Edward M. House, who had guided campaigns for Governors Hogg, Culberson, Sayers, and Lanham, and who had wielded considerable power in the distribution of jobs within the penal system, diminished with the election of Thomas M. Campbell. Campbell, elected on a reform platform, has been described by one historian as "the state's outstanding progressive governor" on the basis on legislation passed during his administration, but according to another, he was "colorless and indecisive (and) never fulfilled the promise of his gubernatorial campaign." As he ran for office in 1906, Campbell opposed the convict lease system, especially the placement of prisoners on outside farms to enrich special interests, but once elected his leadership in prison reform was "dilatory" at best. During his administration the number of convicts sent to outside farms dramatically increased and the price charged for their labor was raised, while conditions on the farms did not improve. According to one prisoner, Campbell "put the hardest set of taskmasters over the men known in many years."11

As Campbell's first term came to an end, Chaplain Jake Hodges, the frustrated penitentiary insider who had horrific tales to tell, collaborated
with George Waverly Briggs, a young reporter for the San Antonio
*Express* and an enthusiastic advocate of Progressive penology, who was
eager to relate Hodges's stories to a wider audience. Using information
from Hodges, whom he met in the autumn of 1908 as both toured outlying
camps, Briggs wrote a series of articles, published in December 1908 and
January 1909, which criticized the Texas penal system, including the
treatment of women prisoners, and suggested Progressive measures for its
improvement. Briggs's articles, which provoked further newspaper
publicity and intensified public disgust with the convict lease system, were
bound in a pamphlet and distributed to legislators. In a message to the
legislature, Campbell at first defended his penal appointees, but then
couraged legislators to investigate the penitentiary thoroughly. A
committee of four senators and five representatives "went about its
investigation fearlessly," in the summer and fall of 1909, accompanied by
Briggs and other reporters including Tom Finty, Jr., of the Galveston-
Dallas *News*. The committee visited every location housing convicts,
questioned prisoners as well as officials at all levels of penal authority, and
published the transcripts of those interviews.12

The debate about the penitentiary occurring during the
administration of Governor Thomas M. Campbell, as expressed in the
views of three influential reformers, Chaplain Jake Hodges and
newspapermen George Waverly Briggs and Tom Finty, clarifies the
decisions ultimately made about the women's care. Hodges, estranged from
fellow administrators, was religious, personal, and paternalistic in his
approach to women prisoners. Frustrated in his humanitarian and
educational efforts and appalled by prisoners abuse, he confided in Briggs.
Briggs joined Hodges's religious and paternalistic approach with
Progressive theory to advocate "Christian and scientific" penology. Finty, who attended the American Prison Congress meeting in Seattle and visited a number of western prisons in the summer of 1909, picked up the reform banner from Briggs, and optimistically espoused Progressive solutions to penal problems.\textsuperscript{13}

Hodges was the catalyst that triggered events leading to the abolishment of the lease system. He provided Briggs with moving stories of prisoner abuse, such as the beating death of inmate J. H. Foster and the birth of a child in a field, which bolstered Briggs's calls for change with the urgency of human suffering. Hodges's approach to convicts was religious and personal, and his sympathy won the prisoners' confidence. He explained that the women talked to him because "we have all got to sorters confess to the priest and it is in everybody. They told me a whole lot of stuff about how they were used by men and guards . . . I was very much impressed that something ought to be done in the way of a matron for those women."\textsuperscript{14}

Sexual activity of the women could be explained away by penitentiary officials as consensual, but the story Hodges told Briggs of an inmate in labor being forced to go to the fields where she gave birth was deeply disturbing to those who venerated motherhood, "four or five women called me off and told me that the baby was in there and that it was born in the field . . . they said it was born in the sand and the sand was in its face and that they begged the captain not to make her go out for her water had already broke, but he made her go out and it was born and they brought it in in a wagon. I walked in and looked at the child and put my hand on its face and felt the little sand in its little skin." The sand on the
baby's face became the symbolic, and debated, evidence of the inhumanity of the penal system.15

When he met Briggs in the fall of 1908, Chaplain Hodges had been out of favor with penal officials for at least a year. Hodges's sympathy for inmates was thought to undermine discipline and was considered disloyal to the penitentiary and to Campbell's administration. The embarrassing publication of Hodges's accusations of brutality toward male convicts and mistreatment of women prisoners was the final straw for penal officials. During the publication of Briggs's articles, Hodges was humiliatingly accused of accepting payment from inmates to secure pardons and forced to resign. Except for his rambling and defensive testimony before the investigating committee the next summer, Hodges played no more part in the reform process. Finty described Hodges as a martyr. He "gave up his position, if not his life, for his friends in prison."16

Briggs joined the aims of Progressive penal reform to Hodges's religious and paternalistic viewpoint. The result was a message that reflected national reformist aims, but was distinctly southern. Briggs was typical of the national Progressive movement in his equation of crime with disease, his opposition to dressing convicts in stripes, and his call for the grading of prisoners, the indeterminate sentence, and the use of parole. He embraced "reformation as an integral part of prison discipline" and praised the work of Zebulon R. Brockway of the Elmira Reformatory, New York. As a southern Progressive, Briggs demanded the end of the convict lease system.17

The care of women prisoners was discussed in detail in three of the twenty-five Briggs articles. Briggs described women prisoners as "weak, unfortunate," and did not mention their race. Although he found that "the
women are fed well, housed well, clothed well and treated kindly by the sergeant in charge, I. L. Brabham," Briggs thought the penitentiary guilty "not only of grave inhumanity to womankind, but of the more contemptible offense of gross indecency" because no matron was provided for the female convicts, "There is not a member of their sex to attend to their needs and wants; there is not a women of sympathetic mien and heart to minister to their minds diseased; there is not a women of delicate sensibilities and modest demeanor to perform the bodily examinations which the law requires to be made of each prisoner incarcerated; there is not a sister of charity to temper justice with mercy . . . there is not a motherly adviser to keep their wandering feet within the realm of rectitude, or to influence their lives into righteous and moral channels." 18

Briggs supported his call for a matron with the stories supplied to him by Chaplain Hodges. One was of the birth of "the child of Cora Morgan, a coal-black, life-time prisoner who has been in the penitentiary seven years. The child is about two years of age, fair of complexion and the possessor of long, silken, brown hair. Her father was a white man and, if the mother does not lie, he was a penitentiary guard prior to the child's birth." The second story was of the child "born in the field, sans attention, medical care or decency . . . the sand of the cotton field still adhered to and lacerated its tender little body." Briggs used the birth to attack the penal system and its failure to provide a matron, "The unpardonable inhumanity of this incident, had it been accidental or negligent, would condemn a system that made it possible . . . If the present administration severely frowns down upon the abuse of authority, why does it perpetuate opportunity for criminal neglect or imposition by continuing the female
convicts under the sole supervision of men without the assistance of a qualified matron?" 19

