

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



Part II

The TYC Era:
Between Rehabilitation and Punishment
1949-2008

Cover image:

Student walking rock fence along Coryell City Road that divided the Hill Top Campus from the recreation field, Gatesville State School. Undated, circa early 1960s.

Courtesy of Texas State Library and Archives

The most tragic aspect of the delinquency docket is that more often than not the conditions which bog a youngster's feet in this sordid path are not of his own making ... [H]uman values call for some sort of organized effort by organized society to see that the child shall have at least the chance of normal life, or education, happiness and usefulness.

~ *Austin American-Statesman*
July 6, 1950

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

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INTRODUCTION

HIGH HOPES, HARD REALITIES



Where Part One of this report describes the evolution of juvenile justice in Texas as a system distinct from its adult counterpart, Part Two begins with the inauguration of the Texas State Youth Development Council (TYC) in September, 1949. The creation of TYC was the culmination of a half-century of nearly continuous complaints from juvenile court judges, child welfare advocates, civil rights organizations, elected officials, parents, and youth themselves.

From the inception of the juvenile justice system, reformers had argued that childhood and adolescence represented a period of life when immature individuals - particularly those from disadvantaged backgrounds - were prone to rash and even violent behavior, yet still amenable to rehabilitation. By the middle of the 20th century, a growing body of social science had begun to back those claims. The development of TYC was part of a national movement to apply new scientific knowledge about child and adolescent development, as well as a statewide governance model, to the administration of juvenile justice.

Nearly 60 years later, one can still sense the optimism in the public announcements of TYC's creation. In a February 6, 1949, signing ceremony for the enabling legislation, Texas Governor Beauford T. Jester lauded TYC as "the most extensive youth program ever developed" in the state's history.¹ This program envisioned a state agency that worked closely with local juvenile justice authorities, child welfare agencies, and community groups to keep at-risk youth out of the juvenile justice system altogether. National and state experts believed that juvenile offenders who remained impervious

The development of TYC was part of a national movement to apply new scientific knowledge about child and adolescent development, as well as a statewide governance model, to the administration of juvenile justice.



Governor Beauford H. Jester signing House Bill 705, July 5, 1949,
creating the Texas State Youth Development Council (standing).

Courtesy of Texas State Library and Archives

to the new preventive measures could be housed in smaller facilities located nearer to the urban areas from which most delinquent youth came. The new legislation promised an end to large, prison-like institutions such as the Gatesville Juvenile Training School in Coryell County and the Gainesville Training School for Girls in Cooke County.

By 1950, TYC was commended by the nation's leading child welfare experts and juvenile justice professionals as a model for other states. At long last, proclaimed TYC chairman Walter K. Kerr, "many children and youth will have a fairer opportunity for development of a healthy personality."² The optimistic rhetoric surrounding TYC's launch raised public expectations that the state's "most precious resource" - its youth - would indeed receive rehabilitative treatment for their delinquent behavior instead of the brutal punishment of the past.

Those promises would never be fully realized, however. In a pattern familiar from the early years of the system, public funding and enthusiasm for the new initiatives quickly waned. Within less than a decade, the new agency had become yet another glorified caretaker for the state's controversial juvenile training schools, and starting in the late 1960s, it came under increasing public scrutiny for abuses of juveniles in its training schools. Once again, legislative investigations of TYC demonstrated quite clearly that little had changed

from the pre-TYC era. When no action was taken by the legislature, advocates, youth and their parents took matters into their own hands, filing *Morales v. Turman* in 1971, a class action lawsuit that built on federal court decisions extending adult civil rights to juvenile offenders. That case produced a landmark ruling in 1974 which marked the end of a troubled era in TYC's history. Forced to close its largest, most controversial institutions - Mountain View and Gatesville - TYC moved toward a more community-based treatment model, even as the legislature created the Texas Juvenile Probation Commission to further expand the state's services to at-risk and delinquent youth in their home communities.

As a new, more reform-minded regime took charge of TYC, public expectations again were raised, but, as before, were met only temporarily. In the 1990s, under the pressure of new demands to "get tough" on juvenile offenders, TYC once more began relying heavily on secure, prison-like institutions - "youth prisons" in current parlance. Two of these youth prisons - the West Texas and Evins facilities - became the sites for abuse scandals that rocked TYC in late 2006 and early 2007, and resulted in the agency being placed under conservatorship. The concluding section of this report surveys the historical and contemporary landscapes of Texas juvenile justice, and urges policy-makers to move beyond this cycle of unrealized reform efforts.

REFORM AND RESISTANCE 1950-1967

EFFORTS AT STATE-COMMUNITY PARTNERSHIPS FOR PREVENTION



In its early years as a subsidiary of other state agencies, TYC attempted to forge close working relationships with local public and private entities. Between 1949 and 1955, TYC was divided into two directorates, focused respectively on "Institutions" and "Community Services." The local community represented TYC's "primary concern"³ because it was viewed as "the point of conception" for delinquency. TYC was required by statute to gather data and "focus public attention" on community needs; to "strengthen the family in meeting its responsibilities;" to coordinate services throughout the state; and to assist local authorities in developing juvenile justice, probation, and prevention programs.

In order to fulfill these daunting tasks, TYC divided the state into 4 regions, each headed by a "field consultant." In its first year alone, TYC field consultants visited nearly 200 of the state's 254 counties, armed with a written blueprint for the development of "community youth councils,"⁴ which would promote improvements in schooling, recreation, juvenile court, family, and religion for delinquent and pre-delinquent youth. The field consultants also provided an array of more direct services in the field, similar to what today might be termed "technical assistance." Staff demonstrated how to develop an individual case study in 32 county courts; compiled "comprehensive" surveys of existing needs and services in four counties; and helped create two county probation departments. Another part of TYC's community outreach effort involved standardizing the "irregular" practices of juvenile courts across the state. Local juvenile courts hosted in-service training seminars on "best practices" and received new "face sheets" intended to accompany juveniles committed to TYC custody. The "face sheets" exemplified TYC's goal of standardizing local juvenile justice procedures for intake, disposition, and record-keeping.

Another major focus for TYC field consultants was supervised recreation; out of 700 incorporated communities, only about 20 provided organized public recreation services. Based on the premise that boredom and idleness fed into delinquent behavior, TYC persuaded dozens of local governments to build playgrounds and swimming pools and to develop summer and after school programs. "Thousands of children are prone to join the 'street corner society,'" admonished TYC in its first annual report. "Our future depends largely upon how we use our leisure time."⁵

PROBATION DEPARTMENT

JUVENILE FACE SHEET AND STATISTICAL REPORT

Sample Face Sheet No. 2

PD-1
-53

A. County of Travis B. Case Number 4501 C. Date of Referral 12-53 Worker Brown
 CHILDREN. List, first, children specified in the complaint and check them in the second column; list, next, the other children in the home in order of age.

No.	✓	NAME (Print) Last First	D. Age	E. Birthdate	F. Sex	G. Previous Court Experience (Yes or No)	School or Employer	Grade or Wage	H. School Record*	I. Religious Activity†
1	✓	Jones,	15	12-10-37	M	Yes	Wright School	6	Poor	Occasional
2	✓	Jones,	14	8-4-38	F	No	" "	6	Fair	"
3		Brown,	12	4-1-40	M	No	" "	4	Reg.	"
4		Brown,	10	6-10-42	F	No	" "	3	Reg.	"
5										
6										
7										
8										

REPRODUCED FROM THE
HOLDINGS OF THE
TEXAS STATE ARCHIVES

Statistical Items: Circle one number for each item. Under items J or K two may be encircled if two codes apply.

CHILD(REN)'S Address 1309 Palo Pinto, Austin, Texas

*Write good, fair or poor
†Write regular, occasional or no attendance.

- J. Child(ren) Living With:
- (1) Both parents
 - 2 Mother only
 - 3 Father only
 - (4) Mother and stepfather
 - 5 Father and stepmother
 - 6 Adoptive parent(s)
 - 7 Grandparents
 - 8 Relatives
 - 9 Independent Arrangement
 - 10 Foster family—Type _____
 - 14 Child care institution
 - 15 Elsewhere (specify _____)
 - 99 Unknown

Parents Full Name	OWN PARENTS		STEP PARENT
	FATHER	MOTHER	
	Jones,	Brown,	Brown,
Address		1309 Palo Pinto Austin, Texas	1309 Palo Pinto Austin, Texas
Age		38	40
Birthplace		Austin, Texas	Columbus, Ohio
Religion		Protestant	Protestant
Education		8th Grade	8th Grade
Time in County		38 years	14 years
Marriage date		11-5-39	11-5-39
Marriage place		Austin, Texas	Austin, Texas
Marital Status		Married	Married
Occupation		Housewife	Stone Mason
Weekly Income		None	\$75.00
Employer		-	Austin Stone Co.
If dead, date	9-4-39	-	-

K. Marital Status of Child's Own Parents (Not Step Parents). Report adoptive parents if adoption is completed.

M. REASON FOR REFERRAL (Report actual offense, not legal description of offense)

- 1 Unmarried
- (2) Married, living together
- 3 Marriage intact, not living together
- 4 Divorced, separated, or deserted
- (5) Father dead
- 6 Mother dead
- 7 Both parents dead
- 9 Unknown

Children broke into service station and took money from cigarette machine.

- L. Race of Child(ren)
- (1) White
 - 2 White (Spanish Descent)
 - 3 Negro
 - 4 Other (specify _____)

N. Source of Referral (Note: Where two sources refer a child, select the one making the referral first.)

- 1 Officer of court
- 2 Other court
- (3) Law enforcement officer
- 4 Parents or relatives
- 5 Local public welfare agency
- 6 Individual
- 7 State Department of Public Welfare
- 8 School
- 9 Health Department
- 10 Private social agency
- 11 Other
- 99 Unknown

O. TYPE OF CASE

- (1) Official case (active petition on file)
- 2 Unofficial case, retained after completion of investigation
- 3 Unofficial case, closed upon completion of investigation
- 4 YDC case, retained after completion of investigation
- 5 YDC case, closed upon completion of investigation

P. DETENTION OR SHELTER CARE

- 1 No overnight care
- CARE OVERNIGHT OR LONGER IN
- 2 Boarding Home
- (3) Detention Home
- 4 Other institution
- 5 Jail or police station
- 6 Other place

Name of Referring Person
Parker

MAIL ONE COPY TO STATE YOUTH DEVELOPMENT COUNCIL, 808 TRIBUNE BLDG., AUSTIN, TEXAS

The "face sheets" exemplified TYC's goal of standardizing local juvenile justice procedures for intake, disposition, and record-keeping.

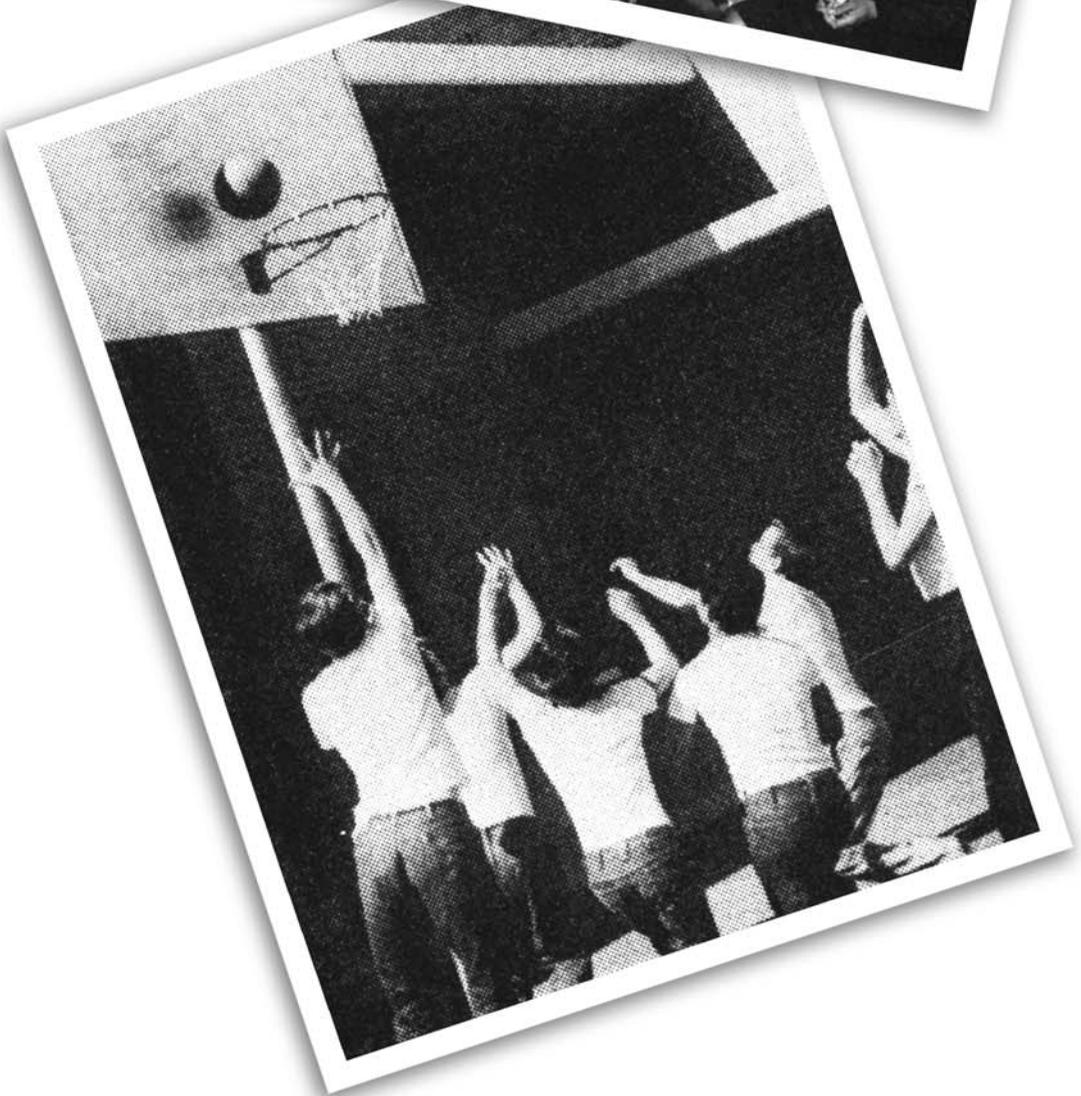
Courtesy of Texas State Library and Archives

TYC's mission faced an uphill battle on two scores. First, it called on legislators and citizens to invest tax dollars in areas where they had been reluctant to do so previously. Second, the beneficiaries of those funds were juvenile delinquents, who had to evoke public sympathy in order to merit the investment of taxpayer resources. TYC's goal, as expressed by Chairman Kerr in 1951, was "to be in a position to develop and control public opinion in matters pertaining to youth work."⁶ In 1950, "to focus attention on the problem of juvenile delinquency," TYC began publishing a monthly newsletter, *The Key*, which was distributed across the state.⁷ That same year, Kerr appeared on a statewide radio broadcast with Texas Governor Allan Shivers to promote the availability of TYC's field workers to local communities. Favorable news articles lauded community programs that were begun with TYC aid, including, in some cases, recreation centers initiated by teenagers themselves. TYC earned enough respect to serve as the "go-to" source for news quotes on practically every youth-related issue imaginable, from child support payments to movie-going habits of teenagers. In the process, Kerr and his compatriots helped "normalize" delinquency for their public audiences, which in turn lent further legitimacy to TYC.⁸

In a 1950 editorial celebrating TYC's mission of "salvaging what can be salvaged," the *Austin American-Statesman* stated:

The most tragic aspect of the delinquency docket is that more often than not the conditions which bog a youngster's feet in this sordid path are not of his own making. Organized society has learned that the remedy is not the harsh processes of punitive justice in dealing with a boy or girl pushed by environment or home conditions into truancy and delinquency, but rather a correction of the conditions making his or her life what it is. Texas in just the past short time has gone beyond that to the concept that even when it first contacts a youngster well along the way to juvenile crime, hating society, in many cases it can help him readjust himself to a useful and self-respecting place in that society. ... [H]uman values call for some sort of organized effort by organized society to see that the child shall have at least the chance of normal life, or education, happiness and usefulness.⁹

Despite this public education effort, agency attempts to establish a permanent diagnostic center that would allow for more individualized treatment of adjudicated youth as required by statute were ultimately unsuccessful. Instead, TYC created a "mobile diagnostic clinic," which traveled across the state for five months in 1951. It treated 152 children in seven locations chosen for their lack of available psychological services. The mobile clinic represented a last-ditch attempt to demonstrate the utility of diagnostic screening with the aim of preventing delinquency.



