

# TEXAS TOUGH

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The Rise of America's Prison Empire

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country turned away from their ideals. In their long lifetimes, my grandparents have witnessed their world change shape around them. During the presidential primaries, Lu pushed her walker into Hancock County's Democratic Party headquarters to make phone calls for Barack Obama, a candidate whose trajectory, until recently, defied imagination. Yet in other ways, the South of my grandparents' generation lives on. Mississippi's electorate remains fiercely polarized by race. Economic disparities have widened.<sup>40</sup> In the aftermath of Hurricane Katrina, the world was reminded how much two Souths—one black, one white—still occupy common soil.

My grandparents lost everything in the storm. The normally placid waters of the Gulf rose up with biblical fury and swept their home from the earth, leaving behind only a debris-strewn concrete slab and the bronzed shoes of their first born. In a sense, this book is an elegy for the inundated dreams that Lu and Henry cultivated in their Mississippi home—as well as an effort to reanimate them. By journeying deep into the past, the following pages chart how the United States has arrived at an astonishingly punitive juncture in its history, so that we might, in turn, depart from it. By examining southern injustices that have persisted far beyond the demise of segregation, this book yearns for the alternate America my grandparents thought they were bringing into existence half a century ago. May they see it emerge now.

## **CHAPTER 1: PRISON HEARTLAND**

There's tough. And then there's Texas tough. —  
Lieutenant Governor David Dewhurst<sup>1</sup>

If we are to fully understand the causes and consequences of America's prison buildup, a good place to start is Huntsville, Texas. Although dozens of prison-dominated communities now dot the American landscape from Florence, Arizona to Wallens Ridge, Virginia, Huntsville stands above the rest: It is the most locked-down town in the most imprisoned state in the most incarcerated country in the world. Although America's sprawling penal system—a collection of some 5,000 jails and prisons—is highly decentralized, Huntsville, perhaps even more than Washington D.C., could stake a claim to serve as its capital city.<sup>2</sup> For 160 years, it has coordinated criminal punishment for the Lone Star State, and in the last half century, it has stood at the forefront of a carceral revolution that has remade American society and governance.

A sleepy town surrounded by pine forests and tumbledown farms, seventy miles north of Houston, Huntsville was selected in 1848 to build the state's first residential institution, a penitentiary. Ever since, the community's fortunes have depended on crime and punishment; as Texas's prison system grew, so did Huntsville. "We sort of live within the shadows of the Walls," comments

Jim Willett, a longtime resident and former warden, “Three times a day we hear the ‘all clear’ count whistle. When you think about it, it marks the passing of our days.”<sup>3</sup>

Today more than ever, imprisonment is Huntsville’s lifeblood. Nearly half of the town’s residents (16,227 out of 35,567) live behind bars.<sup>4</sup> Some 7,500 adults earn their paychecks keeping them there. Each morning, thousands of guards in ill-fitting gray uniforms pile into pickups and head to one of the area’s nine prisons, while starched administrators drive to one of the offices that make up the Texas Department of Criminal Justice (TDCJ) headquarters. From their cubicles, they oversee the largest state prison system in the United States, one that incarcerates more people than Germany, France, Belgium, and the Netherlands combined. “We’ve grown so massive, we need a building like the Pentagon,” remarks a harried TDCJ bureaucrat.<sup>5</sup>

At first glance, Huntsville looks like any other small southern city. National chains dominate the two main highway exits. In prosperous neighborhoods, spacious ranch homes line up behind tidy lawns along wide, oak-draped streets. In the poorest sections, weather-worn shotgun houses share overgrown lots with rusting trailers. Although Huntsville has a college, Sam Houston State University, churches outnumber bars and hunting shops outnumber cinemas. A well-kept central plaza features a new limestone courthouse, but downtown merchants have fallen on hard times since Wal-Mart began siphoning retail dollars to the outskirts. Rogers Shoes and Ernst Jewelers cling to life behind historic storefronts, but out of habit more than profit. Like most American towns, Huntsville is increasingly governed by the economics of scale and the geography of parking.

What sets Huntsville apart is the prison business. Just a stone’s throw from the plaza rises the town’s most impressive and imposing building, a red brick fortress known as “the Walls,” Texas’s flagship penitentiary. Surrounded by 25-foot fortifications, the Walls complex contains a small town in its

own right: office space, kitchen facilities, an auto shop, massive classrooms, a chapel, an infirmary, and, most famously, the busiest death house in the nation. Some of the structures are twenty-first century vintage, others nineteenth. “Working at the Walls you have a special sense of history,” says Willett, a heavysset man with droopy eyes who served as warden for four years. Some longtime residents claim the prison has been locking up and executing offenders for so long that restless ghosts prowl its dusty tiers.<sup>6</sup>

The Walls is Huntsville’s icon, but rival landmarks abound. Just beyond the prison’s eastern gun towers, a crumbling stadium recalls the “world’s toughest rodeo,” a gladiatorial convict spectacular that served as one of Texas’s main tourist attractions between 1931 and 1986. A short walk down the road sits an army surplus store, formerly named “Bustin’ Loose Mens Wear,” the first stop for roughly sixty prisoners released daily. Adjacent to the Greyhound station, where ex-cons exchange vouchers for one-way tickets to Dallas or Houston, the shop buys used prison-issue boots for \$2 and proudly announces, “TDCJ discharge checks cashed for free.” Many prisoners spend their entire \$100 allotment before they leave town.<sup>7</sup>

For less fortunate inmates who discharge in boxes rather than boots, the final destination is often a somber expanse of lawn spread out behind the prison’s back gate: Captain Joe Byrd cemetery. With spare concrete crosses forming gridlines across the grass—like Arlington without honor—the graveyard has marked the end of the line for forsaken convicts for as long as anyone can remember. In the older sections, weather-beaten headstones are sinking into the soil, many of them identified only by a prison number, some marked with an X for execution. Along the edge, a row of fresh pits covered by metal plates await another round of indigents. Resting against one headstone, a faded display of blue plastic flowers spells out “DAD.”

Drive in any direction from the Walls and you will soon run into other TDCJ institutions: a massive transfer facility that brings new inmates into the system, a gleaming supermax that points toward Texas's high-tech future, or an expansive prison plantation that gestures toward its past.

Residents of Huntsville are conscious, even proud of their prison history. In 1989, a local foundation opened the Texas Prison Museum, a squat red-brick building made to resemble a prison, wedged between two real prisons on the north side of town.<sup>8</sup> Jim Willett, whose gentle manner and nasal voice are hard to reconcile with his long career as a warden, serves as the museum's director. Four days a week, he works the front desk, hawking bobble-head convict dolls and sharing escape and riot stories with old-timers who drop by in the afternoons. Although the museum's exhibit room features humdrum poster-board displays, visitors take their time. They inspect faded striped uniforms, rusted cane knives, and a thick leather strap known as "the Bat." Clyde Barrow of "Bonnie and Clyde" fame, the state's most notorious escapee, and Fred Carrasco, its most infamous hostage taker, have special prominence, as does the prison system's epic civil rights lawsuit, *Ruiz v. Estelle*, in which Texas prisons were declared "cruel and unusual" by a federal judge in 1980. What holds visitors' gaze the longest, however, is a sturdy, stiff-backed, generously proportioned oak armchair with leather restraints and a metal headband. This is "Old Sparky," the electric chair that Texas officials used to cut short 361 lives between 1924 and 1964.<sup>9</sup>

Most visitors don't realize that Willett himself supervised eighty-nine executions—albeit standing over a gurney rather than a chair—more than any other living American. If they stop to ask, he'll say that executions were the most unpleasant part of his job. "I guess I haven't fully made up my mind about the death penalty," he said shortly after we first met, an honest but jarring remark from a man who used to carry it out, sometimes two or three times a week.

Having read through grisly case briefings prepared by the Texas attorney general, Willett is convinced that most of the men and women he watched die earned their fate. But as a Christian, he isn't sure it was his due to seal it.<sup>10</sup>

Huntsville packs its prison memories, both flattering and unsettling, into this modest, sun-baked museum, but history spills beyond it. To outsiders, the town can feel like a living theme park, a grittier version of Colonial Williamsburg. The stately homes of top TDCJ administrators are tended by convict "yard boys" with outdoor trusty status. When I stopped to ask for directions on one of my first visits, a portly African American trusty quickly reminded me that deferential etiquette still rules. Dropping his rake, he hoofed it over to my rental, hat in hand, and asked, "Yes sir, what can I do for you, boss?" Up the road at the gate to the Wynne Farm, Texas's oldest prison plantation, I watched as a squad of convict cotton pickers, almost all of them black, marched out to the fields, their duck-cloth coveralls gleaming in the early morning light. Trailing them on horseback was a white overseer, a 30-30 jostling in his scabbard.

Southern justice brings southern history close to the surface in Huntsville, lending credence to William Faulkner's oft-cited observation that in the South, "the past is never dead, it's not even past." Yet Huntsville isn't trapped looking backward. Thanks overwhelmingly to the state's breakneck prison buildup, it's racing into the future. Since 1980, the local prison workforce has more than quadrupled, and although prison jobs are low paying, new strip malls, highway interchanges, and pre-fab apartment complexes all attest to economic growth. As *Forbes* magazine observes, Huntsville is a "town where crime pays."<sup>11</sup>

To a remarkable extent, this unassuming, backwoods community has become a crossroads. Thousands of law enforcement and corrections officers cycle through each year for training, while inmates, by the tens of thousands, arrive for intake or discharge. From TDCJ's headquarters across the

street from the Walls, administrators manage a \$3 billion annual corrections budget. They supervise a freeworld workforce of almost 50,000 and manage 114 separate prison facilities, plus contract units.<sup>12</sup> Most significantly, they govern the lives of 705,000 prisoners, parolees, and probationers, equivalent to the population of Texas's booming capital, Austin.<sup>13</sup>

With command of a punishment colossus that stretches from the Gulf Coast to the Llano Estacado, from the Rio Grande to the Panhandle, Huntsville, Texas is unique but also emblematic. It represents the ultimate product of the country's punitive political turn, the distillation of a punishment paroxysm that has redefined American exceptionalism for a new century. Standing, as it does, at the center of a prison empire, Huntsville is not just a prison town but a new sort of American everytown.

### **“WHAT THE HELL HAPPENED”**

Most Texans believe their state's vast network of prisons was constructed to corral dangerous men, to keep “baby killers and murderers” off the streets. A bloody kernel of truth underlies this sentiment: Texas is dangerous terrain. Although the state's crime rate has fallen sharply since the late 1980s, it remains 24 percent higher than the national average. When it comes to murder—regarded by criminologists as the most accurate index of lawbreaking since almost all homicides come to the attention of police—Texas fares somewhat better, exceeding the national average by just 5 percent.<sup>14</sup> But in Texas's largest cities, killing proceeds with dismaying regularity. In Dallas, which in 2003 had a higher overall crime rate than any other major U.S. city, the murder rate hovers 167 percent above the national average. Despite the fact that Dallas annually ships off nearly 9,000 young felons to prison,

its roughest neighborhoods remain so dangerous that building contractors have written them off as no-go zones.<sup>15</sup>

Violence is hardly new to Texas. The state's most exalted heroes are martyrs or killers, usually both. Although the state missed out on the worst carnage of the Civil War, it has been playing catch-up ever since. Over the decades, Texas has witnessed terror attacks by the Ku Klux Klan, unrelenting campaigns against Indians, raids and counter-raids along the Mexican border, as well as individual violence aplenty. During Reconstruction, one of the state's first serial killers, John Wesley Hardin, reportedly murdered more than twenty men—most of them “impudent negroes” and “Yankee soldiers”—before being locked up at the Walls.<sup>16</sup>

Over the course of the twentieth century, tempers mellowed but only just. While many American's remember the 1960s for the “Summer of Love,” Texans have to look back to John F. Kennedy's assassination in Dallas and Charles Whitman's shooting spree from the University of Texas clock tower, a stunt that inaugurated the all-American tradition of the mass school shooting. “Homicide in Texas has a long history,” begins a chronology of notable murders published in the *Texas Monthly's* special crime issue. “From the slaying of La Salle [1687] to the killing of Madalyn Murray O'Hare [2001], we present a crash course in murder and mayhem.”<sup>17</sup>

Even now, Texas atrocities make the news with dismaying regularity. Since 1990, the state has played host to a mass killing at Luby's cafeteria in Killeen, an eyeball-excising serial killer in Dallas, the Branch Davidian conflagration in Waco, a shooting rampage at the Wedgwood Baptist Church in Fort Worth, and a multiple baby drowning in Houston. There was the case of John King, an ex-con and white-supremacist gang member, who together with two pals, abducted an African American man, chained him to the back of a truck, and dragged him to death along country roads, as well as that of Karla Faye Tucker, who murdered a young

couple with a pickax and then became an international cause célèbre after her jailhouse conversion to Christianity.

