

1-1-2008

The treatment of minorities and women by southwestern courts and prisons

Donna Crail-Rugotzke
University of Nevada, Las Vegas

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

Repository Citation

Crail-Rugotzke, Donna, "The treatment of minorities and women by southwestern courts and prisons" (2008). *UNLV Retrospective Theses & Dissertations*. 2798.
<http://dx.doi.org/10.25669/qv48-krza>

This Dissertation is protected by copyright and/or related rights. It has been brought to you by Digital Scholarship@UNLV with permission from the rights-holder(s). You are free to use this Dissertation in any way that is permitted by the copyright and related rights legislation that applies to your use. For other uses you need to obtain permission from the rights-holder(s) directly, unless additional rights are indicated by a Creative Commons license in the record and/or on the work itself.

This Dissertation 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.

THE TREATMENT OF MINORITIES AND
WOMEN BY SOUTHWESTERN
COURTS AND PRISONS

by

Donna Crail-Rugotzke

Bachelor of Science, University of Wyoming
1990

Master of Arts, University of Nevada, Las Vegas
1995

A dissertation submitted in partial fulfillment
of the requirements for the

Doctor of Philosophy Degree in History
Department of History
College of Liberal Arts

Graduate College
University of Nevada, Las Vegas
May 2008

UMI Number: 3319138

Copyright 2008 by
Crail-Rugotzke, Donna

All rights reserved.

INFORMATION TO USERS

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 bleed-through, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send 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.

UMI[®]

UMI Microform 3319138

Copyright 2008 by ProQuest LLC.

All rights reserved. This microform edition is protected against
unauthorized copying under Title 17, United States Code.

ProQuest LLC
789 E. Eisenhower Parkway
PO Box 1346
Ann Arbor, MI 48106-1346



Dissertation Approval

The Graduate College
University of Nevada, Las Vegas

April 11, 2008

The Dissertation prepared by

Donna Crail-Rugotzke

Entitled

"A Threat to Society":

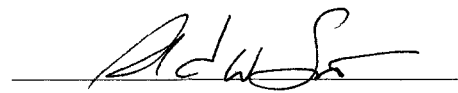
The Treatment of Minorities and Women By

Southwestern Courts and Prisons, 1890-1930

is approved in partial fulfillment of the requirements for the degree of

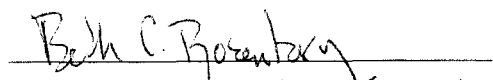
Doctor of Philosophy in History

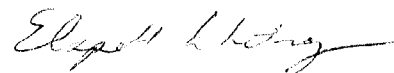

Examination Committee Chair


Dean of the Graduate College


Examination Committee Member


Examination Committee Member


Graduate College Faculty Representative



ABSTRACT

The Treatment of Minorities and Women by Southwestern Courts and Prisons

by

Donna Crail-Rugotzke

Dr. Maria Requel Casas, Examination Committee Chair
Associate Professor of History
University of Nevada, Las Vegas

The purpose of this work is to examine the role of race, ethnicity, and gender in the treatment of Native American, women, and Latino defendants and inmates by Southwestern courts and prisons from 1890 to 1930. This dissertation addresses issues such as the types of trials Native Americans, women and Latinos received from Arizona, Nevada, and New Mexico courts and what types of sentences they received. This study explores whether late nineteenth and early twentieth-century attitudes about gender, race, and ethnicity influenced the sentencing of prisoners.

It also describes the conditions at the Nevada State Prison, New Mexico Territorial Penitentiary, the Yuma Territorial Prison, and the Arizona State Prison at Florence. Since none of these three states built a separate prison for women until the 1960s, the study provides evidence that women inmates often lived in harsh conditions compared to

their male counterparts. Yet prison officials and members of the outside community often did come to the aid of women inmates in expected and unexpected ways.

For Native Americans, imprisonment was often deadly. However, some Native Americans, along with Latino inmates, also took advantage of the scarce opportunities available at these prisons. As was the case with women, they also received aid from prison officials and the members of the community. This work also will address the coping strategies of individual minority and female inmates. Equally important, is the role of community and prison officials in helping or hindering these inmates' attempts to win their freedom from jail or prison.