Houston was one of the first cities in Texas to adopt recreation programs as delinquency prevention.
Hester House Girls' Club (above) and Boys Participating in Recreation (below).
Courtesy of the Houston Metropolitan Research Center, Houston Public Library

Typically, the arrival of the mobile clinic took on the trappings of a public event; in a temporary space reserved in or near the local county courthouse, reporters and citizens from the surrounding area gathered to witness a three-person team of clinical psychologist, psychometrist, and social worker "treating" children before and after their court hearings.¹⁰ Although the mobile clinic failed to win continued funding from the legislature, it further bolstered the notion that TYC was aggressively modernizing the treatment of juvenile delinquents.¹¹

A NEW DEAL FOR GIRLS' REFORM



In March, 1949, TYC appointed a new Gainesville superintendent with a progressive reputation, Maxine Burlingham, who initiated a series of attention-getting reforms at the girls' training school. Burlingham was a University of Texas graduate and a longtime probation officer from Fort Worth. She earned widespread praise for hiring professional caseworkers, revamping intake and discharge procedures, and launching a nursing school. This "new deal for girls' reform," as one newspaper put it, included



Gainesville State School table at the Annual Livestock Show and School Exhibit, 1946.
Courtesy of Texas State Library and Archives



Girls photo lab at Gainesville.
Courtesy of Texas State Library and Archives

therapeutic programs for "social adjustment."¹² For instance, in a class on "family relationships," girls wrote and performed autobiographical plays intended to show them "where they erred." Observers noted that laughter had replaced the "dreariness, resentment, and boredom" of previous administrations. An expanded beauty and cosmetology program encouraged "womanly" habits. Off-campus activities such as trips to swimming pools, churches, and parks, as well as "special" destinations like the circus or the skating rink, became rewards for good behavior and among the privileges denied for disobedience.

Violations of school rules were still punished, but less severely. Officially, the shackles, "reflection rooms," and forced haircuts of previous years had been replaced by a four-tier discipline system: denial of privileges, restriction to bedrooms, "cocktail parties" ("a stiff dose of castor oil" supervised by a physician), and, lastly, "10 to 12 strokes with a leather strap on the lower part of the buttocks."¹³

So well received were Burlingham's reforms that TYC began promoting Gainesville as an exemplar of a modern juvenile institution. On the last weekend of May, 1950, Gainesville held an open house that was attended by girls' families, reporters, and TYC members. "The girls have something interesting to do at all times," observed TYC members who visited Gainesville, which they compared favorably to "a small college" or "a boarding school."¹⁴ The event further underscored Burlingham's insistence that "the state school

girls" be viewed generally as normal girls rather than social deviants. "We have created a love for beautiful things," stated the event program, "have improved mental health, and have learned to think beautiful thoughts."¹⁵

DISCIPLINE, BUDGETARY PROBLEMS, AND THE GRADUAL SHIFT BACK TO INSTITUTIONS



Despite sunny assessments of Gainesville's program by TYC officials, not everybody agreed that conditions in the girls' training school had improved. In February, 1952, a Houston attorney named Kenyon Houchins filed a series of habeas corpus petitions on behalf of girls incarcerated in Gainesville.¹⁶ One of Houchins' clients was a Houston waitress named Reba Willis, whose 16-year-old daughter had spent 186 of the previous 210 days locked in the very same steel-lined isolation cell that notoriously had been known as the "reflection room." After clashing repeatedly with superintendent Burlingham, Willis told a Houston judge that she feared her daughter had "cracked from the strain" of solitary confinement. During a subsequent court hearing, a rapt audience of reporters and child welfare activists listened as the "attractive, strawberry-blond girl" described how two men had held her down while a third one beat her with a leather strap; how Burlingham had dosed her with Nembutal, a sedative from a class of barbiturates known colloquially as "goof balls;" and, how she and other girls routinely inhaled the fumes from glue and lighter fluid, and engaged in self-mutilation as an outlet for their unhappiness.¹⁷ These lurid stories convinced the judge to release the girl to the care of a county psychiatrist, while the Houston Housewives League charged Burlingham with "cruel and inhuman treatment in violation of the child's constitutional rights."¹⁸

Perhaps the most forceful condemnation came from another of Houchins' clients, a Gainesville escapee, during an emotional interview with a reporter:

I'll kill myself before I'm returned. I've been punished enough. It's not a corrective institution. It's a place of punishment. I've seen girls as young as 12 and 13 suffer treatment that shouldn't be given a hardened criminal... You're not there long before you learn a lot of things that can hardly be called corrective... I needed help, not punishment. I was emotionally upset. The school doesn't have provisions to take care of girls who need counseling. Instead, when a girl gets upset and makes a scene they put her in her room and lock the door and leave her there until she becomes resigned to the place.¹⁹

Rather than deny such charges, Burlingham instead countered that Houchins' clients were mentally ill, physically aggressive, and unsuited for a juvenile rehabilitation program. After an investigation that included a surprise visit to Gainesville from Governor Allan Shivers, TYC concurred, fully supporting Burlingham. "Some girls are so far gone," fretted TYC Executive Director John Winters, that "we hardly know what to do with them."²⁰ Burlingham never denied the charge of corporal punishment, having recorded 16 beatings the previous year. She felt it was a necessary bulwark against inmate-on-staff violence. For her, the worst aspect of the incident was that it led to a temporary moratorium on beatings, which in turn incited widespread disobedience within the institution. "Scared and intimidated," Burlingham's staff allegedly stood by helplessly while girls erupted in "near-rebellion" and "insurrection."²¹

While such episodes proved rare for Gainesville, they were commonplace in the boys' institution. From TYC's first day in existence, Gatesville remained mired in various controversies. Locals simmered with resentment over the replacement of former superintendent R.E. "Ed" Blair (whom TYC had fired in December, 1949) with James Atlee, a former area supervisor for the state Welfare Department with no "actual institutional experience."²² The local newspaper, the *Gatesville Messenger*, denounced the change as "out-



Bathroom in the Louisiana dorm at Gatesville.
Courtesy of Texas State Library and Archives



"Room Cage" in the Michigan dorm at Gatesville.
Courtesy of Texas State Library and Archives

side meddling" by Austin bureaucrats "not familiar with the tremendous task... of attempting to instill the ideals of law-abiding citizenship in some of the boys of a more hardened criminal nature."²³

However, a hostile community proved to be only one of Atlee's many problems. His first report to TYC included a laundry list of defects: an academic school that had lost its accreditation; an unqualified staff; a recreation program "consisting entirely of movies"; no placement or counseling services; "no facilities for classification or segregation"; a vocational program that continued to over-emphasize agricultural labor; and, a "retribution-oriented program of discipline."²⁴ However, Atlee's first attempts at reform - which included a ban on corporal punishment - provoked the same problems that had befallen previous reform-minded superintendents. Within months, he became the target of bitter complaints that relaxed discipline had sparked a wave of escapes.

In June, 1950, the Coryell County grand jury demanded that the state compensate local property owners for burglaries and damages caused by escapees, whom they claimed had grown in number to 47 a month - nearly twice the official statistics, which showed that runaways had dropped from a monthly number of 29 in 1949 to 26 in 1950.²⁵ Interpreting these criticisms as "no worse than they had ever been," TYC issued a public statement

of support for Atlee: "We hope that future legislative help would enable the school... to properly classify... those difficult youngsters who lead escapes, steal cars, carry guns and are so emotionally and mentally disabled as to require special care."²⁶

This statement vastly underestimated local anger, and TYC quickly shifted tactics by proposing to give the "Gatesvilleites" precisely what they wished for: the removal of the training school. At TYC's request, Richard Clendenen of the federal Children's Bureau and Bertram Beck of the American Law Institute visited Gatesville. Both experts reiterated the advice Clendenen had given the Commission in 1948: replace the large, mass-custody institution with smaller, regionally located ones. Accordingly, at its September meeting, TYC endorsed a plan to break up Gatesville into four separate facilities, each of which would replace mass-custody dormitories with single-room cottages.

In November, 1950, TYC chairman Kerr unveiled a \$2.25 million budget request for the new facilities. The plan received favorable news coverage throughout the state. "At last," rejoiced the *Austin American-Statesman*, "after precisely 61 years in which official neglect has made Gatesville a prep school for the state penitentiary," the state was willing to invest in "a brighter day."²⁷ Younger, more vulnerable youth would be protected from "the toughies," resulting in less restrictive, less prison-like settings.

On closer inspection, however, the plan relied on classification criteria that departed substantially from the recommendations of national experts. The designations of three of the four facilities revolved around levels of "custody," rather than a juvenile's stage in the rehabilitation process. These custody levels included a "maximum" security facility for "boys who cannot accept an open setting or ordinary treatment methods," and "medium" and "minimum" facilities for "the most hopeful and trainable boys." The plan also called for a fourth institution for "Negro boys" that would include a secure "detention cottage."

The plan went before the legislature in the spring of 1951, where it garnered tepid support. Pleas similar to those that had spurred the creation of TYC just two years before now fell on deaf ears. Citing a survey showing that 53% of state prison inmates were "graduates" of Gatesville, O.B. Ellis, the general manager of the Texas Department of Corrections, urged the legislature to "eliminate the 'school for crime.'"²⁸ TYC's Winters testified that smaller facilities located near cities would attract more trained professionals. In impassioned testimony before the Texas Senate, Superintendent Atlee described inmate gangs as an outgrowth of conditions which he called "worse than Huntsville," the state adult prison:

The beds, rows on rows of them in bare dormitories, are behind steel wire, similar to that used to enclose the cages in a zoo. Outside this cage sits an attendant. His job is to see that the boys behave. But if a sex deviate, in the blazing light of the overhead bulbs, makes a move, the attendant may lose his life if he opens the cage door to stop it. Things are that tough in the 'training school,' where the boys are supposed to be steered from the path of crime. ... In the past nobody seemed to care what happened to the school or the boys in it.²⁹

But in May, 1951, the expanded TYC budget bill was defeated, largely due to opposition from Governor Allan Shivers, who favored diverting funds to the construction of hospitals. Instead, TYC received an appropriation of \$669,000, less than one-third of the requested amount.³⁰

Not only did Gatesville remain intact, it would continue to grow exponentially throughout the next two decades, forcing TYC to abandon its commitment to community-based rehabilitation and prevention programs. Budgetary requests, negotiated at each biennial legislative session, reflected a renewed emphasis on large institutions. In May, 1953, for instance, Gatesville received one of the best appropriations in its history, while the non-institutional TYC positions of Director of Community Service, Recreation Consultant, Clinical Psychologist, as well as the four Field Representatives were slated for elimination.³¹ By 1955, budget cuts forced TYC to completely abandon its advising and grant programs for local juvenile courts, civic groups, and youth recreation clubs. Thus, less than a decade after its inception, TYC's once diverse scope of activity narrowed to a single task: the management of the state's three juvenile training schools at Crockett, Gainesville, and especially Gatesville, which experienced a startling increase in its inmate population over the next decade.³²

Budgetary requests reflected a renewed emphasis on large institutions. Less than a decade after its inception, TYC's once diverse scope of activity narrowed to the management of the state's juvenile training schools.

POPULATION TRENDS IN THE 1950S AND 1960S



As the 1950s progressed, the total number of Gatesville admissions nearly tripled, from 621 in 1950 to 1,825 in 1960. In 1955, a survey revealed that the adolescent age population had grown by 13% while the number of delinquency cases had risen by 51%. The estimated delinquency rate in Texas jumped from 15 per thousand in 1953 to 19 in 1955 and 23 in 1964.³³ Although youth misbehavior may have indeed increased, TYC's assistance in the formation of countless new juvenile courts surely contributed to this trend. The web of juvenile justice had expanded and become more professionalized, as intended. But due to budget constraints, TYC suddenly found itself ill-equipped to deal with the subsequent rise in juvenile commitments. The state's rapid postwar urbanization also played a role; nearly half of all TYC referrals came from the state's nine largest counties.

In general, delinquency serious enough to warrant institutionalization remained largely the province of adolescent males, with the sex ratio widening from three boys for each girl committed to four by 1960.³⁴ Thus, the typical juvenile delinquent remained male, urban, and working-class, a social background that differed little from that of the 1910s and 1920s. The

Table 1: Harris County Delinquency Referrals by Age, Race, Sex, and Offense, 1962

Offense	Boys				Girls				Overall
	W	B	L	Total	W	B	L	Total	
Auto theft	233	99	69	401	17	1	0	18	419
Robbery	39	28	13	80	4	4	3	11	91
Burglary	549	297	172	1018	30	33	17	80	1098
Other Theft	530	353	197	1080	62	66	24	152	1232
Truancy	81	102	45	228	51	25	16	92	320
Runaway	202	113	75	390	262	156	112	530	920
Ungovernable	61	31	10	102	42	34	17	93	195
Sex Offense	70	59	22	151	60	38	9	107	258
Drugs	6	0	3	9	9	9	0	18	27
Assault	78	64	27	169	9	21	6	36	205
Malic. Mischief	154	66	52	272	20	17	1	38	310
Traffic Viol.	20	11	3	34	0	0	1	1	35
Arson	3	1	2	6	0	0	0	0	6
Other	318	170	141	629	132	79	54	265	894
All	2185	1290	765	4240	640	463	256	1359	5599

* Figures did not include 411 "pending referrals" which brought total to 6010.
W = White B = Black L = Latino

Source: *Harris County Juvenile Probation Department, Annual Report for 1962 (Houston, TX: 1963)*. Courtesy of the *Houston Metropolitan Research Center, Houston Public Library*.

Table 2: Harris County Male Delinquency Referrals, Dispositions to TYC by Race and Ethnicity, 1962

	White	Black	Latino	Total
Total Referrals	2185	1290	765	4240
Total Court Cases	499	233	161	893
Percent Referred to Court	22.8	18.1	21.0	
Committed to TYC	61	77	33	171
Percent Committed to TYC	12.0	33.0	20.0	

Source: Harris County Juvenile Probation Department, Annual Report for 1962 (Houston, TX: 1963). Courtesy of the Houston Metropolitan Research Center, Houston Public Library.

only major demographic change in the juvenile delinquent population occurred at Gatesville, where the number of black and Latino juveniles rose precipitously.

Since Gatesville's inception, nonwhite offenders had comprised a disproportionate share of the inmate population. However, the trend became much more pronounced after World War Two. In 1950, the percentage of black inmates (27%) ran more than twice their share of the state's general population of 15-19 year olds (13%).³⁵ By 1955, according to TYC's own statistics, black male adolescents were three times more likely than their white counterparts to be incarcerated in Gatesville.³⁶ In the early 1960s, black inmates comprised the largest group even in raw numbers.



Harris County Juvenile Court, circa late 1950s

Courtesy of the Houston Metropolitan Research Center, Houston Public Library

Forced to abandon its lofty goals of delinquency prevention and rehabilitation, the agency found itself primarily concerned with managing the same large, dysfunctional institutions that it had once hoped to marginalize.

The reason for this disproportionate confinement of nonwhite youth was suggested in a 1958 survey of juvenile court decisions in roughly half of Texas' counties: Although black youth were tried in formal proceedings at a rate commensurate with their share of the overall population, the outcome for black juvenile offenders was far more likely to be commitment to an institution.³⁷

A 1962 annual report by the Harris County Juvenile Probation Department reinforces that the major differences across racial and ethnic lines came not at the point of referral to the department (see Table 1), but in the disposition decisions. The court was far more likely to commit black youth to TYC custody, both in raw numbers and as a percentage (see Table 2). Although white, black and Latino delinquent boys in Harris County were formally processed through juvenile court at approximately the same rate (around 20%), a full one-third of black youth were sent to Gatesville, while only 20% of Latinos and 12% of whites received similar sentences.³⁸

TYC BECOMES AN INDEPENDENT STATE AGENCY, 1957



As the 1950s unfolded, demoralization set in at TYC. Board meetings became shorter, less frequent, and less well attended; in 1953, TYC moved to cut the membership of its board of directors in half, from six to three.³⁹ Forced to abandon its lofty goals of delinquency prevention and rehabilitation, the agency found itself primarily concerned with managing the same large, dysfunctional institutions that it had once hoped to marginalize. Worse yet, the institutions were growing at an uncontrollable pace. That same year, TYC received an appropriation for "security treatment centers" to isolate the most anti-social inmates, an expanded version of the "reflection rooms" at Gainesville. "Our program is breaking down," admitted Gatesville superintendent Herman Sapier in 1957. "About all we can concentrate on is custodial care."⁴⁰ Adding to Sapier's troubles was Gatesville's slowly crumbling facility.⁴¹

The person who spearheaded TYC's response to the twin problems of increased juvenile commitments and inadequate facilities was James Aubrey

Turman. A former Army captain, engineer at the DuPont Corporation, and graduate of Abilene Christian College, Turman earned Master's and doctoral degrees in psychology at the University of Texas in the 1950s. During that time, he also worked as a clinical psychologist for TYC's mobile clinic and the diagnostic testing programs. In January, 1955, TYC named Turman as its Consultant for Juvenile Delinquency, a position that previously had entailed working with various community agencies and organizations.

Turman, however, advised TYC that it should focus on its institutions rather than pursue the reinstatement of recently abandoned community programs. New admissions to Gatesville averaged two each day, forcing the daily release of at least two boys, regardless of their progress toward rehabilitation. But this "revolving door" tactic failed to stem the tide; although the typical stay dropped from 14 to 9 months during this period, the facility's average daily population exceeded capacity by at least 200.⁴² Turman argued that TYC "could not expect any appreciable decrease in commitments" and should plan accordingly.⁴³

In 1955, the legislature concurred with Turman, refusing once again to fund a TYC budgetary request for community work (this time for 30 juvenile probation officers). "Much of the original enthusiasm and public interest" in TYC's community program "had been lost," declared Weldon Hart, chairman of the Texas Employment Commission.⁴⁴ In Austin, some suggested doing away with TYC altogether, and placing the training schools under the authority of either the Department of Welfare or the Department of Corrections.

As high-level staff saw their positions eliminated or resigned to take jobs elsewhere, Turman's role in the agency expanded. By 1956, he had taken on the additional position of Director of Institutions, putting him atop both of the major divisions within TYC.⁴⁵ At the end of 1956, TYC promoted Turman to "executive director" to represent the agency to an increasingly hostile legislature, which was due to consider TYC's future in the upcoming session.

