

Protecting Texas' Most Precious Resource: A History of Juvenile Justice Policy in Texas



Part I

The Path to the Texas Youth Council:
Creating a Protective Umbrella
for Juvenile Offenders
1887-1949

Cover Image:

“Dusky Populace of Harris Hall,” State Juvenile Training School Pictorial Review
(Gatesville, TX, 1932)

I began to think over this business of punishing infants as if they were adults and of maiming young lives by trying to make the gristle of their unformed characters carry the weight of our iron laws and heavy penalties...

~ Ben B. Lindsey and Rube Borough
The Dangerous Life (1931)

Author

William S. Bush, Ph.D.
Department of History
Texas A&M University - San Antonio

Editor

Isela Gutiérrez
Juvenile Justice Initiative Director
Texas Criminal Justice Coalition

Design

Kim Wilks



**TEXAS CRIMINAL
JUSTICE COALITION**

*Working towards real solutions to the
problems facing Texas' criminal and
juvenile justice systems*

© 2008 Texas Criminal Justice Coalition.
All rights reserved. Any reproduction of the
material herein must credit the
Texas Criminal Justice Coalition.
Copies of this report are available for free at
www.criminaljusticecoalition.org.

TABLE OF CONTENTS



- I. Introduction: Protection or Punishment: Conflicting Goals
in the History of Juvenile Justice i
- II. The Pre-TYC Era: Cycles of Scandal and Reform, 1887-1947..... 1
 - Gatesville Reformatory, 1887-1889..... 1
 - Texas Juvenile Court Laws, 1907-1919..... 2
 - The Training School Movement in Texas, 1910s 4
 - Gainesville Training School for Girls, 1916 7
 - Abuse Scandals in the 1920s: Death, School, Labor, and
Racial Inequality 10
 - Brady School for Black Delinquent Girls, 1927-1947 14
 - Rise of Community Prevention in Texas Cities
in 1930s and 1940s 17
- III. The Creation of TYC, 1947-1949..... 19
 - Public Pressure 19
 - Texas Training School Code Commission, 1947-1949 22
- IV. Conclusion: A New Beginning? 25

INTRODUCTION

PROTECTION OR PUNISHMENT: CONFLICTING GOALS IN THE HISTORY OF JUVENILE JUSTICE

Since the founding of the state's first reform school for delinquent boys in 1887, Texas has grappled with policy questions strikingly similar to those that currently confront legislators, experts, and citizens seeking to reform the Texas Youth Commission. This report traces the history of juvenile justice policy in Texas from 1887 to the establishment of the Texas State Youth Development Council in 1949. During this time there were two major cycles of scandal and reform in the state's juvenile justice system, shadowing national debates about the best way to handle delinquent youth. Juvenile justice systems separate from adult criminal justice systems were first developed during the Progressive Era. The model was refined after World War Two, when large states such as California brought previously autonomous "training schools" under the authority of statewide agencies.

American institutions for dependent and delinquent juveniles date back to the 1820s, when the New York House of Refuge was opened. Subsequent "reformatories" or "houses of correction" typically operated according to a custodial model that emphasized moral reform, hard labor, and punishment. By the end of the 19th century, most states, including Texas, maintained at least one such institution. At the turn of the 20th century, reformers began to promote the idea that youthful offenders were less responsible for their actions and more amenable to rehabilitative treatment than their adult counterparts. The nation's first juvenile court opened in Chicago in 1899, and within 20 years juvenile courts existed in every state, although they varied wildly in quality and practices. Texas adopted a juvenile court statute in 1907. The juvenile court movement also sought to transform punitive reformatories into humane "training schools." Reformers envisioned such a system as the nation's best hope for preventing delinquency and rehabilitating juvenile offenders.

These steps reflected the deeply held belief of a disparate group of Progressive reformers, often dubbed the "child savers," that childhood and adolescence represented distinct developmental stages that required careful nurturing and protection. During this period, reformers passed laws lowering the age of consent,¹ establishing compulsory education, outlawing child

Many of the worst abuse scandals and missteps have stemmed from meager budgets, and the inadequate services, poorly trained employees, and unqualified administrators that result.

labor, and creating the United States Children's Bureau, dedicated entirely to the needs of children and youth. This array of endeavors formed what one historian has called a "protective umbrella" that attempted to shield youth from the burdens and dangers of the adult world.

However, juvenile justice often struggled to live up to its lofty ideals of preventing serious delinquency and rehabilitating delinquent youth while also protecting public safety. The story told in this report is one of rising expectations rarely met in reality. A pattern has emerged over the past century nationally and in Texas, in which public outrage over the abuse of juvenile delinquents is followed by promises of reform and sudden investments of funds into juvenile justice agencies. However, once the spotlight on juvenile justice has faded, the funds have quickly dried up - often followed by media reports of startling new levels of violent juvenile crime. Elected officials respond to public fears by passing "get tough" legislation that periodically reintroduces the trappings of the adult criminal court and prison system into juvenile justice. Budgetary requests for community-based prevention, intervention, and diversion programs are passed over in favor of the construction of expensive maximum security facilities, the long and checkered history of which this report details. Typically located in isolated rural areas, these facilities historically have failed to improve public safety or rehabilitate juvenile offenders. More often than not, they have served as "dumping grounds" for the most difficult cases and helped to nurture troubling racial and ethnic disparities in the treatment of juvenile offenders.

There are several important lessons to be drawn from this history. First, dating back to the early 19th century, juvenile justice has never been an "immaculate" institution, frozen in time; instead, it has evolved, often grudgingly, in response to public criticism.² Second, juvenile justice agencies and policymakers have often repeated past mistakes - almost verbatim. Consensus among juvenile justice practitioners and experts had held since at least the 1940s that juveniles are best rehabilitated by individualized care, delivered close to their families and communities. However, this approach rarely has been put into practice, largely due to perceived costs, which suggests a third lesson: juvenile justice requires sustained support, resource investment, and vision. Many of the worst abuse scandals and missteps have stemmed from meager budgets, and the inadequate services, poorly trained employees, and unqualified administrators that result.

These perpetual problems have been repeatedly unearthed by the press, only to be reburied again once the public's anger has passed. In this report, readers will encounter public attacks on juvenile justice in every decade of the past century that evoke the language of 2007 so closely as to be barely distinguishable. The reason for this pattern forms the fourth and final lesson of this report: Too often delinquent youth themselves have been visible in public discussions of juvenile justice only as hardened criminals already at the developmental stage of adult responsibility. This portrayal often has allowed the public to view juvenile offenders, at best as, "other people's children," which in turn has sustained the existence of abusive and ultimately ineffective juvenile justice policies.

THE PRE-TYC ERA: CYCLES OF SCANDAL AND REFORM, 1887-1947

GATESVILLE REFORMATORY, 1887-1889

In 1886, after visiting with youthful offenders incarcerated in the Rusk State Penitentiary, the Texas chapter of the Women's Christian Temperance Union launched a petition drive calling for the separation of juvenile and adult offenders. The following year, the Texas legislature passed an "Act providing for a House of Correction," and in August, 1887, state commissioners purchased nearly 700 acres of land two miles northeast from the town of Gatesville. Eager for the anticipated jobs the institution would provide, local residents helped pay for the land above the state's own appropriation. The first large statewide juvenile reformatory in the South, Gatesville opened in January, 1889.

"The lay of the land is most beautiful," wrote one commissioner, "and commands the most beautiful and picturesque scenery we have ever had the pleasure of witnessing."³ The initial campus was comprised of two buildings "fitted with all modern appliances, an engine and engine house, electric light machine," and a "first-class" laundry. With an "imposing appearance and pleasing to the eye," the campus buildings, according to state officials, had "scarcely a resemblance to a prison."⁴ The superintendent, Captain Ben E. McCulloch, presided over a farm labor program that began with 86 inmates.

Founded in 1854, Gatesville was the government seat of Coryell County, whose economy developed around cattle ranching, lumber, and, by the 1880s, cotton cultivation. The population numbered just short of 17,000 in 1890, the year after the House of Correction opened its doors. There were few African-Americans in the county, most of them share-croppers and tenant farmers.

TEXAS JUVENILE COURT LAWS, 1907-1919

Women-led reform organizations played a central role in pressuring the legislature to improve the treatment of juvenile offenders in the early 20th century, just as they had played a role in establishing the system in the 1880s. The Texas Federation of Women's Clubs, the Young Women's Christian Association, and the Texas Congress of Mothers mounted a series of child-saving campaigns in the first decades of the century. In the 1920s, these associations pooled their efforts to form the Joint Legislative Council, or the "Petticoat Lobby."

One of their signal accomplishments was passage of the Juvenile Delinquency Court Act in 1907, which established juvenile courts for offenders under 16 years old and required parental notification of charges. However, unlike other states, Texas designated juvenile courts as criminal rather than civil proceedings, a difference that would continue to shape the disposition and treatment of young offenders for years to come. Moreover, the law lacked concrete guidelines for court procedure, probation, or sentencing. Unlike the nation's first juvenile court in Chicago, the Texas version emphasized punishment over rehabilitation and criminal responsibility over child protection.

The authority of juvenile courts was expanded and clarified under the Juvenile Delinquency Court Act of 1913, which granted it original jurisdiction over all offenders under the age of 17, regardless of the severity of their offense. Although the court would remain classified as a criminal proceeding until 1943, it now was required to issue "indeterminate sentences" between one and five years up to the age of 21. (Previously, youth incarcerated at Gatesville could gain their release as their adult counterparts did: through completion of sentence, by a "recall" issued by the sentencing court, or through executive pardon.) The rationale for indeterminate sentencing held that progress toward rehabilitation should form the key determinant for parole or release back into the community. However, like so much else about early juvenile justice, rehabilitation remained poorly defined and usually co-existed with punitive features of adult criminal justice. The juvenile court became a hybrid forum for both criminal and status offenses (crimes, such as curfew violation, underage drinking, or the vaguely construed category of "incurability," that would not be crimes if committed by adults), which created uncertainty about the rights of juvenile defendants, the place of juvenile probation and parole, and the legal reach of the court.

These gray areas gave rise to a series of habeas corpus appeals filed on behalf of juvenile delinquents in the first decade after passage of the 1913 Act. For

Unlike other states, Texas designated juvenile courts as criminal rather than civil proceedings, a difference that would continue to shape the disposition and treatment of young offenders for years to come.

example, in April, 1919, the Texas Court of Criminal Appeals considered the case of a 13-year-old boy named Raymond Brooks who had been committed to Gatesville for the crime of "stealing twenty empty grain sacks worth ten cents each."⁵ The appeals court noted that indeterminate sentencing created equivalent penalties for nonviolent and violent offenders. Thus, Brooks could potentially serve "three years more" time than if "he was sixteen and charged with murder." The court also noted that Brooks' father had not been notified of the charge and had been prevented from retaining a lawyer. In siding with Brooks, the court stated that juvenile offenders were entitled to legal representation. A similar case extended juveniles' right to post bail while a case was pending. The desire for bail was motivated by the lack of separate juvenile detention centers in most jurisdictions, a feature envisioned by national reformers but rarely carried forward in practice.⁶ Although such appeals were unusual and set no major precedents in practice, they provoked complaints from the Gatesville superintendent about being "hauled into court" gratuitously due to statutory vagaries which implied that juvenile delinquents were wards of the state but also retained constitutional rights reserved for adult defendants. Gatesville officials viewed these cases as incursions into their proper sphere of authority, and they complained about them throughout the 1910s and 1920s.