Most of the prisoners I have come to know are serving long sentences for relatively pedestrian offenses—drug dealing, assault, and robbery—but a few of their rap sheets make even a jaded researcher wince. One fellow, a self-described “white country boy” who used to work as a hospital clerk, reportedly gunned down his father, stepmother, and stepbrother and then scattered hair and cigarette butts he had collected from black patients so as to pin the crime on “drug-crazed niggers.” One of my most faithful correspondents told me he had killed a 7-11 clerk back in 1971. It wasn’t until I rifled through old newspaper clippings that I learned he had also shot two schoolchildren and an eighty-six-year-old woman. Every state has its heinous criminals, of course, but Texas and other southern states—for a variety of historical, social, and cultural reasons—have more. Due largely to the legacy of slavery and its violent “code of honor,” argues Roger Lane, who has written extensively on the history of murder, “the South has led all sectors in violent behavior.” For “generations after the Civil War,” the states of the former Confederacy, sometimes joined by the frontier West, have served as “well-springs of American homicide.”<sup>18</sup>

When lawmakers extend sentences or cut services for prisoners, they tend to think of criminals like these, “monsters” like Kenneth McDuff, who abducted and murdered women across Central Texas. Such “predators” have a pronounced effect on public policy, but they do not accurately stand for the whole. They stalk our imaginations, but they don’t fill many of our prison beds. Of the roughly 170,000 persons confined in Texas prisons, roughly 90,000 of them are classified as nonviolent. This means that a majority have been sentenced for crimes that neither threatened nor caused bodily harm. Counterintuitively, it is this group, mainly due to the war on drugs, that has contributed most to the growth of imprisonment in Texas and the United States

generally. Between 1985 and 1995, the U.S. incarceration rate for violent offenders increased by 86 percent, but the nonviolent rate soared by 478 percent.<sup>19</sup>

Ironically, imprisonment rates have grown most aggressively among the groups we traditionally think of as most redeemable: low-level substance abusers, women, and juveniles. In Texas, 81 percent of all new inmates are sent to prison for nonviolent property or drug offenses. Almost half “catch the chain,” as inmates call the trip to TDCJ, not after being convicted of a new crime but for parole and probation violations—infractions that might include failing a marijuana test or changing jobs without proper notification. “I saw probably more than 10,000 inmates a year who didn’t belong in prison,” says Richard Watkins, one of Texas’s first African American wardens and former chief of a large intake unit in Huntsville. “Most of the inmates we got had been convicted of drug crimes or property crimes to support a habit. What they needed was treatment.”<sup>20</sup>

Texas still locks up plenty of violent offenders, of course, some 85,000 of them. But even this cohort is, in aggregate, less scary than most people think. This is partly because a wide variety of crimes qualify as violent. The classification includes homicide and pedophilia, to be sure, but also fighting, resisting arrest, or even illegal possession of pepper spray. In 2000, a Chicano teenager in Amarillo was convicted of assault and sentenced to five years in prison for throwing a nasty elbow during a high-school basketball game.<sup>21</sup>

Moreover, because violent offenders tend to receive long sentences, many of them are serving time well beyond their predatory prime. Criminologists agree that the danger posed by violent felons peaks in the early twenties, declines through middle age, and bottoms out in the early fifties. In the age of “life without parole,” however, prison sentences stretch into the autumn years and beyond.<sup>22</sup>

One prisoner I know, a dimple-faced lifer named Michael Jewell, admits that he was a thug when he went to prison for capital murder in 1970. But that was almost forty years ago. As a twenty-two-year-old, Jewell shot and killed a store clerk. As an aging baby boomer, he works full time as an inventory clerk and spends long hours in his cell reading psychology books and practicing Buddhist meditation. He is a different man than the one jurors sent to prison, yet his fate is defined by a single act.<sup>23</sup>

Even in 1970, Jewell was a more complicated individual than the killer sketched by prosecutors. Like so many defendants, his life had been shaped by violence. “One of my first memories is fear,” he explained in a letter. When he was a child, he came home from a movie with his sister one day to find his mother curled up on the floor against the bed. Towering over her was Michael’s father, gripping her hair with one fist and pummeling her with the other. Another time, he proudly presented his father with a baby sparrow his brother had found. Drinking heavily with neighbors in the backyard, his father took the bird in his hand, stroked its back, and then popped its head off with his thumb. “I watched my own innocence thrashing around and dying in the bloody dirt,” Jewell said, looking back.<sup>24</sup>

By the time Michael was eight, he was turning the violence he experienced at home outward. He remembered capturing and killing birds himself, whacking them with sticks. Soon he graduated to fistfights with other kids, then knife fights, then glue sniffing, and finally armed robbery. He went to reform school at the age of twelve and landed his first prison sentence at eighteen. It was after an escape that he murdered the store clerk. Jewell and his partner thought the man was going for a gun, but after they searched his slumped body, they realized he was just reaching down to hand them the night deposit bag.<sup>25</sup>

Only in middle age did Jewell have the wherewithal to ask, “What the hell happened?” “I don’t exactly know what

turned me from an innocent little kid into a young man who fired a bullet into another man’s chest,” he says. “But it wasn’t that I was naturally cold-blooded.”<sup>26</sup>

Prisoners in Texas, as elsewhere, share a great many characteristics. They tend to be poor, poorly educated, and non-white. They also tend to be young, heedless, and angry, at least for the first few years behind bars. When you sit down and talk to inmates about their lives, however, you soon discover is that what unites them most of all is pain: pain that they have soaked up as victims and pain they have inflicted on others.

Kimberly Leavelle, a recent parolee, epitomizes this dynamic, though like most women offenders, she has suffered more than harmed. A middle-aged white woman with a corny sense of humor, Leavelle is tirelessly optimistic but with little cause. After serving twelve years for armed robbery, she made parole on her fourth attempt in May 2005. With serious health problems, few marketable skills, and \$100 in discharge money, she moved into a trailer with her mother outside of Dallas. Kim’s mother, Linda, has served time for bad checks, drugs, and prostitution. Her three siblings have also been to jail—one brother is still in prison—and one of her teenage daughters, whose childhood she largely missed just as her mother missed much of hers, was recently arrested for marijuana possession. When I talked to her shortly after her release, Leavelle was exuberant. “Freedom is strangely beautiful, new, and exciting,” she said. Still, the challenges of making ends meet and paying for medical treatment, all while tethered to an ankle bracelet, was already wearing her down. In December, she lost her first job.<sup>27</sup>

Like many ex-prisoners, Leavelle has made a lifetime’s worth of bad decisions. She fell in love in junior high school and had a baby at the age of fifteen. Like her mother, she got into alcohol and other drugs. In 1985, she shot a man she said was trying to rape her; she left him for dead

and got ten years for attempted murder. Not long after she got out of prison in 1988, she and a girlfriend concocted “a Thelma and Louise scheme” to get Christmas presents for their kids. Borrowing a BB-gun, Leavelle and her partner robbed eight stores in the Dallas-Fort Worth area before getting nabbed. Although the weapon was relatively harmless, the charge was armed robbery. After accepting a guilty plea suggested by her court-appointed attorney, Leavelle received eight concurrent sentences, six of them for fifty years.<sup>28</sup>

Leavelle’s recklessness led her straight to prison, but given the arc of her life, I found it hard to imagine how she could have ended up any place else. Born in Dallas in 1964, Kimberly Leavelle spent her early years with her mother and her second husband, a middle-class developer named Lloyd Wallace. “During the first four years of my life I had everything a child needs,” she writes. “I had my own room, nice clothes, a bike, and we even had a maid. ... She was sweet as pie.” Kimberly is fond of such sentimental sayings, almost as if to make up for a life devoid of tender sentiment. We were “the family that looks perfect from the outside,” she says, “but on the inside my mom was a caged human being.”

As the oldest of two half brothers and a sister, Kim remembers the terrors of her suburban household more clearly than her siblings. Wallace was a tyrant. He became obsessive about Kim’s mother Linda, checking and rechecking her odometer and timing her excursions. Returning late from the grocery store one evening, Kim remembers that when her mother, who was pregnant with her baby brother at the time, made it up to the porch, Wallace “stepped out and punched her so hard in the face that the groceries went flying, along with my mom.” Then he locked them out. Another time, Leavelle was awakened by banging and scratching in a closet. When she mustered up the courage to investigate, she found her mother “naked, tied up with cords from the blinds. Wallace had stomped her eye glasses, cut up all her clothes, cut her hair off.”

Linda finally escaped with her children, but the family fled from abuse into the abyss. Kim remembers teetering over her brother’s crib to give him a nighttime bottle because her mother was working late. She remembers standing in relief lines and going hungry. “We all looked dirty,” she recalls, “not clean and pretty like we used to.” “My mom always had to work. She cried a lot.”

One day, a distant aunt, “a fat, sweaty, huffy-voiced” woman named Gladys, with a no-count husband, L.D., in tow, came to fetch Kimberly. She didn’t know it at the time, but she was being sent away because her mother was going to prison.

Gladys and L.D. restored Kimberly to middle-class comforts but at a price. She was too young to go to school when she first moved in, so L.D. used to watch her when Aunt Gladys went to work. He also used to take off her clothes “for washing” with unusual regularity. Kimberly was only four years old when it started, but she has searing flashes of memory. Sweating and reeking of beer, L.D. would have Kim sit on his lap and put her hand on his penis. Before long, as she disengaged from the world, Kimberly says that she forged a desperate friendship with a “glorious set of green and gold curtains with tassels” that hung by the living room window. L.D. perched her on a stool in front of the curtains. “[I was wearing] nothing but my black patent leather shoes and my white frilly socks,” she recalls. He peeked out through the drapes from time to time and told “his special little girl not to cry.” Then he raped her. “I clung to those curtains with little white knuckles,” she says. “I looked down and I remember that blood was on my legs and my pretty white socks and on my shoes.” Afterwards, she explains, she became just like those curtains: “ugly, no feeling, just hanging there.”

When Gladys found out that her husband could no better control himself with Kim than he had with their own daughter—who has been in and out of mental hospitals as an adult—she passed the little girl onto different relatives. But

deliverance from L.D. didn't spare Kim further trauma. Two other men molested her as she bounced from house to house. After her mother's release from prison, the family got a second chance. Linda signed up for welfare and started nursing school, but when the bills exceeded her income, she started selling prescription diet pills on the side. Chaos ensued. Over the next few years, they moved frequently. At a party one night, Kimberly witnessed her uncle, Ray Jr., shoot himself in the head. Not long after, when she was twelve, she found out that her biological father had been murdered.

Kimberly became a survivor. She got into some trouble at school but made drill team and the cheerleading squad (other parents chipped in to buy the uniforms). She stayed with friends as often as she could. As soon as she was able, she moved in with her first boyfriend, Rudy, and his mother, a cleaning lady with eight kids of her own. The winter before she turned sixteen, Kim got pregnant.<sup>29</sup>

"I was just overwhelmed when they brought my baby to me," she recalls of her daughter's birth. "I took everything off to make sure all of the parts were there." She and Rudy both worked minimum-wage jobs and made a go of it as parents. They stayed with Linda, then with Rudy's mom. They struggled to make ends meet, but fraud, petty theft, and drugs beckoned—familiar ways to boost lousy paychecks. Just after her toddler turned three, Kimberly first went to jail for forgery and credit card abuse. Little Kambry was one year younger than Kimberly had been when her own mother had been sent away.<sup>30</sup>

Leavelle's journey into lawbreaking followed the same roadmap as tens of thousands of other women living behind bars. "There is nothing spectacular about my life," Kim wrote from the Mountain View Unit in Gatesville about a year before her release. "My life reads like any other female in an institution. Physical and sexual abuse, trauma, poverty. We're products of our environments."<sup>31</sup>

Indeed, repeated studies have shown that women prisoners, even more than men, follow grueling pathways into prison. Although women are six times less likely than men to have committed crimes of violence, they are more than three times as likely to have been violently victimized as children or adults (57 percent of women vs. 16 percent of men).<sup>32</sup> According to researchers at Sam Houston State, roughly a fourth of female offenders in Texas report that as children they lacked basic shelter, food, or physical safety. As in Leavelle's case, most female prisoners in Texas have also wrestled with poverty and substance abuse. Forty percent report that they were unemployed at the time of their arrest. Less than a third graduated from high school. More than half of women inmates report abusing alcohol or other drugs, with 40 percent admitting that they were using at the time they committed their offense.<sup>33</sup>

For most of American history, relatively few women went to prison, but that has changed dramatically with the escalation of the drug war, which now accounts for nearly 40 percent of all female felony convictions. Largely because the likelihood of imprisonment has increased most intensively among defendants convicted of low-level, nonviolent crimes (seriously violent felons were already being locked up under the old rules), the incarceration rate for women has increased more dramatically than for men. Since 1980, the male imprisonment rate has tripled, but it has sextupled for women. The result is that the United States now incarcerates more than 215,000 women, more than the total U.S. prison population, including both women and men, before 1961. Nearly two thirds of these women are African American or Latina, and more than 90 percent have been convicted of nonviolent offenses.<sup>34</sup>

Although women tend to draw shorter sentences than men, the rapid expansion of female imprisonment has had a disproportionate impact on "the free world," as prisoners sometimes call the rest of society. More than 11,000 female

offenders go to prison in Texas each year, with a somewhat smaller number being discharged. As with Kim Leavelle and her mother, most of these women, 64 percent, leave at least one dependent child behind. At least 10 percent of these children end up in foster care. “Children of incarcerated women are among society’s most vulnerable citizens and are the hidden victims of the expansion of the penal state,” asserts Beth E. Richie, a criminal justice and women’s studies professor at the University of Illinois. “Their lives are destabilized...[and] their material needs go unmet.”<sup>35</sup>

Discharged women prisoners who manage to reunite with their children face another set of challenges. According to a 2004 study released by the Urban Institute, the vast majority of released prisoners in Texas make their way back to the roughest neighborhoods, places like Cadillac Heights in Dallas or the Third Ward in Houston, where poverty, joblessness, broken households, drugs, and crime make up the fabric of everyday life. Most of these women are single mothers who had difficulty maintaining stable households, and their prospects only diminish after being released from prison; they have accrued stigma but not skills. Because so many released offenders have been convicted of drug crimes, they are subject to federal bans on public housing, welfare, and other social services. During the 1990s alone, 4,700 women in Texas were barred for life from food stamps, thus making it even more difficult for ex-offenders to provide basic sustenance for their families. Unsurprisingly, many of their children, like Kim and her siblings, start getting into trouble themselves once they hit adolescence. “Incarceration today is a family matter,” says a researcher at the National Council on Crime and Delinquency. “There is an entire kinship system that is now moving through jail, prison, probation, and parole.”<sup>36</sup>

Corrosive cycles of poverty, child neglect, crime, and imprisonment are defining features of correctional

populations. Women prisoners tend to be more open about the connections between their childhoods and criminal careers, but most male inmates have tragic stories as well. Justice Department surveys show that one in three men in jail grew up with a parent or guardian who abused alcohol or other drugs; one in two has a family member who has been incarcerated; and one in nine had been taken away from their parents by the state.<sup>37</sup> As with women prisoners, male inmates tend to come from as much trouble as they have caused.