Briggs described the motivations and behavior of the female prisoners as consistent with ideas of women as motherly, submissive, and nonviolent. He said that fellow prisoners of the woman in labor, "courageous from the maternal instinct that lives even in the breasts of convicts," objected to her being sent into the field. Contradicting the characterization of women as "troublesome" in biennial reports, Briggs claimed that "women are docile prisoners. They never give the guards or sergeant trouble and seldom are personal difficulties engendered among themselves. There is not a gun or a hound on the farm. The women will not run." 20

Again echoing Hodges, Briggs revealed his patriarchal and paternalistic attitude toward women in his discussions of their punishment and work. He opposed the whipping of women because "the whole idea is obnoxious to the Southern man and has not a redeeming feature. If male officers can not control women without resort to the strap, they are altogether incompetent for such responsible places." Briggs's view of women also caused him to oppose their work in the fields, "On the farm the women are required to perform virtually the same work that would be exacted of the men. . . . The writer saw women picking cotton in mud and water ankle deep. It cannot be denied that the exigencies of a farm are too severe to employ women at cultivating the soil. The spirit of manhood rebels against it." 21

Briggs attributed much of the inhumanity in the treatment of women to unchivalrous attitudes at the lower levels of penal authority. When discussing the whipping of women, he claimed that "only a minority of the
underlings" shared the administration's opposition to it. "The general belief is that a woman should 'have hell knocked out of her' with the same dispatch and severity that the men receive. It is fortunate for the women and the honor of the State that the superior officers think differently."

Briggs again relied on Hodges for a dramatization of his point. Hodges was present when a "visiting sergeant, the physician, and the sergeant in charge of the farm were discussing the whipping of women. One of the sergeants bitterly condemned it; the other approved of it, saying that he could see no distinction between whipping a man and a woman if he or she deserved it. The chaplain took no part in the discussion. He was nervously pacing the veranda. Finally the sergeant with the chivalrous ideas of penitentiary control turned to Dr. Hodges. 'Doctor,' he said, 'what do you think of a man that would throw a woman's clothes over her head, have her held down and whip her with a five-foot strap?' The chaplain's eyes glittered. . . . 'I think he would be a contemptible dog.'" 22

The higher levels of prison authority were praised lavishly by Briggs as "gifted with extraordinary ability and indefatigable spirits," exemplifying the sympathetic treatment given by reformers to members of their "club and class." In contrast were "great, strong, cowardly guards . . . villains that have found their way into the corps of petty officers."

Although Briggs credited higher officials with reducing the abuse of guards, he opposed convict lease and the working of prisoners on farms "because the system is too widely separated" and the officials "can not supervise every detail of the vast enterprise over which they exert control. There is a need for centralization." Briggs praised current officials, but he also called for greater continuity in penitentiary administration by ending political patronage. 23
Briggs joined penal officials in supporting employment of women convicts "at a cloth-making industry," a suggestion that dovetailed with his proposal that male prisoners be put to work building roads, labor which would free the Huntsville prison for occupation by the women. He argued for the cotton factory not only because he opposed farm work as too strenuous for women, but because the move to Huntsville would end their isolation, "Confined as these women are, sixteen miles from a railroad and twenty from the system's headquarters, neither the public nor the penitentiary officials can be cognizant of daily occurrences . . . Brutalities have occurred in the past and under the present administration, yet the women are taken deeper into the woods and farther away from the observation of the higher officers. . . . affording the offender a means of concealment."24

Unlike Hodges and Briggs whose approach to prisoners was personal, that of Thomas Finty was almost clinical. Finty travelled with the nine member investigating committee and "supplemented the reports of its proceedings with a series of five articles pointing out the fundamental defects of the Texas penitentiary system and the consequent abuses therein." During a long recess, armed with credentials and suggestions provided by the chairman of the investigating committee, Finty attended the American Prison Congress in Seattle in September 1909 and visited penal institutions in "Colorado, Utah, Oregon, Washington, Nebraska, and Kansas and the United States Prison at Leavenworth" on his way. Finty's almost mind-numbing record of the conditions of incarceration at the institutions he visited and those he heard about in Seattle was typically Progressive. According to David J. Rothman in Conscience and Convenience, "To understand and solve a social problem, students were instructed to go out
and gather all the 'facts' of the case. Armed with the data, they would then be able to analyze the issue in 'scientific' fashion and discover the right antidote. At the same time, the data would provide them with all the necessary arguments for persuading a legislature to enact remedial measures." The twenty-two articles generated on the trip were later "printed as a book and widely distributed where it seemed that they would do the most good."25

Finty intended his observations of various methods of prison organization to enlighten the governor, legislators, and penitentiary officials as well as the public. "The information seems to have profoundly impressed the people of the state, first of all with the idea that penitentiaries ought to be conducted for the reformation of criminals, and then with the desirability of classifying and grading prisoners, the utility of the parole system, the uselessness and worse of inflicting corporal punishment, etc." Over time Finty worked closely with governmental and penal officials as well as national reformers, uniting the interests of various reform factions. He favored moderate reformers he described as "conservators," and disparaged what he saw as the extreme views of "the women and the preachers."26

Lacking Hodges's sympathy for individual prisoners and Briggs's dramatic flair and florid style, not to mention their deeply southern orientation, Finty did not repeat heart-rending stories of abused women. In fact, Finty's interest in the problems of female inmates seems minimal. His only extended mention of women prisoners was in several paragraphs devoted to conditions in the women's section of the Colorado State Penitentiary, emphasizing the pleasant surroundings, the employment of day and night matrons, and the scarcity of prisoners. In subsequent
reports, Finty included women in only a phrase or, at most, a few sentences, recording the number of prisoners, the presence or absence of a matron, and the domestic work at which the women were employed. Finty wrote most of his articles after the legislative investigating committee visited the Texas women's farm in July 1909, perhaps accounting for his lack of interest in the problems of female prisoners.27

Some women's clubs took up the call for a matron for female prisoners, but five months before the legislative investigating committee submitted its report to the governor and a year before the law reorganizing the penitentiary was passed, women prisoners had become "old news." Hodges and Briggs, who publicized their problems, had faded from the scene, and Finty showed little concern about their problems.28

Although Finty's style and viewpoint differed from those of Hodges and Briggs, the three men favored the same basic changes in the care of women prisoners, the hiring of a matron and a less isolated location. For all prisoners, Finty and Briggs favored an end to corporal punishment and an alternative to the system of widely scattered farms. Finty and Briggs also shared Progressive aims that would less directly affect women prisoners, an end to the patronage and spoils systems and an increase in the use of techniques for tailoring incarceration to the individual convict, parole, classification, and grading. Both Briggs and Finty criticized the policies of the men in charge of penal administration, but they praised the men themselves, exhibiting typical Progressive respect for "experts."

The Progressive movement for penal reform in Texas, though focused on the effort to end the convict lease system, brought problems of women prisoners into public view. Just as the end of convict lease seemed to promise a cure for the problems of the penal system, reformers saw the
presence of a matron as the answer to the women's problems. The aims of penal reformers and penitentiary officials coincided on both of these goals, but for different reasons. Progressive reformers, while accepting established racial divisions and the organizing principle of prisoner labor, sought a more humane system. Penitentiary officials saw reform as a means of increasing of their authority and gaining relief from embarrassing publicity. As efforts for penal reform gained momentum, penal officials embraced the movement and adopted its rhetoric, increasingly referring to prisoners as "unfortunate."29


4Rothman, Discovery, xxv-ix, 79-108. Biennial Report, 1894, 10. After a fire damaged the penitentiary in 1899, the schoolroom was converted to a dormitory. For ten years chaplains held night school in the unheated prison corridor. They had to fight for students and for simple equipment such as blackboards. Jake Hodges to Governor T. M. Campbell, 5 December 1908, Letters Received, Thomas M. Campbell Papers, TSL-A.