Adding to the uncertain legal status of juvenile proceedings was the haphazard establishment and operation of local juvenile courts. In general, urban juvenile courts more faithfully adopted the features recommended by national reformers. For instance, by the 1930s, Houston, Galveston, and Dallas each had established a separate juvenile court with an elected judge, a juvenile probation department, and a separate juvenile detention center. The juvenile courts in Houston and Dallas also retained the services of a child guidance clinic. By contrast, smaller towns typically offered few, if any, services. In rural areas, juvenile cases might be heard once or twice a month in the nearest district court. Accused juveniles awaiting trial in such locations typically languished in the county jail along with adult offenders. Such practices were not unique to Texas; a 1918 survey conducted by the U.S. Children's Bureau revealed that only 4% of all juvenile courts served rural areas, with another 16% in smaller cities.⁷



"The White Road," *Texas State Juvenile Training School Biennial Report*,
October 1, 1914. Courtesy of the Texas State Library and Archives.

THE TRAINING SCHOOL MOVEMENT IN TEXAS, 1910s

In 1909, state policy-makers enacted legislation removing Gatesville from the penitentiary system, placing it under the control of an appointed Board of Trustees. The facility was renamed the "State Institution for the Training of Juvenile Delinquents," and later simply the "State Juvenile Training School."⁸ The name change reflected a philosophy that institutions for juvenile delinquents should be places of academic and vocational education, rather than forced labor. Between 1880 and 1920, nearly every state moved in this direction.

At Gatesville, however, the new approach was not without controversy; a staff revolt ensued when superintendent W.H. Adams attempted to abolish corporal punishments such as "pulling toes," in which boys were forced to stand bent over holding their toes with their hands for long periods; and, "bustings," in which boys were made to stand with their arms over their heads while a guard "flogged" them with a bat. The guards responded first by allowing, and by some accounts even encouraging, inmate escapes; ultimately, the staff walked off the job, forcing superintendent Adams to recruit replacements from among the local residents (many of whom supported the walkout).⁹ In describing the impasse, *The Dallas Morning News* labeled Gatesville "a hybrid institution" that had not shed the "stigma of prison."

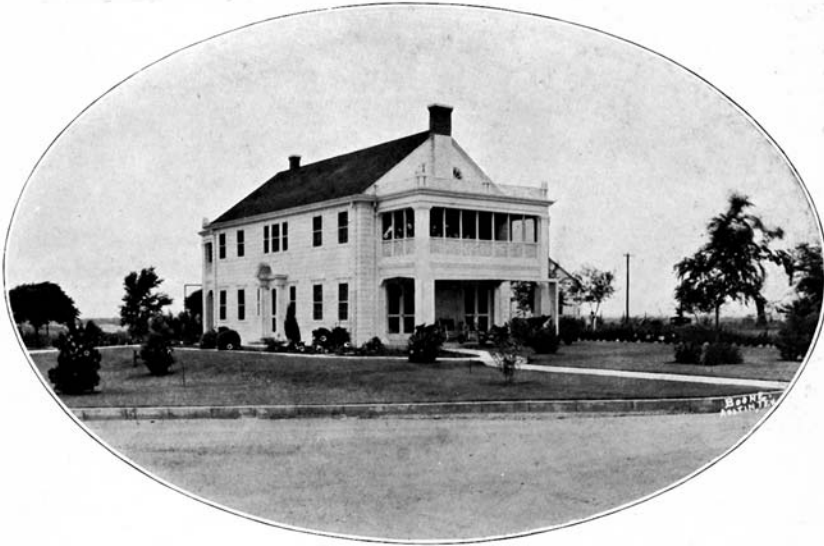
*In and around it there is much of the insignia of a State's prison. Attaches as well as the citizens of the neighborhood speak of the institution as "the reformatory" and of its inmates, not as "students" or "cadets," but as "prisoners" or "convicts," and one hears all such terms as "putting up time," "busting," etc., employed as familiarly as they are in a penitentiary. Also the boys have numbers. ... In fact, the State is attempting to conduct at Gatesville a combined reformatory and juvenile training school, an effort doomed to failure.*¹⁰

The crisis prompted a visit from Texas Governor Oscar B. Colquitt, who toured the institution along with representatives of the Texas State Conference of Charities and Corrections (TSCCC). An apocryphal-sounding story described their visit to the institution's tailor shop, where boy inmates made prison uniforms. Reportedly, Colquitt held up a pair of poorly stitched trousers and, "touched with pity and compassion for the creature who might have the shapeless garment to wear," asked the superintendent why he could not "have them made a little neater."¹¹ The tour conveyed a bleak impression of Gatesville, which by this time consisted of two dormitories, a school building, a guard house, a kitchen and dining hall, a power plant, a chapel, a superintendent's residence, and assorted barns and livestock houses. The inventory included three "Kentucky dogs" for tracking escapees, and 644 feet of "Texas fence" - barbed wire - which surrounded the grounds.¹²

Concerned about the facility's resemblance to an adult prison, legislators dedicated a large portion of the 1913 Juvenile Act to establishing new guidelines for Gatesville. In crafting this legislation, the governor, legislature, and women's reform groups drew on the thinking of national reformers, who envisioned the training school as offering a more "scientific" approach to juvenile rehabilitation that emphasized education over labor. As a result, the 1913 Juvenile Act declared explicitly that Gatesville was now an educational rather than a penal institution, which would include a "common school, as well as industrial, or agricultural branches."¹³ Schooling was especially important, the Act noted, as a growing number of juvenile courts across the state were expected to send even larger numbers of boys - including status offenders guilty of "delinquency, dependency, incorrigibility or truancy" - to Gatesville.¹⁴

The newly appointed Gatesville superintendent, A.W. Eddins, was a graduate of the Sam Houston Normal Institute in 1894 and had spent the previous decade as the school superintendent for nearby Falls County.¹⁵ Eddins typified the training school superintendents of the era, who wielded near-total institutional authority and exercised substantial public influence. The typical superintendent was "practically supreme"; according to an appraisal of the nation's training schools published by the U.S. Children's Bureau, he

SUPERINTENDENT'S RESIDENCE



This picture speaks for itself. It adequately serves the purpose for which is being used.

"Superintendent's Residence," *State Juvenile Training School Pictorial Review* (Gatesville, TX, 1932).

"makes decisions on all subjects, issues all orders, supervises all departments, [and] passes on all questions of standards and scientific work," including all parole and release decisions.¹⁶ Eddins also seemed to embody the more humane and "scientific" attitude towards which the Texas system was then striving. In a November, 1913 address at the Fort Worth meeting of the TSCCC, Eddins sympathetically described Gatesville boys as "the most misunderstood, misrepresented and mistreated" group in Texas, and outlined plans for a new dormitory building, a "trades" building for vocational education, and the hiring of professionally trained teachers and a school principal.¹⁷

The institution's first academic curriculum offered classes at the elementary, intermediate, and advanced levels.¹⁸ In 1915, the state Board of Education certified the training school as an Independent School District, which made some public education funds available for teachers' salaries and school supplies. These funds, along with private donations, enabled the school to open a lending library that quickly amassed a collection of over 2,000 books, magazines, and newspapers. Eddins introduced extracurricular programs that simulated those emerging in public high schools across the nation, including baseball, football, and a school newspaper.¹⁹ Religious services became more elaborate than in the past. In the first year of Eddins' administration, Gatesville conducted eight separate Sunday school classes divided by grade levels. The Gatesville chaplain, a Methodist, invited a local Catholic priest and a Jewish rabbi to visit on a monthly basis.

Another key feature of the curriculum was military discipline, maintained under the leadership of a commandant who organized the boys into drill companies. Formations, marches, flag ceremonies, khaki uniforms, and salutes became part of everyday life. Once a week, the "State Boys' Battalion" put on public drill performances, accompanied by a 30-piece marching band also comprised of inmates, in what surely must have seemed like spectacular evidence of the institution's improvements. A widely reprinted editorial, "Better Boys," praised the military program for instilling discipline, respect for authority, responsibility, and patriotism.²⁰

Entwined with the military program was a merit and demerit system that measured inmates' progress toward rehabilitation. Well-behaved boys could be promoted to the rank of "cadet captain," which put them in charge of their own company. Boys who had progressed the furthest toward their release slept in a newly christened "honor cottage"; soon they would meet with the new Gatesville parole officer, whose job was to review case files once a boy had served an informal mandatory minimum sentence of one year. Gatesville officials touted this system as a major improvement on the "black bats" and "dark cells" of the reformatory.²¹

Corporal punishment was banned "except as a last resort to maintain discipline"; even then, it was restricted to no more than 20 blows with an implement that would not cause "bodily injury," and that could only be administered in the presence of the superintendent and a nurse.²²

GAINESVILLE TRAINING SCHOOL FOR GIRLS, 1916

Texas' first facility for delinquent girls opened in 1916 in Gainesville, located north of Dallas near the Oklahoma border. The Gainesville facility's stated mission was "to provide a home for delinquent and dependent girls where they may be trained in those useful arts and sciences to which women are adapted," to inculcate a sense of "the sacredness of the responsibility of parenthood and wifehood," and "to prepare them for future womanhood and independence."²³

In contrast to Gatesville, Gainesville served a much smaller inmate population and enjoyed more consistent and superior leadership. Situated on 160 acres, Gainesville received a total of 232 girls in its first four years.²⁴ By 1920, its average daily population was 71 girls. The vast majority came from cities, including nearly half from the nearby Dallas-Fort Worth area alone. New arrivals underwent medical, dental, and intelligence screenings, which revealed that nearly all of them required attention for preventable illnesses. One-third suffered from venereal disease, a reflection of the leading offense



"Gainesville Girls' Physical Education Calisthenics," *Third Annual State Eleemosynary Schools Exhibit and Fatstock Show Catalog*, April 10-11, 1946, Camp Mabry, Austin, Texas.
Courtesy of the Texas State Library and Archives.

categories of sexual delinquency and "incurability." In response, Gainesville's planners devised a program to encourage what were seen as appropriate feminine behaviors, starting with private housing accommodations. In contrast to the congregate dormitories that persisted at the boys' training school, Gainesville adopted cottages, each of which included ten private bedrooms and a space for the cottage matron.