Kenneth Broussard has seen a good deal of trouble. A skinny thirty-three-year-old African American man with a bulky head, mural-sized tattoos, and a youthful smile, he is serving thirty-one years for armed robbery. In and out of institutions since he was a teenager, Broussard is proud of his tough convict reputation and makes a point never to display weakness. “I’m a very strong-willed person,” he writes in a letter. “I’m not a trouble maker, I just don’t take shit off no one, not even the guards.”<sup>38</sup> Young, intelligent, and angry—with a long list of criminal convictions—Broussard is the type of offender corrections officers worry about. He is currently held at the Michael Unit, one of the meanest lockups in the Texas system, and he has regularly clashed with white guards on his cell block. Yet Michael not only creates mayhem on occasion; he is its product.

Born in the port city of Beaumont in 1972, Ken started out his life in a downwardly mobile neighborhood defined by white flight and concentrated poverty. In a florid autobiographical essay he penned for a prison writing class, he explains that he was “raised among prostitutes who stank with the odors of their trade, among pimps with big hats, flashy jewelry, and cheap cologne, and on cracked streets littered with broken bottles, trash, winos, and the occasional overdosed junkie.” Ken’s mother, Brenda—a “simple country girl” with “jet black wavy hair and olive skin”—had Ken when she was sixteen. She was hooked on heroin and cocaine at the time and already had a two-year-old at home. Ken

describes his father, Jesse, as “a very abusive man, a drunk, dope fiend, and a pimp.” Each of his parents have spent more than a decade in prison. Between them, they have twelve children, but only Ken and his little brother Jerry share the same mother and father.<sup>39</sup>

Not long after Jerry was born, Ken’s mother left Jesse for a new man who turned out to be even meaner than the boys’ father. Echoing a familiar prison story, Ken says that one of his earliest memories is of his mother being hit. “Paul used to beat my mother senseless when he was drunk,” he remembers. “I once tried hitting him with a broomstick, but he just backhanded me across the room.”<sup>40</sup>

When Ken was about nine years old, his mother snuck away and made for California. With her five kids crammed into a Oldsmobile Delta 88, she set off on I-10 with high hopes of a better life. “From the stories Momma told, we thought California was the promised land,” Ken chuckles. As for so many California dreamers, however, the road proved bumpier than expected. The family ran out of money before making it across the arid expanse of West Texas. “Momma wrote bad checks for gas,” he says, “and when she ran out of checks we hit truck stops so she could sell her body for gas and food money.” It was wintertime, so the kids froze while their mother hustled. “That was the first time I got drunk,” Ken remembers. “Momma gave us some vodka to cut the chill.”<sup>41</sup>

Brenda had a sister in Los Angeles, but South Central during the crack wars turned out to be as unforgiving as Beaumont. The Delta 88 was stolen on the family’s first day in town, and Ken’s mother got raped walking home from her new job at a store. “Momma went into a funk after that,” he says. “She would sit starring blankly into space.” Soon she was “hanging out with a shady bunch and shooting dope.” To support her drug habit, she started tricking in the apartment, making the kids wait in the living room while she shot up and conducted her business. “Every week we had a new ‘step

dad,” Ken remarks acidly. Even with the extra income, the kids went hungry. “Momma was gone for days at a time,” he says, “so I would mix flour and water and make ‘pancakes.’”

Ken’s aunt finally scraped together enough money to ship the whole crew back to Texas, but geography wasn’t the problem. Brenda was soon back on the streets. Ken and his four siblings lived with her parents, but before long Ken and Jerry got turned out; “We were bad,” he admits. With nowhere else to turn, Brenda finally drove the two boys to their paternal grandparents’ house on the Louisiana border. She dragged them up to the entrance, pounded on the door, and when no one answered, gave them \$5 a piece. “Momma said she was going to make a quick trip to the store, but she never came back.”<sup>42</sup>

A few hours later, the grandmother they hardly knew came home. “She saw two dirty...kids on her front porch and actually tried to shoo us away,” he writes. Once they told her their story, she took them in and tried to reconcile herself to raising the two wild, wounded boys. Never much of a parent herself, the woman didn’t do much better as a grandparent. She was an alcoholic, like the boys’ father, and mean with a switch. Her man, Matthew Hawkins, hung around the house and tried to have his way with the boys. “He would wait until my grandmother was in a drunken stupor,” Ken reports, and then “creep into our bedroom and fondle our genitals and try to penetrate our rectums with his finger while holding his hand over our mouths to keep us from screaming.” The boys fought back, once adding rat poison to his coffee, but their grandmother never believed their pleas. “Every time we told, we got our asses beat.”<sup>43</sup>

Looking back on his life from his concrete two-bunk cell at the Michael Unit, Ken hardly remembers when he first started stealing. “I was around eight or nine,” he says. “My values were so twisted as a kid that I actually thought it was okay to steal despite what the crazy preacher on the street corner used to say. Everybody around me was stealing.”<sup>44</sup>

Ken has few fond memories but the most exhilarating involve thieving and trouble making. He laughs about nailing a police car while playing stickball and marvels about how easy it was to filch cakes and pies from a neighborhood bakery owned by a bigoted white man. “When I first started stealing it was to survive,” he says. “Later on in life it was because I was tired of being teased for not having the latest in fashion items other kids my age had, and finally it was to support a drug habit.”<sup>45</sup>

The state of Texas never did much for Ken when he was hungry, neglected, beaten, or sexually abused, but once he started lawbreaking, the government took notice. He managed to avoid longterm confinement as a juvenile, but he landed a prison sentence when he was seventeen. “So many men in my family had been to prison that I just assumed it was my ticket into manhood,” he says. Ken has been to prison four times since then—“a year here, two there, four here, etc.”—and has been continually locked up since 1998 on an aggravated robbery conviction. “Man, sometimes it feel like I have been in prison my whole life,” he writes. “The only time I felt any sense of freedom was when I was high.”<sup>46</sup>

### “THE LONGEST RIDE OF YOUR LIFE”

Prisoners like Ken Broussard, Michael Jewell, and Kimberly Leavelle carry their stories with them to prison, but once inside, they find few opportunities to share them. Exchanging raw childhood memories has little place among convicts, especially in male prisons. “Predatory types sniff out signs of weakness,” says Michael Jewell. “You have to develop a glare, a Billy Badass ‘fuck it’ attitude.”<sup>47</sup> Observers from the free world don’t show much interest either. When I take undergraduates on prison tours, they always want to know what a particular convict did, but only rarely do they ask what makes the person tick as an individual. “Offenders,” as

TDCJ officially labels people in prison, are defined above all by their crimes.

Convicts themselves resist this narrow conception of themselves, but the prison experience is so harsh that they invariably end up contorting their public personae to survive. They keep feelings locked up and, over time, come to silently carry their stories as burdens. “Exhuming repressed trauma is a painful process,” explains Jewell, and “the average con in population seeks pleasure not pain.” In prison, you survive by “posturing and suppressing sensitivity. Eventually the conscience sort of goes to sleep.”<sup>48</sup>

When rehabilitation was in vogue, prison social workers used to coax life stories out of inmates, developing detailed case files that were used to customize treatment plans. In California, where rehabilitative programming reached its zenith in the 1950s and 1960s, prison social workers not only conducted in-depth psychological and background interviews with each new prisoner but sought out spouses and even high-school principals for additional insights. “The treatment program for the inmate in the prison [is] planned in terms of understanding him as a person,” explained Dr. Norman Fenton, California’s deputy director of corrections.<sup>49</sup>

These days, there is little time for individual attention. Across the country, 749,798 persons go to prison each year, 71,927 of them in Texas.<sup>50</sup> With budgets tight and personnel limited, this means that intake and classification departments have to operate quickly and efficiently. They tend to rely on questionnaires, screening tests, and computerized “risk assessment instruments,” rather than exhaustive individual interviews.

In Texas, a ten-person State Classification Committee is charged with evaluating each new inmate and making decisions on unit placement, job assignment, and treatment or educational programming, if any. But with more than 1,300 files to process a week, committee members eschew face-to-face meetings. Instead, they classify inmates based on law-

enforcement dossiers, standardized test results, and any available information from previous incarcerations. TDCJ calls the committee's recommendations "Individuated Treatment Plans," but inmates have little say in defining themselves as individuals. "The classification committee has access to a great deal of information," explains Becky Price, manager for classification operations in Huntsville. "But they usually go by the inmate's file or our computer system's recommendation."<sup>51</sup>

After conviction and sentencing, incoming prisoners, or "drive ups," are sent first to a TDCJ "transfer facility." One of the largest is located just across the street from the Texas Prison Museum in Huntsville. A hastily constructed industrial-scale complex with sheet metal siding and low sloping roofs, the Holliday Unit looks like an assemblage of discount tire outlets. Only the guard towers and shimmering coils of razor wire suggest its business is processing people rather than products. Jim Willett describes it as "a giant tin barn that serves as Texas's prison purgatory, the place you go between jail and the real thing."<sup>52</sup>

Prisoners arrive here on a stuffy prison transport vehicle known as "the chain bus." These days inmates are generally "deuced up," or shackled to a partner, but through the 1950s, all convicts made the trip chained together at the neck. Whatever the restraints, inmates arrive tired, uncomfortable, and afraid. "I can tell you it is the longest and loneliest ride of your life," comments Broussard.<sup>53</sup>

After piling off the bus into holding pens, drive ups spend their first hours in prison vacillating between anxiety and boredom. "Inmates sit around in shorts and socks for hours at a time," explains Jorge Renaud, who has made three trips into the system. Inmates may practice their "big yard stare" and try to glean as much information as they can from veterans. But the distinguishing feature of intake is what the sociologist Erving Goffman calls "loss and mortification," or

"the personal defacement that comes from being stripped of one's identity kit."<sup>54</sup>

During their first two days in prison, newcomers are numbered, photographed, tested, fingerprinted, cavity searched, disinfected, and shaved. Although few show up with significant property, much of what they have, they lose. Arriving prisoners are allowed one religious text, one pair of shower shoes, seven white bras (women only), select legal documents, approved photographs, a wedding ring, and a wristwatch (no bling). Everything else gets shipped home or destroyed.<sup>55</sup>

Stripped back to nature, inmates will eventually be allowed to accumulate—provided someone in the free world sends them commissary money—as much authorized property as can fit in a 1.75 square-foot box. To get started, they receive a mini bar of soap, a package of tooth powder, and a short-handled tooth brush (the full-sized version can be filed into a shank). For clothing, they get clunky black leather shoes, a t-shirt, three pairs of underwear and socks, pajama pants, and a pullover smock—the outer layers all made of white duck-cloth cotton. Once they're suited up, the prisoners look like shapeless hospital orderlies. "The state prison does not want inmates to be individuals," postulates Renaud, and "the quickest way to depersonalization is to have them all look the same."<sup>56</sup>

Powerlessness and despair are what Kimberly Leavelle remembers most about intake. Arriving in winter, she recalls shivering naked in "a fenced in kennel" while each woman stepped up to a taped line on the floor for an exhaustive cavity search—"behind the ears, in the mouth, vagina, and rectum, even between your toes." Everything came as a shock, she remembers: the "degrading strip show," the "officers screaming obscenities at you," the "delousing of your head and private areas." "Everyone was too humiliated and emotionally exhausted to look anyone in the eye. You realize that you are no longer a human but a number."<sup>57</sup>

After initial processing, TDCJ officers outline basic procedures and expectations in a formal orientation. They also provide prisoners with an all-important bureaucratic manual, the *TDCJ Offender Orientation Handbook*, which consists mainly of rules—numbered and sub-numbered, sweeping and tedious rules that carry on for 111 pages and that are supposed to govern all aspects of prison society.