In 1957, TYC was reorganized as an independent state agency in charge of the three juvenile training schools and three institutions for dependent children in Waco, Austin, and Corsicana.⁴⁶ When the new TYC began work that fall, Turman was the consensus choice for executive director.

One of his first actions was to continue a "get tough" effort he had begun behind the scenes within TYC. "Certain juveniles have taken advantage of the law," he had argued previously, "escaped punishment, and flaunted the juvenile law in the faces of law enforcement officers... with the knowledge that they could not be prosecuted as adults."⁴⁷ At Turman's urging, TYC recommended that the legislature make it easier to transfer older juvenile offenders to adult court.

This argument found a willing audience due to a rash of violent juvenile crimes. The most dramatic incident took place on Christmas night in 1957, when four Gatesville parolees driving a stolen car shot and killed 15-year-old Jay Evans in his own front yard, in the upscale West University Place neighborhood of Houston. The assailants in this drive-by shooting, ranging in age from 16 to 18, had a combined record of 74 arrests. Evans' parents organized the "West University Place Committee to Assist in the Elimination of Juvenile Crime," warning that "any family's child, even yours" could be a victim of "teen-ager terrorism." Within weeks, the group issued a "blueprint" that recommended trying violent juvenile offenders in criminal courts, and building more maximum security training schools. Circulated to 25 city mayors, all the state's district judges, members of the legislature, and the governor, the plan helped fuel support for the construction of a new facility designed, unabashedly, for imprisonment.⁴⁸

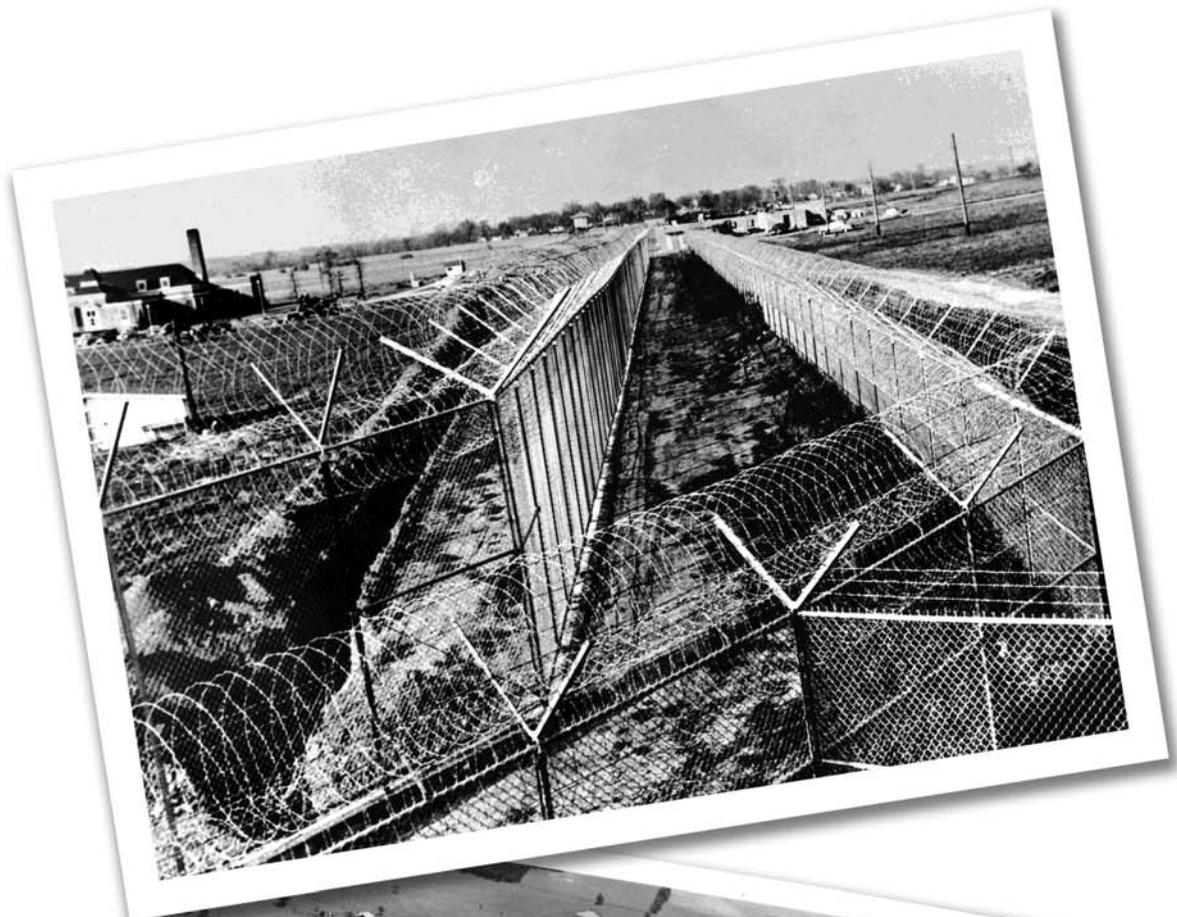
MOUNTAIN VIEW, 1962



The time was ripe for tougher measures, and also offered TYC an opportunity to reverse years of budgetary neglect. Thus, in the midst of the latest cycle of outrage over juvenile delinquency, TYC director Turman urged the construction of "an interim reformatory" for older juvenile offenders. In a major speech to a convention of state judges and law enforcement officers, Turman described these offenders as inhabiting a "twilight zone between adolescence and complete adulthood."⁴⁹ Endorsing the Houston parent group's blueprint, Turman called for the expanded certification of adolescents to adult court. "In some instances," he suggested, juvenile offenders were "overprotected... at the expense of society."⁵⁰

In August, 1961, the brutal murder of a Gatesville guard confirmed this view in the eyes of many observers. A staged fight lured the victim, 43-year-old Billy Malone, a retired Air Force mechanic, into the sleeping area of a dormitory around midnight. Nine boys attacked Malone, beating him to death with a baseball bat before fleeing the facility. An uproar ensued, led by local attorney and longtime training school defender Harry Flentge, who blamed "theory-happy psychologists" who ran Gatesville by "remote-control" from Austin.⁵¹

To mollify critics, the legislature eagerly appropriated over \$2.5 million for a youth prison - far exceeding the funds it had been willing to approve for smaller, community-based programs a few years earlier. This new facility, the Mountain View State School for Boys, would be located a mere stone's throw away from the sprawling Gatesville complex. It would serve only



Exterior photos of Mountain View during construction, 1962.
Courtesy of the Texas State Library and Archives Commission

older, "violent and serious" offenders, and therefore "be surrounded by a heavy double fence, barbed-wire topped." In contrast with Gatesville's tree-lined roads, and older, somewhat home-like buildings, Mountain View presented a treeless, austere complex of one-story, rectangular buildings. It opened on September 5, 1962, when 56 boys were transferred from Gatesville.

However, even as tougher measures were being enacted in Texas, across the nation the political climate around juvenile justice was changing. The state legislatures of California and New York established new procedural guidelines for the juvenile court, intended to reserve training schools for only the most violent and serious juvenile offenders. In all other cases, juvenile courts were encouraged to seek "the least restrictive dispositional alternative" to institutionalization. New York took this approach further in its 1962 Family Court Act, which formally classified less serious and younger offenders as Persons in Need of Supervision.⁵²

That same year, in Texas, a study conducted by the National Council on Crime and Delinquency and the Junior Leagues of Texas concluded that TYC had failed to mount effective non-institutional programs. Calling for "smaller regional training schools," the Junior Leagues distributed two short documentary films based on its research, "Christina's Doll" (1962) and "A Theft of Tomorrows" (1965).⁵³ "How unfair it is to the already unhappy boys and girls," a press release lamented, "if there are not properly trained officials to help them and adequate facilities to house them if they are taken from their homes."⁵⁴

THE DISCOVERY OF CHILDREN'S RIGHTS, 1967-1971

IN RE GAULT AND THE DUE PROCESS REVOLUTION IN JUVENILE JUSTICE



In the five years after Mountain View's construction, the political landscape around juvenile justice had changed dramatically amid a heightened national scrutiny of conditions of confinement for children in institutions.⁵⁵ Unlike prior waves of juvenile justice reform, this one concerned itself substantially with civil liberties. The New York and California statutes creating procedural protections for the juvenile court had mandated the right to counsel and parental notification. These and other due process reforms received federal sanction in a series of key rulings by the United States Supreme Court: *Kent v. U.S.* (1966), *In re Gault* (1967), and *In re Winship* (1970). Perhaps the most celebrated of these was the *Gault* case, in which a fifteen-year-old boy had received an indeterminate sentence of up to six years for the crime of making obscene phone calls - a crime which, for an adult, would have resulted in a fine of \$40. Warning that "the condition of being a boy does not justify a kangaroo court," the *Gault* ruling extended to juvenile offenders the right to counsel, to confront witnesses, and to be notified of charges.

In Texas, the *Gault* decision set off a round of litigation to courts of civil appeals. In May, 1968, the Court of Civil Appeals for Houston reversed the commitment of a twelve-year-old girl who was a habitual runaway. The court ruled that a local juvenile parole officer had interviewed the girl without counsel present, then used her words against her in commitment proceedings. While it admitted uncertainty about interpreting *Gault* in light of Texas' "overly vague" juvenile code, the court stated that judges were taking juvenile cases more seriously when decisions resulted in institutionalization.⁵⁶ Even more confusion surfaced one month later, when another civil appeals court ordered a new trial for a 14-year-old Lubbock boy accused of rape. Here the court agreed with an argument that *Gault* mandated the adult court's standard of proof beyond a reasonable doubt rather than the juvenile code's less stringent "preponderance of the evidence." Although other juvenile appeals courts cited this ruling, the Texas Supreme Court overturned it a year later, suggesting an unprecedented confusion about the juvenile court even among the state's highest legal authorities.⁵⁷

CRITICISMS OF TYC FROM ALL SIDES



Meanwhile, TYC found itself under mounting criticism from several directions. On August 27, 1964, before members of the Legislative Budget Board, TYC director James A. Turman sounded a dire warning: a rising tide of delinquency, fostered by a relaxing standard of public morality, threatened to engulf the state's already badly overcrowded training schools.⁵⁸ Turman requested a biennial 1966-67 budget of over \$18 million, nearly double that of the previous biennium and a six-fold increase over operating expenses in 1957, the year TYC was reconstituted as an independent agency. The increased funds would allow TYC to expand its institutional capacity and its fledgling juvenile parole program, inaugurated in 1961.⁵⁹

This was a bold request, given that it had not been a good year for the agency. In July, 1963, Gatesville superintendent O.F. Perry had been forced to resign when it was discovered he had permitted widespread use of corporal punishment. Local citizens denounced TYC for Perry's ouster, again accusing the agency of running Gatesville by "remote control."⁶⁰ By contrast, a few months later, ex-employees charged TYC with running Gatesville "like a concentration camp."⁶¹ In May, 1964, a group of parents and former staff members mailed written complaints to President Lyndon B. Johnson, Attorney General Robert F. Kennedy, and Texas Governor John Connally, alleging that inmates suffered regularly from physical abuse and routine denial of medical care.

TYC board members and a detail of Texas Rangers visited Gatesville but "failed to find any evidence" to support the charges.⁶² In an unprecedented instance of federal intervention in Texas, FBI agents investigated Gatesville, with similar findings. However, the *Dallas Morning News* published excerpts from the contents of a confidential employee questionnaire in which staff complained that Gatesville "simply stored boys out there with no thought of educating, rehabilitating or developing a work habit for them."⁶³ Some legislators proposed transferring authority over the training schools to the Texas Department of Corrections, which recently had opened a much-touted unit for "young first offenders."

Still, despite attacks from all sides, Turman's "whopping" budget request was successful.⁶⁴ With the support of Gatesville's legislative delegation, TYC had not only maintained its authority over the training schools but also received funding to expand them further. While the attacks brought no immediate consequences, they served to exacerbate the agency's insular attitude toward public criticism. Turman himself approved policies clearly intended to discourage public access to the training schools. In addition to existing limits on researchers and reporters, Turman had co-authored an intake policy that was openly contemptuous of inmates' families - in direct contravention to virtually all of the advice given TYC by national experts in its formative years, but



James A. Turman, Executive Director of the Texas Youth Council, 1957-1973.
Courtesy of the Texas State Library and Archives Commission

very much in keeping with official hostility to "meddling" families and attorneys in the pre-TYC era. Caseworkers were instructed to meet with parents and give "a frank but objective explanation of any faulty family patterns or relationships which have led to the present difficulties."⁶⁵ Sharp restrictions on parental visits and communications stemmed from a belief that they hampered an inmate's rehabilitation.

Increasingly, TYC pitted itself against "outsiders," including parents, supposedly driven by self-interested motives that were unrelated to actual problems in the institutions. By the mid-1960s, the accumulation of criticism hardened an existing penchant within the agency for secrecy and defensiveness into a reflexive worldview. "We've had just about all this nonsense we're going to tolerate," declared Turman in a speech to a Gatesville civic club shortly before the House budget hearings.⁶⁶ Supporting Turman throughout this period were TYC chairman Robert Kneebone and board member Louis Henna, businessmen and philanthropists with extensive experience on the boards of child welfare agencies.⁶⁷ Both men regularly made unscheduled inspections of TYC's training schools and gave them glowing reviews. The only major recorded criticism came from Henna, who objected to the absence of reading materials, especially the Bible, from the isolation wards.⁶⁸ Otherwise, Kneebone and Henna lent Turman their unqualified support, joining him in circling the wagons against outside criticism of any sort.

THE LEGISLATURE INVESTIGATES TYC, 1968 - 1969



In fall 1968, the mother and stepfather of Gatesville inmate Eddie Kellar, Jr., were summoned to the Gatesville infirmary. They arrived to find their son in a coma with an armed guard stationed outside his room. According to Dartman Evans, the boy's stepfather, Kellar's body was covered in bruises, his mouth "busted," and his chest marked with "a boot print." Gatesville officials told Evans that Kellar's attackers had been "two Negro boys with sexual motivation"; however, when Evans pressed for more information, this story changed several times, until finally it was admitted privately that a guard had been responsible for Kellar's injuries. Absent an official investigation, no criminal charges were filed. While his parents pursued a \$75,000 civil lawsuit against TYC, Kellar spent two months convalescing in a nearby hospital with his mother at his side. Because TYC refused to release any official information about his injuries, Kellar's family was forced to rely on their son's own testimony, which he was too "terrified" to give to authorities. TYC director Turman would later claim, defiantly, that Gatesville's doctors had "not found a scratch" on Kellar - "not one." In any case, Kellar's parents were unable to prevent his return to Gatesville to finish out his sentence. During their first family visit after the incident, Kellar's stepfather was greeted by the very guard responsible for the beating, "settin' there with his cowboy boots on."⁶⁹

The local media became interested in Kellar's story. Robin Lloyd and Tad Dunbar, two television journalists from Corpus Christi, interviewed Kellar's family for an investigative report on TYC. The result was what one newspaper later called a "horror series" which aired over a three-week period in December, 1968.⁷⁰ Images of Mountain View's prison-like exterior with armed guards on horseback alternated with confused TYC officials lamely answering questions and angry ex-employees giving eyewitness accounts of beatings.⁷¹

One of the fiercest critics to appear in the series was the Reverend Frank Briganti, who had served as a Catholic chaplain at Mountain View for the seven months from July, 1964, through January, 1965. After witnessing two beatings and counseling fearful boys covered in bruises, Briganti began cataloguing incidents of abuse. He noticed that inmates were placed in solitary confinement for minor offenses, such as speaking Spanish. One day, while Briganti watched, a gym instructor stopped exercises because a boy was lagging behind the rest of the class. In an "utterly routine fashion," the boy put his hands behind his back and allowed the instructor to punch him in the chest several times. When Briganti complained to the superintendent, he

was fired; soon after, he confronted Turman in his Austin office. Turman refused to launch an investigation because, as he admitted to Briganti, he was "too close to some of the men at Mountain View and might not be objective."

As a result of the Corpus Christi reports, Briganti's story attracted the interest of some members of the Texas House of Representatives. During the 61st legislative session (1969), the House tasked an Interim Committee on Juvenile Crime and Delinquency with bringing the state's juvenile code into compliance with *Gault's* mandate to extend to juveniles the right to counsel, to confront witnesses and to be notified of charges. Instead, the committee embarked on an investigation of TYC based on the public allegations of abuse circulating in late 1968. The committee chairman Vernon Stewart met with Corpus Christi reporters Lloyd and Dunbar. Stewart reportedly had received first-hand reports of abuse from former Mountain View inmates in his district. So too had committee member Curtis Graves, who became perhaps the fiercest critic of TYC in the legislature. A veteran civil rights activist, Graves had been elected to the Texas House in 1966, one of only two black state legislators since Reconstruction.⁷² Graves' main constituency, the black community of Houston's Fifth Ward, was more likely than any other social group to see their children sent off to Gatesville or Mountain View.

The hearings opened on the morning of January 3, 1969, with TYC's critics: the Kellar family, the Corpus Christi reporters Lloyd and Dunbar, and Reverend Briganti. It was revealed that TYC had fired 87 guards from Gatesville and Mountain View in the previous five years for violating the agency's use of force policy, which prohibited physical force except in cases of "imminent danger" to the safety of staff, inmates, or state property.⁷³ To critics, an average of more than one such firing a month bolstered their claims that abuse was the rule rather than, as TYC maintained, the exception.