Gainesville's progressive mission was largely the brainchild of its first director, Carrie Weaver Smith, a native of the South who had earned a medical degree in the Northeast. During her 12-year tenure at Gainesville, Smith distinguished herself on the national stage as an expert on female delinquency. In 1922, *The Survey*, the leading national publication of social work, featured Gainesville prominently in an article entitled "Where Girls Go Right." Miriam Van Waters, the nationally known referee of the Los Angeles Juvenile Court, praised Gainesville as one of the "most progressive" of the 30 state training schools she visited on a national survey.²⁵ "Dr. Carrie Weaver Smith has probably gone further than anyone else in stressing the school side of the program," Van Waters wrote, alongside a photograph of Gainesville girls preparing doughnuts in a "domestic science" class.²⁶ So focused was Gainesville on providing "individualized" instruction that institution-maintaining labor was performed by hired male workers.

The article also noted the absence of corporal punishment and the inclusion of sex education, both topics about which Smith wrote and spoke widely. In 1920, she delivered a major address to the National Conference of Social Work entitled "The Unadjusted Girl," which blamed adults for female delinquency.²⁷ According to Smith, many of the girls charged with sexual delinquency were

victims of adult males, often relatives, who had escaped legal or moral sanction. These "children of squatters" living in "covered wagons" and "shotgun houses," she asserted, were surrounded by "moral and physical filth." Smith frequently invoked eugenicist thought, asserting that most delinquent girls were the products of "unspeakable" homes headed by "unfit" or "mentally defective" parents. To illustrate the point, Smith often told vignettes such as one about a 15-year-old girl who had sauntered into Smith's office and insisted that at home she was accustomed to "having half a pint of whiskey and two packages of 'Camels' a day."²⁸ In her view, state laws restricting marriage might prevent such poor parentage.

Smith bluntly criticized the state's unwillingness to invest sufficient resources into juvenile justice. In her reports to the legislature, Smith wryly complained that she was forced to search outside of Texas for qualified teachers and social workers because of a shortage of academic programs, inadequate salary scales, and the low social status accorded to such careers in the state. Despite these limitations, Smith managed to establish at Gainesville a widely admired curriculum that included academic, vocational, and moral programming. In addition to home economics, the vocational department offered more career-related training in such "women's jobs" as stenography, typewriting, and bookkeeping. The girls also took required classes in baby and child care, along with a 12-part lecture series on "sex hygiene." A devout Christian, Smith sought to "arouse the unawakened religious sense" of the girls, two-thirds of whom had not attended church regularly prior to their adjudication.²⁹ Bible instruction and religious assemblies took place twice a week, supplementing lengthy Sunday services.

The emphasis on moral uplift shaped extracurricular activities as well. By 1920, the institution had established local charters from both the Young Women's Christian Association and the Girls Scouts of America (GSA). The first correctional school ever to apply for a GSA charter, Gainesville reported having three troops with 54 girls, and in its early years it awarded over 300 merit badges for "homemaking, canning, cooking, home nursing, athletics, farming, first-aid, and home economics."³⁰ At the same time, GSA gave girls a semblance of "normal" childhood life; members took a number of field trips to local stores, movie theatres, and outdoor picnic sites, and played sports such as tennis, basketball, volleyball, and croquet.

Girls who had earned the opportunity for parole consideration moved into the "Texas Cottage." Decorated with furniture and a Victrola phonograph player donated by a local women's Bible study group, the cottage prepared girls for the transition back to their home communities. Residents of the Texas Cottage were permitted to go on supervised excursions into the town of Gainesville, including Sunday services in a local church.

In contrast to Gatesville, which attempted to superimpose a training school model upon a correctional structure, Gainesville's program was founded on the assumption that its charges could be rehabilitated. The emphasis on privacy, adult mentoring, education, and adolescent development all distinguished Gainesville's program as one devoted to juvenile rehabilitation. Gainesville enjoyed a substantially lower inmate population and well-educated leadership, all of which contributed to a strong public reputation into the mid-1920s.

**ABUSE SCANDALS IN THE 1920S:
DEATH, SCHOOL, LABOR, AND
RACIAL INEQUALITY**

The Progressive Era's public and political support for rehabilitative treatment of juvenile offenders was short-lived. Training schools became enmeshed in the increasingly polarized world of Texas state politics, particularly the Democratic machines associated with James ("Pa") and Miriam ("Ma") Ferguson.³¹ The Fergusons' supporters ousted Eddins in 1915 and Smith in 1925, putting an end to many of the reforms they had promoted.

Table 1: New Admissions to Gatesville, 1910-1935						
Year	1910	1915	1920	1925	1930	1935
	277	493	822	1,042	1,085	1,371
<i>Sources: Biennial Reports of the State Juvenile Training School, 1910-1918; Reports of the State Board of Control, 1920-1936</i>						

In 1920, the legislature established the Texas State Board of Control (TBC) to oversee all of the state's "eleemosynary" (this adjective is roughly synonymous with "charitable") institutions for deaf, blind, mentally ill, dependent, and delinquent populations.³² This governance model, adopted by many other states, attempted to bring previously autonomous superintendents under state control. However, in practice, the TBC depended completely on the superintendents. Physically remote from Gatesville and Gainesville, the TBC's attention was divided between several institutions, resulting in fairly lax regulation. Where the Gatesville trustees had been comprised of eight members who met monthly, the TBC's three members held quarterly meetings. This decline in oversight resulted in less frequent and less thorough reports submitted by superintendents throughout the 1920s and 1930s. Lengthy narrative descriptions of activities vanished; by 1932, the average annual report shrank to only about a page long, although the population of juvenile inmates continued to grow.

In November, 1921, a drill master named H.G. Twyman was convicted of murdering a 15-year-old inmate named Dell Thames for "falling down and refusing to drill."³³ The case drew critical media attention and Gatesville superintendent Charles E. King was temporarily forced to resign, but conditions for Gatesville inmates remained harsh.

Table 2: Proceeds from Inmate Labor, Gatesville State Juvenile Training School, 1909-1926				
Year	Cotton	Other	Labor fees	Total
1909-1910	\$6,041.60	\$1,085.26	\$477.15	\$7,604.01
1911-1913	\$13,139.90	\$742.60	\$3,120.14	\$17,002.64
1913-1914	\$3,614	\$1,676.75	\$5,282.62	\$10,573.45
1917-1918	\$8,317	\$244.36	\$7,092.21	\$15,654.41
1918-1920	\$13,562.15	\$6,382.47	\$5,155.78	\$25,100.40
1921-1924	unreported	unreported	unreported	\$37,903.14
1925-1926	unreported	unreported	unreported	\$12,407.74

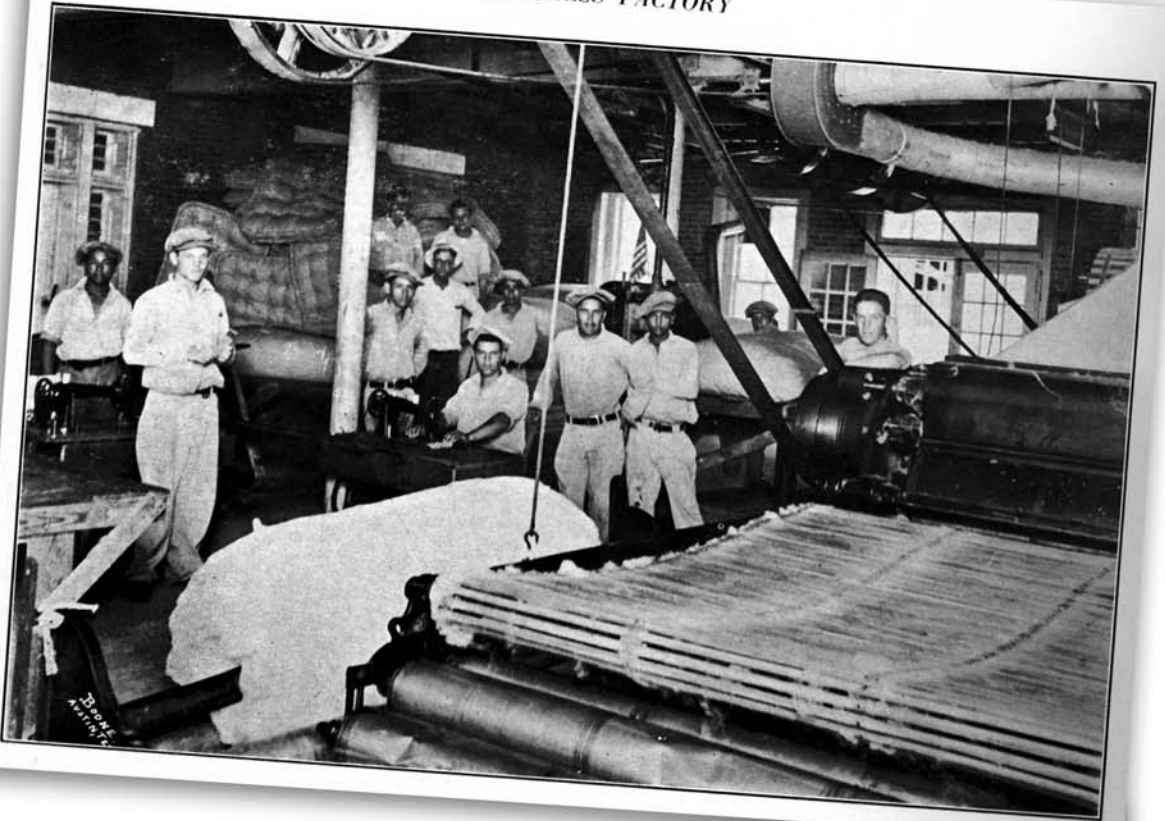
Source: Biennial Reports of the State Juvenile Training School, 1910-1918; Reports of the State Board of Control, 1920-1936

During the 1920s, Gatesville escalated its use of regimentation, surveillance, and labor. The average inmate performed military drills for 28 hours a month and 330 hours annually. Teachers, supervised by Gatesville chaplain H.E. Luck, screened the letters that boys were required to write home each week. They also opened and read all incoming mail.

