1-1-1995

Dangerous women, dangerous times: Women at the Nevada State Prison, 1890-1930

Donna Crail-Rugotzke

University of Nevada, Las Vegas

Follow this and additional works at: https://digitalscholarship.unlv.edu/rtds

Repository Citation

https://digitalscholarship.unlv.edu/rtds/513

This Thesis is brought to you for free and open access by Digital Scholarship@UNLV. It has been accepted for inclusion in UNLV Retrospective Theses & Dissertations by an authorized administrator of Digital Scholarship@UNLV. For more information, please contact digitalscholarship@unlv.edu.
INFORMATION TO USERS

This manuscript has been reproduced from the microfilm master. UMI films the text directly from the original or copy submitted. Thus, some thesis and dissertation copies are in typewriter face, while others may be from any type of computer printer.

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleedthrough, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps. Each original is also photographed in one exposure and is included in reduced form at the back of the book.

Photographs included in the original manuscript have been reproduced xerographically in this copy. Higher quality 6" x 9" black and white photographic prints are available for any photographs or illustrations appearing in this copy for an additional charge. Contact UMI directly to order.
DANGEROUS WOMEN, DANGEROUS TIMES:
WOMEN AT THE NEVADA STATE PRISON,
1890-1930

by

Donna Crail-Rugotzke

A thesis submitted in partial fulfillment of the requirements of the degree of

Master of Arts

in

History

Department of History
University of Nevada, Las Vegas
August 1995
The Thesis of Donna Crail-Rugotzke for the degree of a Masters of Arts in History is approved.

Chairperson, Dr. Joanne Goodwin, Ph.D.

Examing Committee Member, Dr. Jay Coughtry, Ph.D.

Examing Committee Member, Dr. Elspeth Whitney, Ph.D.

Graduate Faculty Representative, Dr. Carol Case, Ph.D.

Interim Dean of the Graduate College, Cheryl L. Bowles Ed.D.

University of Nevada, Las Vegas
August 1995
ABSTRACT

This work examines the treatment Nevada’s female prisoners received from Nevada’s press, courts, and the Nevada State Prison from 1890 to 1930. It argues that gender perspectives held by Nevada’s criminal justice officials caused them to treat female criminals both benevolently and harshly. This thesis also compares the treatment of minority women with Anglo women and finds minority women also received mixed treatment. Factors used to judge treatment include the sentences women received, how much of these sentences they served, the living conditions they faced at the Nevada State Prison and the conditions of their paroles and pardons.
TABLE OF CONTENTS

ABSTRACT ........................................iii

ACKNOWLEDGEMENTS .................................v

CHAPTER 1 INTRODUCTION .............................1

CHAPTER 2 A NATIONAL PERSPECTIVE .................12

CHAPTER 3 THE TRIALS OF FEMALE CRIMINALS
IN NEVADA ...................................28

CHAPTER 4 WOMEN AT THE NEVADA
STATE PRISON..................................48

CHAPTER 5 CONCLUSION .............................63

TABLE 1 ..................................... 72
TABLE 2 ..........................................73
TABLE 3 .........................................74
TABLE 4 .........................................75

BIBLIOGRAPHY .....................................76
ACKNOWLEDGEMENTS

The author would like to express her appreciation to Dr. Joanne Goodwin for chairing her committee and for editing this work. I would like to thank Dr. Jay Coughtry, Dr. Elspeth Whitney and Dr. Carol Case for serving on my committee. I also would to express my gratitude to Mr. Kenneth Harlan for proof-reading my thesis and to my husband, Mr. Daniel Rugotzke, for his technical expertise.
CHAPTER ONE

INTRODUCTION

In 1915, inmate Lizzie Woodfolk made several allegations against the staff of the Nevada State Prison. She accused guards of making improper sexual advances toward her and physically abusing her. Yet other women at the Nevada State Prison described their incarceration differently. While most of these prisoners complained about unfair trials and poor conditions, they claimed that prison staff treated them kindly. Scholars who study women and the criminal justice system debate whether women received protective or punitive treatment. Those who believe that the courts and prisons were benevolent point to the chivalrous views espoused by legal and correctional professionals. They show how these ideas affected female criminals. Many historians, however, challenge these beliefs and argue that sexist and racist beliefs led to the neglect and abuse of convicted women.

This thesis will examine how race and gender stereotypes affected the treatment women received from the courts, prison staff, and the Board of Pardons from 1890 to 1930. It will argue that women received both benevolent and harsh treatment based on criminal justice officials’ assumptions about criminal women. Race, like gender, influenced the trials, conviction, incarceration and parole of female prisoners. This assessment of treatment is based on the following factors: the types of sentences women received, the presence or absence of programs for female prisoners, the types of offenses of which female defendants were convicted, and the conditions women had to meet to receive their paroles and pardons. The views of court officials, jurors, prison staff, female inmates, and local Nevadans are recorded in the prison biennial reports, newspapers, and inmate prison records. These three sources not only provide valuable information on attitudes toward female offenders but also describe the conditions they endured. The biennials are the warden’s report to the state in which he describes the needs of the prison. They report the warden’s perceived needs for the prison and for the women’s quarters. Nevada newspapers also provide a valuable source that details the women’s trials and their alleged crimes. The local presses reveal biases through their editorials and criminal justice officials’ quotations. Inmate prison records include legal correspondence between prison staff, prisoners, and other interested parties. These records also include trial information and material
on the prison. In the following chapters, the thesis will analyze the role of these images and ideas on the treatment of white and minority female prisoners and criminals in Nevada and other states.

For the purposes of this thesis, the term "gender" is used instead of "sex" because the former rejects the biological determinism "implicit in the use of such terms as 'sex' or 'sexual difference.'" The word "sex" assumes that discrimination is natural and ignores society's responsibility in contributing to this discrimination. As Joan Scott argues, "gender" is more appropriate to describe inequalities of power because it refers to the "social creation of gender roles assigned to women and men."

Female criminals rejected their societal assigned roles and were seen as deviant not only because they broke society's laws but also because they failed to live up to society's expectations of how women should behave. As Nicole Rafter and Elizabeth Stanko point out, "Nearly all traditional commentaries on female offenders, whether focused on the serious or the minor criminal, have been overwhelmingly concerned with the violations of gender prescriptions." Criminal justice officials had a variety of

---


3 Ibid.

4 Nicole Rafter, and Elizabeth Stanko, eds., Judge, Lawyer, Victim, Thief: Women, Gender Roles, and Criminal Justice, (Boston: Northeastern University, 1987) 6-7.
explanations for this deviant behavior. Among the first to study female criminals was the prominent 19th century criminologist Caesar Lombroso. Lombroso, a biological determinist, argued that some women and men were born criminals. He believed that these women could be recognized by certain physical characteristics such as masculine appearance and anomalies of the skull. Lombroso saw female criminals as particularly monstrous because of their rejection of traditional roles. He said of female criminals, "Her normal sister is kept in the paths of virtue by many causes, such as maternity, piety, weakness, and when these counter influences fail, and a woman commits a crime, we may conclude that her wickedness must have been enormous before it could triumph over so many obstacles."

Otto Poliak later challenged this idea and pointed out that the belief that female criminals are more evil than male criminals was not supported by any evidence. He argued that cultural attitudes, not biology, influenced the types of crimes women commit. Pollak attributed the low incidence of female crime to chivalrous attitudes of law enforcement officials and to the different nature of female crime. Pollak believed that female crime

---


7 Ibid., 11.

8 Ibid., 3-4.
differed from male crime because women usually acted as accomplices instead of committing the actual act. Not only did their role as accomplices make their crimes harder to detect, but society also holds accomplices less accountable than the criminals who performed the actual deed, thus leading to milder punishment for women.

Although Pollak challenged Lombroso's attitudes, he reinforced other sexist beliefs. He contended that women avoid prosecution because he believed that they are more deceptive than men. He argued that female offenders were "much better equipped" than men in remaining undetected. Unfortunately, this theory is impossible to prove or disprove because except for rape it is difficult to determine the biological sex of the criminal involved in an unsolved crime.

Although most scholars reject such explanations, they recognize their importance in evaluating the treatment of female criminals. Nicole Rafter and Elizabeth Stanko identify "six controlling images" that affect the treatment of women by the criminal justice officials. The first of these images is the belief that women are "pawns of biology." According to Rafter and Stanko, menstrual cycles and other biological forces are blamed for female criminal behavior. Linda Parker argues that biologically

---


*Nicole Rafter and Elizabeth Anne Stanko, Judge, Lawyer, Victim, Thief: Women, Gender Roles, and Criminal Justice, 2.*
deterministic attitudes towards race also influenced the treatment of women offenders. Views regarding non-white women as "primitive" caused minority women to be treated more harshly, in some cases, than Anglo women. Three closely related images: "of women as passive and weak, women as impulsive and nonanalytic, and women as impressionable and needing protection" also shape the attitudes of female victims, criminals and criminal justice officials. Criminologists believe that women "are easy prey for criminal types because of inherent physical and emotional weakness." These characteristics make it difficult for women in the criminal justice profession to move into leadership positions. The assumption that women are more likely to be accomplices than instigators also reflects these attitudes. The final two images of criminal women are the masculine woman and the "criminal woman as purely evil." Criminal women violate traditional gender norms by their behavior and are stereotyped as masculine in both behavior and appearance. Female

---


13 Ibid.

14 Ibid.
offenders also are characterized as more evil than their male counterparts.\textsuperscript{15} Rafter and Stanko recognize that these images contradict each other and combine these images into two figures. They argue that, in the literature, female criminals are either stereotyped as an "evil woman" or as a "bad little girl." The "bad little girl" is not innately evil. Instead, she is simply passive, impulsive, and easily led astray by stronger individuals. Both are, however, sexually promiscuous.\textsuperscript{16}

Clarice Feinman emphasizes the importance of women’s sexual activity in the treatment of accused and convicted women. According to Feinman, criminal justice officials judged women by the "madonna/whore" duality; that is they categorized women as "good" or "bad" based on their sexual behavior.\textsuperscript{17} Feinman traces the fear of evil women who could corrupt men through sex through Judeo-Christian theology and pagan mythology. She argues that the need women to produce legitimate male heirs to secure property inheritance gave rise to this duality and affected the laws regulating the treatment of women’s behavior in Classical Greece and Rome and medieval Europe.\textsuperscript{18} Finally, she contends that these ideas historically have shaped women’s treatment in the legal system; for

\begin{itemize}
\item \textsuperscript{15} \textit{Ibid.}
\item \textsuperscript{16} \textit{Ibid.}, 5-6.
\item \textsuperscript{17} Clarice Feinman, \textit{Women in the Criminal Justice System}, (New York: Praeger Publishers, 1980), 3.
\item \textsuperscript{18} \textit{Ibid.}, 2-3.
\end{itemize}
example, laws that prevented women from serving on juries and practices of serving indeterminate sentences.\textsuperscript{19} As a result, prostitutes and other minor female criminals received unusually long sentences to reform them.\textsuperscript{20}

Historians apply these views to the treatment of women in the nineteenth and twentieth century. Linda Parker, Virginia Roberts, and Carolyn Strange describe the role of benevolence in the trials of female defendants. They argue that protective attitudes of male jurors and legal officials influenced the outcome of these trials with acquittals for female defendants and shorter sentences.\textsuperscript{21}

While courts may have been hesitant to convict female defendants and may have given women shorter sentences, the treatment of convicted women by state legislators and prison staff combined both benevolent and harsh qualities. Gary Kremer, Nicholas Hahn, Robert Waite, Shelly

\textsuperscript{19} Ibid., 6-7.