6Freedman, Sisters' Keepers, 24, 91-92, 109-10, 134, 139. Rafter, Partial Justice, 36-37, 62-63, 153. Only three southern women's reformatories were built, late in the movement in the 1920s and 1930s, and they were "weak institutions."

7References to Texas women prisoners in this period as children or girls were few. Guard T. N. McDonald told the investigating committee in 1909 that "they handle those women more like children than convicts." During the investigation in 1909 some of the committee members referred to women convicts as "girls" and a letter from A. M. Barton to Governor Campbell's secretary at the end of that year referred to twenty-eight-year old Cordia Ragsdale as "a woman or girl." Report of the Investigating Committee, 1910, 455, 558, 562. Freedman, Sisters' Keepers, 73. Biennial Report, 1900, 13.


9Freedman, Sisters' Keepers, 134, photograph of "Our Babies," after 118.


Report of the Investigating Committee, 1910, 204-19. Finty, "Texas Prison Investigation," 388. J. A. Herring to Governor T. M. Campbell, 26 September 1907; W. F. Ramsey, Chairman of the Board of Penitentiary Commissioners, to Governor T. M. Campbell, 30 September 1907, Letters Received, Thomas M. Campbell Papers, TSL-A. Superintendent Herring wrote that he wished Campbell "to fully understand what we have to contend with in Rev. Hodges. It is impossible to maintain discipline with him." Board chairman W. F. Ramsey wrote, "I expect our Chaplain has been indiscreet and has permitted his sensitive nature to lead him to do a good many things that he should not do.

... we cannot stand for anything that will under mine the discipline or cause trouble at Huntsville or anywhere else along the line." When asked by legislative investigators why he had turned to Briggs instead reporting abuses and problems to the governor, Hodges replied that he "had discovered in the Governor himself a critical mind as to my having anything to say about those things." The sequence of events leading to his resignation strongly suggest that Hodges was railroaded out of office. Board Minutes 21 November 1908 record that Reverend "W. T. McDonald was formally elected as Chaplain of the Huntsville Penitentiary to succeed Rev. Jake Hodges resigned." Hodges, however, had not resigned and was still functioning as chaplain as shown by his letter to Governor Campbell 5 December 1908. Perhaps Hodges's refusal to resign gracefully or his blindness to the forces arrayed against him precipitated the drastic action taken by Herring and the board. Minutes of 16 December 1908 report, "Upon statement from Superintendent Herring and Documentary evidence sustaining the charge that Rev. Jake Hodges had accepted money from convicts and their friends to aid in securing pardons, the Board authorized the Chairman to notify the Chaplain that his resignation would be accepted." Hodges, as he admitted in his testimony before the investigating committee, had left himself open to these charges. He had received money from the aunt of prisoner W. J. Dent, "not for me, but to pay Dan M. Jackson to go to Austin in the interest of Dent." Because Hodges had been appointed "upon recommendation of Governor Campbell," it must be assumed that Campbell approved of the Board's action in forcing Hodges's resignation.

Briggs, Texas Penitentiary, 6-7, 25, 29, 34.

Briggs, Texas Penitentiary, 14-15. The "marks on person" column of the Convict Record leaves little doubt that the women were thoroughly examined, "large mole between breasts," "stab scar R thigh," "cut scar R groin," "scar L side stomach near groin," "cut scar inner side R thigh."

Briggs, Texas Penitentiary, 15.

Briggs, Texas Penitentiary, 15, 42.

Briggs, Texas Penitentiary, 21, 42.

Briggs, Texas Penitentiary, 21-22.


Finty, Our Penal System, 12-13, 17, 21, 31.


Chapter Four
Investigation and Decision

"You asked me for the truth and I am going to tell you," convict Rosa Brewing said to legislative investigators visiting Eastham farm No. 2 on the sweltering afternoon of 29 July 1909. The testimony of Brewing opened a frank discussion between members of the investigating committee and black female convicts about matters affecting women prisoners: sexual activity with guards, menstruation, childbirth, and contraception. The revelations of Brewing and her fellow inmates helped shape the contours of reform for women prisoners as the period of convict lease in the Texas Penitentiary ended. Ironically, although their frankness encouraged the hiring of a matron, it contributed to continued isolation of female inmates as reformers, legislators, and penal authorities sought to limit the women's sexual contact with male convicts and guards.¹

A sketch of the women in the penitentiary on 29 July 1909, the day the legislative investigating committee visited Eastham farm No. 2, reveals an unsurprising homogeneity. The racial breakdown of the seventy women serving in the penitentiary that day was typical of the period—one Mexican American, three whites, and sixty-six African Americans. Most of the female prisoners were young and black; all were poor. Two sixteen year olds were the youngest prisoners and sixty-three year old Emma Little was the oldest. Only four occupations were recorded for the women, all of whom were listed as employed, thirty-two cooks, twenty-two servants, eight laborers, and eight laundresses. Over a third of the women at the Eastham farm No. 2 that July day were incarcerated for violent crimes. The percentage of violent crimes was higher for the few imprisoned white
women than for the blacks. Three of the four white women were serving life sentences for murder, the fourth a five year term for robbery.2

A subcommittee composed of six of the nine legislative investigating committee members, Senators W. J. Greer, Claude Hudspeth, and D. A. Paulus, and Representatives C. E. Gilmore (Committee Chairman), J. R. Bowman and W. O. Stamps, questioned the women at Eastham farm No. 2 as part of a two-day session during which the subcommittee visited the Whatley and Jones farm as well as the two Eastham farms. George Waverly Briggs was present as the women were interrogated and the sergeants of both Eastham farms and several guards were nearby.3

The approach of the members of the legislative investigating committee to the women prisoners was generally polite but showed a curious duality. On one hand they assumed that the women were delicate creatures whose feet should not be dampened by dew when they were menstruating. On the other, they assumed that the women were not delicate at all, and frankly discussed contraception, childbirth, sex acts, and menstruation. The questioning had three main themes, the individual prisoner's personal life and crime, living and working conditions on the women's farm, and physical and sexual mistreatment by the sergeants and guards.4

Women Prisoners Questioned by the Legislative Investigating Committee
29 July 1909
In the Order They Were Interrogated5