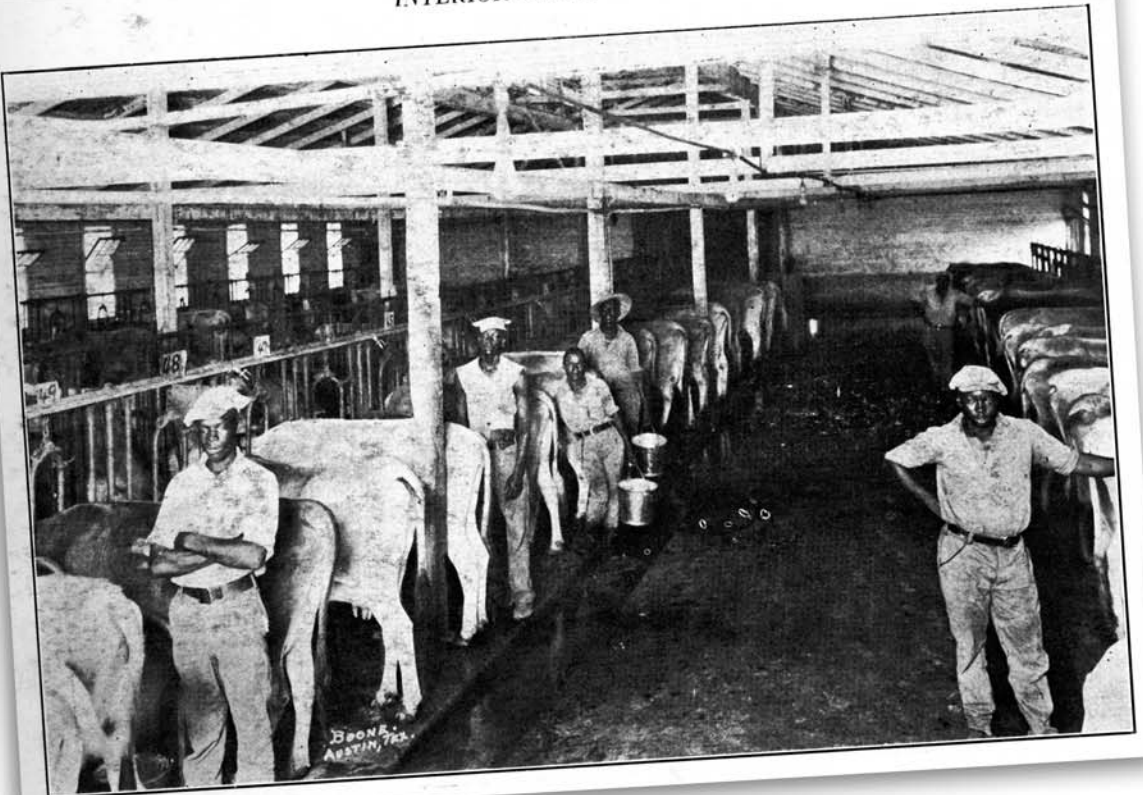
As the optimism of the early 1910s declined, educational programs faltered. A 1936 study revealed that 97% of whites and 94% of blacks were working below grade level, with three-fourths of inmates having fallen more than two years behind.³⁴ Much of the curriculum consisted of subjects such as spelling, table etiquette, "story hour," and current events. That same year, in an opinion survey, Gatesville teachers described most inmates as "incapable" of working at grade level because of innate deficiencies in intelligence. This view was widely held nationally; the 1930 White House Conference on Children and Youth reported that "90 per cent of the children admitted to correctional institutions" were "retarded from one to seven years."³⁵

Meanwhile, youth were increasingly used as laborers, principally under the guise of vocational education. The offering of formal courses in auto repair, carpentry, and printing seemed to emulate the vocational curriculum developing in many urban high schools during the interwar era. Such courses were expected to improve morale and reduce recidivism by preparing youth for careers after their release. National juvenile justice experts concurred, but warned that vocational education must go hand in hand with other reforms: smaller class sizes, more precise inmate classification procedures

MATTRESS FACTORY



INTERIOR DAIRY BARN



"Mattress Factory" and "Interior Dairy Barn,"
State Juvenile Training School Pictorial Review (Gatesville, TX, 1932).

based on age, offense, and psychological interviews, and a diagnostic intake that would uncover the "special aptitudes" of individual inmates to allow for solid placement decisions. Without these additional measures, warned experts, vocational programs might easily be reduced to the "drudgery" of child labor.³⁶

At Gatesville, the vocational program masked a veritable factory. In 1926 alone, the Gatesville tailor shop produced 38,316 garments; the shoe shop repaired 4,295 pairs of shoes; the laundry washed and ironed the uniforms of 733,000 inmates and 55,207 employees; the plumbing shop performed over 2,300 jobs; the printing office produced over 86,000 official documents (along with 48 issues of *State Boys*, a newsletter published by the inmates which typically lavished praise on Gatesville); the barber shop gave over 10,000 shaves and 11,000 haircuts to boys and men; the bakery made over 265,000 loaves of bread; and the dairy provided 47,203 gallons of milk and 14,500 pounds of butter. That same year, youths were leased out to work on about 2,300 acres of farm land owned by at least five local farmers. The overall proceeds from "labor, farm products, [and] industrial departments" totaled nearly \$12,500 - almost the facility's entire annual budget. Official rhetoric lauded the "Manual Training Program" as "better than the courts" at inculcating discipline and a love of work.³⁷ Farm labor particularly was held up as "one of the greatest curative agents" for inmates, primarily because they more often came from metropolitan areas by the late 1920s.³⁸ "More than ninety percent are city boys," wrote recently rehired superintendent King³⁹ in 1927, who believed boys benefited from "work out in the open air and sunshine... as near nature as possible."⁴⁰ However, the reality departed starkly from such high-flown rhetoric; employees and inmates alike viewed the "Farm Squad" as the least desirable labor placement. According to a 1936 study, new inmates received mandatory farm assignments for the first two months, after which they could work their way up to a vocational placement. Well aware that most boys were "not good prospects for future farmers," staff also used field assignments as a form of punishment for bad behavior.⁴¹

The 1927 inauguration of reform Governor Daniel J. Moody, Jr., signaled a revival of Progressive political clout and a new round of reforms in the state's prison system. Attention also fell on Gatesville, an institution at which many adult felons had served time. That August, the TBC voted to ban the hiring out of boy inmates to local farmers as convict laborers, a practice that mirrored Texas' adult prison system and had existed at Gatesville since its inception.⁴² Gatesville officials balked at the idea, fearing an uprising from local farmers and an inability to maintain order without the bludgeon of field labor. However, a group of Galveston-based reformers launched a public attack on the practice of juvenile convict leasing, which began with an editorial in the *Galveston Tribune* that asked why "we must make peons of the unfortunate boys, most of whom have been denied childhood's greatest boon, in order to pay the salaries of their keepers."⁴³ The editorial accused

Gatesville of sanctioning a form of "slavery" that constituted a "crime against childhood."⁴⁴ Ultimately, public outcry forced Gatesville to end the leasing of juvenile inmates; however, their use as laborers to maintain the institution went on basically unchanged.

Gatesville's extensive farm program fell most heavily on black inmates. Indeed, race formed a central organizing principle for the institution. The pivotal 1913 Juvenile Act explicitly stated "that the white boys shall be kept, worked and educated entirely separate from the boys of other races, and shall be kept apart in all respects." Out of a dozen teachers on staff, the only one assigned to black students was a former night watchman who lacked any formal training in education. Within a few years, rising numbers of black juvenile commitments exacerbated this inadequate arrangement. By 1917, the black dormitory built to house 125 boys held nearly twice that number. Ill-prepared to handle this influx of black inmates, Texas officials refused to expand the availability of either dormitory or classroom space. As a result, only about half of all black inmates were permitted to attend school, and those that did were forced to divide their days evenly between the classroom and the cotton field. Meanwhile, black inmates over the age of 16 received no schooling at all, instead toiling outdoors much as their predecessors had during the reformatory era. This pattern of inadequate or non-existent schooling for black inmates persisted throughout the first half of the century. This reflected a national trend, according to a 1923 Census Bureau study of children in institutions, which found that half of all institutionalized black juveniles, even those who were "dependent" rather than delinquent, were committed to quasi-penal institutions such as prisons, workhouses, jails, or reformatories.⁴⁵

Gatesville's program never really broke away from the assumptions of the reformatory era that viewed residents as "inmates" rather than "students." Hard labor, congregate housing, rigid discipline, and the use of untrained staff as "guards" rather than "mentors" all persisted during what proved to be a short-lived period of limited reform.

BRADY SCHOOL FOR BLACK DELINQUENT GIRLS, 1927-1947

While racial segregation was a fact of life in Gatesville, black girls were excluded altogether from Gainesville. As early as 1916, Gainesville superintendent Smith urged the legislature to create a separate training school for black delinquent girls.⁴⁶ At the same time, the Texas Association of Colored Women's Clubs (TACWC), founded in 1905, also began a campaign for a black girls' school.⁴⁷ In the 1920s, a decade which saw white and black women work together on a host of reforms, the effort gained the support of the all-white Texas Federation of Women's Clubs, which had been instru-

mental in pushing prior juvenile court and training school legislation, as well as the "Petticoat Lobby," an umbrella organization of reform groups. In 1927, this interracial coalition of women's reform groups managed to convince the legislature to authorize the construction of a training school for black girls. Authorization, however, did not amount to much; the legislature withheld all funding for the school for nearly 20 years.

However, a rising chorus of complaints from civil rights groups, local juvenile justice authorities, and state officials pushed for a resolution. These demands reached a crescendo during World War Two when young black girls were blamed for the spread of venereal disease among U.S. troops stationed in Texas cities. Leading public officials and civic organizations in Dallas, Houston, Austin, Nagodoches, and San Antonio signed petitions urging the TBC to include the new training school in their budget request to the legislature.

The public safety issue gave the school the impetus it needed to finally win funding from the legislature in 1945. The United States Army provided a site for the new school: Camp Brady, a recently decommissioned prisoner of war camp located about 115 miles northwest of Austin. Under pressure from black civil rights organizations, the TBC established a "Negro advisory board" comprised of prominent black women.⁴⁸ Iola Winn Rowan, the incoming TACWC president (1947-1951) and a graduate of the all-black Prairie View Normal and Industrial College just outside of Houston, was appointed as Brady's first superintendent.⁴⁹

Brady accepted its first referrals on February 14, 1947, and by that summer it housed about 30 girls. Designed to accommodate over 3,000 prisoners, the Brady camp covered 360 acres and included 200 buildings, many of which were torn down throughout the first school year. Remodeling and construction activities were constant features. Academic and vocational facilities lacked adequate equipment for much of the school's first year and hampered fulfillment of the school's mission. The enabling legislation had called for training in "the useful arts and sciences to which women are adapted... to prepare them for future usefulness and economic independence," specifying "nursing, sanitation and hygiene, and moral and religious training."⁵⁰ In addition, Brady's program promoted a specific brand of self-help ideology epitomized by the official school motto: "We Build the Ladder By Which We Rise." However, Brady's goals foundered on the contradictions inherent in its creation. On the one hand, many officials and opinion makers viewed it as a correctional facility to house the so-called "prostitutes" plaguing city streets. On the other hand, reformers - both black and white - had high hopes for a genuine rehabilitation program. While caught between these two imperatives, Rowan and her staff also had to overcome the blatantly second-class status of the institution, exemplified in Rowan's bitter struggles to obtain needed funds and materials for her program.