Modeled on the freeworld penal code but without rights or judicial review, prison rules have expanded over time in response to countless incidents, managerial initiative, and court orders. They cover a bewildering range of restrictions and obligations: from the sensible (“no fighting”) to the well-meaning (“offenders will brush their teeth daily”) to the catch all (“horseplay is prohibited”).<sup>58</sup>

The *Offender Orientation Handbook* encapsulates the weary institutional dream of imposing perfect discipline on potential chaos. In practice, however, totalitarian order is never achieved. Churlish convicts have neither the inclination nor, often, the reading ability to follow the finer dictates, and their warders—moderately trained, high-turnover stiff earning Waffle-House wages—have neither time nor energy to enforce them to the letter. Nowhere is the *Handbook* fully or consistently enforced, yet, as daily conflicts arise, it is constantly invoked. When disputes escalate, officers write “a case” and inmates appear before a makeshift court. As a vestige of lapsed federal court orders, these institutional tribunals have all the trappings of adversarial justice—witnesses, physical evidence, and even defense counsel of sorts (a corrections officer appointed by the presiding major). Even so, the house rarely loses. “Once an inmate has been charged with an offense in a Texas prison,” asserts Renaud, “the only question...is the severity of the punishment.” Renaud knows this first hand. He once got a parole setoff and spent an extra year in prison for smuggling two tablespoons of peanut butter out of the chow hall.<sup>59</sup>

After classification and once longterm space opens up (a process that can take months), prisoners again board a chain bus and are transported to a new institutional home. The lucky ones carry a low security designation. They might get sent to a dormitory-style housing unit with education, counseling, and job training, though there are fewer such prisons every year. Some inmates might even end up in familiar surroundings not far from friends and family, although this is not a high priority for TDCJ. Most prisoners, however, will land at a work-oriented, relatively high-security unit located in rural East Texas or the Gulf Coastal plain—far from home, far from loved ones, far from familiar radio stations, far from the free world.

Most women prisoners end up in the tiny town of Gatesville. Surrounded by squat scrubby hills twenty miles west of George W. Bush’s ranch in Crawford, Gatesville started off as a frontier military post and prospered briefly during the blackland cotton boom of the late nineteenth century. In 1897, the town’s fathers erected an ornate Beaux-Arts courthouse, complete with Romanesque arches and cupolas, but there hasn’t been much excitement since.<sup>60</sup> Today, most of the town square storefronts are shuttered, with only the sheriff’s department and the bail bondsman showing signs of life. Gatesville looks as worn out as the dusty farmland surrounding it.

Despite a century of hard times, the town’s doyens remain undaunted. Gatesville is “the sort of ‘Home Town’ everyone dreams of,” boasts a spiffy municipal website, “full of friendly people, fond memories, ...low taxes and lower crime!” Hoping to morph into an exurb, the “spur capital of Texas” promotes tax abatements for businesses and touts a doubling of the population since 1980. What the website doesn’t mention is that almost all of that population growth has resulted from increased incarceration. More than 9,000 of Gatesville’s 15,591 official residents live behind bars.<sup>61</sup>

Just north of town on State School Road, prisons pop up in every direction—six in all, five of them for women. The most famous, situated on a grassy bluff next to a peach orchard, is the Gatesville Unit. Established as the State School for Boys in 1887, the facility originally represented a humanitarian triumph; it was the first state reform school anywhere in the South. Victorian reformers believed that schooling and farm work in a dry climate would rescue boys from vice, but over the decades, the institution developed a reputation for ruthlessness. Stoop labor, gang fights, sexual assault, beatings by staff, and long stints in solitary—these were all facts of life at the Gatesville school, says Jewell, who went there in 1961. In 1974, a federal judge ordered it shut down, condemning “widespread physical and psychological brutality.”<sup>62</sup> Six years later, the facility reopened as a women’s prison.

Until the last few years, the unit was still known as a work farm. With 1,200 acres of sandy crop land, prison officials used to start all new prisoners in the fields. “It was terribly grueling work,” recalls Leavelle, who went out on a grass-clearing detail shortly after she arrived. In response to staff cuts and stricter security mandates, however, the prison has been scaling back agricultural operations. “There’s lots of idleness,” complains Lieutenant J. W. Campbell, who took me on a tour.<sup>63</sup>

Idleness wasn’t much tolerated when Campbell started with the prison system a quarter of a century ago. In those days, Texas prisons emphasized labor above all, most of it on “hoe squads” or “on the line.” Campbell believes the system was better back then, but he is too weary of prison life for nostalgia. “They call me ‘the grinch’ because I cancelled commissary on Christmas,” he says with some satisfaction as we drive between buildings in his silver pickup. “I suppose I am, but the prison system has made me what I am now.”

Campbell is a sturdy, straight-backed man with a soldier’s buzz cut, but he seems hollowed out by prison work.

“I’ve seen more than thirty dead convicts,” he says in a low smoker’s voice more often used for command than self-reflection. “When I was twenty years old, I had a boy die in my arms. I’ve seen an inmate get beat up and thrown in an industrial dryer until his lungs collapsed. I know what the blood of my own officers smells like.” Like many veterans, Campbell has spent most of his adult life in and around prisons; for many years he lived on prison grounds in the bachelors’ quarters. He takes pride in hard-earned experience, but he also recognizes that a life of intermittent violence, combined with long hours, stagnant wages, and grinding everyday stress, has made him disconnect from himself and the world. “I’m cold, I’m hard. I don’t care,” he says flatly. “I’m institutionalized.”<sup>64</sup>

Compared to most Texas prisons, the Gatesville Unit offers a rich assortment of programming. Campbell thinks most of it is junk, but he waits patiently, propped up on a desk and looking out the window, as I talk to treatment staffers, sometimes for an hour or more. After spending a few days inside a prison, you come to realize that corrections officers spend as much time waiting around as convicts. Not so differently from those they guard, most of them are passing time, waiting for shift change, waiting for pay day, waiting for something better to come along.

Unlike the guards, treatment personnel are generally enthusiastic about their work, even if the programs they manage reflect the whims of politicians more than outcome-based research. At Gatesville’s boot camp, young women with short sentences and starched uniforms march in formation, eat in regimented silence, and answer my every question by leaping up and shouting “Sir, yes sir!” or less frequently, “Sir, no sir!” In the “Substance Abuse Felony Prevention” program, by contrast, another set of shorttimers attend group counseling sessions, where they share stories about their lives, exchange hugs and tears, and work through a twelve-step program.

It's unclear how well these programs reduce recidivism (the findings for boot camps are especially weak), but the reality is that most women are not assigned to any sort of rehabilitation initiative. "I had a drug problem, but I don't think my judge was aware of SAFF," says Leavelle, who did twelve years at Gatesville and Mountain View next door but never received drug or incest counseling. "He thought I could just go to prison and get help."<sup>65</sup>

More than many inmates, Leavelle struggled to take advantage of whatever opportunities she could find in prison. She completed every education series and filed a lawsuit so that she could change units and continue with college classes. "Whatever rehabilitation I received I had to fight for," she says. By keeping her record clear, Kimberly also landed one of the better prison jobs, refurbishing old computers for financially strapped schools. Even so, she speaks of her prison experience with bitterness. In a letter she wrote while still incarcerated, she complained, "I provide forty hours of free labor a week. Texas inmates are slaves of the state."<sup>66</sup>

Gatesville's security staff doesn't present a much rosier picture. Lieutenant Campbell appreciates that officers are less likely to get severely assaulted at a women's unit, but he complains of daily annoyances. While I was there, a heavily armored extraction squad was preparing to take down a naked woman in the Mentally Retarded Offender Program who had barricaded herself in the shower for the second time that week. Every officer griped about "cubicle crawling," illicit liaisons made possible by slinking between dormitory partitions at night. By all accounts, most inmates on the unit—and not infrequently staff—get mixed up in sexual encounters at some point during their stay, sometimes consensual, sometimes not.<sup>67</sup>

This is one of the reasons that prison employees claim that female units are more emotionally draining than male prisons. "The system treats them better, but female offenders are harder to manage," contends Pamela Baggett, a former

warden at Mountain View who now runs a male unit in Huntsville. "A male inmate won't come in and start crying."<sup>68</sup>

## SILENT NIGHT

Gatesville is not the hardest place to do time in Texas. That distinction probably belongs to the Polunsky Unit, a supermaximum-security outpost 60 miles east of Huntsville. It's not that the location is gloomy. Situated alongside the Big Thicket outside Livingston, the surrounding area provides all manner of recreational opportunities: fishing, hunting, even Civil War reenactments. Nor is the unit itself dangerously dilapidated. Recently constructed of reinforced white concrete with blue steel supports, the unit is functionally designed and pleasantly asymmetrical; if not for the three-inch window slits, one might mistake it for a community college. The problem with Polunsky is existential: the prison houses Texas's main death row.<sup>69</sup>

California has a larger death row, but Texas's is indisputably the most lethal, not just in the United States but anywhere in the democratic world. Since the Supreme Court allowed executions to resume in 1976, the Lone Star State has taken the lives of three women and 436 men, more than a third of the national total. During the final year of George W. Bush's governorship, the state administered lethal injections forty times, an American record.<sup>70</sup>

Lethal injections themselves take place in an antiseptic brick room at the Walls in Huntsville, but until the day of execution, condemned male inmates live at Polunsky. On average, condemned inmates wait ten years to be executed, so they have plenty of time to make the prison a peculiar type of home.<sup>71</sup> Their anxious wait—punctuated by nail-biting stays and setbacks—makes Polunsky an usually stressful prison: stressful for everyone who works there; for the children, wives, and parents who cram into non-contact visiting booths

on weekends; and most of all for the men who count down their days under conditions of extraordinary isolation and security.

Jonathan Reed, a willowy man with hollow cheeks and pale skin that fades into his white uniform, knows this waiting as well as anyone. He has been on death row since 1978, which means that he has been anticipating execution for most of his life. Convicted of raping and strangling a flight attendant in Dallas, Reed has waged an uphill battle to save himself based on an innocence claim. In the process, as his case has crawled from court to court, he has grown into middle age. He has bid farewell to 170 friends before they were removed from the row and shipped off to the death chamber, and he suspects that his own time is approaching. “I will probably get a ‘date’ within two years and be executed for a crime I did not commit,” he predicts dryly. “I won’t be the first.”<sup>72</sup>

Despite this grim prognosis, Reed struggles to remain upbeat. He corresponds regularly with death penalty opponents and makes decorative cards by hand. It used to be easier, he says. Until 1999, death row was housed at the Ellis Unit, where the “attitude was, ‘we can afford you some sort of reasonable life—within security confines.’” On the old death row, inmates worked in a garment factory, helped each other with legal work, played basketball, and worshipped together. “We broke the prison rules at times,” he admits. “We smoked, tattooed, had sex (with inmates and officers), made wine, whatever.” Most important, Jon says he was able to develop close friendships and make peace before they ended; officers used to let prisoners gather for goodbyes the night before an execution. “We lived as humans,” he remembers. “We were a community.”<sup>73</sup>

Privileges dried up over the years and in 1999, after a failed escape attempt and as Governor Bush ramped up his presidential campaign, death row was moved to new set of supermax pods at Polunsky. Prisoners recall the journey

vividly because it afforded their last glimpses of the outside world. “The first thing I noticed was how much the cars had changed,” one inmate wrote shortly before his execution in 2004. Although he was hobbled, cuffed, and belly chained for the forty-five minute van ride that he called “a caravan of death,” he struggled to take in everything he saw. “We all got quiet when we finally came to Lake Livingston,” he remembered. “You never realize how much the simple things in life like splashing in cool water mean until they are taken away.”<sup>74</sup>

Since that day, Texas’s death row inmates have lived under some of the most restrictive prison conditions anywhere. They spend all but one hour a day in 6 by 9 foot cells. A solid steel door blocks any meaningful communication between prisoners. The only human contact occurs when an inmate backs up to the door and sticks his hands through a slot for cuffing. Recreation, too, is solitary; prisoners take turns pacing or playing handball in an outdoor or indoor cage about twice as large as their cells. Visits take place through thick Plexiglas and a tinny phone connection. There is no air conditioning, no programming, no work, and no televisions. “This unit’s mentality is, ‘we keep you kenneled until your date,’” observes Reed.<sup>75</sup>

What he and many psychologists call sensory deprivation has taken a toll.<sup>76</sup> Reed has lost weight, not just fat but muscle, and under the fluorescent lights in the visiting room, his skeleton is visible through sallow skin. His speech is slowed and hesitant, atrophied from lack of use. “We are deprived of so many of the things that make a human being stable and sane,” comments a fellow resident; Jon admits that he sometimes asks where his humanity went. Other prisoners break. Since 2004, there have been four suicides on death row, this in addition to prisoners who gave up their appeals and requested the earliest possible execution date.<sup>77</sup>

When a condemned man’s time expires, he gets one last look at the world. On the afternoon of his scheduled death,

he travels in a three-vehicle convoy from Livingston to Huntsville, from death row to the death house. (Women leave from the Mountain View Unit). At the Walls, the person enters through a back gate, goes through one more cavity search, and is deposited in a cool, windowless holding cell, where he will spend his last hours. The Walls chaplain or an outside spiritual advisor is on hand to talk. For some men, this is the first real conversation they have had in months, but they are often too keyed up to effectively communicate.<sup>78</sup>

According to tradition, the damned is allowed a last meal, and most prisoners order standard American fare in heaping portions, the sorts of meals that recall a childhood Sunday. “Eight soft fried eggs, bacon, sausage, one t-bone steak (well-done), six slices of buttered toast with strawberry jelly, and a pitcher of cold milk” reads one request. Another: “four pieces of fried chicken, mashed potatoes, two pints of ice cream, one bacon cheeseburger, and two vanilla cokes.”<sup>79</sup> Many request a pack of cigarettes, though TDCJ no longer allows smoking.<sup>80</sup> Women prisoners often fast.<sup>81</sup>

A little before six p.m., after conferring with the attorney general and the governor’s office, the warden arrives at the holding cell to tell the prisoner that time is up. That used to be Jim Willett’s job, and he has managed so many executions that he recites the sequence of events by rote. If there is no expected trouble, the tie-down team lets the condemned man walk unrestrained to the chamber, a nine-by-twelve foot room with bright lights, turquoise walls, and a dominant centerpiece, a bolted-down silver gurney with brown leather straps, white sheets, and a pillow (an accommodation added by Willett). The prisoner steps up to the bed, reclines, and is quickly strapped down. A medical team then starts two IVs, while the chaplain places his hand on the person’s leg. “It never crossed my mind that some of these people are just like the rest of us and are scared to death of a needle,” recalls Willett of his first time. The chaplain says that most of the prisoners are trembling.<sup>82</sup>

Once the machinery is primed and double-checked, reporters, family members, and other observers are escorted into two adjacent rooms separated from the death chamber by glass windows—one for the crime victim’s family and one for the inmate’s. “When they’re on the gurney they’re stretched out,” comments Mike Graczyk, an AP reporter who has witnessed more than 200 executions. The “arms are extended. I’ve often compared it to almost a crucifixion.”<sup>83</sup> With an audience assembled, a boom mike drops from the ceiling and hangs in front of the inmate’s face for a final statement.