<table>
<thead>
<tr>
<th>Name</th>
<th>Approx. Age</th>
<th>Crime</th>
<th>Term</th>
<th>Years Served</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guadalupe Grinsinger</td>
<td>30</td>
<td>Murder--1st degree</td>
<td>life</td>
<td>7</td>
</tr>
<tr>
<td>Annie Cordes</td>
<td>44</td>
<td>Murder--2d degree</td>
<td>life</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Name</td>
<td>Approx. Age</td>
<td>Crime</td>
<td>Term</td>
<td>Years Served</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-------------</td>
<td>------------------------------</td>
<td>------</td>
<td>--------------</td>
</tr>
<tr>
<td>African American:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mary Harrington</td>
<td>42</td>
<td>Theft from the person</td>
<td>3</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Rosa Brewing</td>
<td>27</td>
<td>Theft from the person</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Lulu Lane</td>
<td>29</td>
<td>Assault to Murder; Burglary</td>
<td>31</td>
<td>6</td>
</tr>
<tr>
<td>Ennis Carlisle</td>
<td>25</td>
<td>Murder--1st degree</td>
<td>life</td>
<td>2</td>
</tr>
<tr>
<td>Jerline Bonds</td>
<td>17</td>
<td>Burglary</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>Hannah Steele</td>
<td>43</td>
<td>Murder--first degree</td>
<td>life</td>
<td>6</td>
</tr>
<tr>
<td>Annie (Cora) Morgan</td>
<td>32</td>
<td>Murder--2d degree</td>
<td>50</td>
<td>11</td>
</tr>
</tbody>
</table>

No criteria were stated for the selection of the nine women who were questioned, but probably most were chosen because of their experience in the system. Four of the five women who had served longest in the penitentiary were selected, and seven of the nine had served longer than the majority of female prisoners. On the whole the women questioned by the committee were older and had been convicted of a greater percentage of violent crimes than the group of seventy women they represented.6

The two white women interrogated were circumspect. They were questioned superficially, and answered briefly and without complaint. Guadalupe Grimsinger, thirty years old, who had served seven years of a life sentence for first-degree murder, was the first woman interviewed. Grimsinger told the committee that neither she nor any other white woman had been punished to her knowledge and that no improper advances had been made toward her. Annie Cordes, forty-three, a native of Germany who had served less than a year of a life sentence for second-degree murder, for "killing her own child," was questioned next. Because she spoke only German, Senator Paulus, a member of the committee, interviewed her and translated her answers. The questioning of Cordes was brief. She said she cooked for Sergeant Brabham. When asked if she
had ever been punished, she laughed as she said "no, sir," and if she had ever been "improperly approached," she answered "no, sir; they have no opportunity." The committee anticipated the privileged position of the white women. Grimsinger and Cordes were questioned before the black women. Cordes was expected to agree that her experience was "better than you thought it would be, isn't it?" Grimsinger confirmed that none of the white women worked in the fields and answered "yes, sir" when asked, "You white women—whenever you feel indisposed, at your own suggestion you can quit work?" In the transcript of testimony, both Cordes and Grimsinger were given the honorific "Mrs." and no indication of race followed their names although Grimsinger had been termed "Mexican" in prisoner records. The next seven women questioned were described as "colored." Among the women, probably because there were so few, little distinction was made between whites and Mexican Americans, as was clear from the pattern of questioning. They lived together apart from the black women, and were assigned domestic work. In the Huntsville prison, however, three racial groups were designated for cell assignments of male prisoners, whites, African Americans, and Mexican Americans.

The seven black women questioned, Mary Harrington, Rosa Brewing, Lulu Lane, Ennis Carlisle, Jerline Bonds, Hannah Steele, and Annie (Cora) Morgan, were more forthcoming about their lives in the penal system. Their answers were frank and detailed. Living and working conditions at the Eastham farm No. 2, although not praised, did not provoke the level of criticism expressed by Lula Sanders in her letter to Governor Campbell about the Johnson farm. But according to their testimony, the sexual use of the women by guards, which had brought
about the sudden move from the Johnson farm, had continued, or perhaps increased, as had the physical mistreatment of the black female prisoners.9

Food was plentiful but lacked variety and was not always well cooked. Biscuits, bacon, coffee, and sometimes syrup were served for breakfast. Dinner consisted of "peas and corn bread and syrup, and sometimes potatoes," and supper of "rice sometimes, and grits sometimes, and corn bread and syrup." Milk was occasionally added at dinner and supper. Beef was served once a week and butter as a treat for "Sunday morning, sometimes." Lane said she occasionally went to bed hungry, not because the quantity of food was lacking, but "because sometimes the grub is cooked so you can't eat it; it isn't done." Extra food was provided to the women when they were sick, according to Grimsinger, "anything they call for, and if it is here they get it . . . milk, eggs, rice, oatmeal, anything like that."10

Clothing was largely individual. The state provided clothes including shoes and stockings, but the only item supplied by the penitentiary that women were required to wear was "the skirt of the convict goods and the rest you can wear citizen's." The skirts were "short, striking the wearers just below the knees." Grimsinger said she furnished all of her own clothing and shoes, bought with money sent from home, and that she occupied her time by making clothes. Lane complained she had received no state-provided clothes since the move from the Johnson farm almost two years earlier, but she had added a knit vest sent by her mother and had bought black stockings to replace the state-issued white ones.11

Living and working conditions, except for work required during menstruation, were not of great interest to the committee. Housing and furnishings were hardly mentioned, but they could have been observed.
Grimsinger agreed that they had "reasonably comfortable beds," which apparently were individually occupied stacked bunks. Bathing and sanitary facilities were primitive. The women bathed only once a week in tubs in a shed, "unless it is hot weather and they get dirty." They also "bathe very often in the building," apparently using water in buckets. Buckets were also used for "the calls of nature." In the fields, guards "allow them to step in a gulley or behind a bush close by."¹²

Both white and black women cooked and worked within the buildings and the farm yard. Cora Morgan, mother of the two children on the farm, had been a cook since arriving at Eastham farm No. 2. Only black women went to the fields where, divided by ability, they labored in squads of about twelve women under the supervision of a guard. During the questioning of Sergeant Brabham the field work of the women was discussed. Approximately twenty of the women had plowed and were judged by Brabham to "make good plow hands," "but this land here is awful heavy, hard to work when it gets wet." He agreed that it was "too heavy for women." Brabham said that the women were not required to dig ditches, but did clean them out with shovels and spades. Brabham also claimed that he tried "to keep them out of the rain as much as possible and the cold; it hurts them worse than a man."¹³

When questioning the African American women prisoners, the committee concentrated on incidents of physical and sexual abuse. Mary Harrington, the first black woman questioned, changed the tone of the interrogation when she said that Mrs. Whatley had kicked her when she worked for Captain Whatley of Eastham farm No. 1, washing, ironing, and milking. The kick according to Harrington had caused internal injuries so severe that the doctor ordered that she no longer work in the fields, "There
is a big knot where Mrs. Whatley kicked me; I can't make water and can't walk straight; I am in a bad fix." Jerline Bonds claimed that knots in her groin were the result of Brabham standing on her stomach as she lay sick in her bunk and then kicking her down the stairs. None of the other convicts confirmed that Brabham had stood on Bonds, and Steele said that "he couldn't have stood on her." Convicts did agree that Brabham had kicked Bonds downstairs.14