TABLE OF CONTENTS

ABSTRACT.....	iii
PREFACE.....	vi
CHAPTER 1 INTRODUCTION	1
CHAPTER 2 WOMEN IN PRISON.....	18
CHAPTER 3 NATIVE AMERICANS AND THE LEGAL SYSTEM.....	43
CHAPTER 4 LATINO INMATES.....	74
CHAPTER 5 CONCLUSION.....	102
APPENDIX I CHAPTER 2 TABLES.....	108
APPENDIX II CHAPTER 3 TABLES	127
APPENDIX III CHAPTER 4 TABLES	150
BIBLIOGRAPHY.....	190
VITA	199

PREFACE

In 1923, a Mineral County Court convicted Mary Elizabeth Phillips of grand larceny; however in a letter to Governor James Scrugham she claimed that she was framed. She also described the conditions at the Nevada State Prison. According to Phillips, she was “not getting exercise nor air enough to live another year. this [sic] horse stable that I am living here now is so hot I surely will die,” yet described the warden “as a fine man” who “does all in his power for my comfort.”¹

Phillips’s case provides an example of the mixed and inconsistent treatment of inmates in the Arizona, Nevada, and New Mexico prisons. While other regions of the nation embraced, to a certain extent, the reform movements of the late nineteenth and early twentieth century, there is little evidence that Arizona, Nevada, or New Mexico governments showed as much interest in the modern penological techniques developed by eastern reformers or even those in California. Indeed, the few efforts to reform prisons in these three states came not from a larger movement or a community concerned with reform but from a few individuals who took an interest in the inmates. Often these individuals were law enforcement officials or prison officials who sympathized with the problems that some prisoners experienced. However, some civilians and politicians came to the aid of some prisoners. While most of the people who attempted to help prisoners were family members or friends, politicians and community leaders also spoke out on behalf of the inmates.

¹ Mary Elizabeth Phillips to James Scrugham, June 23, 1924. Inmate Case File 2458. Nevada State Library and Archives, page 1.

The following study is a social history of the prisons in these three states and it examines the role of race, ethnicity, and gender in the trials and convictions of Arizona, Nevada, New Mexico inmates. Drawing on a variety of studies that have been written about prisons and inmates, particularly David Rothman's The Discovery of Asylum: Social Order and Disorder in the New Republic which describes the rise of asylums including penitentiaries in America during the first half of the nineteenth century as a response to changes brought about by the Jacksonian period. In American Prisons: A History of Good Intentions, Blake McKelvey provides readers with a comprehensive history that describes the origins of American prisons and as well as a regional breakdown of prisons. McKelvey examines the role of different reform movements in influencing the development of the modern prison. Both this book and McKelvey's book provide the necessary background into the history of the penitentiary movement. Unlike the previous work, Anne Butler's Gendered Justice in the American West explores the role of both gender and race in determining the treatment of female inmates. She finds that women prisoners were often victims of abuse and neglect in male dominated prisons in the West. A point that Nicole Rafter supports in Partial Justice: Women, Prisons and Social Control. Both books show how governments often neglected women prisoners. Rafter's book; however, also shows changing attitudes toward women criminals in the Northeastern part of the country. In many cases, race and gender attitudes held by most of society informed the views of criminal justice officials and others toward European American and non-white women, Native American, and Latino inmates.

Several historians have written about individual states, for example, Shelley Bookspan, who describes the history of California's prisons and reformatories in A Germ of Goodness: The California State Prison System, 1851-1940; Keith Edgerton describes the history of the Montana penitentiary in Montana Justice: Power, Punishment, & the Penitentiary, and Elinor Myers McGinn focuses on the treatment of inmates in Colorado in her work At Hard Labor: Inmate Labor at the Colorado State Penitentiary, 1871-1940. These regional studies offer additional insight and make it easier to compare the treatment of inmates in the Nevada, New Mexico and Arizona prisons with other similar institutions in the Far West.

In many ways, this dissertation confirms the results of other studies. Inmates in Nevada, New Mexico, and Arizona faced similar conditions to inmates in other western states such as overcrowding inmates in small cells and poor living conditions. All three prisons tried to find ways to exploit prison labor such as using inmates to build roads. Evidence of racial and gender bias also exists. But the Nevada, New Mexico, and Arizona prisons were not carbon copies of other western prisons or each other. The New Mexico and Arizona institutions would, for example, have more Latino inmates than the Nevada prison. The history of each of these prisons shaped their prison makeup as well. The fact that New Mexico had more inmates incarcerated for participating the Mexican Revolution than the Nevada prison is an example of events in each state shaped the prison's history.