\textsuperscript{20} Nicole Rafter and Elizabeth Stanko, "Judge, Lawyer, Victim, Thief," 6.

Bookspan, Nicole Rafter, Estelle Freedman, and Anne Butler all describe the unwillingness of state legislatures to allocate funds for programs and quarters for female prisoners. These authors link this hesitancy to provide for female inmates with contemporary ideas about the "true nature of women." They also examine how such ideas contributed to the conditions of women's prisons. The absence of funds meant that female inmates lived in overcrowded quarters and were either overworked or kept completely idle.\(^\text{22}\) Butler's study is particularly important on this point because she includes Nevada in her discussion of the treatment of women prisoners.

Shelly Bookspan and Estelle Freedman discuss the role of women's reform organizations in improving prison life for female prisoners. Bookspan and Freedman argue that feminists considered female offenders victims of male oppression.\(^\text{23}\) Nicole Rafter presents a darker view of

---


these reformers and explores their prejudices against female inmates and the limitations of their reforms. While Nevada's activists took little interest in women convicts, some Nevadans shared similar views with eastern and Californian reformers and the role these beliefs played determining the treatment of Nevada's female inmates.

Scholars also find that race determined how criminal justice officials would deal with both male and female offenders. Linda Parker described how racism and language barriers hampered Native American and other non-English speaking defendants. She argues that such views led to higher conviction rates, fewer charge reductions, and harsher sentences for American Indians and other minorities. Clare V. McKanna, Jr.'s study on Arizona's Apaches produced similar results to Parker. This work will show if such barriers affected the treatment of female defendants in Nevada.

---


27 Clare V. McKanna, Jr., "Murders All: The Treatment of Indian Defendants in Arizona Territory, 1880-1912," American Indian Quarterly, 17, no. 3 (Summer 1993), 359-369.
Although accused African Americans could speak English, they still faced racial discrimination. Anne Butler shows the role that both racism and sexism played in the treatment of female prisoners in western states. She argues that both racism and sexism led to brutal conditions for black women in prisons across the West. How such beliefs affected the treatment of women in Nevada will be discussed in this thesis.

The following chapters explore race and gender ideas and their impact on imprisoned women. Chapter Two provides the historical background and a brief history of the treatment of female prisoners in the United States. Chapter Three gives a history of Nevada before 1890 and describes the trials and sentences given to female criminals. Chapter Four discusses the history of the prison and concentrates on the incarceration and release of female criminals. The Conclusion summarizes the arguments and findings.

---

CHAPTER TWO

A NATIONAL PERSPECTIVE

Although the treatment of female inmates varied from region to region in the late nineteenth and early twentieth century, several recurring themes appear in women's prison literature. Views of female criminals as monsters or fallen angels affected the treatment of women across the country. At the same time, courts across the county also questioned whether female criminals deserved protection or punishment. Examples of both benevolent and harsh treatment existed in all regions.

Gender stereotypes influenced the type of treatment women received. Attitudes toward inmates, such as Rafter and Stanko's "six controlling images," and beliefs about women's appropriate sexual behavior determined if criminal justice officials believed that accused and convicted women were victims or monsters. This chapter will compare how criminal justice officials treated women across the country.

29 Clarice Feinman, 7-8. Feinman uses the term to describe Lombroso's attitudes towards criminal women who were not prostitutes.

30 Ibid., 1; Nicole Rafter and Elizabeth Stanko, Judge, Lawyer, Victim, Thief: Women, Gender Roles, and Criminal Justice, (Boston: Northeastern University, 1987) 2-4.
officials treated women in the Midwest, Northeast, South, and West.

Both Estelle Freedman and Nicole Rafter describe prison conditions for women before 1870, when few reformers took an interest in female prisoners. Indeed, male reformers expressed hostility toward these women, especially those believed to be sexually promiscuous. They blamed female criminals for both the crimes they committed and for leading men astray and corrupting their children. Women reformers sought to distance themselves from "fallen women" because of an "ideological barrier" that allowed them to retain their "class privilege. According to Freedman, "The social stigma attached to fallen women, the belief in their total depravity, and the treatment they received in penal institutions thus helped control the behavior of all women."31

Such attitudes led to poor conditions for female offenders. Before 1870, few states provided separate prisons or jails designed for women and this resulted in overcrowding and limited opportunities for recreation or employment. These inmates also faced sexual assault.32 After 1870, conditions changed for female prisoners in the Midwest and Northeast because of the growing participation of women in prison reform. Female reformers challenged the double standard that blamed women for men's bad


32 Ibid., 16-17.
behavior. They changed how the criminal justice system in northeastern and midwestern states dealt with female inmates. The emphasis was no longer on punishment but reform.33

Women's interest in reform went beyond prison reform to reforms in society. Nancy Cott and Sara Evans describe women's involvement in reform. Cott contends that women used "The Cult of Domesticity," the idea that women play a unique and important role in the family to justify their growing participation in society. Middle-class feminists argued that women's moralizing influence could benefit society if they were allowed to play a more active role in society. Although ideas about women's moral superiority hurt female prisoners, it helped them challenge "the hierarchy of sex" to "enhance their status."34

Sara Evans argues that the new drive toward autonomy, pleasure, and consumption between 1890 and 1920 undermined the Victorian Cult of Domesticity.35 Women sought professional jobs and went to college. This newly educated group faced some opposition. Stung by criticism that they had "unnaturally refused motherhood," they turned to the "reforming zeal of their mother's generation" and donated their time to missionary societies,

33 Ibid., 43-45.


women's clubs, and the W.C.T.U. and "made new claims to domesticity." 36

Although middle-class white women were successful in improving their place in society, these reforms did not help all women. During the late nineteenth and early twentieth century, the popularity of biological determinist explanations increased. According to Evans, "science could be used to buttress traditional prejudices. Virtually anything could be classified and counted, whether it was the 'depravities of the poor, the brain sizes of racial minorities."

Women's growing involvement in the professions and in reform movements, as well as the popularity of biologically deterministic ideas influenced the treatment of female prisoners in the Northeast and Midwest. These attitudes led to the creation of reformatories for women. The purpose of reformatories differed from prisons because they sought to reform prisoners and retrain them for readmission to society. Criminal justice officials did not consider all prisoners reformable but wished to concentrate their efforts on young, white women guilty of minor and "moral offenses." 38

Reformers designed these custodial units differently than state prisons

36 Ibid., 160.

37 Ibid., 146.

38 Estelle B. Freedman, Their Sisters' Keepers: Women's Prison Reform in America, 1830-1930, 87.
on the assumptions of feminine nature. They wanted reformatories to follow the "cottage plan." Under this plan, women lived in small groups in individual cottages with one member of the prison staff. Programs also considered the "nature" of women. According to Freedman, reformatories provided nurseries for women with children to encourage maternal feelings in all the prisoners. Progressive prison staff also offered job training for women in traditional and non-traditional occupations.39

The reformatory movement provided opportunities for active middle-class women. Since reformers argued that women should run female reformatories, this provided jobs in previously all male fields such as superintendent and prison doctor. During the Progressive Era, the emphasis on professionalism and efficiency created a new group of experts which included women. It was also during the Progressive Era, that feminists successfully convinced cities to hire policewomen to look after jailed women.

Despite the good intentions of female activists, some of the reforms proposed by these feminists reinforced the double standard they had challenged. For example, reforms designed women's courts to separate prostitutes from their pimps. These courts hurt women because they often dispensed with jury trials and gave judges extraordinary powers to convict and sentence women. These courts did little to prosecute customers or

39 Ibid., 133.
pimps and required only women to undergo physical examinations for venereal diseases.\textsuperscript{40}

Rafter and Freedman disagree on the motives of these reformers. Although Freedman believes that reformers' efforts were often misguided, she considers their intentions altruistic. Nicole Rafter, however, questions the motives of middle-class female reformers. She accuses reformers of using female prisoners to improve their own self-image and criticizes reformers for trying to remake female prisoners "in their image."\textsuperscript{41} Rafter argues that reformers efforts locked female prisoners into gender roles and that reformatories did little to prepare their inmates for life outside of prison.\textsuperscript{42}

Female prisoners' experiences in the South differed from those in the Northeast and Midwest, particularly on the issue of labor. The South held women in prison farm camps, which according to Rafter developed as a solution to labor problems following the Civil War. Southern prisoners were "leased out" and those considered "dead hands," such as women and boys, were sent to the prison farms.\textsuperscript{43} The South also kept female prisoners in prisons which were designed not to reform inmates but to make

\begin{itemize}
\item \textsuperscript{40} Ibid., 129.
\item \textsuperscript{42} Ibid.
\item \textsuperscript{43} Ibid., 88.
\end{itemize}
good use of their labor. Male labor, however, was valued more by lessees thus forcing prison officials to find alternatives for women. Options included assigning women to laundry work or having them work in clothing factories. This desire to exploit female prisoners led to overworked female prisoners.

Traditional gender beliefs contributed to poor conditions for female inmates. Nicholas Hahn contends that such views influenced how the Tennessee state legislature provided for female inmates. Since Tennessee legislators viewed women as less dangerous than men, they allocated less funds for female prisoners' quarters. After the Civil War, the state overcrowded female prisoners into the "women's ward," which led to escapes. The idea that female prisoners were less dangerous meant that less effort was made to supervise them. In Tennessee, authorities only hired one matron to look after female prisoners and hired no staff to assist her. While the state gave this matron great responsibilities, she was denied greater autonomy. The matron was still expected to report to the male warden.

Similar attitudes toward women led to poor conditions at the Missouri State Prison. According to Gary Kremer, "Missouri officials believed that the natural piety of women prevented them from committing

---

crimes, so there was no need to spend resources on female prisoners."\textsuperscript{45} This belief led to overcrowding and limited occupational opportunities, such as cooking, mending, and laundry.