Ultimately, Rowan resigned within a year of Brady's opening. The news of Rowan's abrupt resignation frustrated black observers and made finding a replacement difficult. The TBC eventually hired Emma Harrell to the position. At the time, Carter Wesley, publisher of the *Dallas Express* and the *Houston Informer*, two of the most widely read black newspapers in Texas, predicted that "the current situation at Brady will fail in all of its purposes."⁵¹

But the school not only survived, it grew rapidly, admitting more girls each year and developing what were, by most measures, solid programs in academic and vocational education. The person most responsible for this turnaround was Harrell, who successfully procured funds and supplies for vocational programs in homemaking, cosmetology, and secretarial skills. She also installed a more defined point system measuring progress toward rehabilitation, as well as more rigorous forms of discipline, including a secure cell block and corporal punishment.

Unlike her predecessor, Harrell had few reservations about corporal punishment, which consisted of 12 "strokes" or "licks" for each infraction. During the 1949-1950 fiscal year, there were 69 total whippings at an institution that had admitted 118 inmates in 1948 and 150 in 1949. Its increasing usage, especially for the vague infractions of "insubordination," "cursing," "agitation," or "disobedience" suggests that maintaining order was a constant challenge even at this relatively quiet institution.

Brady sought to foster "a family-like atmosphere," housing girl inmates in three dormitories separated by age (12-14, 15-16, and 17-18 years), each with two house mothers.⁵² Girls wore blue uniforms modeled on nurses' attire, and they staffed a sewing department responsible for making and mending all official clothing. In general, vocational courses focused on women's pursuits most associated with conventional marriage: beauty, cleaning, cooking, and childrearing. At the same time, the courses also attempted to prepare girls for wage labor in hairstyling, typing, and domestic service. In February, 1949, Brady's cosmetology school was licensed by the Texas State Board of Cosmetologists.

The state accredited Brady's academic program as a Rural Elementary School, even though nearly all of the girl inmates were of high school age. Out of 73 girls tested for "mental ability and educational achievement" in 1948, only nine scored at grade level, with the remainder ranked at "defective," "borderline," or "dullness" scales.⁵³ Nevertheless, Brady included several trappings of a "normal" high school, including basketball, speech, and spelling teams that competed in interscholastic tournaments with other all-black public schools in 1948 and 1949. The school's chorus performed at nearby churches and occasionally on the local Brady radio station, singing carols during a Christmas broadcast. The facility also established a student council, a PTA chapter, and a student newspaper.

We should consider delinquent, that
community, which allows to exist
conditions which produce delinquency.

Harrell had brought order to an unstable, precarious enterprise by the spring of 1950, when the legislature approved a proposal to relocate the school on 125 acres of farmland in Houston County, near the town of Crockett.⁵⁴ Despite some resistance from the local community, the move received wide support in the legislature largely because Harrell had established the school's legitimacy.⁵⁵ No serious policy-maker wished to return to a period when the only available options for delinquent black girls were adult jail or release back into the community. Even the local Crockett newspaper gave favorable coverage to the school's opening in early 1951. For different reasons, black and white Texans had finally come to an agreement of sorts on establishing a training school for black delinquent girls.

Despite Harrell's accomplishments at Brady, the goal of juvenile rehabilitation remained elusive, even in conventional terms. The transition of paroled girls back to non-institutional life posed one of the most enduring problems. In December, 1948, Harrell informed the TBC that over half of the girls in the school's "Honor Cottage" were ready for parole but had no place to go due to "unsuitable" or non-existent homes.⁵⁶ This problem existed for all of the state's training schools, but it proved especially acute for Brady, and later Crockett, due to the lack of public and private resources for black child welfare. However, the flip side of this state of affairs was a pattern of benign neglect: allotted lower budgets and fewer physical resources, Crockett maintained a much lower inmate population than its counterparts, as well as more favorable staff-to-inmate ratios, thus remaining out of the headlines for much of its existence.

RISE OF COMMUNITY PREVENTION IN TEXAS CITIES IN 1930s AND 1940s

A fundamental challenge to juvenile justice arose in Texas' major cities during the 1930s and 1940s, where rapid growth created new needs. By 1940, Texas' urban population was eight times what it had been when the juvenile justice system was created; that year, urban residents comprised a majority in the state for the first time. The growth in population was matched by an increase in juvenile arrests, commitments to state institutions, and, perhaps most importantly, the public's perception of spiraling juvenile delinquency rates.

City officials and reformers began to explore community-based delinquency prevention in the 1930s and 1940s. In contrast to their Northern counterparts, cities such as Dallas and Houston relied largely on private, charitable child welfare services. Settlement houses were opened at the turn of the 20th century in Dallas, Fort Worth, and Houston, while Protestant-run "mission houses" opened in smaller cities, each providing a host of services to low-income and minority communities. Many of these services were aimed at reducing delinquency, including after-school recreation, day care, vocational training, job placement, English-language classes, and, in some instances, "curbside counselors" who intervened in gang activity. Civil rights organizations developed their own youth programs. In the 1930s, the NAACP opened "Youth Councils" in several major Texas cities. Meanwhile, in Houston, the League of United Latin American Citizens formed "junior" auxiliary chapters for teens and publicly defended Mexican-origin youth from growing accusations of gang involvement and criminality.

Local juvenile courts often worked in tandem with these endeavors. In the 1920s, child guidance clinics in Dallas and Houston provided therapeutic services and psychological screenings for the local juvenile courts. They also popularized the idea of early intervention with "predelinquent" (what today we would call "at-risk") children. One of the leading advocates for community-based programs was Judge Roy Hofheinz, who presided over Houston's juvenile court between 1938 and 1944. "[A]nything which approaches a home environment," he stated in a 1938 speech, "is better than institutional care." With Hofheinz's support, the juvenile board instituted a juvenile detention center for boys, and in July, 1941, the Houston Police Department launched a crime prevention division to deal with juvenile offenders separately. These reforms drew national acclaim; Hofheinz became the first southern juvenile judge to address the National Probation Association and the National Association of Juvenile Judges.⁵⁷

World War Two provided further impetus for expanding community-based delinquency prevention. Starting in 1943, a national spike in juvenile arrests spurred the federal Office of Community War Services to sponsor "teen canteens" - recreational dance clubs run jointly by youth and adults. The Houston Community Chest sponsored one such club and forcefully advocated the idea that delinquency was a shared responsibility of the entire city. "We should consider delinquent, that community, which allows to exist conditions which produce delinquency," wrote Chest director Elwood Street in a 1944 editorial published in the Houston YMCA's monthly newsletter.⁵⁸ These community services developed alongside increasing dysfunction in the state's juvenile justice institutions at Gatesville and Gainesville, and reflected a growing demand for closer cooperation between state and local juvenile justice agencies and child welfare services.

THE CREATION OF TYC 1947-1949

PUBLIC PRESSURE

At the outset of the 1940s, major reform of the juvenile justice system seemed imminent. On September 1, 1941, after a fresh round of abuse scandals, the TBC simultaneously fired the superintendents of both the Gatesville and Gainesville training schools. Two state audits published that year portrayed both schools as little more than prisons. The auditor summed up Gatesville's "entire atmosphere" as "one of prison and penal confinement," in which boys of all ages and offense categories crowded into "deplorable" dormitories with "open shower and toilet facilities placed in one corner of the room with no screen or partition separating them from the sleeping quarters."⁵⁹ Schooling was described as "non-existent" and the staff as "well educated mule skinnners" who relied "considerably" on "corporal punishment." So inadequate were the library, vocational, and recreation programs that the auditor described them as "unhumorous jokes."⁶⁰ Noting that "raising show mules" had been Gatesville's "major function" under the recently fired superintendent, the auditor suggested that "from all evidences the mules received far better care and treatment than the boys."

The TBC hired Robert N. Winship, Jr. as Gatesville superintendent, with an aim toward improving the working relationships between the institution and local juvenile courts, probation departments, and delinquency prevention programs. A former schoolteacher, Winship had run a well-known Boy Scout camp at his family ranch in Junction, Texas, and was touted as an expert in "modern ideas of dealing with delinquent boys."⁶¹ "The local community," he told a meeting of the Texas Division of Child Welfare, must devise "reasonable health, recreational, social and other advantages for all children whether they were from this side or the other of the railroad track."⁶² In too many rural areas and inner-city ghettos, the lack of prevention and diversion services had made commitment to Gatesville a first choice instead of a "last resort, as it should be."

In too many rural areas and inner-city ghettos,
the lack of prevention and diversion services had
made commitment to Gatesville a first choice
instead of a "last resort, as it should."

Boys often arrived as blank slates, unless they came from one of the five counties in the state that sent along case histories. This lack of information undermined the possibility of individual rehabilitation, virtually ensuring that benchmarks for progress would be based on conformity to institutional routines and rules, and, in turn, aggravating the use of corporal punishment to maintain order. Further slowing a boy's release was the lack of supervision in the community; by 1941, only 16 counties offered any semblance of juvenile probation services, and many of those, lamented Winship, remained "wholly unequipped" according to national standards set forth by the U.S. Children's Bureau.⁶³ In an interview with the *Fort Worth Star-Telegram*, Winship explained his general philosophy:

*We do not regard the boys here as having committed crimes. They are, rather, delinquent boys who are in need of guardianship above and beyond what they are getting at home. This means that instead of their being punished like adults, they are regarded as being children and not fully responsible for what they do. They are somewhat like a boy who is sick. Such a boy has something wrong with him physically, but these boys have something wrong with them because they are sick socially, and need help where the proper guidance in the community has failed.*⁶⁴

Winship began hiring professionals trained in child psychology, education, social work, and sociology. He created the new staff position of "youth counselor" to offer boys individual therapeutic attention, and he inaugurated a "sociological department" to compile case files as well as more precise statistical data on the inmate population. Largely haphazard in the past, individual record-keeping came to include a 36-part schedule for logging more detailed information about an inmate's offense, education, and family history.⁶⁵

Although state officials praised Winship's reforms, he faced bitter resistance from Gatesville staff, local residents, and their elected representatives. Together they mounted a successful campaign to undermine Winship, including staff disobedience, public complaints about escapes caused by "soft" discipline, and bogus corruption allegations. Within two years, Winship was replaced by R.E. "Ed" Blair, a football coach and history instructor from Daniel Baker College who quickly set about restoring old modes of discipline. In March, 1944, two boys who were caught trying to escape on horses were beaten so badly that one of them was hospitalized. The case was eventually dropped, but the door clearly had been shut on the latest effort to modernize Gatesville.