This work is important because it focuses on three apparently similar states in the Far West but examines the cultural differences that affected the treatment of inmates. All three states were arid and benefited economically from mining, agriculture, and

the railroad as well as discoveries of silver and gold during the nineteenth century and copper discoveries in the twentieth century played an important role in the economies of all three states. But there were differences, for example, Nevada attempted to develop other industries including tourism and agriculture. Ranching was also important to New Mexico's economy. Health tourism grew as an important industry in Arizona. The railroad linked isolated communities in all three states.² But despite their economic and environmental similarities, there were distinct differences between Arizona, New Mexico, and Nevada. Spanish and Mexican legal traditions influenced New Mexico's culture while Nevada's legal system evolved from its mining economy.

These states were selected for this study because of their similar economies and because each state had only one prison at a time. Unlike California, which had multiple prisons running at the same time, Nevada, Arizona and New Mexico each had only one prison at a time, thus making it easier to compare the treatment of inmates from prison to prison. The prisons examined in this study included the New Mexico Territorial Penitentiary in Santa Fe, the Nevada State Prison in Carson City, the Yuma Territorial Prison and the later Arizona State Prison in Florence, which replaced the Yuma Territorial Prison.

Yet this is not simply the history of powerlessness in the West. Inmates often interacted with local politicians and with prison staff in their attempts to gain their freedom and to make prison more bearable. In their letters, they often used language very effectively to communicate with prison and government officials. In some

² James W. Hulse. The Silver State: Nevada's Heritage Reinterpreted, Third Edition. (Reno: University of Nevada Press, 2004), 150 and 173.

cases, these letters provide a great deal of information about the inmate and the crime he or she committed, and first-hand accounts of prison conditions. Women inmates, for example, would incorporate traditional gender norms in their letters and describe how they conformed to these norms to gain sympathy from prison officials and important government officials.

This study relies on quantitative methods as well as anecdotal evidence to determine treatment of inmates. It includes tables of the sentences given to inmates convicted for certain crimes. These tables compare the average sentences given to Native American, Latino, and Euro-American inmates and allow the reader to see if discrimination played a role in determining the treatment of inmates. Thus a major contribution of this work is the quantitative analysis that helps explain more fully the experiences of these inmates. These statistics not only provide insight into the treatment of defendants and inmates but also allude to their respective societies and the priorities of these societies. It puts the anecdotal evidence in perspective and allows for comparison of the treatment of different groups of people.

By examining the trials, convictions, and treatment of defendants, we can learn more about the overall attitudes of westerners towards these three groups. Like the West, western prisons were places characterized by racial, ethnic, and gender diversity as women and men found themselves locked behind prison bars for a variety of crimes. In some cases the prisons were even more diverse than the general society. Prisons provided artificial communities, which threw people together who normally would not have associated together in the outside world. And in their willingness to assign minority inmates positions as trustees, prison officials demonstrated a sense of

fairness also often not found on the outside world. Frequently, defendants and prisoners came from different cultures and occasionally spoke different languages. Non-English inmates often experienced more difficulties with the courts than English-speaking inmates.

Attitudes toward gender roles, race, and ethnicity played an important role in determining how the courts sentenced inmates and how inmates fared in the prisons. Not surprisingly, documents indicate the existence of some brutality and discrimination in the prisons and courts. However, inmates also found allies in surprising places who helped them navigate the court and prison systems. This study will examine the complex lives of women, Native Americans, and Latinos in Arizona, New Mexico, and Nevada from 1890 to 1930 and will explore the treatment these inmates received from the courts and prisons. This study will greatly add to the existing literature not only on prisons but on the Southwest as well.