What prisoners choose to say varies. Many decline to say anything. Others confess or apologize. Others send love to family members and fellow inmates. “To everyone at the Polunsky Unit, just keep your heads up and stay strong,” urged Richard Cartwright on May 19, 2005. Some prisoners remain defiant until the end. Cameron Todd Willingham, a man who used to write me long letters, declared, “I am an innocent man convicted of a crime I did not commit.” (A subsequent investigation by the *Chicago Tribune* and the Innocence Project determined he was telling the truth).<sup>84</sup> Some inmates assail the death penalty, politicians, and their trial lawyers, while others turn to their maker. “I am going to be face to face with Jesus now,” proclaimed Karla Faye Tucker. “I will see you all when you get there.” Whatever they say, “the voice is emotional, nervous, cracks a little bit,” says a regular witness. On one occasion, recalls Willett, an inmate just wanted to sing. “He made his final statement and then...he started singing ‘Silent Night.’ ‘Mother and child’ were his last words.”<sup>85</sup>

Once the prisoner has finished a statement, the warden gives a signal—Willett used to remove his glasses—and the executioner, an anonymous TDCJ employee behind a one-way mirror, pumps fatal doses of three separate medications into the IV line. The prisoner immediately detects the change; “I can taste it,” gasped one man as the first drug, a general anesthetic, sodium thiopental, first started to flow. The second

drug, a muscle relaxant called pancuronium bromide, collapses the lungs. Through the boom mike, observers say they hear a final sputter, “kind of like...squishing the air out of...a balloon,” as the prisoner releases a last breath. The final drug, potassium chloride, stops the heart.<sup>86</sup>

Working executions adds special stresses to an already stressful job, say corrections officers who volunteer for the death team and receive no extra pay. “Just from a Christian standpoint, you can’t see one of these and not consider that maybe it’s not right,” admits Willett. Officers find their own ways to carry the burden. “I take my mind off things when I go fishing,” explains a supervisor in a radio interview. Toward the end of Willett’s tenure, one of his most experienced team members broke. “I was just working in the shop and all of a sudden something just triggered in me and I started shaking,” says Fred Allen, who had taken part in than 100 executions, “I walked back into the house and my wife asked, ‘What’s the matter?’ and I said, ‘I don’t feel good.’ And tears—uncontrollable tears—was coming out of my eyes. ...Something triggered within, and it just—everybody—all of these executions all of a sudden all sprung forward.” Other officers worry that they don’t feel enough. “You expect to feel a certain way, then you think, ‘Is there something wrong with me if I don’t?’ ...‘Why isn’t this bothering me?’”<sup>87</sup>

Since 1996, Texas has allowed family members of crime victims to witness the procedure. Some observers say the scene provides closure. “I’m very glad I came,” said the mother of a seven-year-old who was raped and murdered in 1989, “I had to see him gone.” Others complain that the process is too clinical. “He’s getting off too easy,” remarked the sister of a stabbing victim. “No pain or suffering like he caused.” Some witnesses find less release than they had hoped. Their loss remains just as powerful, their wounds reopened. “Him dying now or dying of old age, it’s not going to change anything,” said one survivor after watching the

killer of his daughter die. “And it’s not going to bring me any satisfaction or happiness.”<sup>88</sup>

Willett regrets that while executions may bring peace to some victims, they also create more victims. “Can you imagine watching your son die?” he wonders. Journalists on the execution beat get separated into either the victim’s or the inmate’s viewing room, and they dread the latter. “I’ve had a mother collapse right in front of me,” says Graczyk. She “hit the floor, went into hyperventilation, almost convulsions.” “I’ve seen them scream and wail. I’ve seen them beat the glass,” adds another. “You’ll never hear another sound like a mother wailing when she is watching her son be executed. There’s no other sound like it.”<sup>89</sup>

### “HOUSE OF PAIN”

A chasm of experience lies between the singular stresses of death row and the comparative comforts of the Substance Abuse Program at Gatesville. Like most states, Texas manages a dizzying array of carceral facilities: halfway houses, short-term state jails, special lockups for parole violators, and all sorts of privately run prisons. There are prisons for juveniles, women, and men; for the mentally retarded, physically disabled, the elderly, and the terminally ill. Substance abuse units, sex-offender units, pre-release units, even a fundamentalist Christian unit. There are outside trusty camps, high-security dormitories, single-bunk cell blocks, double-bunk cell blocks, protective custody areas, special gang units, administrative segregation wings, and high-tech supermaxes. “The system is so big that no person, no twenty people, can run it anymore,” says Bill Habern, a Huntsville attorney who has represented inmates since the 1970s.<sup>90</sup>

Out of this hodgepodge, it is difficult to pinpoint an emblematic Texas prison. But if any unit stands for the rest, it’s an old East-Texas penal farm one third of the way between

Polunsky and Gatesville—a place that typifies the rural isolation of most Texas lockups, that houses all classification types but tilts toward maximum security, and that binds present-day prisons to their unburied past. Eastham.

A 13,000-acre cotton plantation forty miles up the Trinity River from death row, the Eastham Unit is one of Texas's oldest and roughest institutions. Known as “the Ham,” the prison was historically a dreaded assignment for convicts: arduous, dangerous, and hard to escape. Spread out beyond the dead end of FM 230, a narrow farm-to-market road, “Eastham [was a] God-forsaken hole,” remarked a sheriff in 1937; it’s a “burning hell” echoed a convict forty years later.<sup>91</sup>

Among convicts and guards alike, Eastham’s history is legendary: the site of a bloody breakout by the Bonnie and Clyde gang, starting point of the Texas Prison Rodeo, incubator of the famous *Ruiz v. Estelle* case, and staging ground for countless work strikes and club-wielding crackdowns. Its fields were cleared before the Civil War by slaves, and from those days forward, free labor rarely brought in a crop. After emancipation, sharecroppers took over the work, but they were later replaced by convicts. In 1896, for example, Mrs. D. Eastham agreed to pay the state “\$14.50 per month per head” for 119 men, “consisting in large measure of negroes,” who themselves were paid nothing.<sup>92</sup>

As evidenced by ruins scattered about its extensive grounds—a crumbled textile mill here, an ancient whitewashed cell block there—Eastham went through numerous permutations over the years. In the early twentieth century, it served briefly as a women’s farm until a sexual-abuse scandal compelled administrators to move female inmates closer to Huntsville. Later, the prison specialized in young male offenders, first for whites and then, once the facilities wore out, blacks.<sup>93</sup> For most of its long history, however, Eastham has corralled maximum-security male convicts and worked them relentlessly in the fields. In their

annual reports, successive wardens recorded the size and value of the annual cotton harvest before anything else.

Eastham’s institutional goals were to profit and punish, and its labor and disciplinary practices developed accordingly. Walter Siros, a middle-class kid from Houston who wound up at Eastham in 1960 for car theft, described the farm regime as “murderous.” “Those field bosses were the deadliest humans I’ve ever known,” he recalled in an interview from his mobile home in Huntsville. “They didn’t care about anything but how much cotton you picked. We worked sun to sun. I didn’t think I was going to make it.” In 1986, amidst an outbreak of stabbings, *Newsweek* titled its cover story on Eastham, “America’s toughest prison.”<sup>94</sup>

The Ham’s reputation has mellowed a bit since those days—largely because new units like Polunsky impose even stricter discipline—but some of its oldtime employers are doing their best to stay in the game. One of them, John Massingill, the farm manager and number-two man at the prison, showed me around on a scorching July day. A towering man with ice-blue eyes and a Marine-corps haircut, Massingill would rather be supervising hoe squads, but due to budget cuts, he lacks sufficient staff for security. Instead, this season, he’s focusing on livestock operations worked by minimum-security trusties, which leaves him spare time for a tour.<sup>95</sup>

Outside the main red-brick complex that was originally built by convicts, Massingill explains why Eastham’s “telephone-pole” layout—with dead end cell blocks extending out from central pickets—makes guarding the prison difficult, so difficult in fact that for decades, the guarding was left to convict enforcers known as “building tenders.” If maintaining order at Eastham is challenging, however, preventing escapes is not. “We get a runner every now and again,” Massingill says, gesturing to an infinity of crop and grassland, “but the dogs usually have them treed within forty-five minutes.

You've got to be faster than a rabbit to make it off this farm."<sup>96</sup>

Massingill, who comes to work in jeans, a western shirt, and a Stetson, has little patience for the bureaucratic headaches that lurk inside the main building, so before long, we're hurtling along Eastham's dusty back roads in his one-ton Chevy. He checks in on a pungent pig complex, wooden longhouses stuffed with mangy chickens, and a cattle burial pit mobbed with buzzards. The whole operation is tended by convicts, who trade blistering labor for light supervision. "Best job in the system," one of the trusties tells me as he takes a break from digging a hole. "Out here you do your work and you got no trouble."<sup>97</sup>

With no trouble in sight, Massingill drives me around to his favorite spots. A ditch where Clyde Barrow hid a pistol to help break out his comrades in 1934. A Caddo campsite dating to the days before the profits of slavery attracted outsiders to East Texas. The rusted carcass of a cotton gin that the state kept operational until 1992 when the last spare parts ran out. "We did 496 bales in '92," he says.<sup>98</sup>

Massingill today runs a massive agricultural operation (4,000 head of free-range cattle, 5,000 hogs, 52,000 laying hens, and 1,400 acres of field crops) with only eleven paid employees. Nonetheless, he complains, "these convicts today, they don't know the first thing about work." Since the 1980s, he laments that the prison system has lost its focus on labor and discipline, as well as its moral compass. "The place is a nightmare of paperwork," he grumbles. "We can't discipline 'em. We can't work 'em. We operate under a microscope."<sup>99</sup>

If Massingill is disappointed with the quality of modern-day inmates—most of them are "dope heads" who "should be executed on sight," he says—he is equally contemptuous of the guards. When he was a young man, corrections officers made prison work a life, he explains. Most of them lived in state-issued housing on the units, as he still does. They ate what the prison produced, employed favorite

trusties as house boys, socialized with other guards at barbecues, and often raised their sons to work in the system. "They're just in it for the paycheck" now, he regrets. "They turnover faster than convicts and aren't much better." He rejects the charge that low pay generates low morale. "The problem is the degradation of society's rules," he counters. "These employees don't know right from wrong. We catch them having sex with inmates, bringing in cell phones, guns, you name it." Most bitterly of all, the farm manager rails against lawyers and "weak liberals," who, in his opinion, "just bend over and take it in the ass whenever an inmate whines." "Used to be we were self-sufficient," he claims. "But the *Ruiz* thing ruined it."<sup>100</sup>

Although Massingill has observed deep changes at Eastham over the course of his career, the prison's continuities are striking. Its daily rhythms were set in the nineteenth century and have scarcely changed. As on other TDCJ units, the routine is designed to facilitate farm work: Lights on at 3:00 a.m., and breakfast shortly thereafter. Work turnout before dawn. Lunch at 10 a.m., often a "johnny sack" in the fields. Turn in, showers, and supper starting at 4:00 in the afternoon. Lights out at 10:00. Like their bonded forebears stretching back to the 1850s, convicts put in long days of unpaid physical labor. "We work 'em from can till can't," Massingill says. Inside the main building, some 2,400 convicts, the majority African Americans and Chicanos from the cities, populate the tiers. This is generally their first trip to a farm, and the journey seems to carry them back in time. "This here is a slave plantation," claims one convict.<sup>101</sup>

Places like Eastham complicate the way criminal justice analysts think about prisons. Because correctional institutions have proliferated so wildly over the past thirty years, commentators tend to focus on what makes America's prison system new: privatization, supermax isolation units, the decline of treatment, the war on drugs, and most of all growth.

What the irrepressible history at Eastham suggests, however, is that the harshest elements of modern-day imprisonment are hardly unprecedented. Long before the most ambitious efforts at prisoner rehabilitation rose and then fell in states like California, southern prisons like Eastham were dishing out rough justice of the sort that is now back in vogue. For six generations going back to the antebellum period, Eastham has been extracting hard labor and dispensing punishment, almost always along traditional racial lines: white bosses lording over black workers. While the scale and technologies of Texas justice have certainly changed, its essential character has not.