The only western state to have a separate prison for female inmates was California. According to Shelley Bookspan, California reformers did not take an immediate interest in female inmates because of negative attitudes toward female prisoners. Both men and women reformers rejected these inmates because they failed to live up to society’s expectations.\textsuperscript{46}

During the early twentieth century, California female reformers’ interest in female prisoners grew due to Griffith J. Griffith’s expose. Griffith investigated the conditions at San Quentin and found that female prisoners lived in squalid conditions. They were denied fresh water, air, and exercise. The women’s quarters also became a brothel for visiting state legislators.\textsuperscript{47} The Women’s Christian Temperance Union of Southern California attempted to both improve conditions for female inmates and eventually to provide a separate prison for female prisoners. The W.C.T.U.’s efforts improved the conditions in the women’s quarters which


\textsuperscript{47} \textit{Ibid.}, 75.
became more sanitary and cheerful. The main goal of the W.C.T.U., however, was to move the women to a separate women's prison. In 1929, the state authorized the building of a woman's reformatory at Tehachapi. This reformatory was expected to hold both felons and misdemeanants. The naivete of female trustees and neglect by male prison reformatory staff led to problems for female inmates, including female inmates suffering from idleness because the men running the reformatory were not concerned about reform.

Western states, except for California, did not develop separate prisons for women until the 1960s. Before that time, western courts sent women to state prisons that had mostly male inmates. These prisons offered no programs for female prisoners. Outside of California, Washington made the best arrangements for its female inmates and provided an exercise yard for female prisoners.

Female prisoners in Western states were also overworked or remained idle. Anne Butler, in her study of western prisons, argues that poorly designed prison work programs created "turmoil, hardship, and degradation for women." Women either suffered from inactivity, were

---

48 Ibid., 76.
49 Ibid., 89-90.
50 Nicole Rafter, Partial Justice, 98.
51 Anne Butler, "Women's Work in Prisons of the American West, 1865-1920," Western Legal History, 7, no. 2 (Summer/Fall 1994) 220.
sexually exploited by male prisoners and male staff, or were overworked in prison industries. Female inmates also performed domestic labor inside and outside western prisons. As a result, their emotional and physical health suffered. Women's responses to these conditions caused them to seek medical care from doctors for "a number of reoccurring physical complaints," physical violence, or self-mutilation. Butler concludes that female prisoners "faced greater physical hazards and discrimination than their male counterparts."

Not all the treatment received by accused and convicted women was harsh. According to Linda Parker, San Diego courts treated female defendants leniently. She argues that between 1880 to 1910, only six women out of fifteen were convicted in superior court. Only three of these women received prison sentences. She attributes the low conviction and incarceration rate for accused female criminals to the unwillingness of juries to convict women and of court officials to view women as inherently less dangerous than men. Similar evidence of leniency for women is presented in a series of studies. Carolyn Strange contends that accused

\[52\] Ibid., 208-209.

\[53\] Ibid., 218-219.

\[54\] Ibid., 219.

women in western Canada received benevolent treatment from criminal justice officials. In her study of two accused female murderers, Strange found that their lawyers were able to convince the juries in their cases that they were defending their virtue. Because of these lawyers' abilities to exploit the chivalrous attitudes of their juries, both women were acquitted. Virginia Roberts describes the treatment of women defendants and prisoners by Arizona criminal justice system as mild. According to Roberts, an Arizona prosecutor, Granville Ourary, worked hard to prevent a woman he prosecuted from being executed. The petition signed by Ourary, the sheriff, and other leading citizens argued that the jury "labored under the impression that a milder punishment than death" would be given to the woman because of her sex. Staff at the Arizona Territorial Prison in Yuma also treated female inmates benevolently. Prison staff acted on the behalf of illiterate female prisoners and wrote letters for them. One such letter, written to the mother of an inmate, described the convicted woman as "lady like" and assured the reader that her good conduct had won over all the prison officials.

---


58 Ibid., 412.
Unlike Arizona, women in the Idaho prison received a mixture of benevolent and harsh treatment. Idaho lawmakers did not consider the possibility of female inmates when they built the territorial prison in 1868 because of the territory's small female population. This meant that the first female inmate would not have adequate quarters. The lack of appropriate quarters led to other problems for prison staff. For example, prison officials tried to keep inmate Josie Kensler separate from male prisoners but she still became pregnant. She also claimed that a prison doctor forced her to have an abortion. Public concern was not over the physical and psychological damage a forced abortion might have caused Kensler but over prison officials placing themselves in the position where a prisoner could accuse them of allowing her "to be coerced."

Like gender, race also influenced the treatment of inmates nationwide. In the West, racist attitudes caused criminal justice officials to treat minorities more harshly than whites. Both men and women members of racial minorities faced hostile juries and poor prison conditions. According to Linda Parker, both race and language influenced the treatment of minorities by Southern California courts. Southern Californians shared contemporary racist views and considered racial minorities and southern


60 Ibid., 5.
Europeans inferior. Parker reports that the public believed that Italians, Native Americans, and Mexican Americans were "more likely to commit violent crimes." Such attitudes influenced the conviction of both Native Americans and Hispanics. Parker argues that judges gave American Indians harsher sentences than any other ethnic group. Racism also influenced the treatment of Mexican-Americans who made up the largest minority represented as victims and defendants.

Language barriers may have also influenced the treatment of Hispanics, American Indians, Chinese, and non-English speaking Europeans. The need for interpreters caused the trials of non-English speakers to last longer. While Parker adequately explains the problems language presented for defendants who could not speak English, she ignores the role of differences in culture in the trials of immigrants and Native Americans. Mexican-Americans, Native Americans, and immigrants were not familiar with U.S. Anglo culture and legal system. This could have affected their trials.

Like Parker, Clare V. McKanna, Jr. also found that racism and language barriers influenced the treatment of Native Americans by Arizona’s

---


62 Ibid., 241.

63 Ibid., 240.
courts. In this study, McKanna discovered that many white Arizonans feared Apaches and that this fear influenced the treatment of Apache murder defendants. One example of this bias is the reference to convicted Apaches as "Red Devils" in a 1889 newspaper. Comparing the murder conviction rates in three Arizona counties, McKanna found that the Apache's conviction rate was twice as high as that of whites. According to McKanna, district attorneys pressured Native Americans to plea bargain. Although Apaches were promised lighter sentences for plea bargaining, serving any prison time was dangerous for Apaches who had a high mortality rate in prison. Language barriers also presented a problem for Apache defendants. Accused American Indians often could not speak English and had to rely on interpreters to translate for them. Often translators made mistakes and the meaning of words could cause Native Americans to misunderstand judges or district attorneys' statements.

Although African-American defendants and prisoners were more fortunate than American Indians because they often spoke English, they still experienced discrimination. While southern prisons and courts were

---


65 Ibid., 363.

66 Ibid., 365.

67 Ibid., 363.
notorious for how they treated blacks, western prisons and courts also treated African Americans poorly. Indeed, many former slaves who migrated from the South to the West found that white westerners shared the same attitudes as white southerners.\textsuperscript{68}

Gender, like race, influenced the treatment of African-American women. According to Anne Butler, black women experienced both racial and sexual discrimination. While African-American women suffered from the same problems as white female inmates, they enjoyed none of the protection given to white women. For example, black women were more likely to be sent to prison for minor crimes than white women. Once in prison, staff still gave preferential treatment to white female inmates over black women. Prison officials required African-American women to do heavier tasks than white women, and at the infamous Huntsville prison in Texas black women "toiled at all types of field labor."\textsuperscript{69} White women, however, were often assigned light housekeeping chores. Staff also subjected African-American female inmates to more brutal treatment than white female inmates and devised many ways to torture inmates, including the "wooden horse." Inmates were required to straddle this device and reported feeling "a creeping paralysis spread through the genitalia, legs, and

\begin{flushright}

\textsuperscript{69} Ibid., 29.
\end{flushright}
arms before they passed out." While Huntsville prison authorities separated white women from male prisoners, they allowed black women to share a "common bunkhouse" or live in adjacent cells to male inmates. This made African-American female prisoners vulnerable to sexual exploitation. In one instance, a white male inmate raped and impregnated a black woman. Prison officials responded by shaving the victim's head and throwing her in an isolation cell. They did not punish the rapist.

The literature on women in prison illustrates that race and gender ideas influenced the treatment of women in Arizona, Idaho, California, western Canada, and Texas. The authors found that criminal justice officials' beliefs toward gender caused accused and convicted women to receive treatment that was both benevolent and harsh. Like gender, race also played a role in the conviction and imprisonment of women and both Linda Parker and Anne Butler document the importance of race in California courts and western prisons. The following chapter compares the Nevada experience to those of other western states.

---

70 Ibid.
71 Ibid.
72 Ibid.
CHAPTER THREE

THE TRIALS OF FEMALE CRIMINALS IN NEVADA

Between 1890 and 1930, Nevadans shared similar views toward gender and race with most Americans and these attitudes influenced the outcomes of accused women’s trials. Many expected women to be gentle and nurturing. Nevada papers even substituted the ideological loaded phrase "fair sex" for the word "women." The actions of female criminals contradicted this belief which shocked Nevadans. They reacted by viewing these women as either victims or as monsters. For example, women whose crimes were perceived as a result of their victimization were likely to get lighter sentences. On the other hand, women whose crimes were perceived as shocking or unusually brutal received harsher treatment. Gender, race and the type of crime committed by female criminals were among the factors that influenced the treatment of female criminals.

Race also affected the treatment of women by Nevada’s press. Local papers dehumanized minority women and stereotyped minorities as criminals. While the media treated minority women harshly, the court’s treatment of African-American women, Native American women, and the sole Mexican-American woman was mixed. Juries often requested and received leniency for Anglo and minority women; yet, minority women
made up the majority of women sent to prison for violent crimes.

To understand the treatment of female criminals in Nevada in the period 1890 to 1930, it is important to understand what the conditions were in the state before 1890 and how these circumstances influenced the prison. Nevada became a state October 31, 1864 because the Union wanted to use Nevada's rich minerals in the Civil War. Nevada had a rich supply of gold and silver thanks partially to the Comstock Lode, which dominated economic growth in the territory and state. According to Russell Elliott, this discovery "stimulated the development of permanent farms and ranches throughout western Nevada."\(^3\) Ranchers and farmers raised livestock and grew fruit to feed those people brought in by the Comstock Lode.\(^4\) Other economic developments include the building of the Central Pacific Railroad and the copper boom in 1900. The Central Pacific Railroad transported Nevada's agricultural products to other markets and distributed supplies to Nevada communities.\(^5\) Elliott credits the railroad for sustaining some communities through the economic depression between 1890 and 1900.\(^6\) The copper boom of 1900 ended this depression and led to the building of new railroads.

---


\(^4\) Ibid.

\(^5\) Ibid., 110.

\(^6\) Ibid., 111.
These developments influenced the distribution of Nevada's population throughout the state. In 1890, the three most populated cities in Nevada were Virginia City, Carson City, and Reno.\textsuperscript{77} However, these cities and the rest of Nevada suffered a decline in population because of the twenty year depression from 1880 to 1900.\textsuperscript{78} Nevada's population decreased from approximately 62,000 in 1880 to 47,000 in 1890.\textsuperscript{79} The population continued to decline by 1900 to approximately 42,000. It increased again to 82,000 by 1910. By 1920, the population again decreased to 77,000. By 1930, the population rose to 91,000.\textsuperscript{80}

During this period, most of Nevada's population was white and male. Between 1890 and 1930, the percentage of African Americans living in Nevada never exceeded more than 1.1 percent of the population.\textsuperscript{81} Males also outnumbered females as women made up 36 percent of the

\textsuperscript{77} Donald B. Robertson, *Encyclopedia of Western History-The Desert States-Arizona, Nevada, New Mexico, Utah*, (Caldwell: Caxton Printers, Ltd. 1986), 119.