And yet anecdotal evidence suggested the ineffectiveness of those firings. Reporter Dunbar recounted the story of one guard, fired for beating an inmate, who "came back every night for a week and beat up the boy again and again until the guard who was letting the fired guard in was himself fired."⁷⁴ Briganti testified that the staff's response to one inmate who suffered from epileptic seizures was to confine him in an isolation cell with a "tear-gas bomb." (No mention is made in any of TYC's records indicating exactly when the agency began authorizing the use of Mace, a chemical agent marketed to law enforcement and prison agencies in the early 1960s).

Another critic, Shirley Tyler, who taught math at a Houston junior high school and worked as a volunteer tutor for Gatesville parolees, claimed to have fielded "more than 200" abuse complaints from former inmates over a six year period. Boys who had never met one another told her similar tales of arbitrary

Legislators were confronted with visual evidence of abuse -- black eyes, swollen faces, bruised bodies, and blood-stained walls -- that rendered the inmates' statements nearly beside the point.

beatings, for "smiling and not smiling," and for "not standing up straight enough and standing up too straight." Tyler also described a punishment area called "the pit," an open sewage ditch in which boys were forced to wade and sometimes, she claimed, wrestle one another for the guards' amusement.

After a morning filled with such graphic testimonials, the committee spent the entire afternoon questioning TYC director Turman. In his rebuttal, Turman characterized the "parroted" complaints as part of a "campaign to discredit the agency" tainted by self-interest and ignorance.⁷⁵ In Turman's portrayal, Briganti was a disgruntled ex-employee whose allegations had been disproved by an FBI investigation, while Tyler was an overly emotional mother of seven who was frustrated because TYC had rejected her attempts to adopt parolees as foster children. Even less trustworthy, according to Turman, were the claims of inmates' parents, such as the Kellars, who were obviously biased in favor of their children.

Repeating what had been the official view since at least the 1910s, Turman reminded the committee that juvenile inmates would happily tell their parents whatever they wanted to hear in order to secure release. By contrast, TYC subjected inmate complaints to greater scrutiny, investigating each one carefully. Turman boasted that inmates typically had recanted their claims in the end, though he admitted firing guards who had "lost their temper and hit the boys."

Turman's denials reinforced the perception of a cover-up. Indeed, at the conclusion of Turman's testimony, Chairman Stewart suggested that TYC officials either knowingly approved of abuses or remained blissfully unaware of day-to-day events at their own facilities. Committee members quickly decided that the only way to ascertain the truth was to see the facilities for themselves in as unvarnished a fashion as possible. The very next day, a Saturday, the legislators conducted a surprise inspection of Gatesville and Mountain View. Meeting with inmates, including Kellar, in isolation cells, the legislators were confronted with visual evidence of abuse - black eyes, swollen faces, bruised bodies, and blood-stained walls - that rendered the inmates' statements nearly beside the point. Late that night, committee members held an angry press conference on the tarmac before boarding their return flight. Stewart expressed his belief in the veracity of abuse allegations, promising an "extremely critical report" and a "full-blown investigation" in the upcoming legislative session.⁷⁶

However, TYC and its allies were determined to halt a wider investigation. When Stewart's group landed in Austin, it was greeted by Ben Barnes, the Lieutenant Governor-elect and outgoing Speaker of the House. A former proponent of transferring the training schools to the jurisdiction of the Texas Department of Corrections, Barnes had shown little inclination to fret over prison-like conditions in the training schools. At the urging of legislators from Coryell County (home of Gatesville and Mountain View), Barnes declared that the committee had exceeded its original mandate to bring the state's juvenile code into compliance with *Gault*, and moreover lacked the legal authority to conduct what had become essentially a criminal investigation.

In the "wee hours" of the next morning, Barnes led his own "midnight inspection" of Gatesville and Mountain View with a hastily assembled entourage that included Stewart, the TYC board, TYC director Turman, and a contingent of Texas Rangers. The same group of inmates questioned previously by the Stewart committee underwent what the *Dallas Morning News* described as a "grilling" led by TYC board member Louis Henna. Meanwhile, Rangers administered polygraph tests to several juvenile inmates at their regional office in nearby Waco, under the supervision of the Coryell County district attorney.⁷⁷ Although the polygraph test results were never made public, several boys recanted or modified their earlier testimonies. For instance, one 17-year-old inmate revised his prior assertion that a group of guards had held him down and hit him in the face several times to the less serious statement that one guard had "kicked [him] lightly on the leg."

In his triumphant return to Austin, Barnes held a well attended press conference where he vehemently defended TYC. While Barnes admitted that one boy's bruises "looked serious," he explained that they had occurred in the context of a mass escape plot that had included the planned murder of a guard, all uncovered with the use of polygraph testing.⁷⁸ To illustrate this point, Barnes posed for a photograph with an assortment of "jiggers," "shivs," and other weapons made by inmates, an image which appeared on the front pages of several newspapers. Citing the inmates' long rap sheets, which included charges of armed robbery and assault, he scolded TYC's critics for confusing them with "Little League ball players who have run away from a Little League ball game."⁷⁹ Barnes went on to praise Mountain View's "spotless" facilities, and called for across-the-board pay raises for TYC staff.

Although the Stewart committee dropped its investigation of specific abuse charges, its members remained undeterred from their intent to publish a report critical of TYC. Over the next few days, a series of heated behind-the-scenes negotiations took place in Barnes' office between the committee, Barnes, and Gatesville-area legislators. At one point, Dr. George Beto, head of the Texas prison system, met with the participants to advise them on the possibility of placing the training schools under his supervision (Beto opposed the idea).⁸⁰ Meanwhile, on the pages of the state's newspapers, a



Contraband weapons confiscated at Gainesville, circa late 1960s.
Courtesy of Texas State Library and Archives

public debate raged over conditions in the training schools. Gatesville superintendent M.D. Kindrick, who had been with the institution since World War Two, complained that the investigation and negative publicity had disrupted institutional order and inspired a rash of escape attempts.⁸¹ The *Fort Worth Star-Telegram* conducted its own polygraph examination of two former inmates, both 20 years old, which substantiated their claims that beatings and falsified incident reports were "a way of life down there."⁸²

Finally, the tense week ended with a closed-door meeting of the Stewart committee and TYC board members Henna and Kneebone. The committee presented three official recommendations: the stationing of Texas Rangers at the training schools; an outside evaluation of TYC by a private organization such as the National Council on Crime and Delinquency; and unspecified "revisions" in the organization of TYC (possibly a reference to replacing Turman and the TYC board).⁸³ Gatesville-area legislators derided the entire investigation as sensational and dishonest, complaining that the decision to leave them uninformed of the investigation suggested "that they thought we knew that there was in fact brutal treatment at the schools and we condoned it."⁸⁴ TYC officials openly mocked the idea of an outside investigation unless it was made by "competent experts" from Texas.

At the end of a week of charges and counter-charges, TYC emerged victorious in a press conference proclaiming what was officially billed as a compromise solution. With Stewart and TYC officials at his side, Barnes announced

plans for a future study to be completed at an unspecified date, omitting two of the committee's three original recommendations and leaving any future action very much in doubt. Any study was unlikely to proceed under the auspices of the Texas House of Representatives, set to begin a new legislative session dominated by TYC's political allies, most notably the powerful chairman of the House Appropriations Committee, William S. Heatly.⁸⁵

TYC's critics reacted with frustration. Representative Graves appeared on several Houston television stations to denounce the "whitewashing" of the investigation. Fort Worth juvenile judge Scott Moore, who had served as a lay member of the Stewart committee, leveled similar accusations.⁸⁶ Robert McKenzie, a former Gatesville guard who had passed information to the committee, warned that TYC officials were "covering up" a system of "concentrated terror."⁸⁷

GROWING MEDIA SCRUTINY OF TYC



TYC's attempts to dodge accountability through political maneuvering did not spell the end of the story, as it had in previous decades; this time, the media kept it alive through a series of investigative reports that appeared in major newspapers in late January, 1969.⁸⁸ Although sympathetic to TYC, the reports qualified their support with several criticisms. The *Houston Post* obtained records of recent staff firings, which listed causes such as slapping, kicking, and paddling boys; in one extreme case, a guard was found to have "whipped all the boys in his dorm with an electric cord." In interviews, Mountain View superintendent M.D. Kindrick and his assistant superintendent Mack O. Morris categorically denied beating inmates. Interviewees told the *Post* that the investigation had served only to heighten tensions at the facilities and to embitter the staff, who felt misunderstood. Contrasting the unarmed guards with "tough, rebellious, and dangerous" boys, Turman complained that "a lot of people making irresponsible charges don't seem to understand that these kids have to be controlled."

Turman also touted improvements in staffing; TYC had redefined "guards" as "Youth Activities Supervisors," and increased the educational requirements for the position. The typical hire held at least a high school or general equivalency diploma (GED), and underwent a two-week training program designed by Sam Houston State University. Cut from "a better class" than in the past, TYC employees were younger on average, advanced through a six-step classification system, and wore uniforms. However, as even TYC officials admitted, these advances were tempered by the

The 1969 Senate Youth Affairs Committee report struck a familiar chord: it recommended the "decentralization" of the rural training schools and construction of two smaller facilities located in or near major cities.

entrenched problem of high staff turnover. "Not enough people are being trained," lamented Turman, "and if they are they won't work for what we pay." Low salaries combined with isolated locations (about 30% of Gatesville's staff commuted from another county) produced a 50% turnover rate; most employees held second jobs "farming, ranching, working in grocery stores or filling stations." The staff shortage was especially pronounced for caseworkers, who faced average monthly caseloads of 75, about a quarter more than the nationally recommended number.

The criticism continued in the legislature as well, despite the efforts of TYC's powerful allies. In February, 1969, TYC director Turman appeared before the Senate Finance Committee to submit a biennial budget request that included a controversial request for funds to construct a new training school in Giddings. In a preemptive move, Turman sent reporters and legislators copies of an extremely favorable outside evaluation of TYC conducted the previous November. Lavishing praise on TYC's "significant progress," the report found it to be "the outstanding state agency for juveniles" nationally, ranking second only to the California Youth Authority. Yet, critics noted that TYC's budget request devoted more funds to the construction of the new Giddings facility than to the combined costs of the agency's entire payroll and its probation and prevention programs. Echoing sentiments expressed at TYC's conception two decades earlier, they argued that smaller, urban facilities could prove cheaper and more effective than training schools located in remote backwaters.⁸⁹ Despite these fireworks, the agency received everything it requested.

The legislature's final stab at reforming TYC came in May, 1969, when the Senate Youth Affairs Committee released a lengthy report entitled *Services to Youth in Texas*. The report struck an all-too-familiar chord: calling for a "decentralization of boys' training school facilities," it recommended the construction of two smaller centers located in or near major cities.⁹⁰ Noting that the main intake center for boys remained at Gatesville, the committee "could find no persuasive arguments for the physical location of the reception and classification centers at relatively isolated institutions" instead of in metropolitan areas where professionals and resources were more available. For instance, one boy sent to Gatesville from Dallas was seen by a part-time TYC psychiatrist who commuted once a week from Dallas.⁹¹ Regional

intake, the committee suggested, could foster more continuity in sentencing and diagnoses, possibly even allowing more of the less serious offenders to remain in their home communities in a supervised "diagnostic parole." Indeed, such a regional facility could double as a "pre-release center" for inmates re-entering the community.

More individualized programming was also essential because TYC's inmate population mixed repeat offenders on their first or second commitment with mentally ill or retarded youth "dumped" into a correctional facility by rural counties lacking in services to diagnose or treat them appropriately. The Senate committee report presented detailed recommendations for improving academic, vocational, and rehabilitation programs. It also called for higher staff pay; the typical employee worked 48 hours per week while holding a second job. The student-staff ratio (40:1) led to "a depressingly constant use of control techniques."

The committee investigated six specific abuse complaints and found four of them credible. Investigators found "a strong climate of suppression, repression, and fear" pervading the training schools, along with "a well-developed and highly sophisticated subculture, or contraculture" among the boy inmates "with its own rules and its own vocabulary," that extended "far beyond the confines of the training schools into the urban communities and even, reportedly, into the Texas Department of Corrections."⁹² Finally, the committee scolded TYC for touting "the mere existence of unprosecuted investigations" as evidence of a positive program:

*Neither the Texas Rangers nor the [FBI] is... in the business of evaluating the rehabilitation programs at Texas training schools for juveniles who have been adjudged delinquent. Neither should these agencies be expected to enforce the policies of the state training schools relating to the use of physical force.*⁹³

This fairly comprehensive and critical report produced virtually no meaningful changes at TYC. The inaction of the executive and legislative branches left only one channel open to reformers: the judiciary.

MORALES V. TURMAN AND A "RIGHT TO REHABILITATION"

ROOTS IN EL PASO COMPLAINTS OF DUE PROCESS VIOLATIONS



The civil rights case that would reshape Texas juvenile justice began innocuously enough with a series of due process filings against the El Paso Juvenile Court. The lead attorney in these cases, Steven Bercu, headed the juvenile division of the El Paso Legal Aid Society.⁹⁴ In the summer of 1970, shortly after he began working in El Paso, Bercu fielded dozens of requests from parents who had voluntarily committed their children to state custody and now wanted them returned home. Bercu discovered that these cases had been determined by a rather obscure, informal mechanism, the "agreed judgment," which allowed parents to commit their children to state custody without a hearing in juvenile court.

Signed by the parent, Morris Raley, the El Paso chief of juvenile probation, and Edward Berliner, the county judge, the document appeared to uninitiated readers as the product of an actual courtroom proceeding. Agreed judgments accounted for over one-third (24 of 70) of juvenile commitments from El Paso County in the preceding year (1969-1970). With only about 3% of the high school age population in Texas, the county supplied almost 15% of new commitments to the Gainesville School for Girls.⁹⁵ Parents were misled on several scores by Raley, who regularly described Gainesville "as a prep school," complete with "a swimming pool... nice clothes and good food and a good education."⁹⁶ And parents thought they could recall their children at any time, but one described how that was not the case:

I took him to [the detention center] because he was bad, and when he came back home, he still didn't mind me, so I took him back and Mr. Raley sent him to Gainesville. ... [T]hey said when he got straightened out we could get him to come back home. And I need him back home now to do some work, and they're telling me he can't come home.⁹⁷

In October, 1970, Bercu filed a series of successful petitions on behalf of individual youth arguing that the agreed judgment blatantly violated *Gault*. The *El Paso Times* published an award-winning investigative series that expanded on Bercu's discoveries, convincing the local district attorney to denounce agreed judgments.

Soon thereafter, Bercu realized that he had a major civil rights case on his hands. He called the San Francisco-based Youth Law Center for assistance and received it from attorney William P. Hoffman, Jr.⁹⁸ He then sought and received a court order permitting him to depose youth who had been committed to TYC custody from El Paso, many of whom had never spoken with him before. One of them was 16-year-old Alicia Morales, whose father had signed an agreed judgment because she had refused to turn over her wages to him.

On January 27, 1971, Bercu and Hoffman arrived at Gainesville, armed with their court order. After a hastily arranged conference call with Turman, they were forced to interview their clients in the presence of Superintendent Thomas Riddle, a violation of attorney-client privilege that was repeated two days later at Gatesville.⁹⁹ In doing so, TYC unwittingly had given Bercu and Hoffman what they had wanted all along - an opportunity to widen the scope of the case from a due process claim to one against the institution. "We were pretty sure [that] we were going after the school as soon as we went in," recalled Bercu.¹⁰⁰

On February 12, they sought an injunction in the district court whose jurisdiction included Gainesville, where the presiding judge, William Wayne Justice, seemed likely to be sympathetic to juvenile plaintiffs: several unpopular but key decisions had garnered Justice a reputation as a staunch civil libertarian. Having found a friendly forum for their case, Bercu and Hoffman filed *Morales v. Turman*, a class action lawsuit to prevent juvenile judges across Texas from committing minors to TYC without due process.¹⁰¹

As its setbacks mounted in the courtroom, TYC lost even more ground in the area of public relations. In May, 1971, NBC aired "This Child is Rated X" on its Saturday night *White Paper* news magazine. The broadcast included interviews with two El Paso teenagers who had recently been released from Gatesville. One boy recounted how guards had "whipped" the arches of his feet with a steel rod, while another described how guards weighing "close to three hundred pounds" beat boys at random. He also described a climate of terror in which boys never knew when a guard might "jump on you." Defending such practices was none other than El Paso Juvenile Probation Chief Raley, who decried the "coddling permissiveness" of parents as a far greater concern. This clash of attitudes, between those who viewed even delinquent youth as adolescents in need of protection, and those who viewed them and their families as untrustworthy criminals, finally came to a head during the *Morales* case.

SHIFT TO A CONDITIONS OF CONFINEMENT CASE



In July, 1971, Judge Justice mailed a questionnaire to all of the roughly 2,500 training school inmates. An enclosed letter informed the recipient, many for the first time, about the case's existence. Inmates were assured that their responses would be kept confidential, and asked whether they had received a court hearing or counsel before being committed to TYC.¹⁰² Of the 2,294 respondents, 863 had hearings but not attorneys, while 280 had not seen a judge or a lawyer. In other words, nearly half of all TYC's inmates had been committed illegally.¹⁰³ In addition, about 50 respondents had scribbled descriptions of abuses suffered at the hands of staff on the back of their questionnaires. In November, 1971, Bercu obtained the court's permission to conduct one-on-one interviews with all TYC inmates to determine how many of them had suffered abuse. In January and February of 1972, over 100 attorneys, along with law students from the University of Texas and Southern Methodist University, conducted interviews in training school gymnasiums.