Harrington told the committee that Brabham had severely whipped Carrie Teal and "Dump," breaking the skin. Bonds added Martha Stroter to the list of those scarred by whipping. Although Lane said she was punished for resisting the advances of guard D. H. Bayne, Bonds thought that "he had her whipped for exposing his name to the squad." Bonds also testified that she had been whipped with a light strap on the rump and legs, but "he didn't whip me unmercifully." Twenty-four of the seventy women received recorded punishments during their incarceration. During Brabham's tenure, as he testified, the usual limit was fifteen licks. Escape attempts, impudence, sodomy, fighting, laziness, and making indecent proposals were punished by whipping. According to Brabham, he also confined prisoners in the dark cell, although he did not record those punishments, and had "them carry off the tubs for a few days for some little offense." For "an offense like fighting, trying to kill each other," Brabham thought the women should be strapped.15

The most arresting testimony given by the African American women was of the frequency of sexual contact between prisoners and guards. When Mary Harrington was asked about sexual activity, she refused to say much because "there was a woman whipped not long ago here about noticing things." Rosa Brewing, the next woman questioned, opened a
frank discussion about the prisoners' sexual activity, saying "I am going to tell on myself and all the rest of them, too." She said that she had willingly had sex with Mr. Strange, a former picket guard who kept the keys to the women's quarters.

Q. What guard made improper advances to you?
A. Mr. Strange, picket man, an old man. . . .
Q. He came to your bunk and woke you up?
A. Yes. Sir. . .
Q. Was it with your consent?
A. Well, I was a convict and in prison . . . and I thought if I got that chance I would do it.
Q. Get what chance?
A. Of being with a man; you asked me for the truth and I am going to tell you.16

Brewing and others told of a network of sexual liaisons between prisoners and guards centering on Strange, who called the black women out of their dormitory at night to guards who took "them out to the hospital and takes them back behind the wood pile, and so on." Brewing also told of sexual relations with a guard from Eastham farm No. 1, "we would be out in the field and he would ride up . . . and would look at you right hard and give you a signal where to go . . . out in the weeds somewhere; step aside." Brabham and the guards said that the women were under too close scrutiny to have liaisons in the fields, but the women said they could pretend to have a call of nature and "we can step out . . . stay quite a while."17

Women prisoners seem to have been induced rather than forced to have sex, and to have used their sexuality to ease the conditions of their incarceration, "he first commenced to make eyes on me and say how well he like me and he would be good to me while I was here." Most received money for sexual favors, from one to three dollars, and guards promised
to help them get released early. According to Jerline Bonds, who claimed she was "too sick to have it, have any intercourse with any men since I have been here," the guards who approached her accepted her refusal because "they didn't care who it was; just wanted it, I guess, and just asked anybody." Because of her illness, Bonds was in the hospital and witnessed an incident of group sex that in her testimony seemed to have elements of force, "I seen Phil Robertson and Mr. Strange and Mr. Miller with Lulu Lane and Mr. Strange with Rosa Brewing and Phil Robertson with Rosa Brewing and Ennis Carlisle with Mr. Thornton . . . turned them all in there at the same time. Some of them would holloa and try to holloa for the sergeant." However, the three women mentioned all testified to the committee that they had had relations with guards and none complained of coercion. All of the women agreed that sexual activity had decreased because Mr. Collins, the new picket man, did not let them out.18

Rosa Brewing's testimony also introduced a motivation for cohabitation with the guards that went beyond coercion or inducement. She and Strange seemed to have a mutually considerate and companionate, as well as a sexual, relationship.

Q. Did he have intercourse with you each time?
A. Sometimes he would and sometimes he wouldn't.
Q. How many times would he have intercourse with you each night?
A. Sometimes once, sometimes twice, and sometimes none at all; sometimes I would be feeling bad, and wouldn't want to have intercourse with any one.
Q. Well, was the intercourse dependent upon your feeling or upon his feeling?
A. Sometimes upon his, and sometimes upon mine.
Q. What would this man do to you when he didn't have intercourse?
A. Lay down there and talk.
Q. How long would he keep you in his room?
A. Sometimes about 4 o'clock in the morning, until get ready to
turn the cooks out.
Brewing admitted that she preferred white men "on account of my father
was a white man" and obviously suspected that her light color was
appealing to the guards, "From the day Mr. Strange left here they told
them not to let any bright women of my color out on the yard at all."19

After telling the committee that she had never become pregnant,
Brewing was asked about contraceptive measures. "Do you wash after
having intercourse with these men? . . . Each time? . . . Did you use a
syringe? . . . Did you ever take any medicine to prevent a child? . . . Did
you ever miss your courses as a result of this intercourse? . . . Did they use
a cundum on you?" Brewing said that when she missed her period, "they
would give me medicine and bring it on." Ennis Carlisle also testified that
she had been give medicine "with a red cast to it" in order to prevent
pregnancy.20

Considering the number of liaisons mentioned by the women
prisoners, that only Morgan's two pregnancies were reportedly begun in
the penitentiary between 1905 and 1910 is surprising. Perhaps the potion
served by the guards was effective. But venereal disease may also have
prevented inmate pregnancies. Dr. J. P. Westmoreland estimated that 65 to
75 percent of the male prisoners at Eastham farm No. 1 had syphilis. Dr.
B. F. Gibson reported that the mother of the baby born in the field had
gonorrhea. Jerline Bonds said Dr. Westmoreland lanced the knots in her
groin and "pronounced it some kind of bad disease."21

The women prisoners suspected that Brabham knew of their contact
with guards. Brewing said she was not sure that Brabham knew of her
relationship with Strange, but that Strange left suddenly. Ennis Carlisle
said that while she was with Mr. Thornton, Amy Payne called Brabham "so he can see what was going on." She said neither she nor any of the others had been whipped for being with men and that Thornton had not been immediately discharged.22

The greatest concern members of the committee expressed was that the women were required to work during menstruation. "Do you have your monthly periods regularly? . . . Are you required during such period to work in the rain or go out in the dew? . . . Have you ever made complaint to the sergeant that you didn't want to go on that account? . . . Have you ever suffered from getting your feet wet or getting your dresses wet?" The subject of menstruation seemed to diminish the women's criminality in the eyes of their questioners and increase their motherliness and delicacy. Hannah Steele, forty-three years old and serving a life sentence for first-degree murder, was addressed as an "old motherly" woman, and asked, "You know these women are driven without any regard to that sickness into the field? . . . As a mature woman . . . do you think it is humane or kind to require these women to go out in the wet and dew in such conditions?"23

Strangely, the fact that prisoners worked in the fields during late pregnancy did not cause the same concern. The debate over the baby born in the field centered on whether or not the mother had actually been in labor when she left the farm yard, and whether or not the baby had sand on its face, not on whether or not she should have been allowed, much less forced, to do heavy work late in her pregnancy. The women claimed that Elvira, who bore the child in the field, had told Brabham that "she was having labor pains when he came and called out the squad, and he told her to go on and knock along, she would feel better." The birth took place at
the Johnson farm in June, less than three months after Brabham became sergeant. Brabham assured the committee that "she came out of her own accord and went with the squad; never made any complaint whatever," and that he "would have been glad to have stopped her. I was a new man on the camp then and was trying to keep down criticism and fill my place perfectly, and, of course, that would injure it very much." That the baby was born in the field was less disturbing to the committee than that it had sand on its face. The women and Chaplain Hodges claimed that that the baby felt gritty and that a long time elapsed before the doctor arrived. Dr. Gibson, however, testified that he "got there directly after it was born," and that "they may have put sand on it after I left."24