\textsuperscript{78} Ibid.


\textsuperscript{80} Ibid.

\textsuperscript{81} Ibid. This source did not list Native Americans separately. They may have been included under "other races."
population as late as 1890. Although the number of females living in Nevada increased, they never consisted of more than 40 percent of the population during this period.  

According to Willa Oldham, the Nevada Territorial Legislature first arranged to provide a place for prisoners in 1861. They leased Abram Curry's Warm Springs Hotel near Carson City for the first prison in 1862. In 1864, this hotel became a state prison, but three years later it burned down and the state built another facility. At the new prison, the state reserved a place for female prisoners at the top floor of a stone building. Eventually, the state built a new ward for these women in 1924. The Territorial Legislature prohibited the cruel treatment of inmates and the staff attempted to find "worthwhile projects to occupy prisoners' times." The prison fell short of these expectations, partially because of inadequate

---

82 Ibid.


86 Ibid., 55.
During the early years, the Nevada State Prison had several problems with personnel. In 1873, the state legislature tried to replace Lieutenant Governor Frank Denver as warden of the Nevada State Prison with Warden Presley Corbin Hyman. Prison guards complained that Denver's mismanagement would lead to another prison break. Warden Denver was unwilling to relinquish control and started the "Great Prison War" in 1873. Denver not only refused to turn over control of the prison to Hyman but also warned Hyman that if he entered the prison he would be "fired on by the guard." Denver also threatened to arm the prisoners, "in the case of emergency." This ended when the state militia surrounded the prison.

The problems faced by the state prison did not end with Denver. Hyman's relationship with inmate Mollie Forshay created scandal when Forshay accused Hyman of impregnating her. Public opinion sided with the lone female prisoner who was at the warden's mercy. Although Terri

---

87 Ibid, 54.
89 Ibid.
90 Ibid.
Sprenger-Farley implies that Forshay’s accusations may have been part of a larger scheme by Governor Lewis Bradley to discredit Hyman, this incident illustrated the problems of housing women at a: all male prison.

Mollie Forshay was not the only woman to be incarcerated at the Nevada State Prison before 1890. In addition, fourteen other women resided at the Nevada State Prison between 1871 and 1889.\(^2\) One reason for the small size of the female prison population was that males made up most of Nevada’s population, so the majority of crimes were committed by men. Another possible explanation for the few women sent to prison is that some female prisoners were housed in local jails instead of in the prison. For example, convicted murderer Elizabeth Potts resided in an Elko jail until her 1890 execution for first degree murder.

The research revealed that thirty-five women prisoners lived at the Nevada State Prison.\(^3\) Both federal and Nevada courts sent women to prison. Federal courts sentenced women for selling liquor to the Indians.

\(^2\) The number of women who served at the Nevada State Prison is calculated from the warden’s biennial reports from 1864-1889. One of these women was a repeat offender, so she was counted twice.

\(^3\) The exact number of women at the Nevada State Prison during this time period is unknown because the biennial reports stops listing the women convicted of "selling liquor to the Indians" after 1911 and the prison records do not list any prisoners sent to prison for "selling liquor to the Indians." The status of this crime may have changed at this time and may no longer have been an imprisonable offense.
while state courts convicted women of property and violent crimes.

"Selling liquor to the Indians" was a federal crime partially because government officials believed that alcohol use was "one of the greatest menaces to the health and progress of Indians" yet the sentences given to men and women convicted of this crime were small.94 Men received sentences that ranged from 6 months to three years. Sentences given to women ranged from six months to one and a half years. Fines up to one hundred dollars accompanied these sentences.

The seven women (see Table 3) who had committed property crimes were convicted of the following offenses: three women were convicted of burglary, two were convicted of grand larceny, and one woman each was convicted of receiving stolen goods and forgery. These women shared the characteristics of being mostly white, the tendency to use aliases, and the presence of accomplices.95 Items these women were accused of stealing ranged from handkerchiefs and morphine tablets to a car.

The majority of the women sent to the Nevada State prison were convicted of violent offenses (see Table 2). Five women were convicted of


95 Note: One inmate’s, Loretta Dix’s race is unknown because of the absence of sources on her.
second degree murder and seven were found guilty of manslaughter (including voluntary and involuntary manslaughter). State courts also sent seven other women for the following crimes: first degree murder, assault with intent to kill, poison with intent to kill, assault with intent to do bodily harm, arson (including first degree arson), and robbery. The sentences of women convicted of violent crimes ranged from one year to life in prison.

These women challenged stereotypes about violent women and their weapons of choice. Otto Poliak argues that women use poison more than any other weapon to kill their victims because of women's traditional tasks of preparing food and nursing the sick. In Nevada, however, violent female criminals preferred to use other types of weapons. Only one woman inmate, Ella Connell, used poison in her attempt to kill her husband. The most commonly used weapon by female criminals was a gun. Ten of the eighteen violent female offenders sent to the Nevada State Prison shot their victims. Two women used knives and two used hatchets.

The motives women gave for committing violent crimes both conformed to and challenged Rafter and Stanko's controlling image of

---


women as impulsive and nonanalytic. Jealousy motivated the actions of Anne Gomez who set her employer's house on fire because she envied the other woman's good fortune. Janette Davis' lawyers argued that anger over abuse motivated her to kill her husband. Other women's motives challenged this assumption, however. Ella Connell carefully plotted the death of her husband to inherit his money. Mollie Harrison, Beatrice Withers, Alice Hartley, Carrie Scott, and Frances Nones claimed they acted in self-defense.

Cultural differences could have influenced women's treatment. For example, consider the cultural barriers in the case of two Paiute women. Paiutes believed that witches could make others ill and that killing these witches would save the inflicted. The desire to save their sister-in-law caused Jennie Messa and Susie to help their brother kill a woman he.
believed was a witch.\textsuperscript{102} While these three felt they did nothing wrong, their beliefs and actions were interpreted by the courts as "superstitious."\textsuperscript{103}

Many of Nevada's female criminals differed from "respectable" women by their professions, previous arrest records, and their use of drugs and alcohol. Most of the women convicted of violent crimes, property crimes, and "selling liquor to the Indians" came from the working and lower classes. Pre-incarceration occupations of female prisoners included: three seamstresses, four housekeepers, six homemakers, one nurse, one hotel keeper, one saloon keeper, one waitress, two laundresses, two cooks, one milliner, one artist, and one farmer. Eight women did not list any occupations and three women's occupations are unknown. One female inmate, Frances Nones, blamed her occupation as a saloon keeper for her conviction.\textsuperscript{104} Several female inmates also had previous records. Mary Elizabeth Phillips, convicted of grand larceny, had been previously arrested for and acquitted of poisoning her aged husband, and later she was arrested for robbery.\textsuperscript{105} Drugs and alcohol played a role in many of these crimes.

\begin{flushright}
\textsuperscript{103} Reno, \textit{The Silver State}, 18 June 1891, p. 1.
\textsuperscript{104} Frances Nones, Application for Parole, 19 August 1915, Nevada State Prison Records, Inmate case file no. 1658, Nevada State Library and Archives, Carson City, Nevada, 2.
\textsuperscript{105} Carson City Daily Appeal, 25 July 1923, p 1.
\end{flushright}
Both the victims and assailants had used drugs and alcohol. Three of the women and two of their victims had been drinking at the time of the crime. Morphine abuse was linked to the behavior of three convicted women and to an alleged victim.

Public interest caused newspapers to sensationalize the crimes and trials of female defendants. The press presented several images of female offenders including views of these women as masculine, as monsters, and as victims. Local papers not only judged women by the brutality of their alleged crimes but also by their private lives.

Nevada's papers characterized some female criminals as masculine. They exaggerated the women's abilities and compared them to their male accomplices. *The Caliente Express*, for example, over emphasized Nellie Monroe's participation in the attempted burglary of a Delmar store and commented on her preference for wearing pants.\(^{106}\) Her prison records show, however, that her participation in this crime was not as central as the other participants. The local press also compared Nellie to her husband and decided that she was "a tough one, the toughest one of the bunch."\(^{107}\)

The tendency to view female criminals as more "manly" than their husbands and other male accomplices also meant that they blamed female criminals for their husbands' actions. After the 1890 executions of Elizabeth

\(^{106}\) *Tonopah Bonanza*, 2 June 1906, p. 1.

\(^{107}\) *The Caliente Express*, 17 May 1906, p. 1.
and Josiah Potts, Carson City's *Nevada Tribune* commented:

It is said that Eve tempted Adam and he fell, and the same style of affairs obtains to this day; a good virtuous wife is a crown of glory to a man, and a devil in female form a crown of thorns, and if the whole truth could be known the chances are that Potts was instigated to the crime by his wife, and so she is better dead than living.\(^{108}\)

The press also exaggerated the physical unattractiveness of criminals to make them appear more menacing. For example, *The Carson City News* described Carrie and John Scott as "an evil looking pair and their countenances mark them as persons capable of such a cold-blooded crime as shooting a man and then leaving him to die alone on the desert."\(^{109}\) Carrie Scott's lawyer, John Breeze, blamed negative pretrial publicity for his clients' convictions.\(^{110}\)

The racist views of one Winnemucca paper's journalist caused him to presume the guilt of African American murder defendant Mollie Harrison before she had a chance to be tried. *The Humboldt Star* called its 1908 interview with Mollie Harrison a "Statement of the Murderess."\(^{111}\) No court had yet convicted Harrison of any crime, making this statement


\(^{110}\) John Breeze, letter to the Board of Pardons, 14 December 1910, Nevada State Prison Records, Inmate case file no. 1210, Nevada State Library and Archives, Carson City, Nevada.

inappropriate. The paper used generalized views of all Winnemucca’s African Americans to denigrate Harrison. It referred to the grading camps of a local group of African American workers as "the scene of frequent orgies and rows."\textsuperscript{112} It accused the residents of the "selling of whiskey to the Indians" and blamed them for "having committed numerous petty robberies."\textsuperscript{113} Finally, it labeled the residents as a "semi-criminal class" which should be driven from town.\textsuperscript{114} This article was racist not only because it relied more on racial stereotypes than evidence to judge the guilt of Harrison, but also because it attempted to remove an entire group of African Americans from Winnemucca.

Nevada newspapers and courts also characterized women as victims or monsters based on their own sexual behavior. At the trials of accused murderers Alice Hartley and Janette Davis, such beliefs influenced the strategies of the prosecution and defense. Hartley’s lawyers argued that her victim, State Senator Murray D. Foley, had drugged her, taken advantage of her, and then assaulted her a week later. They claimed that she killed him because he attacked her with a chair and because he threatened to ruin her. Her attorneys argued that her actions were not only necessary to

\textsuperscript{112} Ibid., 16 September 1908, p. 1. The grading camps were attached to the railroads. The men who did the grading followed the surveying team and establish the path for tracks.