Picking up a clump of Eastham's rich, red soil—soil that has been turned and tilled by unpaid hands for a century and a half—one comes to realize that we can never fully understand America's most recent experiment in restricted liberty—mass imprisonment—without tracing the story back to the first—slavery.

## CHAPTER 2: PLANTATION & PENITENTIARY

While society in the United States gives the example of the most extended liberty, the prisons of the same country offer the spectacle of the most complete despotism. — Gustave de Beaumont and Alexis de Tocqueville<sup>1</sup>

Although it is seldom recognized, Texas's most famous prisoner was also its “founding father,” Stephen F. Austin. Memorialized as a gallant colonizer whose “great work consisted in the making of Anglo-American Texas,” Austin was arrested for advocating independence from Mexico in 1833. His subsequent imprisonment helped make that independence a reality.<sup>2</sup>

Detained at a time of momentous upheaval, with Mexico on the verge of civil war, Austin endured a year and a half of “very rigid” confinement. For three months, he was held “*incomunicado*” in conditions not unlike today's supermaxes. “[I] was shut up in one of the dungeons of the inquisition,” he wrote to his brother-in-law shortly after his release, “locked up day and night with very little light except candles and not allowed to speak or communicate with anyone, not to have books, pen, ink, or paper.” In Texas, the “*empresario*,” as Austin was known by his legal title, governed a land-grant colony larger than many countries, but

## NOTES

### ARCHIVES AND MANUSCRIPT COLLECTIONS

Beto Papers	George John Beto Papers. Newton Gresham Library, Sam Houston State University. Huntsville, Texas.
BPL	Records, Texas Board of Public Labor. Texas State Library and Archives Commission (hereafter TSLAC). Austin, Texas.
Briscoe Papers	Dolph Briscoe Papers, 1940-1980. Center for American History, University of Texas at Austin (hereafter CAH).
Campbell Papers	Thomas M. Campbell Papers, 1898-1923. CAH.
Campbell Records	Records, Texas Governor Thomas Mitchell Campbell. TSLAC.
Clemency Records	Texas Secretary of State executive clemency records. TSLAC.
Cohen Papers	Henry Cohen Papers, 1850-1951, CAH.
Coke Records	Records, Texas Governor Coke R. Stevenson. TSLAC.
Colquitt Papers	Oscar Branch Colquitt Papers, 1873-1941. CAH.
Colquitt Records	Records, Texas Governor Oscar Branch Colquitt. TSLAC.
Davis Records	Records, Texas Governor Edmund Jackson Davis Records. TSLAC.
Estelle Papers	W. J. Estelle Papers, 1927-1984. Cushing Memorial Library. Texas A&M University. College Station, Texas.
Hardin Papers	John Wesley Hardin Papers, 1870-1895. CAH.
Hubbard Records	Records, Texas Governor Richard Bennett Hubbard. TSLAC.
Jalet-Cruz Papers	Frances Jalet-Cruz Papers, 1966-1986. CAH.
Jester Records	Records, Texas Governor Beauford Halbert Jester. TSLAC.
KKK Papers	Ku Klux Klan Papers. TSLAC.
Lomax Papers	James Avery Lomax Family Papers, 1842, 1853-1986, CAH.
McCallum	Jane Y. and Arthur N. McCallum Family Papers, 1910-

Papers	1982. CAH.
Moody Records	Records, Texas Governor Daniel James Moody. TSLAC.
PBM	Board of Criminal Justice minutes and meeting files, Texas Department of Criminal Justice. TSLAC.
Pope Collection	Lawrence C. Pope Collection, 1961-1989. CAH.
Ring Papers	Mrs. Henry F. "Elizabeth L." Ring Papers, 1920-1930, CAH.
Roberts Records	Records, Texas Governor Oran Milo Roberts. TSLAC.
Rodeo Records	Texas Prison Rodeo records, TDCJ. TSLAC.
RRP	Records Relating to the Penitentiary. TSLAC.
Ruiz Files	Ruiz Litigation Administrative Files and Court Records, TDCJ. TSLAC.
Ruiz-GC Files	General Counsel's Office Ruiz litigation Case Files, TDCJ. TSLAC.
Ruiz-SM Records	Ruiz Case Office of Special Master Records, 1979-1992. CAH.
Sánchez Papers	Ricardo Sánchez Papers, Benson Latin American Collection, University of Texas at Austin.
Sterling Records	Records, Texas Governor Ross Shaw Sterling. TSLAC.
TDCJ Records	Records, Texas Department of Criminal Justice. TSLAC.
Wallace Papers	John F. Wallace Papers. TSLAC.

*Punishment: A Lawyer's Reflections on Dealing with the Death Penalty* (New York: Farrar Straus and Giroux, 2003); David R. Dow, *Executed on a Technicality: Lethal Injustice on America's Death Row* (Boston: Beacon Press, 2005). Fox Butterfield, "States Ease Laws on Time in Prison," *New York Times*, September 2, 2001, <http://www.nytimes.com/2001/09/02/us/states-ease-laws-on-time-in-prison.html>.

<sup>37</sup> On Mississippi politics during my grandparents' youth, see Neil R. McMillen, *Dark Journey: Black Mississippians in the Age of Jim Crow* (Urbana: University of Illinois Press, 1989). On the modern civil rights movement and white resistance to it, see John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Urbana: University of Illinois Press, 1994).

<sup>38</sup> Numan V. Bartley, *The Rise of Massive Resistance: Race and Politics in the South During the 1950's* (Baton Rouge: Louisiana State University Press, 1969). Henry's father worked for Mississippi's U.S. Senator Pat Harrison, one of the more progressive politicians in the state.

<sup>39</sup> On James Meredith's quixotic March Against Fear, which culminated in the beginnings of "Black Power," see Stephen B. Oates, *Let the Trumpet Sound: The Life of Martin Luther King, Jr* (New York: Harper & Row, 1982), 404-406. On the southernization of American politics, see Peter Applebome, *Dixie Rising: How the South Is Shaping American Values, Politics, and Culture* (New York: Times Books, 1996).

<sup>40</sup> Jared Bernstein, Elizabeth McNichol, and Andrew Nicholas, *Pulling Apart: A State-by-State Analysis of Income Trends* (Washington, D.C.: Center on Budget and Policy Priorities, April 2008).

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## CHAPTER 1

<sup>1</sup> David Dewhurst, Inaugural address, January 16, 2007, <http://www.ltgov.state.tx.us/Speeches/?speech=0016&PHPSESSID=faa9cb1ee0d529287ee2293>. Dewhurst was speaking in favor of a measure to impose the death penalty for heinous crimes other than murder for the first time since *Furman v. Georgia*, 408 U.S. 238 (1972).

<sup>2</sup> John Gibbons, Nicholas Katzenbach, et al., *Confronting Confinement: A Report of the Commission on Safety and Abuse in America's Prisons* (New York: Vera Institute, June 2006), 11; Peter Wagner, email to author, August 6, 2009.

<sup>3</sup> Herman Lee Crow, "A Political History of the Texas Penal System, 1829-1951" (PhD diss., University of Texas, 1963), 36-37; Jim Willett, e-mail message to author, December 9, 2006.

<sup>4</sup> The prisons in the immediate Huntsville area include Byrd, Ellis, Estelle, Ferguson, Goree, Holliday, Huntsville, and Wynne. In 2005, they collectively held 16,227 inmates. TDCJ, "Unit Directory," <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>; Huntsville's estimated 2003 population was 35,567. U.S. Census Bureau, State and County QuickFacts, Huntsville, Texas (2003), <http://quickfacts.census.gov/qfd/states/48/4835528.html>.

<sup>5</sup> Carol Blair Johnson, director, Human Resource Division, TDCJ, email to author, February 15, 2006; Paige M. Harrison and Jennifer C. Karberg, *Prison and Jail Inmates at Midyear 2003*, NCJ 203947 (Washington, D.C.: BJS, May 2004), 1; Walmsley, *World Prison Population List*, 5; Simon Beardsley, interview by author, July 20, 1999.

<sup>6</sup> Jim Willett, interview by author, July 19, 2002; Jim Henderson, "Ghostly Sightings Put Walls Unit Inmates on Edge," *Houston Chronicle*, January 9, 2000, A1.

<sup>7</sup> William P. Barrett, "The Town Where Crime Pays," *Forbes*, October 28, 1991, 178-179; "Huntsville Prison Blues," produced by Daniel Collison for National Public Radio (NPR), aired on September 10, 2001; Chuck Hurt, interview by author, July 17, 2002. To save transportation money, the legislature in 2009 ordered TDCJ to begin releasing inmates from units other than Huntsville. Grits for Breakfast, "Texas criminal justice reform legislation passed in 2009," June 29, 2009, <http://gritsforbreakfast.blogspot.com/2009/06/texas-criminal-justice-reform.html>.

<sup>8</sup> See Peter Carlson, "It's All in the Execution, There's No Getting Out—Without a Stop at the Gift Shop," *Washington Post*, November 29, 2004, C1; Scott Nowell, "A Guarded Past: Texas's Impressive New Prison Museum Engages in a Little Escapism of Its Own," *Houston Press*, January 9, 2003, <http://www.houstonpress.com/2003-01-09/news/a-guarded-past/>.

<sup>9</sup> James W. Marquart, Sheldon Ekland-Olson, and Jonathan R. Sorensen, *The Rope, the Chair, and the Needle: Capital Punishment in Texas, 1923-1990* (Austin: University of Texas Press, 1994), 20.

<sup>10</sup> Carlson, "It's All in the Execution"; Jim Willett, interview, July 19, 2002; Jim Willett and Ron Rozelle, *Warden: Prison Life and Death from the Inside Out* (Albany, Tex.: Bright Sky Press, 2004); *Witness to an Execution*, CD, produced by Stacy Abramson and Dave Isay, Sound Portraits Productions, New York, 2000.

<sup>11</sup> William Faulker, *Requiem for a Nun*, quoted in M. Thomas Inge, ed., *William Faulker: The Contemporary Reviews* (New York: Cambridge University Press, 1995), 341; Barrett, "The Town Where Crime Pays," 178; Johnson, email to author, February 22, 2006; Huntsville-Walker

County Chamber of Commerce, "Huntsville and Texas Prisons," [http://chamber.itemonline.com/area\\_information/prisons/](http://chamber.itemonline.com/area_information/prisons/).

<sup>12</sup> BJS, "Justice Expenditure and Employment Extracts" (2006), tables 9, 5; Stephan, *Census of State and Federal Correctional Facilities* (2005), 9; TDCJ, "Unit Directory," <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>.

<sup>13</sup> Lauren Glaze and Thomas Bonczar, *Probation and Parole in the United States, 2007*, NCJ 224707 (Washington, D.C.: BJS, December 2008), 2; West and Sabol, *Prison Inmates at Midyear 2008*, 3; U.S. Census Bureau, State and Country QuickFacts, Austin, Texas (2008), <http://quickfacts.census.gov/qfd/states/48/4805000.html>.

<sup>14</sup> Michael Jewell, letter to author, June 5, 2005; Frank Smyth, "Bankrolling Beltway Badges," *Texas Observer*, July 30, 2004, 4-7; FBI, "Crime in the United States, 2007," tables 4, 5, <http://www.fbi.gov/ucr/cius2007/index.html>. The Justice Department suspended the UCR Crime Index program in June 2004. To estimate overall crime rates, I totaled the UCR's violent and nonviolent rates.

<sup>15</sup> Jim Henderson, "Arresting Discovery Puts Dallas Ahead in Crime," *Houston Chronicle*, August 9, 2003, 1A; FBI, "Crime in the United States, 2006," tables 1, 8; <http://www.fbi.gov/ucr/cius2006/index.html>; TDCJ, *Fiscal Year 2004 Statistical Report*, 19; Tanya Eiserer, "Developers, Residents Are Fearful about Building for the Future If South Dallas Is Not Safe," *Dallas Morning News*, special report, "Dallas at the Tipping Point—Going South," 2004, <http://www.dallasnews.com/s/dws/spe/2004/dallas/crime2.html>. Dallas's prison admission figures do not include another 5,000 inmates convicted in Tarrant county.

<sup>16</sup> John Wesley Hardin, *The Life of John Wesley Hardin, as Written by Himself* (Norman: University of Oklahoma, 1961), 15, 13; Bruce McGinnis, *Reflections in Dark Glass: The Life and Times of John Wesley Hardin* (Denton: University of North Texas Press, 1996).

<sup>17</sup> Anne Dingus, "Deadline," *Texas Monthly*, July 2002, 96.

<sup>18</sup> Gene Hathorn, letter to author, August 23, 2004; *Hathorn v. State*, 848 S.W.2d. (Tex.Cr.App. 1992), 105-106; Dale Lezon, "Rampage Killer Loses His Chance for Early Release," *Houston Chronicle*, February 23, 2004, A17; Roger Lane, "Murder in America: A Historian's Perspective," *Crime and Justice* 25 (1999), 220-221.