The gentle approach of the questioners faded when the women accused the sergeants and guards of misconduct. Senator Hudspeth asked Bonds, "have you told us the truth or have you told us a lot of lies?" Their sympathy was clearly with the penal officers, even when they suspected them of misconduct. Neither Brabham nor guard Bayne was asked directly about the women's charges, and Bayne was told, "as men we thought it was perfectly right to bring some of the gentlemen before us and let you all deny that."25

During a brief follow-up visit to the women's farm several months later, committee members found that little had changed. Dresses were still at knee level, leaving a gap of four or five inches of bare skin between stocking and skirt. White women continued to be closely supervised. One testified that Brabham would "not let the guards talk to white women here." Black women were less sexually active than when Strange was picket guard, "it has been five or six months since the guards monkeyed with the women," but guards still approached them. Lizzie Berry said that
"when Mr. Price puts cotton in my sack he rubs me on the rump with his hands. Mr. Price has three or four times given me nickels." Physical punishment also continued. Several women said that Jerline Bond, who had accused Brabham of kicking and standing on her, "was whipped for testifying before the committee."26

In its final report early in 1910, the committee admitted to being strongly affected by the women's revelations, "Evidence of disgraceful conduct on the part of former employes, and two now in the service . . . is too shocking and repulsive to put in this report." Testimony about sexual activity given by female prisoners clearly influenced the committee's recommendation of a separate placement for the women. In July the possibility of work in a cotton factory was still open as Brabham was questioned about the quickness of the women in learning new tasks. Brabham answered that "they catch on to any kind of work," and added "I never get a women here that is used to farm work; we have got to train them; they are all from cities; we never get a woman here from a farm." But the committee chose isolation over factory work and recommended that the women be sent "to some farm now owned by the State or a farm to be hereafter acquired by the State, upon which no male convict shall be kept."27

The act providing for reorganization of the prison system, which passed in September 1910 and took effect 20 January 1911, relied heavily on the committee's proposals for women prisoners. Again, female convicts were to "be kept separate and apart from the male prisoners," this time "upon a separate farm or at a separate prison." And an additional level of separation, one that had been a matter of custom, now became law. The
Board of Prison Commissioners was required to "keep the white female prisoners separate and apart from the negro female prisoners."

The board was instructed to "select and place over said female prisoners a matron or matrons . . . to look after the welfare of the female prisoners" and "reside at the place where female prisoners are kept." The legislature further ruled that guards must be married and live with their families near the building housing women prisoners. Male guards would continue to oversee the women convicts, but the matron and the guards' own wives and families would oversee the guards. Other sections of the bill affecting women provided that either the physician or matron could excuse a female prisoner from work because of her physical condition, that a child born in the penitentiary or received with its mother could remain "until three to six years of age" at the discretion of the Prison Commission, and that "no prisoner shall be allowed to wear other clothing than that furnished by the prison authorities," except for "citizen underwear" in cases of "extra meritorious conduct."

By the time the law passed in September 1910, arrangements for the women had already been made. The biennial report issued the month before stated that "the Goree Farm was opened up during the present year and a new convict building and other improvements were added to it. . . . This farm has been fenced with new hog wire fence, and the buildings have been prepared for the housing of the women convicts, who will be moved there within a short time." The women moved 10 December 1910 to Goree farm.

Similarly, by the time the act requiring a matron for the women prisoners passed, the first matron of the Texas Penitentiary had been at the Eastham farm No. 2 for six months. Sergeant Brabham had expressed
doubt that a white matron could be found, "I know you couldn't get any
white woman to look after them," but Mrs. Dora Cook began service on 18
March 1910. She was paid fifty dollars a month, less than Brabham's
salary of sixty dollars, but considerably more than a guard's pay of thirty
dollars. A new guard joined the force at Eastham farm No. 2 on the same
day, Dora Cook's husband Frank. Each of the first three matrons of the
Texas Penitentiary was accompanied to the women's farm by her husband
or another male with her surname. Dora Cook was young, only twenty-
one, but perhaps she was the "sympathetic competent matron" pictured by
Briggs, who thought "the duties of the matron would be self-evident to any
woman worthy of the office. She would not require instruction, as her
native intuition and her past experience in such lines and endeavor would
direct her in every emergency and enable her to be of permanent influence
and benefit to the unfortunate, neglected women coming under her care
and observation." Possibly Dora Cook participated in "each physical
examination that the law requires to be made, that the women may not be
exposed to indecent treatment." Perhaps as Briggs envisioned, she engaged
"in daily council with each woman under her care, endeavoring to train the
thoughts and acts of the defective into moral and upright channels" and
acted as teacher "to develop the dwarfed minds of the female prisoners."
Whatever her duties, they do not seem to have agreed with her, or,
perhaps, she did not perform them well. By December, the Cooks had left
the women's farm.31

The Cooks were replaced 12 December 1910 by matron Mrs. R. L.
Nicholson, accompanied by guard J. M. Nicholson. The Nicholsons took
office two days after the women prisoners were transferred from Eastham
farm No. 2 to the Goree farm. The tenure of the Nicholsons was even
more brief than that of the Cooks. In two months they were replaced by "R. H. Cabiness and wife," who remained manager and matron of the Goree farm for four years.32

The first two matrons had been the more highly paid members of a family team. Mrs. Cabiness was paid fifty dollars a month, the salary the two preceding matrons had received, but her husband was paid seventy-five dollars a month, fifteen dollars a month more than Brabham. With Mrs. Cabiness, the matron became simply a paid version of the wives of former sergeants, such as Bowden's "excellent wife" or Brabham's, who he said "helps me out considerable on that line."33

The hiring of Cabiness as sergeant for the women indicated that control rather than reformation was the primary goal of penal officials. Like Bowden and the Easthams, Cabiness was a long time resident of Walker County and well known to officials. His father had hired convict labor during the early phase of lease, and Cabiness had inherited the labor contract when his father died in 1877. Not long after he took over the force, Inspector H. K. White found Cabiness an unsatisfactory contractor and threatened to remove the prisoners because he punished them too severely, did not feed them properly, and did not provide them with water as they labored in the fields. Cabiness's heavy-handed management of prisoners apparently continued. During his tenure as the women's sergeant, the number of punishments increased and seven prisoners mutinied.34

The failure of Progressive reformers to divorce the penitentiary from politics was reflected in the selection of Cabiness as sergeant for the women. Cabiness, who moved to the Goree farm soon after Governor Oscar Branch Colquitt took office, was the first women's sergeant who was
clearly a political appointee. During Colquitt's campaign for reelection in 1912, Cabiness wrote to Colquitt's secretary that he believed "the Governor will carry this county But it is to early to speak with certainty yet. I will write to a number of my friends over the county and let you know what they say... Now rest assured that every effort of mine will be put forth in his behalf."35