\textsuperscript{113} Ibid.

\textsuperscript{114} Ibid.
protect her life but were also the actions of a virtuous woman.\footnote{Reno Evening Gazette, 15 September 1894, p. 1.} District Attorney Benjamin Curler responded by attacking Hartley's virtue and accusing her of attempting to blackmail Foley.\footnote{Ibid., 15 September 1894, p. 1.} The Reno Evening Gazette, however, sympathized with Alice Hartley. The paper argued that her victim, Foley, was not "altogether blameless" and that "her young life might better be ended."\footnote{Reno Evening Gazette, 17 September 1894, p. 3.} Nevada papers also often used the term "unfortunate woman" to describe accused women.

While Hartley was perceived as virtuous, Janette Davis was perceived as a monster. Janette Davis claimed that she killed her husband, George Davis, because he abused her and forced her into prostitution. Her lawyer produced witnesses to support her claims and described how Davis had bragged about previous attempts to murder his wife and how he had badly beaten her the day she killed him.\footnote{Tonopah Daily Sun, 13 July 1907, p. 6.} Yet, Judge O'Brien felt no sympathy for the defendant and at her sentencing he called her a "moral degenerate and a licentious libel upon her sex."\footnote{Ibid., 23 September 1907, p. 4.} He argued that if her husband abused her as she claimed, she could have left and filed for a divorce. According to one paper, Davis testified that she worked as a
prostitute for the Chinese. It is possible that her alleged work as a prostitute and her interracial clientele persuaded the judge to categorize Davis as a monster and not as a victim of domestic violence.

Nevada’s courts generally treated female defendants leniently because judges and juries viewed women criminals as weak and needing protection. Although Nevada courts charged and convicted men and women of the same crimes, they usually gave lighter sentences to women than men. Chivalry also influenced some judges’ attitudes toward female criminals. The Carson City News described the woes of a judge who had the “painful duty” of sentencing Mrs. McKenna but added, “however, he [the judge] gave her the lightest sentence possible.”

Juries also were benevolent toward female criminals. In the cases of Alice Hartley, Lizzie Woodfolk, and Janette Davis, the juries found the defendants guilty but asked for leniency. Judges did not always listen to the recommendations of juries but Judge O’Brien chose to listen to Janette Davis’ jury because he believed that "no verdict whatever would have been reached in this case if it were not for the confidence which the jury had in the court that their recommendation would be observed and heeded." This trial was Davis’ second because the first jury to try Davis could not

---

120 Tonopah Sun, 13 July 1907, p. 6.
121 The Carson City News, 8 August 1905, p. 3.
122 The Tonopah Daily Sun, 23 September 1907, p. 1.
reach a verdict.

Prosecutors knew that juries might be lenient toward female criminals and tried to select jurors carefully. For example, District Attorney Benjamin Curler asked one potential juror for the Alice Hartley trial if he had any "conscientious scruples against rendering a verdict of guilty, in a case where the penalty is death, and the defendant is a female or a woman?"\textsuperscript{123}

These attitudes affected the sentencing of female criminals and these views usually resulted in shorter sentences for women. Both men and women were convicted of "selling liquor to the Indians," but women received lighter sentences. The average sentence given to male prisoners convicted of "selling liquor to the Indians" was 1.05 years. The longest sentence given to a man convicted of this crime was three years. The average sentence given to women convicted of "selling liquor to the Indians" was .956 years. The longest sentence was a year and a half.\textsuperscript{124}

Men, convicted of second degree murder, also received longer sentences than women prisoners convicted of the same crime. Out of sixty-one male prisoners convicted of second degree murder from 1890 to 1911, 

\textsuperscript{123} F.R. Porter, \textit{The State of Nevada vs. Alice M. Hartley}, 11 September 1894, Second Judicial District Court Records, Case no. 3115, Second Judicial District Court, Reno, Nevada, 10.

\textsuperscript{124} A note on methodology: the biennials to the state stop listing individual prisoners after 1911, so inmates are only compared from 1890-1911.
Nevada courts gave twenty-five men life sentences. One man received a fifty-year sentence and two men received forty-year sentences. The maximum sentence given to a woman convicted of second degree murder was twenty years. Another woman received an eleven year sentence for this crime. The other three women convicted of this crime received ten year sentences. The average sentence given to men, convicted of this crime was thirty-eight years, while the average sentence given to women was 12.5 years.\textsuperscript{125}

The same traditional beliefs that helped women receive lighter sentences than male prisoners also increased women's chances of going to prison instead of jail. Because many Nevadans assumed that women were not likely to commit crimes, some county jails did not provide accommodations for female criminals. A Reno paper, The Evening Chronicle, reported that "Defendants that are sentenced to over a year imprisonment are put in the state prison and 'Rickety Kate McAuliffe and Widow Dolan were given a day over to keep them from being consigned to the Storey County Jail, where there are no suitable quarters for female

\textsuperscript{125} Note on methodology: men and women convicted of second degree murder were only compared from 1890-1911 because 1911 was the last year that individual prisoners were listed in the biennials and the state started to use indeterminate sentencing after that date. Minority women also received similar to sentences to white women.
received lighter sentences. The average sentence given to male prisoners convicted of "selling liquor to the Indians" was 1.05 years. The longest sentence given to a man convicted of this crime was three years. The average sentence given to women convicted of "selling liquor to the Indians" was .956 years. The longest sentence was a year and a half.\textsuperscript{124}

Men, convicted of second degree murder, also received longer sentences than women prisoners convicted of the same crime. Out of sixty-one male prisoners convicted of second degree murder from 1890 to 1911, Nevada courts gave twenty-five men life sentences. One man received a fifty-year sentence and two men received forty-year sentences. The maximum sentence given to a woman convicted of second degree murder was twenty years. Another woman received an eleven year sentence for this crime. The other three women convicted of this crime received ten year sentences. The average sentence given to men, convicted of this crime was thirty-eight years, while the average sentence given to women was 12.5 years.\textsuperscript{125}

\textsuperscript{124} A note on methodology: the biennials to the state stop listing individual prisoners after 1911, so inmates are only compared from 1890-1911.

\textsuperscript{125} Note on methodology: men and women convicted of second degree murder were only compared from 1890-1911 because 1911 was the last year that individual prisoners were listed in the biennials and the state started to use indeterminate sentencing after that date. Minority women also received similar to sentences to white women.
The same traditional beliefs that helped women receive lighter sentences than male prisoners also increased women's chances of going to prison instead of jail. Because many Nevadans assumed that women were not likely to commit crimes, some county jails did not provide accommodations for female criminals. A Reno paper, *The Evening Chronicle*, reported that "Defendants that are sentenced to over a year imprisonment are put in the state prison and 'Rickety Kate McAuliffe and Widow Dolan were given a day over to keep them from being consigned to the Storey County Jail, where there are no suitable quarters for female prisoners."\(^{126}\)

Prison was also considered the only place to send elderly criminals. According to *The Carson City News*, the federal court sent Jane Doe Bennett to the Nevada State Prison because it was "considered a better place to care for the woman, who is quite aged."\(^{127}\) Three female inmates, all convicted of "selling liquor to the Indians," were sixty-five and older.

Gender assumptions influenced the treatment accused women received from Nevada's courts and from the press, but not in one clear direction. Newspapers exaggerated the abilities of female criminals and sensationalized their cases, which may have hurt female defendants' chances to receive a fair trial. The press portrayed some defendants as victims and

\(^{126}\) *Reno, The Evening Chronicle*, 30 March 1906, p. 3.

others as monsters. Although the press could be harsh toward female defendants, juries tended to sympathize with accused women and recommended leniency for both minority and white women. Protective attitudes toward women usually resulted in lighter sentences for female criminals than male criminals yet other factors also affected sentencing. In addition, structural conditions such as the absence of proper quarters in local jails also influenced women’s sentences and caused them to receive at least a year’s sentence in order to be sent to prison.

Convicted women’s treatment in prison also varied. The small number of female prisoners led to inadequate quarters and limited opportunities for female prisoners. Prison staff, however, often sympathized with these women, aided them with their legal problems and helped them obtain their freedom. Female inmates were aware of such views and exploited them to their benefit. Race presented other limitations. Minority women served the three longest sentences and one Native American woman received the single most restrictive pardon.
CHAPTER FOUR

WOMEN AT THE NEVADA STATE PRISON

Conditions differed for men and women prisoners. Since Nevada courts sent mostly men to the Nevada State Prison, overcrowding threatened male prisoners more than female prisoners. By 1913, the prison housed two to three men in cells designed for one or two men. The single cells were four and a half feet wide and seven feet long. The double cells were seven feet long and seven feet wide. Warden Denver Dickerson worried that overcrowding would "make it impossible to prevent revolting practices." Prison staff also worried that overcrowding would lead to the spread of contagious diseases such as tuberculosis and scarlet fever. They complained about the difficulty of keeping sick inmates separate from other inmates. Despite the concerns of the prison staff, the prison escaped any epidemics.

Although overcrowding did not threaten women prisoners, they still suffered from other problems. In 1911, Dr. Donald Maclean tried to call attention to "the lack of proper sanitary arrangements in the women's

---


48
quarters. The Las Vegas Age further described the conditions faced by female prisoners. "The women were and are still kept in a room over a carpenter shop with no chance for exercise and neither lavatories, water closet, or any sanitary necessities." The Nevada State Legislature did not respond, and Dr. Maclean again mentioned the need to improve the women's quarters. One female inmate was not housed in the Nevada State Prison. According to Phillip Earl, Alice Hartley resided in a room in the guards' quarters outside the prison. Prison staff may have allowed Hartley to remain outside the prison walls because she had an infant son with her. The records do not show whether prison staff allowed any other female prisoner to stay in the guards' quarters.

Many women prisoners complained of poor health. Both Etta Cole and prison doctor A. Huffaker argued that she should be released because of health problems "peculiar to her sex." Carrie Scott described a


130 The Las Vegas Age, 25 March 1911, p. 8.

131 Reno Evening Gazette Journal, 1 April 1990, p. 9c.

132 A. Huffaker, Letter, 6 January 1907, Inmate Case No. 1211, Nevada State Library and Archives, Carson City, Nevada.
tumor "the size of a man's head." Ella Connell, who also complained of ill health, died within a year of her release. Another female inmate, Mollie Harrison, had surgery while in prison and suffered from complications because of this operation. Dr. Maclean performed surgery on Harrison for elephantiasis of the breasts. During this operation, Maclean and another doctor removed her breasts and, as a result of this surgery, she went into shock.