A series of power struggles ensued between Bercu's group and TYC employees, who complained that the interviews disrupted the daily routine of the training school and undermined the authority of staff. Some inmates who had been released and re-committed were recruited to sign sworn complaints against Bercu's team. "I misrepresented the truth because I was desperate to be released," wrote one Gainesville inmate who "want[ed] to tell the truth this time."¹⁰⁴ Parents sympathetic to TYC portrayed the attorneys as meddlers. "I sincerely cannot understand why they are doing these things," wrote one parent; "I believe that they will only hurt the kids more than help them."¹⁰⁵ On similar grounds, some TYC staff devised "treatment plans" for youth that barred communication with Bercu's team while encouraging letters to TYC lawyers.¹⁰⁶ "As long as I write you," one Gainesville inmate told Bercu, "is as long as I am going to stay."¹⁰⁷

During the prolonged discovery phase of the trial, a number of third parties got involved in the *Morales* case on behalf of the juvenile plaintiffs. At Judge Justice's invitation, the U.S. Department of Justice joined the case; a legal team headed by U.S. Attorney Daniel Maeso added firepower to Bercu's arsenal. FBI agents turned up at TYC facilities to conduct inspections, take photographs, review documents, and interview employees and inmates. The Mental Health Law Project, a nonprofit legal aid firm, also joined on behalf of the American Psychiatric Association (of which TYC director Turman was a member) and the American Psychological Association. In addition, the court granted a motion filed by Bercu to allow academics to conduct extended participation-observation studies of Gainesville and Gatesville.¹⁰⁸

In one of these studies, Gerda Hansen Smith, a psychiatry instructor at the University of Texas Medical Branch in Galveston, spent two weeks at Gainesville. Smith spent her nights in the same living quarters inhabited by the girl inmates. According to TYC's official literature, Gainesville inmates lived in "home-like cottages" with "private rooms." Smith, after living in them briefly, was "appalled" by both the conditions the girls in Gainesville endured, and their gross misrepresentation by TYC. In Smith's telling, the "cottages" resembled nothing more than cell blocks: "dark, narrow corridors with teenage girls looking out a slightly opened door that was chained." As for the "private rooms," each one contained "a cot projecting from a concrete block wall with a heavy wood door, with a little peephole up at the top, [and] with a window that looked out that had a heavy screen on it."¹⁰⁹

On the boys' side, George Pulliam, the Chief Clinical Social Worker for the Division of Child and Adolescent Psychiatry at the University of Texas Medical Branch, spent two weeks at Gatesville. He found a regime that was practically unchanged from the 1920s: enforced silence, extreme regimentation, and untrained and uncommunicative guards - "a very pathetic kind of situation."

Yet of all the studies conducted by independent academic researchers, the most disturbing was Howard Ohmart's report on Mountain View. Ohmart, who had evaluated over 20 prisons, including Angola State Prison in Louisiana, described Mountain View as "punitive, regimented, and oppressive." He observed guards wearing "police-type uniforms" that, in Ohmart's estimation, discouraged the ability of staff to function as "substitute parents" as TYC claimed they did. But the worst part of Mountain View was its Security Treatment Center, reserved for rule-breakers.

There boys lived in isolation cells and worked on a "punitive work squad." Ohmart reported:

As we approached the work squad the nine coverall-clad figures (with the 'security' emblem emblazoned on the back) were seated on the ground taking the carefully timed 'break.' Elbows on knees, head between hands, they sat staring at the ground, forbidden to either talk or look at each other. Shortly after our arrival, one of the two supervising officers gave the work signal and without a word the group arose, still in line and started swinging their heavy hoes. The hoe comes high overhead and chops into the earth, in a pointless and completely unproductive exercise. Three or four swings and the line moves forward in unison, wordless, and with faces in a fixed, blank expressionless mask...

The boys ate lunch in total silence, heads bowed down, on the floor of their isolation cells. Ultimately, he concluded, "we have never seen anything quite as depressing, or anything that seemed so deliberately designed to humiliate, to degrade and debase. It is surely oppression in its simplest and most direct form."

YOUTH TESTIMONY AND THE ISSUE OF BELIEVABILITY



In addition to expert testimony, the key witnesses in the case were the youth themselves. In the summer of 1973, inmates from Gainesville, Gatesville, and Mountain View testified in open court and in private depositions. Inmate statements had been easily discredited in the past, even when their claims had been proven accurate. How, then, would the court evaluate such testimony in this case?

The answer came from expert witness Jerome Miller. Miller had just completed four controversial years as director of the Massachusetts Department of Youth Services, where he had closed down all the state's training schools and replaced them with a range of community-based alternatives such as halfway houses and group homes. In the process, Miller had developed an unsparing and incisive critique of juvenile institutions and the entrenched interests who resisted meaningful reforms.¹¹⁰ He visited Mountain View twice during the summer of 1973.

On his first visit, during a guided tour led by TYC officials, Miller approached an inmate who was hoeing in a grove of peach trees on the side of a hill. The boy told Miller to look on the other side of the hill, at an area not visible from the front entrance. There, Miller saw inmates "all in a line in these uniforms, hoeing at the open ground in a useless sort of fashion, in unison, [like] the old chain gang."¹¹¹ In the isolation ward, Miller found battered, bruised, and terrified boys, only a few of whom would even whisper their complaints for fear of retribution.

Days before the start of the trial, Miller returned to Mountain View accompanied by Judge Justice, and took him straight to the isolation ward. Miller's former informants, shaking with fear and covered in fresh bruises, begged him to

In the isolation ward, expert witnesses found battered, bruised, and terrified boys, only a few of whom would even whisper their complaints for fear of retribution.

leave. It was all too obvious what had taken place since Miller's last visit. Any doubts Justice may have had about the veracity of inmate testimony paled in the face of what he saw. According to Justice's biographer, "it was a very unsettling experience" for him; most of the boys looked hardly a day over 14 years old.¹¹²

"All of the pressures are on him [the youth] not to say anything," warned Miller, who had met with similarly abused inmates in Massachusetts, only to have them refuse to speak on the record. "[W]hen we got to taking a formal statement, with his knowledge that generally he's going to be in that system awhile, face to face with the people he's accusing," the average inmate did the "prudent" thing: "clam up."¹¹³

CLAIMS AND FINDINGS OF RAMPANT ABUSE



Despite reassurances from Judge Justice and the attorneys from the Texas Attorney General's office, several inmates expressed fear for their safety upon returning to TYC institutions after testifying. They were speaking in a Tyler courtroom packed not only with curious onlookers, reporters, and cameras, but also TYC officials, including some of the very administrators they were testifying against. On several occasions during the trial Judge Justice found it necessary to clear the courtroom. At other times, he gently prodded youth informants forward during their halting testimonials.¹¹⁴

One of the worst stories told in the courtroom was that of C.W., who had entered Gatesville at the age of 14. "Fresh fish" such as C.W. were expected to fight against one or more inmates under the supervision of the dormitory guard.¹¹⁵ After "about ten" fights, C.W. fled Gatesville, but was recaptured two months later. While awaiting placement at the Gatesville Reception Center, C.W. and five other boys were put in handcuffs and leg irons and herded onto a truck without explanation. Their destination was Mountain View, which was officially reserved for older and more violent offenders, but also used as a punishment for younger inmates who misbehaved at Gatesville.

Once they arrived at Mountain View, C.W. and his companions were lined up against a concrete wall in a supervisor's office while a group of guards loudly informed them of the rules. Next to C.W., a Latino boy raised his hand; he spoke almost no English and had not understood a word. When the boy failed to respond to an order in English to lower his hand, he was punched several times by the supervisor.

Later, in his new dormitory, C.W. was again forced to fight as a "fresh fish." This time, however, the dormitory guard stopped the fight and brought

Mountain View was officially reserved for older and more violent offenders, but was also used as a punishment for younger inmates who misbehaved at Gatesville.

C.W. into a side room, ordered him to stand against a wall with his hands in his pockets, and punched him several times in the stomach - a practice known as "racking," which came up in virtually every male inmate's testimony. The next day the same guard watched eight inmates beat C.W. until he lost consciousness. According to one eyewitness, the guard then intervened because, as he put it, he did not want "a dead fish on his hands."¹¹⁶

Several inmates told similar stories, describing guards who bullied inmates less than half their size.¹¹⁷ Nevertheless, TYC director Turman insisted that the Mountain View inmates posed a serious threat to the guards. "Any seventeen-year-old kid in Mountainview (sic)... with his bare hands can take any man there apart."¹¹⁸

Forced labor at the facilities - another longtime bone of contention between juvenile justice officials and critics - also arose in youths' testimony. Youth in the isolation ward, or Security Treatment Center (STC), were forced to do hard labor for eight to ten hours a day. Many youth regularly collapsed after several hours of swinging a pick, shoveling dirt, or pulling grass. C.W. stated that he saw such boys taken to a supervisor's office "at least ten times," only to return with visible bruises and welts.¹¹⁹ Another witness, 16-year-old T.A., recalled bending his knees after several hours of pulling grass. For this violation of "resting," he was "racked" by a guard supervisor who outweighed him by nearly 200 pounds. The guard then wrote out a false incident report to justify the injuries and forced T.A. to sign it.¹²⁰

TYC officials alternately denied the existence of such make-work tasks while defending hard labor as a disciplinary and therapeutic practice. "Work is required," noted TYC director Turman. Replacing it, he warned, would be "untenable in any correctional institution."¹²¹ He suggested that boys who collapsed on the job were likely feigning exhaustion or illness, and warned that they would inspire imitators unless staff remained strict.

However, Turman reserved his harshest assessment for those inmates who simply refused to work, which he considered a "mutiny" that had to be crushed immediately to prevent a mass revolt.¹²² These youth were likely to be tear gassed. One supervisor admitted to spraying Mace in a boy's face while two guards held him down.¹²³ In another case, an inmate who attempted a peaceful sit-down protest in his cell was locked in with an activated can of Mace. FBI agents expressed astonishment that TYC would approve the use of Mace on juveniles in a closet-sized isolation cell.¹²⁴ Only Turman defended the practice, citing training seminars for guards conducted by the Texas Department of Public Safety.

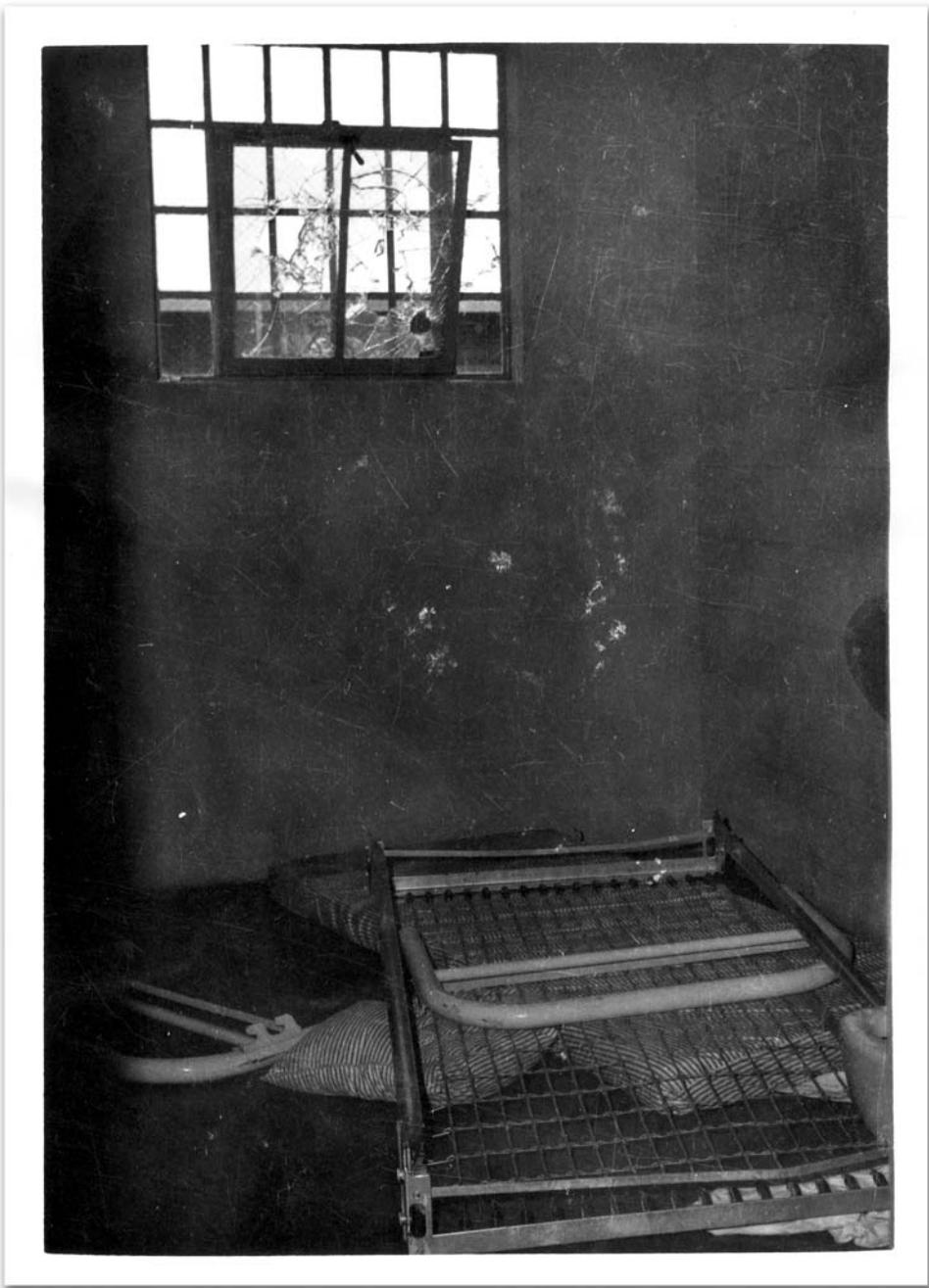
Perhaps the most notorious case was that of a mentally ill boy known as "Tweetybird." One day, after receiving a "racking" for a rule violation, Tweetybird was tied up and blindfolded, spun around, then ordered to run to his cell or be beaten again. Desperate, Tweetybird ran into the corridor walls several times before collapsing on the floor in tears. A guard set his foot on Tweetybird's stomach and covered his face with a mop, then gassed him repeatedly with Mace. Tweetybird suffered numerous chemical burns from the incident.

Compounding the plight of inmates in the isolation ward were the conditions in the cells. The typical isolation cell was eight-by-ten feet, and contained only an open toilet and a steel bed. The walls were painted black and lit at all hours by a lamp that resembled a car headlight. During the long, hot Texas summers, the cells reached sweltering temperatures.¹²⁵ Schoolbooks and visitors were prohibited.¹²⁶ Furthermore, boys were not allowed to sleep after several hours of grueling labor. Rules required them to stay awake until 10 p.m., or suffer further punishment. This presented a particularly tough situation for inmates who were dosed with sleep-inducing drugs, like Thorazine or barbiturates. Many fell asleep early, thus earning more time in STC-work detail.¹²⁷ Asked to respond to these charges, Turman observed tartly that Mountain View was "not a place for people to loaf."¹²⁸

Among the violations that landed inmates in STC: "gambling for candy," "writing love letters to a lady academic teacher," "throwing a bar of soap at a boy," "laughing in church," and "calling Mr. Morris a rat."¹²⁹ Asked to explain the wide range of infractions, many of which seemed minor, Turman offered only anecdotes of extreme behavior that did not match up with any of the documented violations.¹³⁰ Although he claimed to have spoken with STC inmates "every few days," it was clear that Turman had no idea what had gone on in the facilities under his watch.

In addition to inhumane conditions, there was a lack of due process in discharging inmates from STC; it sometimes took several weeks or even months. A discipline committee met twice per week to evaluate cases, without including caseworkers or inmates themselves in the deliberations. Inmates appeared just long enough to learn the committee's final decision and received no explanation of how it was reached. They were not permitted to address the committee.¹³¹ On the stand in Tyler, inmate witnesses could not identify for the court the steps to discharge from STC or from the institution generally. 15-year-old M. learned from fellow inmates to "just go along, keep your mouth shut, and listen." These precepts helped M. survive daily life, though he still "hadn't figured out" how to make parole.¹³²

The social system in Mountain View encouraged advancement, not to rehabilitation, but to a higher status position with the institution. At the pinnacle of the hierarchy was the "office boy," a deputized inmate who represent-



Riot Aftermath at Gatesville during the *Morales* Proceedings.
Courtesy of Texas State Library and Archives

ed a counterpart to the "building tenders" used in the adult prison system at roughly the same time. In fact, according to one study, some office boys literally "graduated" to become building tenders in prison.¹³³ Their task was to assist the staff by supervising work details, administering punishments, doling out privileges, and occasionally even writing incident reports. Inmates feared office boys almost as much as the guards. During the prolonged discovery phase of the case, it was office boys who would deliver a "message" to any "snitches" who spoke with attorneys or visiting experts.