Similarly, at Gainesville, reports of abusive conditions dogged "reform" superintendent Mary A. Stone. In August, 1942, the Texas Division of Child Welfare reported that Gainesville still lacked a "trained social worker" and had no meaningful intake or parole procedures. The report singled out the girls' hous-

ing for special criticism, noting that the "cottages" denoted the floors of "large two and three story buildings"; each floor, in other words, constituted a "cottage." Individual bedrooms, much touted over the years, resembled jail cells. Sparsely furnished with dilapidated beds and desks, the rooms included barred windows and windowless doors that were locked from the outside each night. In lieu of overnight access to bathrooms, girls were given chamber pots; for more serious emergencies, however, they were left on their own because staff often slept out of earshot of any possible cries for help. Girls who attempted to flee these conditions received harsh punishments; the worst offenders had their heads shaved before being confined to the "reflection room," a steel cell, and fed a bare diet of bread and water.⁶⁶ Stone's dismissal barely a year into her administration came not as a result of these practices, but because of a criminal indictment for depositing paychecks for fictitious employees into her personal bank account.⁶⁷

As these conditions became public, demands for action came from practically every corner of Texas. In a 1946 speech to the Corpus Christi Jaycees, District Judge Paul A. Martineau denounced Gatesville as "a terrible place where criminals are made" and swore that he would never commit another delinquent boy to state custody.⁶⁸ Requests poured in to state offices from individuals and church groups for an end to "punishments ... not worthy of a democratic and Christian state."⁶⁹ In early 1947, a Dallas-based women's group "cornered" Representative Pat Wiseman in his capitol office, demanding action from the House Legislative Investigating Committee on Eleemosynary and Reformatory Institutions, which Wiseman chaired. On March 4, Wiseman led a four-member delegation on a surprise visit to Gatesville. Like earlier investigators, they found unsanitary conditions: water-damaged dormitory walls, open-air toilets that caused entire sleeping areas to reek of feces, and food "served by boys who dipped it out with bare hands."⁷⁰ More troubling, however, was their discovery of "bruised and blue" boys whom the Gatesville staff tried to conceal.

The inspection's findings were made public in late April, provoking a flurry of action in the legislature. Senator Fred Harris of Dallas sponsored a bill "to abolish corporal punishment in all forms." A second bill proposed the creation of a "State Penal and Eleemosynary Commissioner" to ensure the "humane and equitable treatment" of inmates. Initially, the bills seemed likely to succeed. Newspapers highlighted the House report's descriptions of the Gatesville beatings, and the concluding statement that conditions at both training schools fell "far below the standards required of a subdivision of a civilized nation."

However, the TBC mounted an effective counteroffensive. Publicly, the TBC distributed its own favorable report, while Sid Gregory, the freshman representative from Coryell County and himself a former Gatesville employee, took to the House floor to warn that the proposed bills would

result in the inmates "taking over" the institutions. Cheering Gregory from the gallery were over 100 spectators from Gatesville. Behind the scenes, newly installed TBC chairman Hall H. Logan lobbied individual legislators, with assistance from Coryell County Judge Floyd Ziegler. Senators watered down the anti-whipping bill with amendments and ultimately defeated it. Instead, a seemingly innocuous bill passed authorizing a seven-member commission, appointed by the governor, to examine the laws governing the training schools and recommend changes.⁷¹

At the time, no one could have predicted the sweeping effect of the Texas Training School Code Commission, which would be heavily influenced by rising impatience with conditions at Gatesville and Gainesville, and a national movement to remake the administration of juvenile justice.

TEXAS TRAINING SCHOOL CODE COMMISSION, 1947-1949

On June 19, 1948, the Texas Training School Code Commission gathered in Austin for a meeting with Richard Clendenen, the Consultant on Training Schools for the U.S. Children's Bureau and a national expert on juvenile delinquency and juvenile justice. In the week prior to meeting with the Commission, Clendenen had toured the training schools at Gainesville and Gatesville.⁷² He politely but firmly suggested that a major overhaul was in order, noting that the institutions were too large and, as a result, too dependent on outmoded mechanisms such as farm labor and the merit system for the maintenance of order.⁷³ In the past, he recounted, juvenile institutions had experimented with a range of programs, to little success. Now, however, they were "no longer working in the dark." He recommended phasing out the training schools in favor of "small-sized" facilities housing anywhere from 50 to 150 juveniles and including outdoor camps, group homes, and

By the late 1940s, leading experts were calling for the inclusion of families at every state of the rehabilitation process, from intake to progress meetings to parole. In a state as vast and demographically diverse as Texas, a more dispersed program was especially crucial.

vocational centers, as well as "penal-type" institutions for the most serious offenders. The ideal location for these new facilities was not an isolated rural backwater like Gatesville but the urban centers from which most delinquents came - a major break in policy with the past.

Traditionally, for a juvenile, a commitment to training school custody meant the severing of nearly all contact with family and community, for reasons only partly stemming from the institutions' remote locations. The official presumption held that the family and the neighborhood were to blame for delinquent behavior. By the late 1940s, however, leading experts were calling for the inclusion of families at every stage of the rehabilitation process, from intake to progress meetings to parole. In a state as vast and demographically diverse as Texas, a more dispersed program was especially crucial.

Clenenden's suggestions were well received, in part because the Commission's membership included virtually no representatives of the training schools themselves.⁷⁴ But the person most receptive to Clenenden's comments, indeed the one who had brought him to Austin, was the Commission's vice-chairman, Walter Kinsolving Kerr, a former staffer for Democratic governor Coke Stevenson. Politically well-connected and thoroughly committed to modernizing the Texas juvenile corrections system, Kerr embarked on a fact-finding mission to learn more about the latest approaches to juvenile justice and corrections, visiting facilities and speaking with experts in New York and Washington, D.C.

During this time, Kerr met Austin McCormick of the Osborne Foundation, the leading correctional education expert and prison reformer in the country. During the 1930s and 1940s, McCormick worked as a much sought-after consultant for states seeking to reform their juvenile and adult correctional institutions, publishing a multi-volume survey of the nation's training schools. He visited Texas several times between 1948 and the 1970s, eventually becoming the state's principle outside evaluator for its training schools.⁷⁵

McCormick's main activity in reforming training schools had come during his work with the "youth authority" movement during the 1930s and 1940s. Working with the American Law Institute (ALI), McCormick helped to draft the Model Youth Correction Authority Act, which it hoped to lobby for passage in several states. The Act proposed the creation of state agencies to coordinate the disposition and treatment of youthful offenders aged 16 to 21.

In 1941, California became the first state to adopt a version of the ALI's draft legislation, responding to inmate deaths and mass escapes that had rocked the state's training schools. During World War Two, the California Youth Authority (CYA) helped reform the state's training schools and worked closely with local communities to devise delinquency prevention

and juvenile justice programs. Because of its early success, the CYA actually replaced the Model Act as the standard-bearer for modern juvenile justice and corrections administration. By 1950, four states — Wisconsin, Minnesota, Massachusetts, and Texas — had inaugurated state agencies based on the CYA, with the advice of ALI consultants.⁷⁶

The combined effect of expert advice and the CYA model was to shine an uncomfortable spotlight on Texas juvenile justice at all levels. Local communities relied overwhelmingly on private charities, which sponsored 82 private child care institutions and 30 child welfare agencies. Only three of the state's 254 counties housed juvenile offenders in separate facilities from adults, and only 24 offered any semblance of probation or parole services. Indeed, parolees themselves often filled out their own paperwork unaided; as the Commission noted, "a letter from a parolee stating that he or she is doing very well may precede by only a few days the child's return to the institution."⁷⁷ County courts, rather than specially designated juvenile courts, handled the bulk of juvenile cases, and their decisions followed no clear standard. In many instances, commitments to training schools stemmed from arbitrary reasons that had nothing to do with a demonstrated need for institutional care.⁷⁸

Moreover, placement in a training school steered juveniles ever more directly on the path towards a criminal career. A 1948 survey sponsored by the Commission found that over half of Gatesville's inmates were repeat offenders (meaning that they had been to Gatesville before), while nearly two-thirds of the state's adult prisoners described themselves as "graduates" of Gatesville. The Commission's final report described Gatesville's unsanitary cafeterias and hospital and its dangerously neglected physical plant, as well as abusive punishments that included "severe whipping," excessive solitary confinement, and, in extreme cases, the "water cure," in which guards fired a high-pressure hose at the groin from point-blank range. So widespread was word of mouth knowledge about Gatesville that several county judges confessed to dismissing all but the worst male delinquency cases rather than opt to send youth there. Gainesville fared little better; the same Commission study reported that a third of its inmates were recidivists.⁷⁹ In June, 1948, a delegation that included Austin McCormick, the Commission membership, state Representative Pat Wiseman, and members of the Dallas Democratic Women's Club made a surprise visit to find girls "chained around the ankles with large log chains."⁸⁰

CONCLUSION

A NEW BEGINNING?



On February 6, 1949, Texas Governor Beauford H. Jester and the seven members of the Texas Training School Code Commission held a much-anticipated press conference in Austin. After 18 months of study, the Commission had written a bill that proposed to go far beyond its original mandate to repair the state's broken juvenile training schools. With great fanfare, they announced plans for "the most extensive youth program ever developed" in Texas, or the nation.⁸¹

The Commission's legislation proposed to remedy these formidable problems by placing all state and local juvenile justice agencies under the supervision of the Texas State Youth Development Council. The new agency would function within existing state departments until 1957, when it would be reorganized as a stand-alone agency, the Texas Youth Council (this report will refer to both incarnations with the acronym "TYC"). TYC was charged with devising diagnostic, classification, and treatment programs based on child psychology rather than penology. Each child adjudged delinquent in juvenile court was to be sent to a single diagnostic center where an intake team of trained professionals would formulate a rehabilitation plan based on psychiatric interview and observation, a battery of psychological and intelligence tests, and a life history provided by local authorities. From there, the child might be placed in any number of facilities that were to be constructed in the next few years. Ideally, the diagnostic center would have the option of sending juveniles to community-based programs run locally. Thus, TYC's other key task was to assist local governments in organizing diversion programs, with the stated goals being a sharp reduction in the activity of existing training schools, and an expansion in the overall facilities for delinquent youth. Although completely phasing out Gatesville and Gainesville was never seriously considered, they were expected to jettison "the whole correctional system and philosophy" of mass custody and control.⁸²

The Commission wishes to emphasize that maintenance of discipline in a mass-custody institution, with untrained personnel, presents an insoluble problem. Because it is a mass-custody institution, combining the dangerous with the trustworthy, the first responsibility of the institution becomes custody. It must prevent the dangerous from running away. It thus forces the entire staff to be first of all guards, and it divides the population inevitably into the watchers and the watched. Life becomes an endless series of countings, of unlocking and relocking doors, of forming lines to go to classes, to work, to eat, to play. As always under repression, the human spirit rebels, plots endlessly to escape. In turn, the administration introduces more 'discipline,' and this degenerates sooner or later into brutality.⁸³

Armed with statewide authority and staffed with trained experts and professionals, the development of TYC promised to wipe away the intractable abuses of the past and begin anew with "modern" approaches to delinquency. Driven by unprecedented optimism and energy, TYC seemed to many observers to be a harbinger of a new day in the tortured history of juvenile justice in Texas. However, as Part Two of this report series will illustrate, its promise would never be fully realized. The training school system proved deeply entrenched, as was the mindset that most juvenile offenders were hardened criminals who neither deserved nor could benefit from the "protective umbrella" of rehabilitative services. The tension between juvenile rehabilitation and adult punishment that had dominated the previous half century would not be resolved overnight.