<sup>19</sup> Gary M. Laverne, *Bad Boy from Rosebud* (Denton: University of North Texas Press, 1999); Thomas Mathiesen, "Television, Public Space, and Prison Population: A Commentary on Mauer and Simon," *Punishment and Society* 3, no. 1 (2001): 35-43; Ray Surette, *Media, Crime, and Criminal Justice: Images and Realities* (Pacific Grove, Calif.: Brooks/Cole

Pub. Co., 1992); West and Sabol, *Prison Inmates at Midyear 2008*, 3; TDCJ, *Statistical Report* (2008), 1; Donald F. Sabo, Terry Allen Kupers, and Willie James London, eds., *Prison Masculinities* (Philadelphia: Temple University Press, 2001), 49. Calculating the exact breakdown of violent to nonviolent offenders in Texas is complicated by different counting methods employed by state and federal authorities. My estimate relies on divides the total number of Texas prisoners as tallied by the BJS, divided according to offense data reported by TDCJ.

<sup>20</sup> TDCJ, *Statistical Report* (2008), 19; TDCJ, *Statistical Report* (2006), 15; Lauren Glaze and Thomas Bonczar, *Probation and Parole in the United States, 2006*, NCJ 220218 (Washington, D.C.: BJS, December 2007), table 5; TDCJ, "Technical Revocations of Probation FY 2006," <http://www.tdcj.state.tx.us/publications/cjad/Technical%20Revocation%20Report%20Fact%20Sheet%202007.pdf>; Richard Watkins, interview by author, February 8, 2006. In order to curtail the numbers of community-based offenders going to prison on technical violations, Texas enacted much-delayed probation and parole reforms in 2007. See Patrick Michels, "Politically Correct: New Prisons, Tougher Sentences, with a Little Love Thrown In," *Texas Observer*, June 15, 2007, 20-21.

<sup>21</sup> TDCJ, *Statistical Report* (2008), 1; West and Sabol, *Prison Inmates at Midyear 2008*, 3; Peter Wilkinson, "Assault with a Deadly Elbow," *Rolling Stone*, June 22, 2000, 51-55; "Texas Judge Declines to Cut 5-Year Term in Sports Case," *New York Times*, March 11, 2000, A12.

<sup>22</sup> Robert J. Sampson and John H. Laub, "Life Course Desisters? Trajectories and Crime among Delinquent Boys Followed to Age 70," *Criminology* 41, no. 3 (2003): 301-339; Cole, *No Equal Justice*, 147; Adam Liptak, "To More Inmates, Life Term Means Dying Behind Bars," *New York Times*, October 2, 2005, 1, 18-19.

<sup>23</sup> Jewell, letter to author, June 5, 2005; January 8, 2006. Although releasing long-serving violent offenders is politically unpopular, recidivism data suggests they pose less of a threat than released short timers. Marc Mauer, Ryan S. King, and Malcolm C. Young, *The Meaning of 'Life': Long Prison Sentences in Context* (Washington, D.C.: Sentencing Project, May 2004), 3.

<sup>24</sup> Jewell, letter to author, June 5, 2005.

<sup>25</sup> Jewell, letter to author, July 1, 2005; January 24, 2006.

<sup>26</sup> Jewell, letter to author, June 5, 2005.

<sup>27</sup> Kimberly Leavelle, interview by author, May 27, 2006; Leavelle, email to author, January 5, 2006; Helga Dill, email to author, December 17, 2006.

<sup>28</sup> Kimberly Leavelle, "An Autobiography" (unpublished manuscript, Gatesville, Texas, 2001); Leavelle, letter to author, October 22, 2004; Leavelle, email to author, January 5, 2006.

<sup>29</sup> Leavelle, "An Autobiography."

<sup>30</sup> Leavelle, "An Autobiography"; Leavelle, email to author, January 6, 2006.

<sup>31</sup> Leavelle, letter to author, November 21, 2004.

<sup>32</sup> Kathleen Daly, "Women's Pathways to Felony Court: Feminist Theories of Lawbreaking and Problems of Representation," *Southern California Review of Law and Women's Studies* 2 (1992): 11-52; Lawrence A. Greenfeld and Tracy L. Snell, *Women Offenders*, NCJ 175688 (Washington, D.C.: BJS, December 1999); Caroline Wolf Harlow, *Prior Abuse Reported by Inmates and Probationers*, NCJ 172879 (Washington, D.C.: BJS, April 1999). See Joanne Belknap, *The Invisible Woman: Gender, Crime, and Justice*, 3rd ed. (Belmont, Calif.: Thomson/Wadsworth, 2007). Some researchers argue that the Justice Department's survey underestimates the portion of women prisoners who have been violently or sexually abused. See Angela Browne, Brenda Miller, and Eugene Maguin, "Prevalence and Severity of Lifetime Physical and Sexual Victimization among Incarcerated Women," *International Journal of Law and Psychiatry* 22, nos. 3-4 (1999): 301-322.

<sup>33</sup> Janet L. Mullings, Deborah J. Hartley, and James W. Marquart, "Exploring the Relationship between Alcohol Use, Childhood Maltreatment, and Treatment Needs among Female Offenders," *Substance Use & Misuse* 39, no. 2 (2004): 288; Mullings, Hartley, and Marquart, "Exploring the Relationship between Alcohol Use, Childhood Maltreatment, and Treatment Needs among Female Offenders," 292; Texas Commission on Alcohol and Drug Abuse, "Study Indicates High Drug Use among Texas's Female Inmates," *Alcoholism and Drug Abuse Weekly* 7, no. 20 (May 15, 1995): 7.

<sup>34</sup> Greenfeld and Snell, *Women Offenders*, 5, 7; Maguire and Patore, eds., *Sourcebook of Criminal Justice Statistics 2002*, table 6.22; West and Sabol, *Prison Inmates at Midyear 2008*, 5; Minton and Sabol, *Jail Inmates at Midyear 2008*, 5.

<sup>35</sup> TDCJ, *Statistical Report* (2008), 18, 32; Vincent Schiraldi and Jason Ziedenberg, *Texas Tough: Three Years Later* (Washington, D.C.: JPI, April 23, 2003), 7; Beth E. Richie, "The Social Impact of Mass Incarceration on Women," in Marc Mauer and Meda Chesney-Lind, eds., *Invisible Punishment: The Collateral Consequences of Mass Imprisonment* (New York: Norton, 2002), 141. See also Christopher J. Mumola, *Incarcerated Parents and Their Children*, NCJ 182335 (Washington, D.C.: BJS, August 2000); Lauren Glaze and Laura Maruschak, *Parents in Prison*

*and Their Minor Children*, NCJ 222984 (Washington, D.C.: BJS, August 2008).

<sup>36</sup> Jamie Watson, et al., *A Portrait of Prisoner Reentry in Texas* (Washington, D.C.: Urban Institute, March 2004); Schiraldi and Ziedenberg, *Texas Tough: Three Years Later*, 7; Fox Butterfield, "Parents in Prison: A Special Report: As Inmate Population Grows, So Does a Focus on Children," *New York Times*, April 7, 1999, A1, A18. To coordinate and augment federal efforts to assist released prisoners and their family members, Congress passed the Second Chance Act in 2008. See Bruce Western, "Reentry: Reversing Mass Imprisonment," *Boston Review*, July/August 2008, 7-12.

<sup>37</sup> Doris J. James, *Profile of Jail Inmates*, NCJ 201932 (Washington, D.C.: BJS, July 2004), 1.

<sup>38</sup> Kenneth Broussard, letter to author, October 21, 2004.

<sup>39</sup> Broussard, letter to author, October 21, 2004; Broussard, "Family" (Unpublished manuscript, 2003).

<sup>40</sup> Broussard, letter to author, October 21, 2004.

<sup>41</sup> Broussard, letter to author, December 5, 2005.

<sup>42</sup> Broussard, letter to author, October 21, 2004; Broussard, letter to author, December 5, 2005.

<sup>43</sup> Broussard, letter to author, October 21, 2004; Broussard, letter to author, January 17, 2006.

<sup>44</sup> Broussard, letter to author, December 5, 2005.

<sup>45</sup> Broussard, letter to author, October 21, 2004; Broussard, letter to author, December 5, 2005.

<sup>46</sup> Broussard, letter to author, October 21, 2004; Broussard, letter to author, November 28, 2005.

<sup>47</sup> Broussard, letter to author, January 17, 2006; Jewell, letter to author, January 14, 2006.

<sup>48</sup> Jewell, letter to author, February 10, 2006.

<sup>49</sup> Eric Cummins, *The Rise and Fall of California's Radical Prison Movement* (Stanford: Stanford University Press, 1994), 13-14.

<sup>50</sup> William Sabol and Heather Couture, *Prison Inmates at Midyear 2007*, NCJ 221944 (Washington, D.C.: BJS, June 2008), 18.

<sup>51</sup> TDCJ, "Offender Orientation Handbook" (2004), chap. 1; Becky Price, interview by author, January 19, 2006.

<sup>52</sup> Willett, email to author, January 21, 2006.

<sup>53</sup> Allen Leskinen, letter to author, February 14, 2006; Charles Brown, letter to author, July 3, 2004; Norris Trevenio, interview by author, August 7, 2003; Broussard, letter to author, January 17, 2006.

<sup>54</sup> Jorge Antonio Renaud, *Behind the Walls: A Guide for Families and Friends of Texas Prison Inmates* (Denton: University of North Texas

Press, 2002), 2; Jewell, letter to author, January 12, 2006; Erving Goffman, Charles C. Lemert, and Ann Branaman, *The Goffman Reader* (Cambridge, Mass.: Blackwell, 1997), 56.

<sup>55</sup> TDCJ, "Offender Orientation Handbook," 18; Leavelle, email to author, January 26, 2006.

<sup>56</sup> TDCJ, "Offender Orientation Handbook," 19; Renaud, *Behind the Walls*, 20.

<sup>57</sup> Leavelle, email to author, January 26, 2006 email. For an account of intake from the perspective of corrections officers, see Willett and Rozelle, *Warden*. Like many female inmates, Leavelle started out at the Plane State Jail rather than at a massive transfer unit like Holliday.

<sup>58</sup> TDCJ, "Offender Orientation Handbook," chap. 1.

<sup>59</sup> Renaud, *Behind the Walls*, 111, chap. 17.

<sup>60</sup> Vivian Elizabeth Smyrl, "Gatesville, Texas," *Handbook of Texas*, <http://www.tsha.utexas.edu/handbook/online/articles/GG/hfg2.html>; Mavis Kelsey and Donald Dyal, *The Courthouses of Texas* (College Station: Texas A&M Press, 2007), 80.

<sup>61</sup> City of Gatesville, "Welcome to the City of Gatesville," <http://www.ci.gatesville.tx.us/>; TDCJ, "Unit Directory"; TSLAC, "2000 Census: Population of Texas Cities," <http://www.tsl.state.tx.us/ref/abouttx/popcity12000.html>. Gatesville's prisons include the Gatesville, Mountain View, Hilltop, Woodman, Murray, and Hughes units. The town's website also boasts of a diverse population without mentioning that most of the non-white population reside in prison.

<sup>62</sup> "Reformatory for Vicious Boys," *Dallas Morning News*, April 4, 1887, 4; Jewell, letter to author, February 10, 2006, July 1, 2005, February 10, 2006; *Morales v. Turman*, 383 F. Supp 53 (1974), 77. Virginia opened a state boys school in 1890. Vernetta D. Young, "Race and Gender in the Establishment of Juvenile Institutions: The Case of the South," *Prison Journal* 73, no. 2 (1994): 252.

<sup>63</sup> Leavelle, email to author, January 27, 2006; J. W. Campbell, interview by author, August 5, 2002.

<sup>64</sup> Campbell, interview by author, August 5, 2002.

<sup>65</sup> James F. Anderson, Laronistine Dyson, and Tazinski Lee, "A Four Year Tracking Investigation on Boot Camp Participants: A Study of Recidivism Outcome," *Justice Professional* 10, no. 2 (1997): 199-213; Leavelle, email to author, January 27, 2006.

<sup>66</sup> Leavelle, email to author, December 15, 2006; Leavelle, letter to author, October 22, 2004.

<sup>67</sup> Campbell, interview by author, August 5, 2002.

<sup>68</sup> Pamela Baggett, interview by author, July 18, 2002.

<sup>69</sup> City of Livingston, "Civil War Reenactment," <http://www.cityoflivingston-tx.com/community/civilwar.asp>; TDCJ, "Unit Directory: Polunsky," <http://www.tdcj.state.tx.us/stat/unitdirectory/tl.htm>.

<sup>70</sup> Amnesty International, "Death Sentences and Executions in 2008," <http://www.amnesty.org/en/library/asset/ACT50/003/2009/en/0b789cb1-baa8-4c1b-bc35-58b606309836/act500032009en.pdf>; Death Penalty Information Center (DPIC), "Execution in the United States, By State," <http://www.deathpenaltyinfo.org/article.php?scid=8&did=1110>; TDCJ, "Executed Offenders,"

<http://www.tdcj.state.tx.us/stat/executedoffenders.htm>. Houston's Harris County alone has sent 108 defendants to their deaths since 1976, more than any state besides Texas. TDCJ, "County of Conviction for Executed Offenders," <http://www.tdcj.state.tx.us/stat/countyyexecuted.htm>.

<sup>71</sup> TDCJ, "Death Row Facts," <http://www.tdcj.state.tx.us/stat/drowfacts.htm>.