THE RULING, 1974



On August 31, 1973, Judge Justice issued an emergency order restricting the use of physical force, and appointed Gatesville social worker Charles Derrick as the court's ombudsman to ensure the order was followed.¹³⁴ In response, Gatesville staff permitted an inmate riot to erupt, claiming that their hands were tied by Justice's directives. There was some implication that staff were acting with the sanction, if not the outright encouragement, of top TYC officials. The riot was widely viewed as a clumsy attempt by TYC to embarrass the court; however, it had the opposite effect.¹³⁵ The consensus view had shifted considerably against TYC's use of large and virtually unaccountable institutions. State newspapers wondered about the national impact of the case's outcome, even reviving the 1969 Texas Senate report that had called for "decentralization."

A harsh rebuke from Judge Justice was followed by the abrupt resignation of director Turman and board chairman Kneebone, elevating Brownwood facility superintendent Ron Jackson to the position of interim (and eventually permanent) director of the agency. Brownwood had opened in 1970, and was the only TYC institution to escape any significant criticism during the case. Housing both the statewide reception center and a cottage-style facility for less serious female offenders, Brownwood had quickly established a reputation for a "dynamic and individualized program" and earned praise from advocates for the *Morales* plaintiffs. Jackson's successful work at Brownwood made him an obvious choice to lead TYC through the coming period of court-ordered reform.¹³⁶

A year later, on August 30, 1974, Judge Justice issued his complete ruling. The opinion decried not only the "physical" but also the "psychological" damage inflicted upon juvenile inmates in the state's care. More broadly, the ruling held that juveniles taken into TYC's custody had a "right to treatment," based on TYC's own mission statement, the Eighth Amendment's prohibition against cruel and unusual punishment, and the Fourteenth Amendment's due process clause. Justice went on to define treatment on the basis of normative expectations for adolescence, focusing on the importance of self-esteem and mental health. In the detailed 60-page opinion, Justice listed all of the services TYC would be required to provide. It was almost a verbatim repetition of those listed in the 1969 Senate report and the 1949 TYC enabling legislation.

For instance, staff hirings were to be based upon professional training, psychological testing, and racial and ethnic diversity. Institutions that had long functioned according to separate and inconsistent rules were to share well-delineated guidelines for diagnosis, treatment, and parole. The court abolished corporal punishment, the use of tear gas, and stoop labor. It also lim-



Ron Jackson (L) receives a Lifetime Achievement Award from the National Council on Crime and Delinquency, 1989. Pictured in middle is NCCD President Barry Krisberg.
Courtesy of Texas State Library and Archives

ited solitary confinement to days rather than weeks in isolation, and specified the few situations where it was appropriate. Juveniles were entitled to individual treatment plans, bilingual education, assessments for learning disabilities, career guidance services, and appropriately trained personnel.

The most immediate result of the ruling was the closing of Mountain View in 1975 and Gatesville in 1979, "because effective rehabilitation treatment at the facilities had become impossible."¹³⁷ Judge Justice ordered a shift to community-based facilities, citing the "least restrictive alternative" model put forward by the 1967 President's Commission on Law Enforcement and the Administration of Justice and the 1974 federal Juvenile Justice and Delinquency Prevention Act.¹³⁸

In 1975, the Texas legislature appropriated \$9 million for the development of community-based treatment programs. That same year, the state appealed *Morales* to the Fifth Circuit, which ordered a new trial on the basis that the case should have been heard by a three-judge panel. TYC promptly fired Ombudsman Derrick and withdrew from ongoing negotiations with the plaintiffs' attorneys for a settlement. Ultimately, the U.S. Supreme Court reversed the ruling and sent it back to the Fifth Circuit for a consideration of

By 1988, TYC's makeover had been proclaimed a success. Not only was TYC in compliance with the *Morales* settlement agreement, it had become a national model for juvenile corrections programs elsewhere.

the merits. In a separate but related case concerning conditions in institutions for the mentally ill, *Donaldson v. O'Connor*, the Supreme Court ruled against a right to treatment yet suggested that rehabilitating juveniles was "desirable." Thus, the Court limited the scope of Judge Justice's ruling to the prohibition on cruel and unusual punishment in the Eighth Amendment.¹³⁹

However, even as the case was mired in appeal, TYC was changing under Jackson's leadership. By 1976, the agency was operating halfway houses in Austin, Corpus Christi, Dallas, and Houston. The following year, the Texas Department of Public Welfare certified TYC's Residential Contract Program as a "child-placing agency," allowing it to contract with counties for foster homes, group homes, and residential treatment centers.¹⁴⁰ TYC also established a four-pronged Community Services Division, budgeted at roughly \$12 million, which in many respects harkened back to the agency's original program in 1949. The division included a Community Assistance Program to keep "pre-delinquent youth" in their communities; supervised parole; and managed TYC-operated and privately operated residential sites. The stated goal, "to develop meaningful corrections programs for pre-delinquent and delinquent youth without taking [them] a long distance from their homes," signaled a major shift in emphasis.¹⁴¹ Between 1974 and 1981, the number of TYC youth placed in community-based programs rose from 81 to 2,168, with nearly two-thirds of all TYC commitments in non-institutional settings (either on parole or in a residential program).¹⁴²

As for *Morales*, wishing to avoid the expense of further litigation, both sides moved toward a settlement agreement, which was approved by Judge Justice in April, 1984. The settlement created a *Morales* Consultant Committee to monitor TYC's progress over a multi-year period until mandated improvements had been made. The committee issued its final report in 1988, proclaiming TYC's makeover to be a success. Not only was TYC found to be in compliance with the provisions of the *Morales* settlement agreement, but it had become a national model for juvenile correctional programs elsewhere.¹⁴³ By that time, the legislature had enacted a new Texas Family Code, which set forth guidelines separating status offenders from more serious offenders in court; it had also created the Texas Juvenile Probation Commission in 1981 to carry out the important service of state support and standardization of local juvenile justice systems, which TYC had historically proven unable to provide. In 2003, attorney Bercu expressed the view that the greatest legacy of *Morales* was that "for decades, thousands and thousands of kids... didn't get shipped to these places that [they] would have under the prior regime."¹⁴⁴

THE PENDULUM SWINGS BACK IN THE 1980S AND 1990S



While TYC embarked on its reforms between 1974 and 1988, the nation as a whole was moving in the opposite direction. Law-and-order critics of juvenile justice argued that the extension of due process protections to civilly adjudicated juveniles had weakened an already porous system. They felt that violent and serious juvenile offenders who enjoyed adult protections should face adult penalties, rather than juvenile penalties; or, in an oft-repeated 1980s slogan, "adult time for adult crime." In 1980, the state of Washington adopted new sentencing guidelines based on a "point system" which gave judges discretionary authority to transfer youth to adult court, or to issue determinate sentences that could extend a youth's punishment beyond the age of 18.¹⁴⁵ In response to nationally rising crime rates, other states emulated Washington State's policy shift, with Texas adopting a determinate sentencing statute in 1987.¹⁴⁶

In its 1991 Uniform Crime Reports, the FBI issued a 25-year study of violent juvenile crime that showed a 27% increase between 1980 and 1991, which it described as "an unrivaled period of juvenile violent crime."¹⁴⁷ That same year, the Texas Attorney General's office released a report stating that about one-third of TYC referrals were members of "named gangs" and another third "belong[ed] to a circle of friends who think of themselves as a gang."¹⁴⁸ In 1995, the legislature reported that between 1985 and 1993, juvenile arrests in Texas had increased by 43%, and homicides committed by juveniles had tripled. Nationally, criminologists warned of a generation of youth more prone to commit random, senseless violence than ever before, predicting (incorrectly) that these so-called "super-predators" would only grow in number by the early 2000s.

Between 1990 and 1996, 40 states passed new legislation expanding the categories of juvenile cases that could be transferred to adult court.¹⁴⁹ State legislatures began investing millions of dollars in the expansion of large, maximum-security "youth prisons." Democratic President Bill Clinton backed a federal Crime Bill that allocated millions of dollars for juvenile boot camps, a fashionable solution for the "out-of-control teens" featured regularly on daytime talk shows. Meanwhile, in Texas, Republican George W. Bush won the 1994 gubernatorial race on a platform that called for getting tough on juvenile crime. "So long as we've got an epidemic of crime," he declared memorably in January, 1994, "I think we ought to forget about rehabilitation and worry about incarceration."¹⁵⁰

The legislature turned Bush's campaign promise into a reality the following year, in House Bill 327, an omnibus juvenile justice reform act. It increased the list of offenses eligible for determinate sentencing, expanded transfer into the adult criminal system for incarcerated juveniles, and lowered the age at which a juvenile could be tried in adult court from 15 to 14. In an attempt to standardize juvenile sentencing around the state, the bill also included a progressive sanctions model that was to guide juvenile judges and probation departments in their decision-making. The 1996-1997 state budget increased juvenile justice spending by nearly \$200 million, including approximately \$55 million in bond proceeds to almost triple TYC's institutional capacity from 1,686 in 1995, to 4,358 in 2005.¹⁵¹

At the time, experts were predicting a 73% increase in the number of incarcerated juveniles by 2002. This would prove to be inaccurate, however. TYC commitments reached their peak in 1998 with 3,188 new commitments; by 2006, that number had dropped to 2,638.¹⁵²

SCANDAL AGAIN, 2007



On February 16, 2007, in the midst of a legislative session already considering enhanced penalties for those convicted of sexually abusing children, an article appeared on the website of the *Texas Observer* that exposed a gruesome sex abuse scandal at the West Texas State School, a juvenile corrections facility in the remote town of Pyote, near Odessa. Over the next several weeks, news reports revealed that the school's assistant superintendent, Ray Brookins, and its principal, John Paul Hernandez, had coerced sexual favors from several juvenile inmates over a period of at least two years. Compounding the alleged crime was an inexplicably slow response from authorities. Between December, 2003, and February, 2005, staff complaints about Brookins' and Hernandez's suspicious behavior had fallen on deaf ears in the upper echelons of TYC. Finally, in February, 2005, Marc Slattery, a volunteer math tutor from nearby Midland, was approached by two students who wanted to confess "something 'icky.'" As Slattery later told a reporter, "I knew it must have been something bad if they had no word for it."¹⁵⁵

Slattery soon discovered that boys were being led into the administration building each night for forced encounters with Brookins, who had exacted sex from inmates with his power to unilaterally lengthen or shorten youths' sentences. Appalled, Slattery contacted a Texas Ranger named Brian Burzynski, who launched an investigation. Within weeks, Burzynski had gathered sufficient evidence to charge both Brookins and Hernandez with multiple criminal charges. Instead, however, two years passed, during which TYC forced both men to resign, a criminal case stalled in the offices of the local county prosecutor, and the United States Attorney's office in San Antonio resisted requests to take action. When news outlets finally broke the story, they portrayed a cover-up orchestrated by top administrators and enabled by, according to the *Dallas Morning News*, "a culture in which prison officials were free to abuse their power" and "punish children who tried to complain about them."¹⁵⁶

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confirmed allegations of staff-on-inmate violence between 2003 and 2006, and more than 60 instances of "suspicious" broken bones treated by medical personnel. An abuse hotline launched by TYC immediately after the scandal broke amassed more than 1,100 complaints in less than a month. TYC released nearly 500 youth inmates, mostly misdemeanants, while arresting, firing, or suspending numerous employees.¹⁵⁷ In March, 2007, the U.S. Department of Justice declared that the violent conditions at the Evins Regional Juvenile Center in Edinburg, Texas, located south of San Antonio in the Rio Grande Valley, violated the constitutional right of incarcerated youth to be adequately protected from harm while in state custody.¹⁵⁸ Meanwhile, a number of inmates and their families launched personal injury lawsuits against the state.¹⁶⁰

One of the most-watched cases was that of Shaquanda Cotton, a 15-year old black girl from the east Texas town of Paris, who received an indeterminate sentence (up to age 21) for shoving a hall monitor in school. Portrayed in the national press as a victim of racially-motivated sentencing, Cotton briefly became a cause for civil rights advocates, who won her release at the end of March, 2007. Cotton then described the conditions at the Ron Jackson State Juvenile Correctional Complex in Brownwood for a feature in *Seventeen* magazine:

*Seeing the barbwire fences and guards terrified me. I was given an orange jumpsuit and socks and taken to my quarters - a tiny room that had only a bed, a bookshelf, and a desk. Some of [the other inmates] had committed serious crimes, like murder.*¹⁶¹

Public anger ran deep, with some critics alleging a deliberate conspiracy against juvenile offenders. "Staff are being paid your tax money to rape your children," declared Randal Chance, a former TYC inspector, who described the agency as "a dynasty of corruption that condones the mistreatment of youth in its care."¹⁶² The Texas legislature responded to that anger forcefully and rapidly. On March 1, the Senate demanded that Governor Rick Perry replace the TYC governing board immediately and place the agency under conservatorship. On March 2, a Joint Select Committee on the Operation and Management of the TYC was formed to investigate "recent allegations of sexual abuse at certain [TYC] facilities[,] ... examine the agency's policies and procedures, and make recommendations for how to improve its future oversight of youth being rehabilitated in these facilities."¹⁶³ On March 8, the committee held the first in a series of lengthy, emotional public hearings about the problems in TYC institutions.

On May 28, 2007, the legislature unanimously passed SB 103, omnibus legislation aimed at improving conditions in TYC and preventing further abuse of incarcerated youth.

Virtually all senior TYC administrators resigned or were fired within weeks of the scandal's revelation. Jay Kimbrough, the first conservator appointed by Governor Perry, not only excoriated the "shoddy" handling of abuse complaints by TYC administrators, but also fired 66 employees with criminal records. Kimbrough's final report, issued on May 2, called for the use of staff uniforms, expanded installation of video surveillance cameras, and a more rationalized management structure.¹⁶⁴

On May 28, 2007, the legislature unanimously passed SB 103, omnibus juvenile justice legislation aimed improving conditions in TYC and preventing further abuse of incarcerated youth, authored by Senator Juan "Chuy" Hinojosa of McAllen. The legislation established public reporting of cases of abuse, a parents' Bill of Rights, an Office of the Inspector General to investigate criminal allegations within TYC institutions, and an Office of the Independent Ombudsman to serve as an advocate for incarcerated youth. It also increased pre-service training requirements for staff, required a youth-to-staff ratio of 12:1, mandated that TYC provide specialized treatment to youth who needed it, and prohibited the commitment of youth to TYC who had engaged in misdemeanor-level delinquent conduct. The bill also directed the state's Sunset Advisory Commission to explore the possibility of developing a regionalized system with smaller facilities closer to children's communities. Lastly, the 2008-2009 biennial budget provided \$47 million in increased funding to the Texas Juvenile Probation Commission to support community-based, alternatives to incarceration in TYC.

With the close of the legislative session and a new mandate for reform, Conservator Jay Kimbrough's successor, Ed Owens, a career prison official, chose to import personnel and practices from the Texas prison system. Most controversially, Owens, along with TYC's Acting Executive Director Dimitria Pope, instituted a policy directing staff to use pepper spray as a first resort for controlling disobedient inmates. The pepper spray directive provoked a new round of lawsuits and protests, largely from youth advocates and juvenile justice experts, who argued that curbing abuses called for the reduction, rather than the increase, of prison-like features.

In September, 2007, a Blue Ribbon Task Force which had been organized at TYC's request released a report that was highly critical of the pepper spray policy. Urging "a shift in culture away from punishment and towards a treatment approach," the report put forth a plan for smaller, regionally

located treatment centers that emphasized family and community involvement in the rehabilitation of juvenile offenders.¹⁶⁵

In October, 2008, after a rocky road of constant leadership changes which delayed implementation of the SB 103 reforms, TYC came out of conservatorship with the appointment of Executive Commissioner Cheryl K. Townsend.

CONCLUSION

BREAKING THE CYCLE



While one must be careful not to over-simplify the troubled history of juvenile justice policy in Texas, the cyclical pattern of abuse and scandal - from humanitarian reform, to juvenile crime panic, to "get-tough" crackdown - emerges with painful clarity. The litany of errors is long, beginning with the all-too-easy willingness to view juvenile offenders as fully responsible adults, even in the face of scientific evidence suggesting otherwise. Public fears of "teenage terrorists" in the 1960s, and "super-predators" in the 1980s and early 1990s, have propelled the growth of expensive lockdown facilities that have failed to deter juvenile crime, but have succeeded with startling consistency in offending the national conscience.

Since the 1940s, experts have largely concurred on the superior effectiveness of smaller, community-based, therapeutic programs as compared to remote, secure institutions for the rehabilitation of troubled youth. However, Texas has consistently failed to sustain its investment in such programs, preferring instead to attempt reform of a broken system within the framework of an institutional status quo. Such reform efforts have proven inadequate in challenging those deeply ingrained institutional practices that focus on security, control, and punishment to the exclusion of effective rehabilitative programming, often out of structural necessity as much as ideology. As of this writing, abuse scandals have become routine in youth prisons nationwide; since 1994, the Department of Justice has investigated 23 cases of unconstitutional conditions of confinement for juveniles.¹⁶⁶

Considering its somewhat tortured history and present, the centennial anniversary of the first juvenile court in 1999 became an occasion for recrimination rather than celebration. At a time when new research on adolescent brain development supports the belief of late 19th century Progressive reformers that juveniles were too immature to be held fully responsible for their actions, the cycle of juvenile justice reform has again produced an arbitrary, punitive, and ineffective system. Even as the Supreme Court has outlawed the juvenile death penalty, critics have raised fundamental questions about juvenile justice that echo those put forth by earlier generations of reformers: Could the seemingly contradictory goals of public safety and child welfare co-exist within a single institution? How often did juvenile justice live up to its rhetoric of acting "in the best interests of the child?"¹⁶⁷

In January, 2009, exactly 120 years after the opening of the Gatesville Reformatory, Texas policy-makers will once again have the opportunity to respond to these fundamental questions. In order to do so, the next chapter for juvenile justice in Texas must be characterized by open-ended pragmatism, a willingness to experiment with best practices that have a track record of success, and the courage to stay the course in the face of possible public criticism. Texas can once again be a national leader in juvenile justice, for the right reasons, if it is willing to step out of the long shadows of its past.