NOTES

¹"Age of consent" laws defined the age limit for statutory rape.

²David Tanenhaus, *Juvenile Justice in the Making* (New York: Oxford University Press, 2005).

³*Report of the Commissioners and Trustees of the House of Correction and Reformatory, located at Gatesville, Coryell County, to Governor L.S. Ross, August 26, 1887* (Austin: State Printing House, 1888), 1-2. Texas Youth Commission Facilities and Programs History and Information Notebooks. Archives and Information Services Division, Texas State Library and Archives Commission (hereafter TYC Notebooks).

⁴*Report of the Trustees to the Governor, December 18, 1888* (Austin, TX: State Printing Office, 1888).

⁵*Ex Parte Raymond Brooks*, 85 Tex. Crim. 252; 211 S.W. 592; 1919 Tex. Crim. App., April 30, 1919.

⁶*Ex Parte Maurice Gordon*, 89 Tex. Crim. 125; 232 S.W. 520; 1920 Tex. Crim. App., October 23, 1920.

⁷White House Conference on Child Health and Protection, *The Delinquent Child: Report of the Committee on Socially Handicapped Delinquency* (Section IV, 1930), reprinted by the U.S. Children's Bureau as *The Delinquent Child* (New York: The Century Company, 1932), 325-326.

⁸*The Juvenile Offender and Texas Law*; see also "Juvenile Training School Proposed," *Dallas Morning News*, February 13, 1909.

⁹"Gatesville Training School Resignations," *Dallas Morning News*, November 28, 1912.

¹⁰"Training School Hybrid Institute," *Dallas Morning News*, December 1, 1912.

¹¹Mrs. E. W. Bounds, "The Transformation of the State Juvenile Training School," address to the Texas Conference of Charities and Corrections, November 30, 1913, reprinted in *Biennial Report of the State Juvenile Training School, 1913-1914* (Austin, TX: 1914), 45.

¹²*Biennial Report of the State Institution for the Training of Juveniles, 1908-1910* (Austin, TX: 1910), 17.

¹³H. B. 27, *General and Special Laws of the State of Texas*, 33d Leg., 1st Sess., 1913, 7-12 (hereafter *Juvenile Act of 1913*).

¹⁴*Ibid.*

¹⁵"Marlin Man to Head State Training School," *Dallas Morning News*, January 15, 1913; "Eddins Thorough School Man," *Dallas Morning News*, January 17, 1913.

¹⁶*The Delinquent Child*, 305. On the prestige of juvenile judges, see Rothman, *Conscience and Convenience*, 236-260.

¹⁷Address by A.W. Eddins to the Texas State Conference of Charities and Corrections, November 30, 1913, at Fort Worth, reprinted in *Biennial Report* (1914), 37-43. An example of press coverage was "Assails Schools for Neglect of Delinquent Boys," *San Antonio Express*, November 29, 1914. "Juvenile Delinquency" Vertical File, The Center for American History, The University of Texas at Austin (hereafter Center for American History).

¹⁸The following information comes from the *Biennial Reports* for 1914 and 1916.

¹⁹*Biennial Report* (1916), 26.

²⁰Robert S. Miller, "Better Boys," *Austin Statesman*, March 12, 1916; the editorial is reprinted in *Biennial Report* (1916), 22-26; the military drills are also described in Ted Winfield Brumbalow, "An Analysis of the Educational Program of the State Juvenile Training School" (MA thesis, University of Texas, August 1937), 34-36.

²¹*Biennial Report, 1914-1915* (1915), 19-20.

²²*Juvenile Act of 1913*, 11-12.

²³*First Annual Report of the State Board of Control to the Governor and the Legislature* (Austin, TX: 1920), 117-118.

²⁴*Ibid.*

²⁵Miriam Van Waters, "Where Girls Go Right," *The Survey* 48:9 (May 27, 1922), 361-376.

²⁶*Ibid.*, at 366-367.

²⁷Carrie Weaver Smith, "The Unadjusted Girl," *Social Hygiene* 6:3 (July 1920), 401-406.

²⁸*First Annual Report of the State Board of Control* (1920), 120.

²⁹*First Annual Report of the State Board of Control*, 124.

³⁰*Ibid.*, 126.

³¹See Lewis L. Gould, *Progressives and Prohibitionists: Texas Democrats in the Wilson Era* (Austin, TX: University of Texas Press, 1973); and, Norman D. Brown, *Hood, Bonnet, and Little Brown Jug: Texas Politics, 1921-1928* (College Station, TX: Texas A&M University Press, 1984). For James Ferguson's views on correctional reform, see Robert Repp Perkinson, "The Birth of the Texas Prison Empire, 1865-1915" (Ph.D. diss., Yale University, 2001), 361-367.

³²The use of this adjective, roughly synonymous with "charitable," suggests that the state at least nominally separated juvenile offenders from adult criminals. Eleemosynary institutions included all dependent populations except for the prisons, which operated under the Penitentiary Commission.

³³*H. G. Twyman v. The State of Texas*, 1924 Tex. Crim. App.; "Training School Case is Closed by Vote of Board Sustaining King," *Dallas Morning News*, November 6, 1921; and, "Testimony of Boys Regarding Punishments at Gatesville," Texas State Board of Control hearing notes, undated, circa October - November 1921. Chairman R. B. Walthall files, Texas State Library.

³⁴All of the figures in this paragraph are from Brumbalow, "An Analysis of the Educational Program," 43-48.

³⁵*The Delinquent Child*, 311.

³⁶*The Delinquent Child*, 311-313.

³⁷"Work Better Than Courts," *State Boys*, March 31, 1928.

³⁸"The Attitude of the Institution Toward the Juvenile Offender," *Third Report of the State Board of Control, 1924-1926* (1926), 113.

³⁹King was forced to resign as Gatesville superintendent in 1921 as a result of an abuse scandal, but was brought back in 1927 - only to be forced out again in 1928 by yet another abuse scandal.

⁴⁰Charles E. King to R.B. Walthall, August 16, 1927. Chairman R. B. Walthall files, Texas State Library.

⁴¹Brumbalow, "An Analysis of the Educational Program," 63-65.

⁴²Donald R. Walker, *Penology for Profit: A History of the Texas Prison System, 1867-1912* (College Station, TX: Texas A&M University Press, 1988); and, Robert Reps Perkinson, "The Birth of the Texas Prison Empire, 1865-1915" Ph.D. diss. (Yale University, 2001).

⁴³"Juvenile Peons of Texas," *Galveston Tribune*, September 12, 1927.

⁴⁴*Ibid.*

⁴⁵The census results appear in *The Delinquent Child*, 322-324.

⁴⁶*First Annual Report of the State Board of Control to the Governor and the Legislature* (Austin, TX: 1920), 117-118.

⁴⁷The following brief overview draws on Jacquelyn Dowd Hall, *Revolt Against Chivalry: Jessie Daniel Ames and the Women's Campaign Against Lynching*, rev. ed. (New York: Columbia University Press, 1993), 107-128; Handbook of Texas Online, s.v. "Texas Association of Women's Clubs," <http://www.tsha.utexas.edu/handbook/online/articles/TT/vet1.html> (accessed June 21, 2007); and, "Compiled History of Brady State School," August 10, 1990. Box 1999/087-5. Youth Commission facilities and programs history and information notebooks, Texas Youth Commission files. Archives and Information Services Division, Texas State Library and Archives Commission (hereafter TYC files, Texas State Library).

⁴⁸Marjorie Wilson to Baker, February 7, 1945; Baker to Senator R.C. Lanning, March 12, 1945; Baker to Representative John Hoyo, April 18, 1945. Chairman Weaver H. Baker files, Texas State Library.

⁴⁹Memos, TBC to Governor Coke Stevenson, February 4 and December 3, 1946. Chairman Weaver H. Baker files, Texas State Library.

⁵⁰"Compiled History of Brady State School," Texas State Library.

⁵¹Carter Wesley, "Austin and Brady," *Dallas Express*, June 5, 1948.

⁵²Brady State School, 1947-1950: Final Report," TYC files, Texas State Library.

⁵³*Annual Report of the Brady State School, August 31, 1948* (November 1948), 9-10. Chairman Hall H. Logan files, Texas State Library.

⁵⁴"Crockett Asks Negro Girls' School," *Austin American*, March 24, 1950; "Crockett Site for Delinquent Negroes Studied," *Houston Chronicle*, March 29, 1950; "Crockett Picked for Delinquent Girls' Center," *Austin American*, July 2, 1950.

⁵⁵"Job of Negro Girls' School Well Done," *Houston Post*, November 27, 1952.

⁵⁶Harrell to Logan, December 11, 1948. Chairman Hall H. Logan files, Texas State Library.

⁵⁷Edgar W. Ray, *The Grand Huckster: Houston's Judge Roy Hofheinz, Genius of the Astrodome* (Memphis, TN: Memphis State University Press, 1980), 60-75; on crime prevention, see David B. Wolcott, *Cops and Kids: Policing Juvenile Delinquency in Urban America* (Columbus, OH: The Ohio State University Press, 2005), 126-145; Rothman's phrase appears in *Conscience and Convenience: The Asylum and Its Alternatives in Progressive America*, rev. ed. (New York: Aldine de Gruyter, 2002 [1980]), 236-260.

⁵⁸*Our Community* 1:2 (Houston Community Chest, June 1944). Materials of the Community Chest & Council, Council of Social Agencies, and United Way (3 boxes), HMRC.

⁵⁹"Survey and Report of an Examination of the Gatesville State School for Boys, Gatesville, Texas, For the Period from September 1, 1939, to August 31, 1941." (Austin, TX: Texas Board of Control, September 1941), 12. Chairman Weaver H. Baker files, Texas State Library.

⁶⁰*Ibid.*, 11-17.

⁶¹"State Training School is Testing Ground for New Plan for Delinquent Boys," *Fort Worth Star-Telegram*, March 11, 1942.