From 1890 to 1930, Nevada, Arizona, and New Mexico could be described as typical western states, each state had a fairly low population and each state had only one prison. Although Arizona would open a second prison at Florence in 1909, this prison replaced the earlier prison at Yuma. Unlike the Yuma prison, the Florence prison did not share the notorious reputation of Yuma and has not received the same attention from historians and the public at large. With few exceptions, historians have ignored the Nevada State Prison as well as the state of Nevada.³ This study will contribute to the small body of work about Nevada's criminal justice system and its people; furthermore, its examination of Nevada's Native Americans may prove

³ Judith Johnson is one exception. See "For Any Good at All: A Comparative Study of State Penitentiaries in Arizona, Nevada, New Mexico, and Utah from 1900 to 1980." diss, (Albuquerque: University of New Mexico 1987).

especially useful to scholars of interested in learning more about Nevada's lesser-known tribes. All three of these states shared specific problems with their penal systems including problems with the facilities, finding qualified prison officials to run the prisons, poor treatment of the inmates, discrimination, and labor issues.

Although each of these states was sparsely populated, they were culturally and ethnically very diverse. New Mexico had a large and somewhat influential Hispano population while Nevada had a large population of foreign-born emigrants attracted to the Comstock Lode. All three states also had very distinct Native American cultures and tribes; yet, despite the differences amongst the tribes, Native American inmates often shared similar experiences while in prison.

The main archival sources for this work include newspapers from the time period, inmate case files, prison records, governor's records and other records from the state archives for New Mexico, Arizona, and Nevada which provided valuable -even if at times exaggerated- information about the circumstances surrounding the trials and sentencing of inmates. Newspaper articles also provide insight into the attitudes of the community toward the inmates and toward various ethnicities. Inmate case files and prison records gave crucial information about the inmates including their race, ethnic origins, biological sex, behavior, and if they received paroles or pardons. Nevada and Arizona published periodic reports about the prison. The warden or superintendent of the prison is each of these reported biennially or quarterly to the state senate. These records list the needs the prison, include reports from other prison staff such doctors, and includes vital statistics about new inmates. Frequently, these reports list the inmate's name, race, occupation, age, crime, and sentence. In New

Mexico, Inmate Conduct Books were available that provided information about prison discipline. Another source of information was governor's records, which often included parole or pardon applications for inmates. These records describe the circumstances surrounding the crime as well as the inmate's behavior while in prison.

From the very beginning, political considerations played an important role in the founding of all three prisons. In Nevada, for example, the territorial legislature purchased the Warm Springs Hotel for use as its first prison to compensate the owner, Abraham Curry, for damages done to his bar by fighting lawmakers in 1861. Despite no administrative experience, the territorial legislature hired Curry to serve as the first warden of its prison. When the hotel burned down in 1867, the state built a new prison in Carson City.⁴

The wealth from the Comstock Lode attracted many emigrants to the state and the subsequent overcrowding of the prison forced authorities in 1874 to ambitiously plan the construction of a penitentiary at Reno patterned after the Joliet Penitentiary in Illinois.⁵ But as the Comstock boom ended and the population of both the state and the prison decreased, the old prison at Carson City amply served Nevada's needs. The warden, meanwhile, was elected by the legislature "and so important was this political plum" that one man, Lieutenant Governor Frank Denver, had to be removed from the post by force.⁶ During the early 1870s, two prison breaks occurred and prison guards complained that Denver's mismanagement would only encourage another prison break. The state legislature tried to replace Denver as warden of the

⁴ *Ibid.*, 40-41.

⁵ Blake McKelvey. "Penology in the Western Movement." *Pacific Historical Review*, v.2 (1933), 422.

⁶ McKelvey. *American Prison: A Study in American Social History Prior to 1915*. (Montclair, N.J.: Patterson Smith, 1968) 197-198.

Nevada State Prison with Warden Presley Corbin Hymen. Despite all of the problems he faced as warden, Denver decided not to relinquish control of the prison. The newly elected governor and prison board tried to meet with Denver but he refused to let them onto the prison grounds. He also informed Hymen that if he tried to enter the prison he would be "fired on by the guard" and threatened to arm the prisoners, "in the case of emergency." This rebellion ended with the National Guard surrounding the prison and Denver's surrender.⁷

One persistent problem faced by Nevada's prison officials was the role of labor. Across the nation, one of the major goals of the state governments was to profitably exploit inmate labor or to put inmates to work in order to reform them. Both the Pennsylvania model, which required inmates to live and work in complete isolation, and the Auburn model, which provided single cells for inmates but required inmates to work together in complete silence, emphasized the importance of labor for personal reform.⁸ After the Civil War, southern states and northern states hoped to profit by allowing private companies to lease inmate labor. The southern states leased inmate labor to private businesses and plantation owners. In the North, private companies