While some female inmates were genuinely ill, others may have exaggerated their illness hoping to gain their freedom. Female inmates exploited the image of women as the "weaker sex" to get released from prison. In her 1915 application for parole, inmate Frances Nones complained that she was ill and wanted to be released so she could go east and seek medical treatment. Yet Nones never went East nor did she ever mention seeking treatment for her illness. In a letter reporting her location to the Board, she complained that she could not find employment.

---

133 Carrie Scott, letter to the Honorable Board of Pardons, 6 December 1910, Nevada State Prison, Inmate case file no. 1210, Nevada State Library and Archives, Carson City, Nevada.


in Salt Lake because "They say I don’t look strong enough to be worth a measly dollar a day."\textsuperscript{136}

Prison staff made suggestions on how to improve conditions for female prisoners in their biennial reports to the state. In 1908, Warden Maxwell requested a separate ward, a yard for female inmates and a matron to look after women prisoners.\textsuperscript{137} The records do not show whether the prison ever hired a matron or this yard.\textsuperscript{138} The absence of a matron meant that female inmates had to rely completely on an all male staff to meet their needs, which denied them their privacy.

Ironically, while male prisoners suffered from overcrowding, female prisoners suffered from loneliness. Since Nevada Courts sent few women to the prison, occasionally the prison would house only one female inmate. One such unfortunate inmate was Ella Connell, who complained of living

\begin{footnotes}
\textsuperscript{136} Frances Nones, letter to Mr. Smith, 16 April 1917, Nevada State Prison Records, Inmate case file no. 1658, Nevada State Library and Archives, Carson City, Nevada.


\textsuperscript{138} Although the records do not indicate whether or not Nevada hired a matron to look after women prisoners, I was told by Lt. Vell Washburn at the prison camp in Pioche that the state hired three matrons.
\end{footnotes}
in "nearly ten months of solitary confinement." Dr. Maclean sympathized with Connell and recommended that "proper quarters and some form of occupation for them [women prisoners] be found."

The prison offered limited and sex-stereotyped job opportunities for male and female inmates similar to those they held outside of prison. Over time, the prison had employed men in various tasks, which included: working on roads, in the quarry, providing services to other prisoners, working on the prison farm, working outside the prison in the community, and breaking rocks. Warden Maxwell did not consider breaking rocks the "kind of employment conductive" to reforming the prisoners. The prison provided more limited occupational opportunities for women. Ella Connell's prison record only listed her occupation as "Ladies Department." Women also worked as cooks and made gifts for tourists.

The Nevada State Prison also provided very few recreational opportunities for inmates. Newspaper accounts show that male prisoners

---

139 Ella Connell, letter to the Honorable Boards of Pardon and Parole Commissioners, 26 April 1917, Nevada State Prison Records, Inmate case file no. 1890, Nevada State Library and Archives, Carson City, Nevada, 4.


had a baseball team that played against community teams in Nevada but mention no recreational opportunities for women other than any they may have provided for themselves. For example, Alice Hartley continued to paint and Lizzie Woodfolk tried to start a garden.

Tensions existed between female inmates. Both Rosa Watts and Beatrice Withers' prison records say that prison staff disciplined them for fighting. Some of these tensions were racial in origin. Lizzie Woodfolk, an African-American prisoner, and Frances Nones, a white prisoner, despised each other and fought constantly. Prison staff complained that it was impossible to prevent these women from fighting. This relationship nearly ended tragically when Woodfolk attempted to break Nones' neck with a stick. Woodfolk commented on this attack, "Any woman of her race that will go around and holler things about a colored woman needs killing."^142

Like with Nevada's courts and press, female inmates' sexuality became an issue. Female prisoners have historically been regarded as sexually available.^143 In the 1870s, Nevada's Mollie Forshay found this


out when the warden allegedly forced her to have sexual relations with him. In 1915, Lizzie Woodfolk accused a guard named Peggy of making improper advances. Yet Woodfolk accepted some of this ideology as she reminded prison staff that although she was "a woman in prison," nevertheless she was "kind of half way respectable."144

Woodfolk's allegations against the prison included accusations of poor living conditions and abuse. She complained of receiving bad food and dirty water, but her most serious claims involved physical abuse. She charged that the guards handled her as rough "as they handle a man."145 According to Woodfolk, one guard choked her and she blamed him for the "stiffness in my neck."146 She reacted to this abuse by making threats of her own. Woodfolk warned District Court Clerk Daniel Morton of what she would do to an abusive guard if given a chance. "If you treat me so bad I am liable to take a gas pipe or something and stick it into one of those guards: I am just telling you how I feel."147 When a guard found a gas


144 Ibid., 6.
145 Ibid.
146 Ibid.
147 Ibid., 9.
pipe on Woodfolk's person, the prison staff took her threats seriously. Prison officials did not know how to deal with this atypical woman and eventually transferred her to the Nevada Hospital for Mental Diseases. Woodfolk's case was unusual because most women were not sexually or physically abused; or, if they were abused, they chose not to complain.

Prison staff often sympathized with and aided female prisoners. Warden Matthew Penrose played a very active role in aiding inmate Rosa Watts with her legal problems and he tried to help her obtain parole. He wrote letters to Winnemucca Judge L.O. Hawkins and District Attorney Merwyn Brown urging them to endorse her parole. Brown wrote back, expressing his annoyance with Penrose's efforts. "We have discussed this matter with you on numerous occasions in the past. Each time, I believe that we have stated our position concerning a conditional pardon." Penrose also tried to help Watts with her lawyer. Watts' attorney had sold her house for her and kept most of the money from the sale of this house. Penrose wrote a letter to the President of the Nevada Bar Association, informing him of the improprieties committed by her lawyer and requested


Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
that he "wait on Mr. Dingan [the attorney] on the chance you may arouse his sense of fair play."  

Although many female inmates complained about being ill while they were in prison, staff took credit for improving some prisoners' health. Eva Shelton is one inmate whose health improved because of her incarceration. As Warden Thomas Salter explained to Eva Shelton's sister, "She is getting along nicely here having gained about thirty pounds in weight since being here and am sure the time she has in this place has been a great deal of benefit to her."  

One problem that incarcerated women faced was the question of what to do with their children. Very few female prisoners at the Nevada State Prison had small children. The Nevada State Prison allowed two inmates, Alice Hartley and Lizzie Astor, to bring their young children with them to prison. Lizzie Astor's oldest child, however, was sent to an Indian school. In 1930, prison staff arranged for Loretta Dix to place her child in an orphanage and allowed the child to visit her once a week.

Individual female inmates differed in their relations with staff and their reactions to prison. Some inmates had good relations with prison officials.

---

149 Matthew Penrose, letter to R.M. Price, 8 August 1934, Nevada State Prison Records, Inmate case file no. 2981, Nevada State Library and Archives, Carson City, Nevada.

150 Warden Thomas Salter, letter to G.W. Angel, 11 October 1921, Nevada State Library and Archives, Carson City, Nevada.
Alice Hartley, a professional artist and convicted murderess, gave Warden L.O. Henderson and his wife a painting of the prison. Others rebelled against the authority of prison staff. Both Ella Connell and Beatrice Withers received discipline for disobeying orders. Prison staff punished both inmates by keeping them in their rooms for seven days.

Nevada did not have the active prison reform movement found in California and in the East. Unlike the Southern California Women's Christian Temperance Union, Nevada Women's Christian Temperance Union did not play an active role in prison reform. Although organizations did not play an active role in prison reform, private individuals did take an interest in female prisoners. Former inmate Frances Nones wrote to prison officials asking what she could do help women prisoners. Family members and neighbors wrote petitions to help Beatrice Withers, Annie Gomez, and Rosa Watts obtain paroles and pardons.

Even though Nevada did not have an active prison reform movement, female prisoners still received lenient treatment. Most prisoners did not serve their entire sentences. Women, convicted of second degree murder, were paroled and pardoned after serving less of their sentences than men. The average amount of time served by male prisoners convicted of second degree murder was 7.82 years. The average sentence served by a woman convicted of this crime was 2.08 years and the maximum sentence served by a woman convicted of this crime was 3.08 years.
Although minority women benefitted from chivalry because they spent less time in prison than men, the three longest sentences were served by minority women. Rosa Watts, a Mexican-American woman, served the longest sentence during this period. She spent 9.45 years in prison for first degree murder. She was the only woman imprisoned for this crime. Imprisoned in 1882, African American Annie Peterson served 8.58 years, for arson, until she was released in 1891. Another African American, Lizzie Woodfolk, served the third longest sentence of 4.42 years for manslaughter. Although Anglos were imprisoned for crimes equally serious as manslaughter, none served similar length sentences.

The conditions for paroles and pardons reflected Nevadans' mixed attitudes toward female criminals, and some Nevadans opposed the release of some female inmates. They believed that female inmates were "purely evil." While most Nevadans, who wrote to the state concerning female inmates, supported their release one individual requested that a woman be kept in prison. He wrote a letter to Governor Emmett Boyle about Ella Connell's application for parole arguing, "I consider this woman one of the most dangerous women in this or any other country . . . I know of no reason why this woman should ever be released." Ella Connell was convicted

---

151 A portion of this sentence was served at the Nevada Hospital for Mental Diseases.

152 J.A. McBride, letter to Governor Boyle, 3 August 1919, Nevada State Prison Records, Inmate case no. 1890, Nevada State Library and Archives,

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.
of attempting to kill her husband by poisoning him. Her manipulation of
the traditional caretaker role may have made her too threatening to win
much sympathy. Most Nevadans who contacted the state favored the release
of female prisoners, however. Once freed, the conditions for some inmates'
paroles stipulated that they stay out of the county where they committed
their crimes. Former prisoner, Rosa Watts, was told to stay out of the state
of Nevada.

Former inmates not only wanted to be released but also wanted to
establish a new life for themselves. Frances Nones wrote the Board, asking
for permission to marry, and the Board granted this permission. Nones,
Eva Shelton, and Mollie Harrison sought pardons after being paroled. All
of these women wanted these pardons because a full pardon meant a
restoration of citizenship. Eva Shelton also requested a pardon "on the
account of my husband and little boy."

Although many women had to live with certain restrictions about
where they could go once they were released, they were still free to led
independent lives. Marie Rogers worked in a "ladies' barber shop" and
enrolled in a course to become a barber in California. Eva Shelton moved

Carson City, Nevada.

Eva Shelton, letter to the Secretary of the Board of Pardons, Homer Mooney, 24 March 3, Nevada State Prison Records, Inmate case file no. 2265, Nevada State Library and Archives, Carson City, Nevada.
in with her sister, in California, and worked in a grocery store. She eventually married and had a child. African-American women had the same options when they were released. For example, Kittie Smith found work in a cleaning and pressing shop in Oregon and Beatrice Withers moved to Oklahoma.