Although a matron was hired, to a large extent, little changed for the women prisoners. They still lived on a farm, still did the same kinds of work, and work was still assigned according to race. But testimony of women prisoners to investigators in 1909 about their sexual liaisons with inmates and guards led to stricter controls over contact between the sexes. With the move to Goree farm and the arrival of a matron and the guards' families, women prisoners were isolated from male convicts and were insulated from male guards.
1Report of the Investigating Committee, 1910, 549. For another perspective on the daily
life of southern female prisoners during the period of convict lease see Mary Ellen Curtin,
the Southern Association for Women Historians, 7 June 1991.
Ages estimated from age on entrance in the Convict Record and the 1910 Houston County
Census. The investigating committee reported that seventy-one women were in the
penitentiary on the day of their visit. I found records of seventy women serving in the
penitentiary and one on parole. The parolee was still on the penitentiary books since she
had not been formally discharged. Carrie Hunter, a twenty-five year old African American
serving seven years for robbery, was released on parole 8 July 1907 and discharged 7
December 1909. Because she was not actually in the penitentiary 29 July 1909, I did not
consider her part of the population for my purposes. Of the seventy women serving in the
penitentiary, eighteen had been younger than twenty years old when they were admitted,
thirty-eight had been between twenty and twenty-nine, and fourteen had been thirty or
older. Although hair and eyes were almost always described as simply black or brown,
complexions were described more explicitly. Those of eighteen women were described as
black, one as light black, six as dark brown, seven as light brown, fifteen as brown, eight
as mulatto, one as dark mulatto, two as light mulatto, one as Mexican, and three as fair.
Sixty-two women had black eyes, five brown, two blue, and one gray. Sixty-four women
had black hair, five brown, and one sandy. Three of the women were listed as pregnant on
entrance, Mary Harrington, Ennis Carlisle, and Mary Jones. There is no record of the
births of these children and they were not present at the Eastham farm No. 2 when the
investigating committee visited. The women prisoners at Eastham farm No. 2 were more
literate than the penal population as a whole according to the figures for 1908 and 1910 in
biennial reports. Approximately 54 percent of all the prisoners were literate, but more than
70 percent of the women could read and write. About the same proportion of men and
women were married, 39 percent of the men and 37 percent of the women. More women
than men were temperate, 81 percent of the women and approximately 55 percent of the
men, and fewer women used tobacco, 73 percent of the women were users compared to
approximately 83 percent of the men. Fifty-nine, or almost 70 percent, of the women
incarcerated on 29 July 1909 were born in Texas. The rest were born in southern or
western states, none was from the North or Northeast. Of thirty-two counties sentencing
women to the penitentiary, Harris county sent eighteen, by far the greatest number. Eight
of the women were ex-convicts, one serving her third term in the penitentiary. Five of the
women would be sentenced to the penitentiary for another term. According to the 1910
Biennial Report, two-thirds of the overall prison population had "no trade or profession."
Those who were employed worked at seventy-two different occupations, the greatest
numbers as farmers or as "cooks and waiters."

Almost a third of the women incarcerated during the investigation, including all of
the white women, were pardoned, eleven of them by Governor Campbell, who was
probably influenced by the investigation. One died of consumption. The remaining forty-
eight served out their time and were discharged. All violent offenders with terms longer
than five years, including the six with life sentences for murder, were pardoned. Both
white and black women were recommended for pardon because of age and ill health.
"Hannah Steel is an old negress whose conduct is good and whose health is bad. . .
Cordia Ragsdale . . . is now in bed sick as she was when I visited the farm some two
weeks ago." Bertie McCoy, white, was "subject to epileptic fits." Ill men were often
pardoned because of lack of productivity. Perhaps that motive extended to the female
prisoners as well. In the pardon appeal, Ragsdale was also said to be "probably innocent
of the crime charged" and Guadalupe Grimsinger was recommended because "she is a source of annoyance to all the officials when they visit this camp as she is always begging for a pardon."

Compared to the 59 percent of violent offenders receiving pardons, only 14 percent of non-violent offenders were pardoned, none serving less than three years. The three-to-one ratio of violent to non-violent crimes of white women compared to a roughly five-to-three ratio of non-violent to violent crimes for black female prisoners might support a view that the women were pardoned on the basis of their crime and length of sentence rather than their race. However, officials clearly used pardons in an attempt to clear the penitentiary of white female prisoners. In December 1909 Financial Agent A. M. Barton wrote that if the governor pardoned Grimsinger, Ragsdale, and McCoy, "there would only be two white women left in the Penitentiary, and they have only been there for a short time." All three were pardoned.

Offenses of Women Prisoners in the Texas Penitentiary on 29 July 1909

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<tr>
<td>Violent</td>
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<td>Assault to Murder</td>
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<tr>
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<tr>
<td>Intent to Murder</td>
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<td>from the Person</td>
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<td>of a horse</td>
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<tr>
<td>greater than $50</td>
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<tr>
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Convict Record. J. A. Herring to Governor T. M. Campbell, 16 December 1909; A. M. Barton to R. D. Bowman, 18 December 1909; Letters Received, Thomas M. Campbell Papers, TSL-A. Briggs, Texas Penitentiary, 40.

3Bowman resigned 19 November 1909 during the committee's investigations, to become secretary to Governor Campbell. Report of the Investigating Committee, 1910, 51, 63, 73-74, 547, 556, 566.


5Spellings of prisoners' names in the Report of the Investigating Committee, 1910 sometimes were not the same as those in the Convict Record, for example, Rosie Brewein, Lou Lane, Geraldine Bond, Hannah Steal, and Anna Morgan. Spellings also differed
within the Report, for example, Jerline and Gerline Bonds, and Annie Cordes and Cordiss. Report of the Investigating Committee, 1910, 544-68, 983.

Convict Record. At the Huntsville prison, convicts were randomly chosen for questioning. Report of the Investigating Committee, 1910, 58.


Report of the Investigating Committee, 1910, 547-48, 555-56, 561, 572. Conduct Register. According to the Conduct Register, Martha Strawder (Stroter in Report of the Investigating Committee) received fifteen licks for laziness 26 June 1909. No Carrie Teal was at Eastham farm No. 2, but both Carrie Thomas and Carrie Tate had received fifteen licks in 1909. No punishments were recorded for Lulu Lane between 1905 and 1912. Of approximately twenty whippings recorded during his tenure as sergeant, the only exception to Brabham's limit of fifteen licks was a whipping of twenty licks given to Willie Tunstill 24 August 1907.


Report of the Investigating Committee, 1910, 196, 551, 561. Briggs told the committee that according to the guards "sodomy and kindred vices . . . prevailed a great deal among the women." Although this offense was punishable by whipping, no punishments for sodomy were recorded for the seventy women in the penitentiary during the investigation.


The mother of the baby born in the field was sixteen year old Vira Hallman from Willis who served two years for burglary and was discharged 30 November 1908 at the expiration of her sentence. The baby was probably alive when Briggs first visited the farm because he reported seeing three babies. Dr. Gibson said the baby died at the Eastham farm and Dr. Westmoreland said, "that child died from pneumonia; I was with that child when it died." Convict Record. Report of the Investigating Committee, 1910, 218, 444, 526, 552, 575. Briggs, Texas Penitentiary, 15.