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NOTES



¹ "Jester Will Recommend Adoption of Extensive Youth Program," *Houston Chronicle*, February 6, 1949; "16-Member State Youth Council Urged," *Houston Post*, February 6, 1949; "Jester Will Offer Delinquency Plan," *Big Spring Herald*, February 6, 1949; "Integration of State and Local Child Agencies Urged by Group," *Fort Worth Star-Telegram*, February 8, 1949; "New Plan for Youths," *Abilene Reporter-News*, February 15, 1949; "Youth Development Measure Filed With Aim of Correcting Delinquency," *Austin American-Statesman*, February 18, 1949. State Youth Development Commission early history scrapbooks, Records, Texas Youth Commission (hereafter TYC Scrapbooks). Archives and Information Services Division, Texas State Library and Archives Commission (hereafter Texas State Library).

² "Youth Council's Importance Cited in Shivers Talk," *Austin American-Statesman*, May 23, 1950; "Committee Begins Choosing Delegates to the White House," *Austin Statesman*, June 24, 1950. TYC Scrapbooks, Texas State Library.

³ Unless otherwise noted, this paragraph draws on Texas State Youth Development Council, *First Annual Report of the State Youth Development Council to the Governor, Fiscal Year Ended August 31, 1950* (Austin, TX, 1950).

⁴ Texas State Youth Development Council, *A Community Organization for Children and Youth* (Austin, TX, February 1950). Chairmen Lanning, Logan, Ashley, and Baker files, Texas State Board of Control board members files. Texas State Library.

⁵ *First Annual Report of the State Youth Development Council*, 7.

⁶ Meeting Minutes, March 15, 1951. Meeting minutes and agenda, Records, Texas Youth Commission (hereafter TYC Minutes). Texas State Library.

⁷ "The Key," 1:1 (November 1950). TYC Scrapbooks, Texas State Library.

⁸ "Youth Leader Praises Movie Trend," *Austin American-Statesman*, May 1, 1950; "Youth Council's Importance Cited in Shivers Talk," *Austin American-Statesman*, May 23, 1950; "Better Law Needed for Child Support," *Dallas Morning News*, October 21, 1950; "Reverend Kerr Review Conference Goals for AAUW," *Austin American-Statesman*, November 8, 1950; "Youth Center Made No. 1 Project of Youth Development Council," *Bonham Daily Favorite*, January 23, 1951; "Plans are Drawn Here for Youth Survey Project," *Port Arthur News*, February 1, 1951; "Survey Planned in Port Arthur on Youth Recreation," *Beaumont Enterprise*, February 6, 1951; "Youth Reform Changes Asked," *Wichita Falls Record News*, February 7, 1951; "The Proper Approach," *Lubbock Avalanche-Journal*, February 8, 1951; "Lufkin Students Request Program of Recreation," *Lufkin Daily News*, March 12, 1951; "Director Says Youth Aid is Local Problem," *McAllen Valley Evening Monitor*, April 27, 1951; "Smith County to Get Added Juvenile Aid," *Tyler Morning Telegraph*, May 3, 1951; "Major Needs of Youth Outlined," *Amarillo Globe-News*, May 22, 1951. TYC Scrapbooks, Texas State Library.

⁹ "Texas Explores Salvage of Youth," *Austin Statesman*, July 6, 1950. TYC Scrapbooks, Texas State Library.

¹⁰ "Two Juvenile Girls to Take 'Spot' Psychological Exams," *Tyler Courier-Times*, March 6, 1951; "Juvenile Diagnostic Clinic to Bring Mobile Unit to Edinburg," *McAllen Valley Evening Monitor*, April 5, 1951; "Youth Council Clinic to be Here Next Week," *Nagadoches Daily Sentinel*, July 21, 1951. TYC Scrapbooks, Texas State Library.

¹¹ The mobile clinic treated 152 children in 7 locations. 105 of the clinic's 152 child patients came from families marred by "divorce, separation, desertion, or death," 113 of them "were rejected by their own parents," while 141 "had weak or inadequate parents." "Mobile Diagnostic Clinic, Summary and Recommendations," in State Youth Development Council, *Third Annual Report of the State Youth Development Council to the Governor, Fiscal Year Ended August 31, 1952* (Austin, TX, 1952), 51-61.

¹² "New Look in Juvenile Correction Paying Off," *Fort Worth Star-Telegram*, May 7, 1950; other favorable articles included "Gainesville State School for Girls Declared Progressive Institution," *Houston Chronicle*, June 13, 1949; "Gainesville School is Being Transformed," *Austin American-Statesman*, October 8, 1949; and, "Gainesville State School Girls Learn Practical Subjects in Study Courses," *Austin American-Statesman*, October 11, 1949. TYC Scrapbooks, Texas State Library.

¹³ "Gainesville State School," *Houston Chronicle*, June 13, 1949. TYC Scrapbooks, Texas State Library.

¹⁴ Meeting Minutes, February 21, 1952. TYC Minutes, Texas State Library.

¹⁵ Mimeographed Program, Gainesville State School for Girls Open House, May 26-27, 1950; "State School Girls, Like Any Other, Enjoy Holding 2-Day Open House," *Austin American-Statesman*, May 27, 1950; "Girls' School Open House," *Fort Worth Star-Telegram*, May 27, 1950. TYC Scrapbooks, Texas State Library.

¹⁶ All of them were rejected by the county courts, but one reached the state court of appeals, where it was dismissed without any further discussion: *Ex Parte Barbara June Beal and Soyla Cardona*, 157 Tex. Crim. 466; 250 S.W. 2d 221; 1952 Tx. Crim. App.

¹⁷ "Girl Tells of Terror in Reform Schools: Matron Gave Her Goof Balls, Court is Told," *Houston Chronicle*, February 1, 1952. TYC Scrapbooks, Texas State Library. For a representative headline on "goof balls," see "Youth Describes 'Goof Ball' Orgy," *Houston Chronicle*, February 16, 1951. "Juvenile Delinquency" Vertical File, Houston Metropolitan Research Center, Houston Public Library.

¹⁸ "Official Demands Girl's School Cleanup," *Houston Chronicle*, February 2, 1952. TYC Scrapbooks, Texas State Library.

¹⁹ "I'll Kill Myself Before I'm Returned,' Girl Vows," *Austin Statesman*, February 7, 1952. TYC Scrapbooks, Texas State Library.

²⁰ "One-Man Probe of Girl's School Pledged," *Houston Chronicle*, February 3, 1952; "Shivers Opposes Lash As Teener Correction," *Houston Chronicle*, March 14, 1952. TYC Scrapbooks, Texas State Library.

²¹ "Whipping Ban Blamed For Girls School Riot," *Fort Worth Star-Telegram*, March 20, 1952; "State Schools' Straps Banned," *Houston Post*, April 25, 1952; "Banning the Lash," *Fort Worth Star-Telegram*, April 27, 1952. TYC Scrapbooks, Texas State Library. See also Meeting Minutes, February 21, 1952. TYC Minutes, Texas State Library.

²² Atlee interviewed at TYC's December 1949 meeting. Meeting Minutes, December 19, 1949. TYC Minutes, Texas State Library.

²³ "Coryell Due Consideration," *Gatesville Messenger*, December 28, 1949. TYC Scrapbooks, Texas State Library.

²⁴ *First Annual Report of the State Youth Development Council*, 27-28.

²⁵ *Ibid.*, 43-44; "Fence Worth a Trial," *Gatesville Messenger*, April 28, 1950; "Coryell Jury Blasts Escapes at the Gatesville Boys School," *Waco News-Tribune*, June 9, 1950; "Grand Jury Blames Thefts on State School Escapees," *Dallas Morning News*, June 10, 1950. TYC Scrapbooks, Texas State Library.

²⁶ Meeting Minutes, June 22, 1950. TYC Minutes, Texas State Library.

²⁷ "Brighter Day Looms for Texas Juveniles," *Austin American*, September 24, 1950. TYC Scrapbooks, Texas State Library.

²⁸ "Plan to Break Up Gatesville Boys' Institution Into Four Units Proposed," *Brownwood Bulletin*, February 8, 1951; "Two Favor Relocation of Boys' School," *Austin Statesman*, February 16, 1951. TYC Scrapbooks, Texas State Library.

²⁹ "Texas Seeks Remedy for 62-Year Disgrace," *Dallas Morning News*, March 17, 1951. TYC Scrapbooks, Texas State Library.

³⁰ "\$669,000 Will Improve School," *Waco Times-Herald*, May 20, 1951; "Bellamy New Head of Gatesville," *Austin Statesman*, July 20, 1951. TYC Scrapbooks, Texas State Library.

³¹ Meeting Minutes, May 21, 1953. TYC Minutes, Texas State Library.

³² *Sixth Annual Report of the State Youth Development Council to the Governor of Texas* (Austin, TX: 1955), 1-2.

³³ *Texas' Teenagers in Trouble: 1955 Statewide Delinquency Survey* (Austin, TX: April 1956), 3-4.

³⁴ The above figures are composites from the TYC *Annual Reports*, 1950-1960.

³⁵ These figures come from U.S. Bureau of the Census, *Texas: General Social and Economic Characteristics, 1950* (Washington, D.C.: Government Printing Office, 1951), 64-66; and, *First Annual Report of the State Youth Development Council*, 36-37.

³⁶ The TYC published figures for the two year period 1953-1955 showing an increase in delinquency rates per 10,000 population among black juveniles, from 16.8 to 21.9, but a small decrease for whites, from 8.8 to 8.6. *Sixth Annual Report of the State Youth Development Council*, 24.

³⁷ *Texas Juvenile Court Statistics for 1958* (Austin, TX: May 1959). These surveys were conducted infrequently, using varying survey schedules, in the 1950s and 60s. After 1958, race vanished from the list of survey schedules, returning only in the 1970s, when data collection became more regularized under the supervision of the Population Research Center at the University of Texas.

³⁸ Harris County Juvenile Probation Department, *Annual Report for 1962* (Houston, TX, 1963). Houston Metropolitan Research Center, Houston Public Library.

³⁹ Meeting Minutes, March 19, 1953. TYC Minutes, Texas State Library.

⁴⁰ "Gatesville Boys School Not a Prison," *Dallas Morning News*, February 5, 1957.

⁴¹ Meeting Minutes, December 2, 1954. TYC Minutes, Texas State Library.

- ⁴² *Sixth Annual Report of the State Youth Development Council*, 26.
- ⁴³ Meeting Minutes, March 31, 1955. TYC Minutes, Texas State Library.
- ⁴⁴ Meeting Minutes, May 26, 1955. TYC Minutes, Texas State Library.
- ⁴⁵ Meeting Minutes, December 6, 1955. TYC Minutes, Texas State Library; James Aubrey Turman, "A Comparative Study of Some Selected Solutions to the Problem of Logical-Psychological Continuity in the Educative Process" (Ph.D diss., University of Texas, 1956).
- ⁴⁶ The three additional facilities for dependent youth that were transferred to TYC in 1957 all have their own fascinating history, which is not included in this report series. Information about TYC's facilities for dependent children can be found in the following location: Youth Commission facilities and programs history and information notebooks, Records, Texas Youth Commission Archives and Information Services Division, Texas State Library and Archives Commission.
- ⁴⁷ Meeting Minutes, August 2, 1956. TYC Minutes, Texas State Library.
- ⁴⁸ "Youths Accused in Killing," *Houston Chronicle*, December 28, 1957; "Try 15-Year-Olds, Judge Hunt Says," *Houston Chronicle*, January 4, 1958; "Citizens Panel Draws Blueprint Aimed at Curbing Teen Crime," *Houston Chronicle*, January 15, 1958; Bo Byers, "Bigger Reformatories, Tougher Laws Favored," *Houston Chronicle*, January 26, 1958 ; "Are Youngsters Coddled By Law?" *Houston Chronicle*, January 27, 1958; "Capitol A," *Austin American*, February 19, 1958; "Mischievous Gives Way to Murder," *Dallas Morning News*, February 23, 1958. "Juvenile Delinquency" Vertical File. Houston Metropolitan Research Center. Houston Public Library.
- ⁴⁹ "Juvenile Laws Hit By Turman," *Austin Statesman*, March 10, 1958. "Texas Youth Council" Vertical File, Center for American History, University of Texas at Austin.
- ⁵⁰ *Ibid.*
- ⁵¹ "Budget Boost Approved by Youth Council," *Dallas Morning News*, June 1, 1960; "Gatesville Resentment Flares After School Guard's Slaying," *Dallas Morning News*, August 3, 1961; "Gatesville: Country Club for Toughs?" *Dallas Morning News*, August 13, 1961. Meeting Minutes, May 29, 1962. TYC Minutes, Texas State Library.
- ⁵² Joseph M. Hawes, *The Children's Rights Movement: A History of Advocacy and Protection* (Boston, MA: Twayne Publishers, 1991), 91-108.
- ⁵³ *What to Do About Delinquency in Texas: The Implications of a Factual Study* (Austin, TX: National Council on Crime and Delinquency and the Junior League of Texas, 1965 [1962]), 20.
- ⁵⁴ "Junior Leagues Complete New Film on Delinquency," *Austin Statesman*, September 24, 1965.
- ⁵⁵ Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates* (Garden City, NY: Anchor Books, 1961); and, Howard S. Becker, *Outsiders: Studies in the Sociology of Deviance* (New York: The Free Press, 1973 [1963]).
- ⁵⁷ *In re Gault* 387 U.S. 1 (1967), 28. Manfredi, *The Supreme Court and Juvenile Justice*, 125-159; for concise case summaries, see Rolando V. Carmen et al., eds., *Briefs of Leading Cases in Juvenile Justice* (Cincinnati, OH: Anderson Publishing Co., 1998), 137-138, 175-180.

⁵⁸ *Debra Fay Leach v. The State of Texas*, Court of Civil Appeals of Texas, Fourteenth District, Houston, 428 S.W. 2d 817 (May 15, 1968). A similar ruling was given in another Houston case of an illegal search and inadmissible signed confession. *J.B. Choate, Jr., v. The State of Texas*, Court of Civil Appeals of Texas, First District, Houston, 425 S.W. 2d 706 (March 7, 1968). *George Rivers Santana v. The State of Texas*, Supreme Court of Texas, 444 S.W. 2d 614, 1969; 12 Tex Sup. J. 529 (July 23, 1969). This ruling was cited in the following cases: *Roy Y. Martin, Guardian of Johnny Martin Pruett, Jr., v. Texas Youth Council*, Court of Civil Appeals of Texas, Third District, Austin, 445 S.W. 2d 553 (June 11, 1969); and, *E.S.G. v. The State of Texas*, Court of Civil Appeals of Texas, Fourth District, San Antonio, 447 S.W. 2d 225 (October 22, 1969).

⁵⁹ Quoted in "Texas Youth Council Chief Sounds Warning on Future," *Dallas Morning News*, August 28, 1964.

⁶⁰ *Ibid.*; see also *Annual Report of the Texas Youth Council for 1965* (Austin, TX, 1966).

⁶¹ "Opinions Vary as Perry 'Quits' Boys School Post," *Dallas Morning News*, July 21, 1963.

⁶² "Youth Council Director Hits Critic of Institution," *Dallas Morning News*, June 3, 1964.

⁶³ Meeting Minutes, May 6, 1964. Partial Index of Policy Directives from Minutes of the State Youth Development Council and the Texas Youth Council (hereafter TYC Policy Directives), Morales Case Files, Texas Youth Commission (hereafter Morales Case Files). Texas State Library.

⁶⁴ "Youth Council Due Hearing on Budget Plea for 18 Million," *Dallas Morning News*, July 20, 1964.

⁶⁵ *Manual on Preparation of Children for Admission to the State Training Schools* (Austin, TX: Texas Youth Council, February 1956), 2.

⁶⁶ "Youth Council Director Hits Critic."

⁶⁷ Kneebone, a consulting vice president at the Texas Commerce Bank of Houston, had served as Dean of the Graduate School of Banking at Southern Methodist University, President of the Houston United Fund, and President of the Texas Tourist Council. Henna, who had joined TYC in 1952, owned auto dealerships in the Austin area, had served as mayor of nearby Round Rock, and had helped found the Texas Baptist Children's Home for orphaned and dependent children. *Annual Report of the Texas Youth Council to the Governor for the Fiscal Year Ending August 31, 1972* (Austin, TX, 1973), 3.

⁶⁸ Reports of Kneebone's and Henna's visits appear regularly in TYC's meeting minutes. For example, in a three-month span in 1965, Henna gave two reports of unannounced visits. On one, he led members of the Texas Optimist Club on tours of Gatesville and Mountain View; they were "very impressed with real progress and good programs." Shortly after, he complained of "flagrant disregard of Council policy" at Crockett due to lack of reading materials. Meeting Minutes, June 8 and June 21, 1965. TYC Policy Directives, Morales Case Files, Texas State Library.