Native American Annie Gomez was released under the most restrictive conditions of any female inmate. Her conditional pardon effectively reduced her status to that of a child. This pardon placed her in the custody of her daughter on the Moapa Indian Reservation. According to a letter written by superintendent J. Harvey Pocock, Gomez could not find employment "on the account of being to [sic] far away from town." Before her imprisonment, Gomez had enjoyed economic independence. The conditions of her pardon forced her to depend on others and robbed her of her livelihood. Because she could not write, Gomez relied on Pocock to write her letters to report her location. When she did not report to the state, J.H. White, Secretary of the Board of Parole Commissioners, wrote Pocock asking that he stress the importance of reporting to the Board to her. Pocock showed his attitudes toward Native Americans in his response. "I am as much to blame as Annie as Annie, for

---

134 J. Harvey Pocock, letter to the Secretary of the Board of Pardons, 6 December 1919, Nevada State Prison Records, Inmate case file no. 2972, Nevada State Library and Archives, Carson City, Nevada.
not sending a report every month, as the Indians as a general rule beleives [sic] that it is part of my work to look after them."^{155}

Attitudes toward women influenced the treatment that female prisoners faced at the Nevada State Prison. Images of women needing protection caused prison staff to intervene on their behalf. Female inmates' views of themselves caused them to not only expect fair treatment from prison staff but also to hope that they could convince state officials to parole or pardon them early. Prisoners hoped that emphasis on the frailty of women would cause state officials to let them out of prison early. Although Nevada did not have a strong prison reform movement, local Nevadans - motivated by concerns for loved ones and by chivalrous beliefs - petitioned to have women prisoners pardoned or paroled.

Nevertheless, some Nevadans' fear of female criminals caused them to work to prevent these women from being released. Views of female criminals as evil caused the Board of Pardons on occasion to stipulate that released women not return to the county where they committed their crimes.

Nevada’s criminal justice officials and private citizens, like those in other regions of the country, viewed female criminals as either victims or as monsters. While women of all races received comparable sentences and

---

^{155} J. Harvey Pocock, letter to Mr. J.H. White, Secretary of the Board of Parole Commissioners, 23 October 1930, Nevada State Prison Records, Inmate case file no. 2972, Nevada State Library and Archives, Carson City, Nevada.
the prison staff aided minority and white women, the three longest sentences
were served by minority women.
CHAPTER 5

CONCLUSION

The treatment of female inmates in Nevada both supports and challenges the scholarship on women in other regions. In Nevada and across the United States, traditional beliefs about gender and race set the backdrop for the treatment of female criminals. Elements of Rafter and Stanko's "controlling images" and social perceptions about appropriate women's sexual behavior could be seen in the treatment of white and minority women.

Gender stereotypes led to protective treatment. For example, women received and served shorter sentences than men convicted of selling liquor to the Indians and second degree murder. The willingness of juries and prison employees to recommend leniency for female prisoners contributed to these shorter sentences. Such protective behavior was not limited to Nevada but also was prevalent throughout the West. Most of the literature on female criminals supports the argument that justice was frequently "mild" for these women. In California, Arizona, and western Canada, women experienced benevolent treatment from courts and from prison staff. This
meant that women received relatively short sentences or were acquitted, and also received help from prison staff.

Not all the treatment women received was benevolent, however. With the exception of California, western states and territories did not build separate prisons for women. Female prisoners were kept in mostly male state prisons. In Nevada and Idaho, prison staff had a difficult time providing adequate quarters for female prisoners. None of these states offered any occupational or recreational opportunities for women. Before reform efforts, women in San Quentin also faced poor conditions.

Like California, the strong reform movement in northeastern and midwestern states affected the treatment of female criminals. Unlike California, however, women ran and controlled female reformatories. While these reformatories provided incarcerated women with more opportunities than western prisons, female staff often treated their prisoners as children. Ironically, women prison officials often reinforced the sexual double-standard they condemned by supporting the incarceration of women, accused of moral, not criminal offenses. Nevada did not enjoy the active prison reform movement of California and the Northeast and Midwest. While W.C.T.U. of Southern California helped female inmates in Southern California, records indicate that Nevada's W.C.T.U. did nothing to aid incarcerated women at the state prison. Similarly, Nevada did not develop reformatories for less serious criminals.
Women received more paternalistic treatment from courts in the Northeast than in Nevada. For example, Nevada courts did not send women to the state prison for morals offenses. Every woman at the state prison had committed a felony or had violated a federal law. In other words, the state did not have a special class of crimes that only women could commit and women went to prison for the same crimes that men did.

Anne Butler reports that women in Western prisons, including the Nevada State Prison, received harsh treatment. She argues that these prisons either overworked female inmates or kept them idle. As a result, female prisoners suffered from a decline in their physical and emotional health and were often sexually exploited. She discusses the cases of Annie Peterson, Carrie Scott, and Lizzie Woodfolk as examples of poor conditions in the Nevada State Prison.156 This thesis confirms Butler's findings of idleness and illness among Nevada's female prison population in Nevada but it found no evidence of prison staff overworking female inmates. Indeed, Warden Matthew Penrose claimed that inmates created their own employment and inmates were not forced to work.157 The Nevada research also does not support Butler's contention that women faced "greater physical hazards and faced greater discrimination than men" in western

156 Anne Butler, "Women's Work in Prisons of the American West, 1865-1920," Western Legal History, 7, no. 2 (Summer/Fall 1994) 201-221.

prisons. While Nevada’s female inmates certainly experienced sex discrimination, this study demonstrates that they faced different problems than male inmates, not greater ones. For example, male prisoners suffered from overcrowding while women were often isolated.

Although Nevada did not hire female matrons nor did the state offer any programs for female prisoners, male prison staff often attempted to treat female prisoners fairly.\textsuperscript{158} When Lizzie Woodfolk complained of a guard taking "undue liberties with her," she was able to convince the captain of the guard to remove him.\textsuperscript{159} Prison administrators and doctors commented on the well-being of female inmates and asked that measures be taken to improve conditions for women. One warden, Matthew Penrose actively aided Rosa Watts in her attempts to gain her freedom and to seek justice from the lawyer who stole from her.

Racial views influenced the treatment of accused and convicted women in three areas. Native Americans, African Americans, and Mexican Americans experienced language barriers and racial bias in the press, served the longest sentences, and, in one case, the most restrictive conditional pardon. Many American Indians and other non-English speakers were

\textsuperscript{158} Wives of prison staff may have provided some care for female prisoners although no records mention any women either than the women inmates.

\textsuperscript{159} Transcript in the Matter of the Inquiry of the Sanity of Lizzie Woodfolk, an Inmate at the Nevada State Prison, 8 March 1915, Nevada State Prison Records, Inmate Case File no. 1576, Nevada State Library and Archives, Carson City, Nevada, 5.
further burdened by a language barrier. Both racism and an inability to speak English led to higher conviction and incarceration rates for Native Americans. Like American Indians in California and Arizona, three out of the four Indian women sent to the Nevada State Prison could not speak English. Although the fourth Native American may have spoken English, she could not read or write. This inability to communicate almost jeopardized her conditional pardon. Evidence of race discrimination in Nevada’s media supports Clare McKanna and Linda Parker’s findings. They argue that the media viewed minorities differently than Anglos. In Nevada, the press vilified Native American and African American women and generalized their behavior to their entire race. Anne Butler argues that African American women experienced high levels of sexual and physical assault. Once in prison, staff were more likely to physically punish African American women than white women. While they were denied the so-called benefits of womanhood, they endured the disadvantages of being female, such as sexual exploitation. This combination of race and sex discrimination most dramatically affected African-American women prisoners in southern states and western states with strong southern ties, like Texas.¹⁶⁰ This Nevada study does not provide the same level of evidence.

of the number of African American women claiming physical and sexual abuse. Only one African American woman claimed that she was physically assaulted at the Nevada State Prison.

Although racism influenced the treatment of Nevada’s female criminals, racial discrimination was not as severe in Nevada as in southern states. Unlike Louisiana and Texas, all of the African American women at the Nevada State Prison were convicted of serious crimes. Juries also showed some tendency to treat minority women benevolently and often recommended leniency for minority defendants.

Rafter and Stanko’s "controlling images" and emphasizing women’s sexuality have shortcomings as frameworks for understanding the Nevada case. Views of women as passive, weak, impulsive, and impressionable encouraged benevolent treatment, while at the same time, ideas about female criminals as masculine, evil, or "pawns of biology" caused the courts and prison staff to deal with some women more harshly than others. The size of the Nevada case produces revisions in these areas. While many of these images seem contradictory, they show the complexity in the treatment of female prisoners in Nevada and across the country. These views explain a part of women’s treatment and they also show how the women felt toward themselves and the techniques women used to win acquittals, pardons, and paroles.
But, neither the "six controlling images" nor women's sexual behavior explain the role of maternity or age in the treatment of female criminals. Nevada papers often commented on whether accused women were mothers of young children. Since American society has always emphasized women's role as mothers, it would be useful to design a theoretical framework to describe attitudes toward mothers. Secondly, the treatment of elderly female defendants needs to be addressed. Traditionally, older women have complained of gender and age discrimination. Scholars should ask themselves if such attitudes affected the treatment of aged female defendants by juries.

No single factor determined how courts and prison staff treated female offenders and often a variety of issues and beliefs influenced the fate of these women. Like race, gender, age, and maternity, the defendant's reputation in the community may have also influenced treatment. For example, courts may treat a woman who is well liked by the community more benevolently than a woman whose neighbors dislike her. Victim characteristics, such as the race, gender, age, and reputation of the victim may have also influenced the outcomes of trials. The perceived brutality of the crime could have also affected the treatment of male and female defendants in American courts; yet, for women convicted in Nevada, the more vicious acts were not necessarily followed by harsher punishment.
The findings of this study are necessarily tentative. A small sample size, scarcity of sources, and little comparative data on male prisoners make the conclusion less definitive. The small sample size and lack of sources is especially acute with Native American prisoners. This thesis uses writings from African American and European American women to show how they viewed their imprisonment yet the four Native American female prisoners could not write. Consequently the information on these women has come from other sources. In the future, historians need to develop a method of finding out Native American prisoners’ views.

The third problem faced in this research is that it did not include much data on male prisoners. Future research should use men’s records to compare how the prison staff viewed male and female prisoners and how these views affected the treatment of men and women. These records would also show if differences existed in male prisoners’ views of their imprisonment and if local Nevadans were as willing to help men.

In spite of the limitations, this work is unique because it shows female inmates as active individuals who influenced their incarceration experience. This differs from earlier works which concentrate on the actions of criminal justice officials and female reformers. These publications often ignore the role female inmates played in shaping their own future. Most work on female inmates either emphasizes their plight as victims of “patriarchy” or shows how they benefitted from chivalry. This
thesis shows how female criminals received both benevolent and harsh treatment. Perceptions of female offenders as monsters and victims influenced their trials, sentencing, incarceration, and their paroles and pardons.