⁶²R.N. Winship, Jr., "The Coordination of Institutional Care for Children at the Gatesville State School for Boys with Services in the Community," paper presentation, Austin, TX, October 1941. Chairman Weaver H. Baker files, Texas State Library.

⁶³*Ibid.*

⁶⁴"State Training School is Testing Ground."

⁶⁵Survey schedule attached to Memo, H.L. Lackey, Gatesville Sociologist, to Winship, January 26, 1942. Chairman Weaver H. Baker files, Texas State Library. The data sets also appear in Dana Buckley MacInerney, "A Statistical Survey of Commitments to the Gatesville State Training School for Boys and the Gainesville State Training School for Girls, 1936-1945" (M.A. thesis, University of Texas, 1951).

⁶⁶"Report on the Gainesville State School for Girls" (Austin: Texas Division of Child Welfare, August 1942).

⁶⁷"State Girls' School Head Charged with Forgery," *Dallas Morning News*, October 20, 1942; Ray Winder, Cooke County Attorney, to TBC, May 5, 1943; Baker to Winder, May 6, 1943. The details appear in *Mary A. Stone v. State of Texas*, 147 Tex. Crim. 489; 182 S.W. 2d 400; 1944 Tex. Crim. App., June 14, 1944.

⁶⁸"Martineau's Blast Draws Sharp Replies," *Corpus Christi Caller*, July 30, 1946; Blair to Baker, July 27, 1946. Chairman Weaver H. Baker files, Texas State Library.

⁶⁹Mrs. W.W. Goodson, First Methodist Church of Strawn, Texas, to TBC, November 25, 1946; Baker to Goodson, December 11, 1946; C.A. Mangham, Pastor, Pleasant Valley Baptist Church, to TBC, January 15, 1947; Ida Thompson to Governor Beauford Jester, October 12, 1947; Jester to Thompson, October 16, 1947; Loma Lowe to Jester, October 12, 1947; Jester to Lowe, October 16, 1947. Chairmen Lanning, Logan, Ashley, and Baker files, 1939-1953, Board member files, Records, Texas State Board of Control. Archives and Information Services Division, Texas State Library and Archives Commission (hereafter Chairmen Lanning, Logan, Ashley, and Baker files, Texas State Library).

⁷⁰"Report of the Legislative Investigating Committee on Eleemosynary and Reformatory Institutions," March 7, 1947 (photocopy). Chairmen Lanning, Logan, Ashley, and Baker files, Texas State Library.

⁷¹Harry W. Flentge to Logan, May 2, 1947; Logan to Blair, May 2, 1947; Logan to Ziegler, May 2, 1947; Logan to "Superintendents, All Institutions," May 3, 1947; Floy E. Lyon, M.D., to TBC, May 5, 1947; Memo, "Visit to Gatesville," Logan to TBC, July 17, 1947; Logan to Ziegler, August 12, 1947; Memo, "Visit to Gainesville," Logan to TBC, November 20, 1947. Chairmen Lanning, Logan, Ashley, and Baker files, Texas State Library. Newspaper articles include "Evils Found at State's Institutions," *Dallas Morning News*, April 29, 1947; "State School Brutality Bared," *Houston Chronicle*, April 29, 1947; "Gatesville Draws O.K. From Ashley," *Tyler Morning Telegraph*, April 30, 1947; "Reform School Survey Ordered," *Dallas Morning News*, May 2, 1947; "Bad Boys Must be Strapped, House Told," *Dallas Morning News*, May 6, 1947; "Ban on Whip Gets Setback," *Dallas Morning News*, May 29, 1947.

⁷²Transcript, "Meeting of the Texas Training School Code Commission Held in the State Capitol, Austin, Texas, June 19, 1948." Chairmen Lanning, Logan, Ashley, and Baker files, Texas State Library.

⁷³"Vocational Weakness Found at State Boys' School," *Austin American*, February 13, 1948; and, "Texas' Crime School," *Houston Post*, July 18, 1948.

⁷⁴The Commission's members included the following: Mrs. Raymond Fonville and Rebecca Townsend represented, respectively, child welfare groups in Houston and Dallas; Chairman Leslie Jackson, dean of the Baylor University Law School, who was widely considered to be sympathetic to the plight of impoverished youth, and; S.L. Bellamy, an Austin juvenile probation officer and president of the Texas Probation Association, who had worked for five years as the assistant superintendent of Gatesville in the late 1930s.

⁷⁵For more on McCormick, see Steven Schlossman and Amy R. deCamp, "Correctional Education," Marvin C. Alkin ed., *Encyclopedia of Educational Research* (6th ed., New York: MacMillan, 1992), 244-247.

⁷⁶Laura Mihailoff, "Protecting Our Children: A History of the California Youth Authority and Juvenile Justice, 1938-1968" (Ph.D. diss., University of California, Berkeley, 2005), esp 64-126. See also Bertram M. Beck, *Five States: A Study of the Youth Authority Program as Promulgated by the American Law Institute* (Philadelphia, 1951); and, Robert H. Bremner ed., *Children and Youth in America: A Documentary History*, vol. 3 (Cambridge, MA: Harvard University Press, 1974), 1060-1068.

⁷⁷*Child By Child We Build a Nation: A Youth Development Plan for the State of Texas* (Austin, TX: Texas Training School Code Commission, 1949), 24. Archives and Information Services Division, Texas State Library and Archives Commission.

⁷⁸*Texas Juvenile Court Research Reports, Volume III. Juvenile Court Statistics and Related Services for Texas Children*. Texas Juvenile Court Research Project, State of Texas Board of Public Welfare. Austin, Texas. December 1948.

⁷⁹Recidivism in this context always means youth who have already spent time in the training school, been released, and then were re-committed to the custody of the state, presumably for new offenses or continued delinquent conduct.

⁸⁰*Child By Child We Build a Nation*, 9-25; Pat Wiseman to Hall H. Logan, June 10, 1948; Logan to Pearl G. Chadwell, June 11, 1948; Chadwell to Logan, June 13, 1948. Chairmen Lanning, Logan, Ashley, and Baker files, Texas State Library.

⁸¹"Jester Will Recommend Adoption of Extensive Youth Program," *Houston Chronicle*, February 6, 1949; "16-Member State Youth Council Urged," *Houston Post*, February 6, 1949; "Jester Will Offer Delinquency Plan," *Big Spring Herald*, February 6, 1949; "Integration of State and Local Child Agencies Urged by Group," *Fort Worth Star-Telegram*, February 8, 1949; "New Plan for Youths," *Abilene Reporter-News*, February 15, 1949; "Youth Development Measure Filed With Aim of Correcting Delinquency," *Austin American-Statesman*, February 18, 1949.

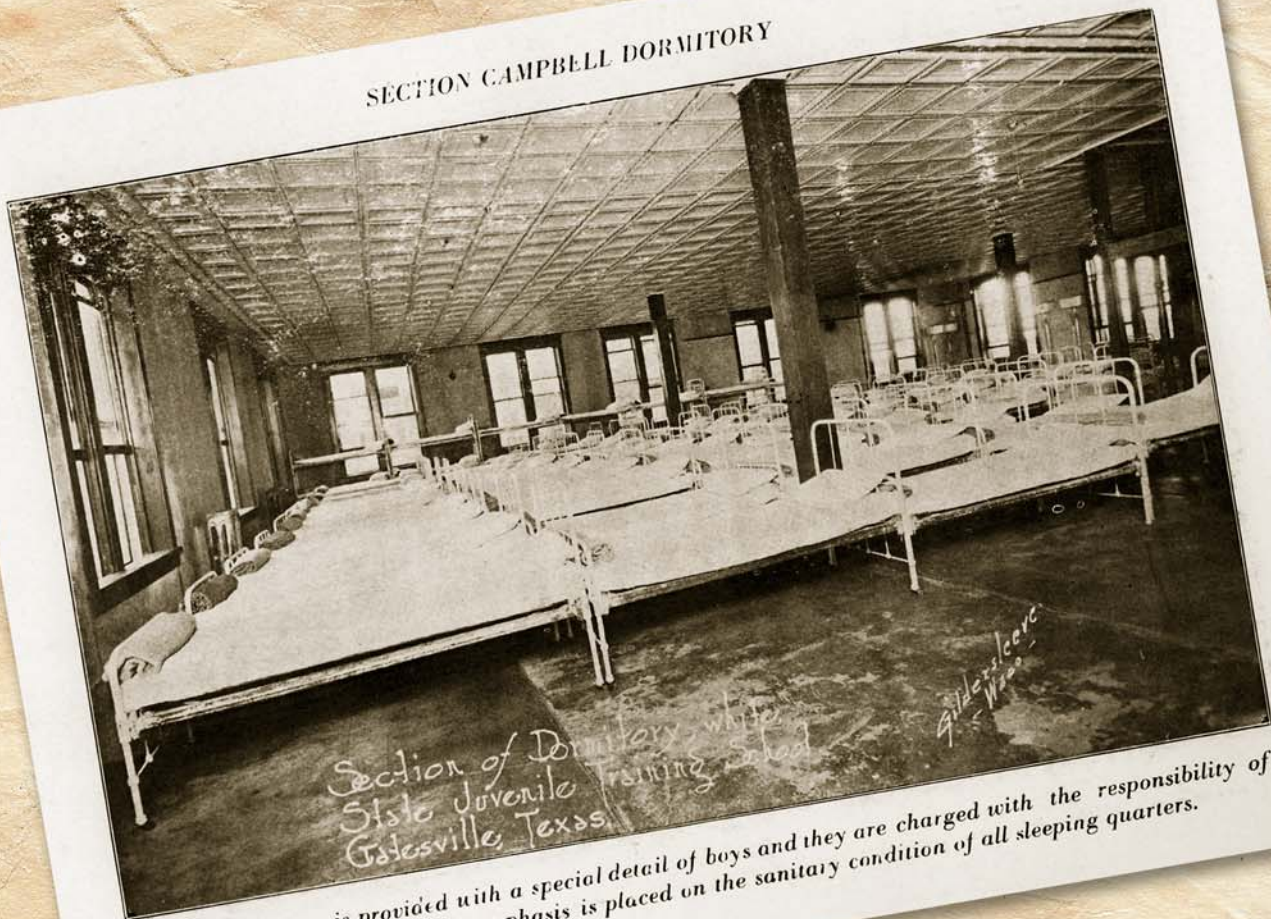
⁸²*Ibid.*, 34.

⁸³*Ibid.*, 32-33.

Back cover image:

“Section Campbell Dormitory,” State Juvenile Training School Pictorial Review
(Gatesville, TX, 1932).

SECTION CAMPBELL DORMITORY



Section of Dormitory, White
State Juvenile Training School
Gatesville, Texas

Gillarsleere
Waco

Each dormitory is provided with a special detail of boys and they are charged with the responsibility of keeping them in order. Special emphasis is placed on the sanitary condition of all sleeping quarters.