⁶⁹ "Brutality Charges at Gatesville," *Texas Observer*, January 10, 1969.

⁷⁰ *Ibid.*; see also "Corpus TV 'Horror' Series Initiated Probe," *Houston Post*, January 20, 1969.

⁷¹ "Mountain View: 'The Bad Ones... We Get the Worst,'" *Fort Worth Star-Telegram*, January 26, 1969.

- ⁷² Chandler Davidson, *Biracial Politics: Conflict and Coalition in the Metropolitan South* (Baton Rouge: Louisiana State University Press, 1972), 71-80. See also *Handbook of Texas Online*, s.v. "African Americans and Politics," <http://www.tshaonline.org/handbook/online/articles/AA/wmafr.html> (accessed March 27, 2008).
- ⁷³ Use of force guidelines reprinted in *Services to Youth in Texas: Preliminary Report of the Senate Youth Affairs Committee*. (61st Texas Legislature, May 1969).
- ⁷⁴ "Brutality Charges at Gatesville," *Texas Observer*, January 10, 1969.
- ⁷⁵ "'Rubbish,' Says Official To Charges Of State Reform School Brutalities," *Austin American-Statesman*, January 4, 1969.
- ⁷⁶ "Solons Visit Reform School; 'Critical' Report Due Today," *Austin American-Statesman*, January 5, 1969.
- ⁷⁷ "Boys, Guards Take Polygraph Tests at Gatesville," *Dallas Morning News*, January 6, 1969; "Lie Detector Used in School Probe," *Austin American*, January 6, 1969.
- ⁷⁸ "Youths Planned To Kill Guard In Escape Try," *Austin American*, January 7, 1969; "Tests Show Boys' Escape Attempt," *Dallas Morning News*, January 7, 1969.
- ⁷⁹ "Lie Detector Used in School Probe," *Austin American*, January 6, 1969.
- ⁸⁰ "Gatesville Probers Stay Quiet," *Austin American*, January 8, 1969; "Statement Delayed in Gatesville Probe," *Austin American*, January 9, 1969.
- ⁸¹ "Gatesville 'Runs' Tried," *Austin American*, January 8, 1969.
- ⁸² "Former Inmates Talk Up," *Fort Worth Star-Telegram*, January 8, 1969.
- ⁸³ "House Group Advises Changes at Gatesville," *Fort Worth Star-Telegram*, January 9, 1969.
- ⁸⁴ "Brutality Probers Scored," *Austin American*, January 10, 1969.
- ⁸⁵ "Observations," *Texas Observer*, January 24, 1969; "Nepotism Law Disregarded Aplenty," *Dallas Morning News*, April 5, 1969. For more on Giddings, see John Hubner, *Last Chance in Texas: The Redemption of Criminal Youth* (New York: Random House, 2005).
- ⁸⁶ "Youth Council Programs Face Detailed Study," *Austin American-Statesman*, January 11, 1969; "Outside Group to Study Gatesville Operations," *Fort Worth Star-Telegram*, January 11, 1969; "Procedures for Boys' School Probe Agreed by Panel, TYC," *Houston Post*, January 11, 1969; "Over 50 Complaints Given State Unit," *Houston Chronicle*, January 10, 1969.
- ⁸⁷ "Ex-Guard Says Whole Truth Not Told," *Dallas Morning News*, January 12, 1969.
- ⁸⁸ The following discussion draws on "Brutality Proven by Records," *Houston Post*, January 19, 1969; "Corpus TV 'Horror' Series Initiated Probe," *Houston Post*, January 20, 1969; "Physical Abuse in Decline, Officials Say," *Houston Post*, January 21, 1969; "'New' Gatesville Improved, TYC Dissatisfied," *Houston Post*, January 22, 1969; "Boys Find Different World at 'Gatesville State,'" *Fort Worth Star-Telegram*, January 26, 1969; "Mountain View: 'The Bad Ones... We Get the Worst,'" *Fort Worth Star-Telegram*, January 26, 1969; "The System Dictates 'In' Gatesville," *Fort Worth Star-Telegram*, January 28, 1969; and, "Official Says Brutality No Longer Found at Gatesville Unit," *Fort Worth Star-Telegram*, January 29, 1969.

- ⁸⁹ Ronnie Dugger, "Order," *Texas Observer*, March 7, 1969.
- ⁹⁰ *Services to Youth in Texas*, p14-15.
- ⁹¹ *Ibid.*
- ⁹² *Ibid.*, p. 96-101.
- ⁹³ *Ibid.*
- ⁹⁴ Author interview with Steven Bercu, June 23, 2003.
- ⁹⁵ Kenneth Wooden, *Weeping in the Playtime of Others: America's Incarcerated Children*, 2nd ed., (Columbus, OH: Ohio State University Press, 2000 [1976]), 4.
- ⁹⁶ Author interview with Bercu; see also Bill Payne, "The Great Sycamore Jailbreak," *Texas Observer*, March 12, 1971, p.11-12.
- ⁹⁷ Bercu quoted in Mary Frances Reddington, "In the Best Interests of the Child: The Effects of *Morales v. Turman* on the Texas Youth Commission" (Ph.D. diss., Sam Houston State University, 1990), 50-51.
- ⁹⁸ Formed in the wake of the *Gault* ruling, the Youth Law Center served as a "back-up center" for legal aid offices around the country. It joined other newly formed organizations, such as the Children's Defense Fund in providing academic research, political lobbying, public advocacy, and legal aid on behalf of young people from poor and historically disadvantaged groups. No published history of the Youth Law Center exists, apparently not even within the organization itself. The Center continues to operate from San Francisco and Washington, D.C. For its most recent research effort, see the web site for Building Blocks for Youth, a juvenile justice research consortium. <<http://www.bbfy.com>>
- ⁹⁹ Meeting Minutes, January 13, 1966, and August 31, 1967. TYC Policy Directives, Texas State Library.
- ¹⁰⁰ Author interview with Bercu.
- ¹⁰¹ Frank R. Kemerer, *William Wayne Justice: A Judicial Biography* (Austin: University of Texas Press, 1991), 147-148.
- ¹⁰² Letter from Justice, reproduced in Reddington, "In the Best Interests," 55.
- ¹⁰³ *Morales v. Turman*, 383 F. Supp. 53; 1974 U.S. Dist. (August 30, 1974), at 35.
- ¹⁰⁴ Statement, anonymous Gainesville inmate, May 3, 1971. Morales Case Files, Texas State Library.
- ¹⁰⁵ Letter from anonymous parent to "Miss McGowan," Gainesville School for Girls, undated, circa summer 1971. Morales Case Files, Texas State Library.
- ¹⁰⁶ Statement of Joe Sasse, Dormitory Supervisor, Mountain View School for Boys, August 23, 1972. Morales Case Files, Texas State Library.
- ¹⁰⁷ Deposition of 16-year-old inmate at Gainesville School for Girls, July 11, 1973. Morales Case Files, Texas State Library.
- ¹⁰⁸ *Morales v. Turman*, 59 F.R.D. 157; 1972 U.S. Dist.; 17 Fed. R. Serv. 2d (Callaghan) 1039. A range of well-known experts produced evaluation reports for the court, including Gisela Konopka, a social work professor from the University of Minnesota; Howard Ohmart, a corrections consultant for the American Justice Institute; Jerome Miller, the director of the Illinois Department of Child and Family Services; and Leonard Lawrence, a child psychiatry professor at the University of Texas Medical Branch.

¹⁰⁹ Deposition of Gerda Hansen Smith, May 21, 1973. Morales Case Files, Texas State Library.

¹¹⁰ Miller's "Massachusetts Experiment" attracted national and international attention, including a multiyear impact study by the renowned Harvard University sociologist Lloyd Ohlin. Indeed, the "Missouri Model" that draws rave reviews from twenty-first century reformers began in the 1970s, shortly after the Massachusetts Experiment. Prior to embracing de-institutionalization, Miller had butted heads with the staff association representing facility employees, elected officials from the facilities' home districts, and "law and order" advocates who opposed treatment-based approaches to juvenile justice. Echoing an occasional feature of Texas juvenile justice, some of Miller's fiercest critics were politicians who regularly obtained jobs for their relatives, friends, and political supporters at training schools. Jerome Miller, *Last One Over the Wall: The Massachusetts Experiment in Closing Reform Schools* (Columbus, OH: Ohio State University Press, 1991). For a critical response, see John J. DiIulio, "Deinstitutionalized Delinquents," *Public Interest*, 107 (Spring 1992), 130. On the studies of Massachusetts, see Robert B. Coates, Alden D. Miller, and Lloyd E. Ohlin, *Diversity in a Youth Correctional System: Handling Delinquents in Massachusetts* (Cambridge, Mass.: Ballinger Pub. Co., 1978).

¹¹¹ Deposition of Jerome Miller, June 19, 1973. Morales Case Files, Texas State Library.

¹¹² Kemerer, *William Wayne Justice*, 156-157.

¹¹³ Deposition of Jerome Miller. Morales Case Files, Texas State Library.

¹¹⁴ Wooden, *Weeping in the Playtime of Others*, 6.

¹¹⁵ Testimony of "C.W.," 16-year-old former inmate at Mountain View and Gatesville Schools for Boys, July 19, 1973. Morales Case Files, Texas State Library. C.W.'s testimony also receives brief mention in Judge Justice's final opinion, *Morales v. Turman*, 44.

¹¹⁶ Testimony of "H.," 15-year-old inmate at Mountain View, July 19, 1973. Morales Case Files, Texas State Library. Judge Justice repeated this phrase in *Morales v. Turman*, 44.

¹¹⁷ Testimony of "B.," 16-year-old inmate at Mountain View, July 19, 1973. Morales Case Files, Texas State Library.

¹¹⁸ Deposition of Dr. James A. Turman, May 1-2, 1973. Morales Case Files, Texas State Library.

¹¹⁹ Testimony of "C.W." Morales Case Files, Texas State Library.

¹²⁰ Testimony of "T.A.," 16-year-old inmate at Mountain View, July 19, 1973. Morales Case Files, Texas State Library.

¹²¹ Deposition of James A. Turman. Morales Case Files, Texas State Library.

¹²² *Ibid.*

¹²³ The admission appears in *Morales v. Turman*, 32.

¹²⁴ Wooden, *Weeping in the Playground of Others*, 13-14.

¹²⁵ Testimony of "B." Morales Case Files, Texas State Library.

¹²⁶ *Morales v. Turman*, 63-64.

¹²⁷ *Ibid.*; also discussed in Testimony of "D." Morales Case Files, Texas State Library.

¹²⁸ Deposition of James A. Turman. Morales Case Files, Texas State Library.

- ¹²⁹ *Ibid.*; a summary list appears in *Morales v. Turman*, 62.
- ¹³⁰ Deposition of James A. Turman. Morales Case Files, Texas State Library.
- ¹³¹ *Morales v. Turman*, 65-66.
- ¹³² Testimony of "M.," 15-year-old inmate, Gatesville School for Boys, July 5, 1973. Morales Case Files, Texas State Library.
- ¹³³ Steve J. Martin and Sheldon Ekland-Olson, *Texas Prisons: The Walls Came Tumbling Down* (Austin, TX: Texas Monthly Press, 1987), 86-91.
- ¹³⁴ *Morales v. Turman*, 364 F. Supp. 166; 1973 U.S. Dist.
- ¹³⁵ "Social Worker: Gatesville Riot was Preventable," *Houston Chronicle*, September 13, 1973; for a full description of the incident, see Kemerer, *William Wayne Justice*, 161-162.
- ¹³⁶ "Top TYC Chiefs Quit Position," *Brownwood Bulletin*, September 23, 1973; "Compiled History of Brownwood State School," August 28, 1990; *Annual Report of the Texas Youth Council to the Governor for the Fiscal Year Ending August 31, 1970* (Austin, TX: Texas Youth Council, 1970). Programs History, Texas State Library.
- ¹³⁷ "Last State School Boy Sent Home," *Gatesville Messenger*, June 28, 1979; "Gatesville School Ends Long Service," *Waco Tribune-Herald*, July 7, 1979.
- ¹³⁸ OJJDP's twin tasks were to promote best practices in the dizzying number of public and private juvenile justice agencies across the nation, and to address the growing problem of Disproportionate Minority Confinement (DMC). For more, see "About OJJDP" on its official site: <<http://ojjdp.ncjrs.org/about/legislation.html>>
- ¹³⁹ Kemerer, *William Wayne Justice*, 168-173, summarizes the appeals process.
- ¹⁴⁰ TYC Press Release, June 16, 1977. Morales Case Files, Texas State Library.
- ¹⁴¹ TYC Press Release, April 18, 1978. Morales Case Files, Texas State Library.
- ¹⁴² *Annual Report of the Texas Youth Commission for 1981* (Austin, TX: Texas Youth Commission, 1982).
- ¹⁴³ Texas Youth Commission, *The Response of the Texas Youth Commission to the Fourth Year Report of the Morales Consultant Committee* (Austin, TX: Texas Youth Commission, March 8, 1989). Detailed accounts of the settlement negotiations and processes can be found in Kemerer, *William Wayne Justice*, 174-180; and, Reddington, "In the Best Interests of the Child," 84-130.
- ¹⁴⁴ Author interview with Bercu.
- ¹⁴⁵ "Washington's New Juvenile Code," *Corrections Magazine* (February 1980); Kay Hopper, "Placement in the State of Washington: The Primary Example of the Movement to 'Get Tough' with Serious Juvenile Offenders" (TYC Dept. of Program Evaluation and Research, June 17, 1980). Morales Case Files, Texas State Library.
- ¹⁴⁶ Craig Reinerman and Harry G. Levine, eds., *Crack in America: Demon Drugs and Social Justice* (Berkeley, CA: University of California Press, 1997).
- ¹⁴⁷ *Uniform Crime Reports for the United States* (Washington, D.C.: Federal Bureau of Investigation, U.S. Dept. of Justice, 1991).
- ¹⁴⁸ Elizabeth T. Buhmann and Roberto San Miguel, *Gangs in Texas Cities: Background, Survey Results, State-Level Policy Options* (Austin, TX: Office of the Attorney General, 1991).

¹⁴⁹ Introduction, Jeffrey Fagan and Franklin E. Zimring eds., *The Changing Borders of Juvenile Justice: Transfer of Adolescents to the Criminal Court* (Chicago, IL: University of Chicago Press, 2000), 2. See also John J. DiIulio, "The Coming of the Super-Predators," *National Review* (November 1995); Paul J. McNulty, "Natural Born Killers? Preventing the Coming Explosion of Teenage Crime," *The Heritage Foundation Policy Review* 71 (Winter 1995); Interview with DiIulio, National Public Radio, July 8, 1996 (LEXIS Transcript #2268-10).

¹⁵⁰ "Emphasis on Rehabilitation Puts State on Cutting Edge of Corrections Theory," *Austin American-Statesman*, January 16, 1994.

¹⁵¹ Texas Coalition Advocating Justice for Juveniles. (2007). *The Case for Rebuilding the Texas Youth Commission*, 1. Austin, Texas: Isela Gutiérrez. Available at: http://www.tcajj.org/PDF%20Files/TCAJJ_Brochure.pdf; General Appropriations Act, HB 1, 74th Legislature, Regular Session. (1995). 8-12, V-35, V-55, & B-37.

¹⁵² Texas Youth Commission. *TYC Population Trends*. 2007. Available online at: http://www.tyc.state.tx.us/research/growth_charts.html [27 March 2007].

¹⁵³ "Little boys, big time: Abuse on the rise in Texas juvenile prisons," *The Monitor* 19 March 2006.; "Elected Officials express concern over TYC abuse," *The Brownsville Herald* 20 March 2006.; "Trouble at Evins," *The Brownsville Herald* 19 March 2006.; "First stop in youth prison system is most abusive, records show," *The Monitor* 20 March 2006.; "Guards on the defensive," *The Brownsville Herald* 19 March 2006.

¹⁵⁴ *The Case for Rebuilding the Texas Youth Commission*.

¹⁵⁵ Nate Blakeslee, "Hidden In Plain Sight," *Texas Observer*, February 23, 2007 (first published online February 16, 2007). See also Blakeslee, "Sins of Commission," *Texas Monthly* (May 2007), p.150.

¹⁵⁶ "Sex Abuse Reported at Youth Jail," *Dallas Morning News*, February 18, 2007.

¹⁵⁷ Jay Kimbrough, "Texas Youth Commission: Report from the Conservator" (Austin, TX: Texas Youth Commission, May 2, 2007); "Youth Abuse Hotline Quickly Gets 1,100 Complaints," *El Paso Times*, March 26, 2007; "Juvenile Justice on Trial in Texas," *Chicago Tribune*, March 27, 2007; "In Texas, Scandals Rock Juvenile Justice System," *Washington Post*, April 5, 2007; "Injuries of Teen Inmates Probed," *USA Today*, May 14, 2007; "Feds Knew About TYC Abuse Cases," *Dallas Morning News*, August 5, 2007.

¹⁵⁸ Joint Select Committee on the Operation and Management of the Texas Youth Commission, *Preliminary Report of Findings and Initial Recommendations: A Report to the Lieutenant Governor and the Speaker of the House* (Austin, TX: 80th TX Leg., March 2007).

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Back cover image:

Exterior photo of Mountain View during construction, 1962.
Courtesy of Texas State Library and Archives.