Finally, this work shows the problems of treating women in a system designed to handle men. Nevada courts and the Nevada State Prison treated female prisoners both harshly and benevolently. Gender and race stereotypes influenced the manner by which many Nevadans viewed the accused and convicted women. Like most Americans, Nevada’s residents believed that women were naturally more moral than men and more passive. Female criminal behavior, especially women who committed violent crimes, challenged these beliefs and Nevadans reacted by characterizing these women as either monsters or victims. Minority women were viewed as more dangerous than Anglo women. Such attitudes influenced how judges and juries tried and sentenced female criminals. Once in prison, these beliefs continued to influence the treatment of female inmates and was reflected in their quarters, limited opportunities, and in the attempts of staff to help female inmates.
TABLE 1

FEMALE INMATES AT THE NEVADA STATE PRISON, BY RACE
1890-1930

(Racial Composition of Female Prisoners)

<table>
<thead>
<tr>
<th>RACE</th>
<th>1890-1899</th>
<th>1900-1909</th>
<th>1910-1919</th>
<th>1920-1930*</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>BLACK</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>AM.IND.</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>ANGLO</td>
<td>5</td>
<td>3</td>
<td>3</td>
<td>5</td>
<td>16</td>
</tr>
<tr>
<td>HISP.</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>UNKNWN</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>TOTAL</td>
<td>9</td>
<td>10</td>
<td>7</td>
<td>9</td>
<td>35</td>
</tr>
</tbody>
</table>

SOURCE: The Warden's Biennial Reports to the State, from 1890-1911 and Inmate Case Files from the State of Nevada Prison Records, from 1882-1929.

Note: (*) Two women were convicted in 1930. They are May Collins and Loretta Dix. Collins is Anglo and Dix's race is unknown.
### TABLE 2

**VIOLENT FEMALE CRIMINALS INCARCERATED AT THE NEVADA STATE PRISON, 1890-1930**

(Women who were convicted of violent crimes and who were imprisoned at the Nevada State Prison from 1890-1930)

<table>
<thead>
<tr>
<th>INMATE NAME</th>
<th>INMATE RACE</th>
<th>INMATE OFFENSE</th>
<th>ARRIVAL DATE</th>
<th>SENTENCE LENGTH(YRS)</th>
<th>MIN.-MAX.**</th>
</tr>
</thead>
<tbody>
<tr>
<td>R. WATTS</td>
<td>HISP.</td>
<td>1ST DEG. MURDER</td>
<td>1929</td>
<td>LIFE</td>
<td></td>
</tr>
<tr>
<td>SUSIE*</td>
<td>AM.IND.</td>
<td>2ND DEG. MURDER</td>
<td>1891</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>J. MESSA*</td>
<td>AM.IND.</td>
<td>2ND DEG. MURDER</td>
<td>1891</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>A. HARTLEY</td>
<td>ANGLO</td>
<td>2ND DEG. MURDER</td>
<td>1897</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>M. HARRISON</td>
<td>BLACK</td>
<td>2ND DEG. MURDER</td>
<td>1908</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>C. SCOTT</td>
<td>ANGLO</td>
<td>2ND DEG. MURDER</td>
<td>1908</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>J. DAVIS</td>
<td>BLACK</td>
<td>MANSLAUGHTER</td>
<td>1907</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>L. ASTOR</td>
<td>AM.IND.</td>
<td>MANSLAUGHTER</td>
<td>1908</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>L. WOODFOLK</td>
<td>BLACK</td>
<td>VOL. MANSLAUGHTER</td>
<td>1913</td>
<td>1-10</td>
<td></td>
</tr>
<tr>
<td>T. WITHERS</td>
<td>BLACK</td>
<td>INV. MANSLAUGHTER</td>
<td>1917</td>
<td>1-10</td>
<td></td>
</tr>
<tr>
<td>M. JARVIS</td>
<td>ANGLO</td>
<td>MANSLAUGHTER</td>
<td>1917</td>
<td>1-10</td>
<td></td>
</tr>
<tr>
<td>D. WILLIAMS</td>
<td>UNKNOWN</td>
<td>MANSLAUGHTER</td>
<td>1923</td>
<td>1-10</td>
<td></td>
</tr>
<tr>
<td>M. COLLINS</td>
<td>ANGLO</td>
<td>MANSLAUGHTER</td>
<td>1929</td>
<td>1-10</td>
<td></td>
</tr>
<tr>
<td>L. NONES</td>
<td>ANGLO</td>
<td>ASSAULT/INT. KILL</td>
<td>1915</td>
<td>1-14</td>
<td></td>
</tr>
<tr>
<td>O. DISSLER</td>
<td>BLACK</td>
<td>ASSAULT/INT. KILL</td>
<td>1924</td>
<td>1-2</td>
<td></td>
</tr>
<tr>
<td>E. CONNELL</td>
<td>ANGLO</td>
<td>POISON/INT. KILL</td>
<td>1916</td>
<td>10-LIFE</td>
<td></td>
</tr>
<tr>
<td>A. PETERSON</td>
<td>BLACK</td>
<td>1ST DEG. ARSON</td>
<td>1882</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>A. GOMEZ</td>
<td>AM.IND.</td>
<td>ARSON</td>
<td>1929</td>
<td>2-20</td>
<td></td>
</tr>
<tr>
<td>K. SMITH</td>
<td>BLACK</td>
<td>ROBBERY</td>
<td>1912</td>
<td>5-8</td>
<td></td>
</tr>
</tbody>
</table>

**SOURCE:** The Warden's Biennial Reports to the State, from 1890-1930 and Inmate case files from 1882-1930 and Nevada newspapers from 1882-1930.

**NOTE:** (*) Indicates that the inmate has no last name.

(**) After 1912, the courts gave some female prisoners indeterminate sentences in which the inmate is sentenced to serve a minimum number of years (left column) and a maximum number of years (right column) in prison.
TABLE 3

WOMEN INCARCERATED AT THE NEVADA STATE PRISON FOR PROPERTY CRIMES,
1890-1930

<table>
<thead>
<tr>
<th>INMATE NAME</th>
<th>INMATE OFFENSE</th>
<th>ARRIVAL DATE</th>
<th>SENTENCE LENGTH(YRS)</th>
<th>MIN.-MAX.*</th>
</tr>
</thead>
<tbody>
<tr>
<td>E.COLE</td>
<td>REC. STOLEN GOODS</td>
<td>1907</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>N.MONROE</td>
<td>BURGLARY</td>
<td>1906</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>M.ROGERS</td>
<td>BURGLARY</td>
<td>1921</td>
<td>1-5</td>
<td></td>
</tr>
<tr>
<td>E.SHELTON</td>
<td>BURGLARY</td>
<td>1921</td>
<td>1-5</td>
<td></td>
</tr>
<tr>
<td>N.MCFARLAND</td>
<td>GRAND LARCENY</td>
<td>1922</td>
<td>UNKNWN</td>
<td></td>
</tr>
<tr>
<td>M.PHILLIPS</td>
<td>GRAND LARCENY</td>
<td>1923</td>
<td>2-14</td>
<td></td>
</tr>
<tr>
<td>LORETTA DIX**</td>
<td>FORGERY</td>
<td>1931</td>
<td>1-14</td>
<td></td>
</tr>
</tbody>
</table>

SOURCES: The Warden's Biennial Reports to the State, from 1890-1911, and Inmate Case Files, from 1906-1930, from the Nevada State Library and Archives, Carson City, Nevada. Nevada Newspapers are Another Source.

Note: (*) Indicates female prisoners received indeterminate sentence.
(**) Indicates inmate convicted in 1930 but sent to the Nevada State Prison after this date.
TABLE 4

FEMALE INMATES IMPRISONED FOR SELLING LIQUOR TO THE INDIANS AT THE NEVADA STATE PRISON, 1890-1911

(This Table Lists the Women Sent to the Nevada State Prison for the Crime of Selling Liquor to the Indians)

<table>
<thead>
<tr>
<th>INMATE NAME</th>
<th>INMATE AGE</th>
<th>PRE-PRISON OCCUPATION</th>
<th>ARRIVAL DATE</th>
<th>SENTENCE LENGTH (YRS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>M. WILEY</td>
<td>32</td>
<td>SEAMSTRESS</td>
<td>1892</td>
<td>1.5</td>
</tr>
<tr>
<td>K. DUFFY</td>
<td>26</td>
<td>HOUSEKEEPER</td>
<td>1896</td>
<td>1.0</td>
</tr>
<tr>
<td>M. DOLAN</td>
<td>48</td>
<td>HOUSEKEEPER</td>
<td>1896</td>
<td>1.0</td>
</tr>
<tr>
<td>M. COUCH</td>
<td>70</td>
<td>HOTEL KEEPER</td>
<td>1896</td>
<td>1.1</td>
</tr>
<tr>
<td>L. CARSON</td>
<td>46</td>
<td>SEAMSTRESS</td>
<td>1898</td>
<td>1.0</td>
</tr>
<tr>
<td>J. SCOTT</td>
<td>44</td>
<td>NO PROFESSION</td>
<td>1901</td>
<td>1.0</td>
</tr>
<tr>
<td>J. BENNETT</td>
<td>65</td>
<td>HOUSEKEEPER</td>
<td>1905</td>
<td>0.5</td>
</tr>
<tr>
<td>J. W. MCKENNA</td>
<td>34</td>
<td>MILLINER</td>
<td>1905</td>
<td>0.5</td>
</tr>
<tr>
<td>M. SCOTT</td>
<td>70</td>
<td>NO PROFESSION</td>
<td>1908</td>
<td>1.0</td>
</tr>
</tbody>
</table>


Note: Sentence Length is in years and is rounded to the tenth place.
BIBLIOGRAPHY

PRIMARY SOURCES

MANUSCRIPT COLLECTIONS


Second Judicial Court of the State of Nevada Court Transcripts. Washoe County Clerk's Office. Reno, Nevada.

NEVADA NEWSPAPERS

The Caliente Express. 17 May 1906.

The Carson City Daily Appeal. 25 July 1923.

The Carson City News. 15 July 1905; 9 October 1908.

The (Winnemucca) Humboldt Star. 16 September 1908.

The Las Vegas Age. 25 March 1911.

The (Carson City) Daily Nevada Tribune. 21 June 1890.

The Reno Evening Gazette. 15 September 1894.

The (Reno) Evening Chronicle. 30 March 1906.

The (Reno) Silver State. 18 June 1891.

The Tonopah Bonanza. 2 June 1906.

The Tonopah Daily Sun. 13 July; 23, 24 September 1907.
STATE AND FEDERAL DOCUMENTS


SECONDARY SOURCES

PRINTED BOOKS


O'Hare, Kate Richards. *Kate Richards O'Hare: Selected Writings and Speeches*. ed. Philip S. Foner and Sally Miller, Banton Rouge: Louisiana State University Press, 1982.


**ARTICLES**


___________ "Women's Work in Prisons of the American West, 1865-1920," *Western Legal History*. 7, no. 2 (Summer/Fall 1994)


McKenna, Clare V. "Murderers All" The Treatment of Indian Defendants in Arizona Territory, 1880-1912." *The American Indian Quarterly.* 17 (Summer 1993): 359-369.


DISSERTATIONS