⁷ Matthew R. Penrose. Pots O' Gold. (Reno: A. Carlisle & Co. Of Nevada, 1935), 90-94. Terri Sprenger-Farley, "The Great Prison War," Nevada, 44, no. 6, (November/December 1984), 42. The Warden Hymen faced his own scandal when inmate Mollie Forshay accused Hymen of impregnating her. Although many Nevadans sided with Forshay, Hymen remained in office until the next election. See Terri Sprenger-Farley, "The Unthinkable Mollie Forshay," Nevada, 42, no.3 (May/June 1982), 25. Sprenger implies that Forshay's accusations may have been part of a larger scheme by Governor Lewis Bradley to discredit Hyman.

⁸ Colvin. "Penitentiaries, Reformatories, and Chain Gangs." 84-91.

contracted with the state to use prison labor in various task such as making boots and shoes.⁹

During his tenure as warden, Hymen attempted to keep inmates busy through the prison's shoe factory. Other attempts to keep inmates busy included having them work on a rock quarry during the turn of the century. Although Nevada's prison population was growing rapidly, full employment became impossible. Inadequate funding was partially responsible for the inability of wardens to find worthwhile projects for inmates. Nevada's isolation and plummeting population also contributed to problems of employing prisoners. As with other states, Nevada prison officials had to consider the problem of competition with free labor.¹⁰ Even other western states and territories such as Utah had more success utilizing convict labor. Utah employed inmates in a cotton-sock factory and other goods not made by free labor.¹¹

Like Nevada, political and economic considerations influenced the decision to build the Arizona Territorial Prison in 1875. The potential profit from prison labor encouraged lawmakers to pass legislation, which allowed for the employment of jail prisoners in 1871, a practice that they later applied to penitentiary inmates.

Lawmakers believed that prison labor could both reform inmates and please tax payers by deferring some of the costs of running the prison.¹²

This prison had the potential to be an important economic asset to any Arizona community. Once completed, the prison would be one of Arizona's first major state-

⁹ Mark Colvin. Penitentiaries, Reformatories, and Chain Gangs. (New York: St. Martin's Press, 1997), 244. Scott Christianson. With Liberty for Some: 500 Years of Imprisonment in America. (Boston: Northeastern University Press, 1998), 183-184.

¹⁰ Ibid., 225. Penrose. "Pots O' Gold." 95. Willa Oldham, Carson City: Nevada's Capital City, (Genoa: Desk Top Publishers, 1991), 54.

¹¹ Blake McKelvey. "American Prisons," 225-227. Johnson. "For Any Good At All," 82.

¹² Paul Eduard Knepper. "Imprisonment and Society in Arizona Territory," diss. (Tempe: Arizona State University, 1990) 79-80.

funded projects. In 1868, the Arizona Territorial Legislature originally planned to build the prison in Phoenix; however, the legislature took no action on this bill until Representative Granville H. Oury introduced a bill that authorized a bond to pay for the prison in 1875. Yet, on the last day of the session, Senator Jose Maria Redondo (who owned a large amount of Yuma County) and Representative R.B. Kelly of Yuma County substituted “Yuma” for Phoenix. Yuma benefited greatly from the prison that provided jobs to the residents and relied on local merchants to supply its needs.¹³

As with the Nevada State Prison, the prison officials in Arizona were political appointees hired for their connections and not because of any specialized training. During the late nineteenth and early twentieth century, the political party in power rewarded supporters with jobs in the prison as wardens or as guards. This patronage system prevented the hiring of qualified individuals but was not unique to Nevada, Arizona, or the West nor was it limited to prisons. Michigan, for example, was “virtually a one party state” like other states in the North after the Civil War and the Republicans “controlled federal patronage, postmasterships, and customs houses along the lakefront as well as the policies and patronage of Lansing.”¹⁴

Although territorial lawmakers hoped to profit from prison labor, ironically inmates had very little to do. With the exception of making and selling crafts to tourists, many inmates remained relatively idle. For example, inmates did not have

¹³ John Mason Jeffery. Adobe and Iron: The Story of the Arizona Prison at Yuma. (La Jolla, California: Prospect Avenue Press, 1960), 21-23.