Biennial Report, 1910, 95. Conduct Register. The women's move to Goree was made without board permission. On 21 December 1910 the Board ratified the move.

Brabham was asked if "some good reliable negro woman who could look directly after these women" might serve as matron. He replied that he couldn't "see anything wrong with it; I believe myself it would be a good idea, get the proper person to look after them." Report of the Investigating Committee, 1910, 575. Payrolls, March 1910, December 1910, Penitentiary Records, TSL-A. Department of Commerce and Labor, Bureau of the Census, Thirteenth Census of the United States: 1910--Population, Manuscript Census, Houston County, Texas, Supervisor's District 7, Enumeration District 71, sheet 11, Convict Farm, 30 April 1910. Briggs, Texas Penitentiary, 43.


R. H. Cabiness to Governor R. B. Hubbard, 20 April 1877; Report of Inspector H. K. White, no date, 1878?, Penitentiary Records, TSL-A. White reported, "At Mr. Cabiness' farm there was a good deal of complaint about poor rations. On the 1st of this month we threatened to have his force taken from him if he did not feed better & treat his convicts better generally. On my visit a few days ago I found that they supplied a better variety of food, but the men still complain that they do not get enough to eat; they complain too that they were not supplied with drinking water while at work. The day I visited the farm, one squad was worked from morning till noon without any water, and another squad said they had not had any except some dirty water out of a ditch that was near by. I spoke to Mr. Cabiness about this negligence, and he said that the barrel used for hauling water had been left in another part of the farm, & he had not had time to have it brought over to where the men were then working. The men complain of being stocked very severely. I have tried persuasive measures for some time to get these men to comply with the Rules & Bylaws of the prison in the treatment of convicts, but so far have failed to do so. I have about come to the conclusion that the only way to remedy the evil is to take their force from them.*

Ennis Carlisle, who received one punishment while Brabham was sergeant, suffered a number under Cabiness:

5-9-1912--mutiny with 6 others
1-4-1912--6 hrs dc laziness (dc indicates she was placed in the dark cell; the strap was outlawed by Colquitt, but was later reinstated.)
3-9-1913--9 hrs dc attempt to escape
3-24-1913--24 hrs dc laziness
9-4-1914--24 hrs dc disobeying rules
9-10-1914--24 hrs dc impudence
10-31-1914--45 hrs dc 3 hrs chairs impudence
11-21-1914--40 hrs dc having knife in bldg

Perhaps a decrease in the severity of punishments was matched by an increase in their number.

R. H. Cabiness to J. T. Bowman, 8 March 1912, Oscar Branch Colquitt Papers, Center for American History, University of Texas at Austin, Austin, Texas.
Conclusion

In spite of two moves, public debate over their treatment, testimony by female inmates to members of the legislature, and a bill reorganizing the penitentiary with special provisions for their care, little changed for women prisoners as they were relocated to the Goree farm near the end of the convict lease period in Texas. Women were still a small and distinct class of prisoners separated from the larger body of male inmates. They still lived and worked on a farm, their work and housing assigned by race, now by law instead of custom. They were still guarded and supervised by men, the sergeant still assisted by his wife, now the paid matron. With the move to the Goree farm, female convicts were again under the jurisdiction of Huntsville prison administrators and linked to the Wynne consumptive farm.

The transfer of women prisoners to the Goree farm in 1910 was consistent with the flow of change in the Texas Penitentiary as it was reorganized around a system of state-owned plantations at the end of convict lease. The move was also consistent with underlying unchanged motives of penal administrators, to profit from the labor of prisoners, or at least to limit the cost of their incarceration, while keeping them under tight control. As in the past broad penal policies affected women differently than men. Legislators and administrators clearly hoped the confinement of women at the Goree farm would provide a level of control beyond the usual restrictions on prisoner behavior. Modification of past arrangements, the presence of a matron and the guards' families and the absence of male convicts, was meant to reduce sexual mischief involving female prisoners and the questioning of penal authority that it had brought.
The primary aim of Progressive penal reform efforts in Texas was achieved with the end of the convict lease system. But subsidiary goals making the end of lease meaningful as a reform measure were bypassed or only superficially fulfilled. The matron, the major Progressive goal for women convicts, had quickly become less an independent advocate of their proper care than an extension of her husband's authority and interest. Positions in the penitentiary remained within the patronage of the governor. The isolation of prisoners on penal farms, the scenes of uncontrolled past brutality, continued. Though whipping was restricted by elaborate regulations, it continued to be allowed, and to be abused.1

The movement for penal reform increased the authority of penal officials and hardened the institutional structure of the penitentiary. In Texas, as was typical of Progressive Era reforms in incarcerative institutions, the alliance "between self-styled reformers and administrators, between the ideal and the practical," "undercut the aims of the original design. What remained was a hybrid . . . one that fully satisfied the needs of those within the system but not the ambitions of reformers."2

In subtle ways, as the authority of penal officials increased, individual choices available to prisoners, and especially to women prisoners, decreased. Discretionary heterosexual relationships, almost non-existent for male prisoners, became rare for women as well. Clothing, which had been largely individual for the women, was standardized. To contain the women's behavior, a harsh taskmaster was chosen as their sergeant.

Isolation, the central trend in the care of women prisoners, beginning with the assignment of women to the Johnson farm in 1883 and ironically encouraged by the women's own testimony during the 1909
investigation, continued when women convicts were transferred to the Goree farm. In early 1912 a letter to the *Houston Chronicle* complaining about the pregnancy of a female inmate who had worked for Commissioner L. W. Tittle prompted a final move for women prisoners in response to negative publicity. Governor Colquitt acted with dispatch. Within days of the publication of the letter, the few female domestics allowed to Huntsville officials, the only female inmates not confined at the women's farm, were moved to Goree, the location for Texas women prisoners until 1981.3

2 Rothman, *Conscience*, 7, 45.

3 Houston *Chronicle*, 31 January 1912. A letter to the *Chronicle* from S. F. Williams, Huntsville, Texas, said "The present incumbent should be removed for the purification of the moral atmosphere where convicts are employed. This man's relations with a convict woman, who has since been removed to the farm, makes necessary his removal." Pearl Williams, the convict servant of board member L. W. Tittle became pregnant while in the penitentiary. She was sent from the Goree farm to Huntsville 21 May 1911 and was returned to Goree 9 December 1911. She gave birth to a daughter on 5 January 1912. Ben Cabell, Chairman of the Board of Prison Commissioners wrote Governor Colquitt that the father was "a citizen negro." Dr. Bush said that the baby was not full term. Ben E. Cabell to Governor O. B. Colquitt, 5 February 1912; L. H. Bush to Ben E. Cabell, 4 February 1912; Letters Received, Oscar B. Colquitt Papers (RG 301-333), Archives Division - Texas State Library. Telephone conversation 28 March 1994 with Charles Brown, Assistant Director for Public Information, Texas Department of Criminal Justice, Institutional Division. Women prisoners were transferred to Gatesville in July, 1981.
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