<sup>72</sup> Jonathan Reed, interview by author, August 7, 2003; Jonathan Reed, letter to author, October 21, 2003. For basic information on Reed's case, see 269 F.Supp.2d 784 (N.D.Tex 2003); TDCJ, "Offender Information: Jonathan Reed," <http://www.tdcj.state.tx.us/statistics/deathrow/drowlist/reedj.jpg>. Against the odds, Reed won the right to a new trial in early 2009. Steve McGonigle and Diane Jennings, "Texas Death Row Conviction Tossed; Biased Jury Selection Cited," *Dallas Morning News*, January 13, 2009, <http://www.dallasnews.com/sharedcontent/dws/dn/latestnews/stories/011308dntexconvictionreversed.1434cb1.html>.

<sup>73</sup> Reed, letter to author, October 21, 2003.

<sup>74</sup> Cameron Todd Willingham, letter to author, September 11, 2003.

<sup>75</sup> Steven Woods, letter to CURE, June 2004; Reed, letter to author, October 21, 2003.

<sup>76</sup> On the longterm effects of severe isolation prisons, see Jesenia Pizarro and Vanja M. K. Stenius, "Supermax Prisons: Their Rise, Current Practices, and Effect on Inmates," *Prison Journal* 84, no. 2 (2004): 248-264; Craig Haney and Mona Lynch, "Regulating Prisons of the Future: A Psychological Analysis of Supermax and Solitary Confinement," *New York Review of Law and Social Change* 23 (1997): 477-570; Stuart Grassian, "Psychopathological Effects of Solitary Confinement," *American Journal of Psychiatry* 140, no. 11 (1983): 1450-1454; *Out of Sight: Super-maximum Security Confinement in the United States* (New York: Human Rights Watch, 2000).

<sup>77</sup> Woods, letter to CURE; Jonathan Reed, untitled poem, December 5, 2004; Jon Reed, letter to author, March 6, 2006; TDCJ, "Offenders No Longer on Death Row," <http://www.tdcj.state.tx.us/stat/permanentout.htm>;

Richard Cartwright, "Uncensored from Death Row," unpublished open letter, February 6, 2005.

<sup>78</sup> See Carroll Pickett, *Within These Walls: Memoirs of a Death House Chaplain* (New York: St. Martin's Press, 2002).

<sup>79</sup> TDCJ, "Final Meal Requests," <http://www.thememoryhole.org/deaths/texas-final-meals.htm>, Claude Jones and Keith Clay. Condemned prisoners can order whatever they like, but TDCJ only honors requests for items on its regular menu. T-bone steaks, for instance, are not provided, though hamburgers are. Whatever they order, most prisoners don't eat much, mentally retarded offenders excepted. Says Pickett, "Despite the popular myth, most condemned men who order an elaborate meal only pick at it. The mentally challenged always display a voracious appetite." Pickett, *Within These Walls*, 176.

<sup>80</sup> Despite regulations, Warden Jim Willett says he sometimes allowed condemned men to have a smoke or two before their last walk down the hall. Willett and Rozelle, *Warden*.

<sup>81</sup> Texas has executed three women in recent years. None of them ordered more than a salad. TDCJ, "Final Meal Requests." Out of eleven female prisoners executed nationwide since 1976, seven of them ordered nothing, very little, or simply the standard prison menu of the day. Bill Hayes, email to author, February 4, 2006.

<sup>82</sup> Jim Willett, interview by author, July 19, 2002; *Witness to an Execution*; Willett and Rozelle, *Warden*. Until the 1990s, prisoners in Texas were executed at midnight, but TDCJ changed the procedure to make the process easier on staff.

<sup>83</sup> Mike Graczyk, in *Witness to an Execution*.

<sup>84</sup> TDCJ, "Executed Offenders, Last Statement: Richard Cartwright," <http://www.tdcj.state.tx.us/stat/cartwrightrichardlast.htm>; "Cameron Todd Willingham,"

<http://www.clarkprosecutor.org/html/death/US/willingham899.htm>; Maurice Possley, "Report: Inmate Wrongly Executed: Arson Experts Say Evidence in Texas Case Scientifically Invalid," *Chicago Tribune*, May 3, 2006, <http://www.chicagotribune.com/technology/chi-060502willingham,0,6033976.story>.

<sup>85</sup> TDCJ, "Executed Offenders, Last Statement: Hilton Crawford," <http://www.tdcj.state.tx.us/stat/crawfordhiltonlast.htm>; Karla Faye Tucker, <http://www.tdcj.state.tx.us/stat/tuckerkarlalast.htm>; John Moritz and Jim Brazille, in *Witness to an Execution*.

<sup>86</sup> Melvin Wayne White, <http://www.clarkprosecutor.org/html/death/US/white990.htm>; Leighanne Gideon in *Witness to an Execution*. The drug combination pioneered by Texas and used by most other states has come under criticism from human

rights advocates, death penalty opponents, and anesthesiologists because the initial dose may provide insufficient sedation to prevent intense pain. See TDCJ, "Death Row Facts,"

<http://www.tdcj.state.tx.us/stat/drowfacts.htm>; Adam Liptak, "Critics Say Execution Drug May Hide Suffering," *New York Times*, October 7, 2003, A1; Louis Sahagun and Tim Reiterman, "Execution of Killer-Rapist Is Postponed After Doctors Walk Out," *Los Angeles Times*, February 21, 2006, <http://www.latimes.com/news/local/la-me-morales21feb21,0,246025.story?coll=la-home-headlines>.

<sup>87</sup> Sara Rimer, "Working Death Row: In the Busiest Death Chamber, Duty Carries Its Own Burdens," *New York Times*, December 17, 2000, 1, 32; Kenneth Dean and Fred Allen in *Witness to an Execution*. See also Bob Herbert, *Promises Betrayed: Waking Up from the American Dream* (New York: Times Books, 2005), 92-94.

<sup>88</sup> Rimer, "Working Death Row"; "News about Gary Etheridge," <http://www.ccadp.org/garyetheridge-aug2002news.htm>; Michael Graczyk, "Man Convicted of Killing Four, Including His Mother, Put to Death," Associated Press, February 18, 2005.

<sup>89</sup> Rimer, "Working Death Row"; Mike Graczyk and Leighanne Gideon, in *Witness to an Execution*.

<sup>90</sup> Robert Lee Mudd, letter to author, March 10, 2006; TDCJ, "Unit Directory"; Bill Habern, interview by author, July 19, 2002.

<sup>91</sup> TDCJ, "Unit Directory: Eastham"; Fred King, "6 Units to House Unruly Inmates," *Houston Post*, August 30, 1984; "The Recent Eastham Prison Breaks," *Sheriffs' Association of Texas Official Magazine* 6, no. 8 (August 1937): 18-19; Fred Roe, "Willie's Story: The Beginning," *Hill n' Holler Review*, April 16, 1999.

<sup>92</sup> "Eastham Rodeo Thrills," *The Echo*, August 1929, 9; E. R. Milner, *The Lives and Times of Bonnie and Clyde* (Carbondale: Southern Illinois University Press, 1996); Texas, Joint Legislative Committee Investigation of the State Penitentiary System, Hearing Transcripts (1925), 88-106; Louise Adams Fulsom, *Prison Stories: The Old Days* (Huntsville, Tex.: privately printed, 1998); Bruce Cory, "The Old Days at TDC Are (Almost) Over," *Corrections Compendium* 11, no. 6 (1986): 1, 6-10; Texas State Penitentiary Board, *Biennial Report* (1896), 10-11. The Eastham Family bought the farm in 1891 and started using convict labor shortly thereafter, perhaps before an official contract showed up in the official reports. "Eastham folder," Texas Prison Museum. Jim Willett, email to author, February 14, 2004.

<sup>93</sup> Jane Howe Gregory, "Persistence and Irony in the Incarceration of Women in the Texas Penitentiary, 1907-1910" (master's thesis, Rice University, 1994); Prison Commission, *Annual Report* (1921), 7; James

Robert Reynolds, "The Administration of the Texas Prison System" (master's thesis, University of Texas, 1925), 115.

<sup>94</sup> Walter Siros, interview by author, July 24, 2002; Aric Press, et al., "Inside America's Toughest Prison," *Newsweek*, October 6 1986.

<sup>95</sup> John Massingill, interview by author, July 19, 2002.

<sup>96</sup> Massingill, interview by author, July 19, 2002. See James W. Marquart and Ben M. Crouch, "Judicial Reform and Prisoner Control: The Impact of Ruiz v. Estelle on a Texas Penitentiary," *Law and Society Review* 19, no. 4 (1985): 557-586.

<sup>97</sup> Anonymous convicts, interview by author, July 19, 2002.

<sup>98</sup> Massingill, interview by author, July 19, 2002.

<sup>99</sup> Massingill, interview by author, February 17, 2006; Massingill, interview by author, July 19, 2002.

<sup>100</sup> Massingill, interview by author, July 19, 2002. On the complaints of the unrecognized guards' union, see Nate Blakeslee, "The Gray and the White," *Texas Observer*, March 31, 2000, 10-15; Diane Jennings, "Violence Erupts Again at South Texas Prison," *Dallas Morning News*, December 21, 1999, 31A.

<sup>101</sup> Massingill, interview by author, July 19, 2002; TDCJ, "Unit Directory: Eastham"; Chris DeGrate, letter to author, November 18, 2004.

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## CHAPTER 2

<sup>1</sup> Beaumont and Tocqueville, *On the Penitentiary System*, 79.

<sup>2</sup> Carleton Beals, *Stephen F. Austin, Father of Texas* (New York: McGraw-Hill, 1953), vi; Eugene C. Barker, *The Life of Stephen F. Austin, Founder of Texas, 1793-1836: A Chapter in the Westward Movement of the Anglo-American People* (Nashville: Cokesbury Press, 1925), 2.

<sup>3</sup> Austin to James F. Perry, May 10, 1834; Austin to James F. Perry, August 25, 1834, in Eugene C. Barker, ed. *The Austin Papers*, 3 vols. (Washington, D.C.: U.S. Government Printing Office, 1924-1928), 2:1049-1054, 1075-1084.

<sup>4</sup> Austin to James F. Perry, May 10, 1834; Barker, *Life of Stephen F. Austin*, 444-445.

<sup>5</sup> Austin to Perry, May 10, 1834; Austin's address at Brazoria, September 8, 1835, in Barker, ed. *Austin Papers*, 3:116-119; Texas Declaration of Causes for Taking Up Arms Against Santa Anna, San Felipe de Austin, Texas, November 7, 1835, in Ernest Wallace, David M. Vigness, and George B. Ward, eds., *Documents of Texas History*, 2nd ed. (Austin: Steck Company, 1994), 91. See also Barker, *Life of Stephen F. Austin*, chap. 14; Stephen Austin, "The 'Prison Journal' of Stephen F.

Austin," *Quarterly of the Texas State Historical Association* 2, no. 3 (1899), <http://www.tshaonline.org/publications/journals/shq/online/v002/n3/issue.html>.

<sup>6</sup> Beals, *Stephen F. Austin*, v; Eugene C. Barker, *Mexico and Texas* (Dallas: P. L. Turner, 1928), 1. Austin's most recent biography takes a more psychological approach but ends up replicating the minimization of slavery in the Texas Revolution. Gregg Cantrell, *Stephen F. Austin, Empresario of Texas* (New Haven, Conn.: Yale University Press, 1999).

<sup>7</sup> Resolution calling for the Convention of March 1, 1836, Washington, Texas, in Wallace, Vigness, and Ward, eds., *Documents of Texas History*, 94.

<sup>8</sup> George William Featherstonhaugh, *Excursion through the Slave States, from Washington on the Potomac, to the Frontier of Mexico; with Sketches of Popular Manners and Geological Notices* (New York: Harper, 1844), 124-125. According to my uncle, Gordon Perkinson, an amateur genealogist, Featherstonhaugh is a distant forebear of mine.

<sup>9</sup> Francis Lubbock, Governor's message to the senators and representatives of the Ninth Legislature of the State of Texas, November 15, 1861 (Austin: John Marshall & Company, 1861), 4; Alexis de Tocqueville, *Democracy in America* (London: Saunders and Otley, 1835), vol. 1, chap. 18.

<sup>10</sup> Austin to Wily Martin, May 30, 1833; Austin to Rafael Llanos, January 14, 1834, in Barker, ed. *Austin Papers*, 2:981, 1027-1031; Cabeza de Vaca, *Cabeza De Vaca's Adventures in the Unknown Interior of America*, trans. Cyclone Covey (Albuquerque: University of New Mexico Press, 1983); Frederic Gaillardet, *Sketches of Early Texas and Louisiana*, trans. James Shepherd, 3rd. (Austin: University of Texas Press, 1839; reprint, 1966), 68.

<sup>11</sup> Austin to Antonio Martínez, October 12, 1821, in Barker, ed. *Austin Papers*, 2:417-419.

<sup>12</sup> Austin to Antonio Martínez, October 13, 1821, in Barker, ed. *Austin Papers*, 2:419-421; Eugene C. Barker, "The Influence of Slavery in the Colonization of Texas," *Southwestern Historical Quarterly* 28 (1924): 5; Benjamin Lundy, *The War in Texas; A Review of Facts and Circumstances, Showing That This Contest Is a Crusade against Mexico, Set on Foot and Supported by Slaveholders, Land-Speculators, Etc. In Order to Re-Establish, Extend, and Perpetuate the System of Slavery and the Slave Trade*, 2nd ed. (Philadelphia: Merrihew and Gunn, 1837), 22-28.

<sup>13</sup> John Durst to Austin, November 10, 1829, in Barker, ed. *Austin Papers*, 2:285; Randolph B. Campbell, *An Empire for Slavery: The*