¹⁴ Johnson. “For Any Good at All.” 59-60. Charles Bright. The Powers that Punish: Prison and Politics in the Era of the “Big House,” 1920-1955. (Ann Arbor: University of Michigan Press, 1996.), 34-46.

unlimited access to the rock quarry and farm work proved challenging because of Yuma's arid climate.¹⁵

The treatment that inmates received also proved problematic. Inmates suffered from overcrowding. At the Arizona Territorial Prison, the cells were designed to hold four inmates at a time but often held six. The Nevada State Prison faced similar overcrowding. The rejection of solitary cells for inmates demonstrated that Arizona government officials had rejected both the Auburn and Pennsylvania models.¹⁶ By 1907, overcrowding and the lack of work for prisoners contributed to the legislature's decision to build a new prison in Florence.

Similar to Arizona and Nevada, economics motivated the territorial legislature to consider building the prison in New Mexico. Although Congress authorized funds for building a territorial prison as early as 1853 in New Mexico, conflicts "within the territory over the site" for the prison, "problems encountered because of the distance from Washington," and the stipulation that the territory finish the prison in two years "complicated and delayed construction." The expense of housing convicts sentenced to hard labor in nearby states and territories such as Arizona and potential profits from prison labor encouraged the legislature to build a prison near Santa Fe.¹⁷

The New Mexico Territorial Penitentiary also staffed the prison with political appointees instead of trained prison officials, which was possibly responsible for at least one major scandal at the penitentiary. In 1906, "complaints" involving "gross

¹⁵ Ibid., 61.

¹⁶ McKelvey. American Prisons: A History of Good Intentions. (Montclair New Jersey: Patterson Smith, 1977) 232. Ibid., 65-67.

¹⁷ Donna Crail-Rugotzke. "A Matter of Guilt: The Treatment of Hispanic Inmates by New Mexico Courts and the New Mexico Territorial Prison, 1890-1912," New Mexico Historical Review, 74, no. 3 (July 1999), 297. Johnson. "For any Good at All," 44.

mismanagement, misappropriation of funds, and missing financial records,” led to the governor firing the superintendent of the prison. This case is significant because it provided an example of the problem with a system that rewarded jobs to political allies and not qualified professionals.¹⁸

New Mexico lawmakers also initially experienced difficulties in finding employment for the inmates. Prompted by private sectors’ concern over potential competition from prison labor, the legislature passed legislation preventing the sale of prisoner-made bricks in any county in which a private manufacturer of bricks already existed. Yet New Mexico’s government did make progress with prison labor by designing a model road building program in 1903 that other states would emulate. Penitentiary inmates, for example, built a scenic highway between Santa Fe and Las Vegas, New Mexico. To prevent escapes, New Mexico only used the most “trustworthy” inmates to work on the roads during the early twentieth century.¹⁹

After reading the history of these three prisons, it is easy to become bogged down in the details of prison administration. Yet it is important not to forget the lives of the people who were incarcerated at the Nevada State Prison, Arizona Territorial Prison, and the New Mexico Territorial Penitentiary. This work explores the treatment of these different groups of people and examines the role of race and gender in determining the type of justice these individuals received. In the process of studying these different groups, we can learn more about the values of the larger society. Did westerners simply rely on racial and gender stereotypes in the views on inmates or did they allow other factors, such as compassion, to influence their views? How did

¹⁸ *Ibid.*, 77.

¹⁹ Johnson, “For Any Good at All.” 77, 79.

westerners define serious criminal activity? What did they consider an appropriate punishment for violating certain laws?

Diversity of experiences characterized these individuals. Native Americans and Latinos, for example, often came from different legal traditions. For example, Native American cultures incorporated the concept of kinship and relied on gift giving to deal with legal grievances. In many cases, Native Americans faced an unfamiliar court system that emphasized individual accountability and many Native Americans defendants did not understand English. Spanish-speaking defendants also required translators and often struggled with a legal system different from the Mexico/Spanish judicial systems.

Prisoners convicted of federal crimes also contributed to the diversity of these prisons, especially the Nevada State Prison. Immigrants were heavily represented in the federal courts as defendants in cases involving selling liquor to the Indians. For a short time, the Nevada State Prison also held inmates on their way to McNeill Prison in Washington and these inmates included Apache Indians adding to the diversity of the Nevada State Prison.

Although these early prisons were designed for men, they also held women, who often faced different challenges than male inmates. Because very few women went to prison, women inmates lived in total isolation one year and in crowded conditions the next year. Prison staff struggled to find ways to separate women and to occupy them.

The first chapter, or Introduction, of this study will examine the history of prisons and penitentiaries in the United States including the growth of prisons and theories regarding reform. This chapter traces the shift from physical punishment to

incarceration during the late eighteenth century to the growing and changing reform movements of the progressive movement. This chapter will also consider regional differences in the development of modern prisons and penitentiaries.

Chapter 2 explores the treatment of women in New Mexico, Arizona, and Nevada. In this chapter, I examine the backgrounds of women inmates, the types of crimes that they were convicted of and the sentences that they received. I also investigate the role of race in determining the lengths of sentences women received from the courts, how prison officials and guards related to these women, and how long they actually served in prison before they were released.

Chapter 3 describes the changing legal status of Native Americans. In all three states from the territorial periods to statehood, Native Americans' legal status drastically changed and they faced incarceration in territorial and state institutions as a result of changes in federal law. As Native Americans increasingly came in contact with an unfamiliar legal system, they faced a variety of difficulties including language and cultural barriers that affected their experiences with the courts and prisons. Native American tribes traditionally settled differences through kinship ties instead of relying on a complex court system that emphasized individual responsibility. This chapter will also consider what role, if any, that tribal differences play in determining the treatment of Native American men and women. This study will also seek to explain why so very few Native American women went to prison.

Chapter 4 examines the treatment of Latinos in New Mexico and Arizona. Unlike Nevada, New Mexico and Arizona had a relative large native-born Latino population making it possible to compare the treatment of native-born Latinos with Mexican

immigrants. The chapter will also consider what role the Mexican Revolution played in determining treatment of Latino inmates.

The Conclusion will provide a summery of this study's findings. It will offer final thoughts about the treatment of Latinos, Native Americans, and women in the Nevada, Arizona, and New Mexico prisons. It will also compare these three Far Western states with the rest of the nation.

The author would like to thank her committee chair Dr. Maria Requel Casas, and committee members Dr. David Tanenhaus, Dr. Willard Rollings, Dr. Elspeth Whitney and Dr. Beth Rosenberg. The author would also like to thank the following for their support and guidance: Dr. Sondra Cosgrove, Shirley Johnston, Laurie Boetcher, and Dr. Andrew Haley. The author would especially like to express her appreciation for the help she received from the late Dr. Hal Rothman and Dr. Gerhardt Grytz.

The author would also like to thank her husband, Daniel Rugotzke for his love and support.

CHAPTER 1

INTRODUCTION

Observers and the press often described the New Mexico Penitentiary as a model prison. In one complimentary article, writers for The Santa Fe New Mexican, called the penitentiary “one of the best penal institutions of the West” and argued that the life of the inmates is “by no means a hard one.”²⁰ Mary E. Teats, the national superintendent of jail and prison work of the Women’s Christian Temperance Union, even praised the current prison superintendent, Colonel H.E. Bergmann, for his “praiseworthy management” of the institution. According to Teats, “I do not believe there is a prison in the United States where good discipline, good feeling, good provisions and cleanliness in every and all departments...” are higher than in the New Mexico Penitentiary under the “judicious management of Colonel E.H. Bergmann and his “able and efficient deputy, Mr. Merrill.”²¹

Despite the glowing reviews he received as superintendent, Colonel H.E. Bergmann would later face questions about how he ran the penitentiary. In 1899, Bergmann, his son, and other defendants faced charges that they induced an inmate, W.A. Gardner into trying to frame Thomas B. Catron for attempted murder. Although a New Mexico court dismissed all charges against Colonel Bergmann, this case demonstrates a common occurring theme in the running of the New Mexico, Arizona, Nevada penitentiaries and

²⁰ 10 July 1899. Santa Fe New Mexican, p.4.

²¹ 22 January 1896. Albuquerque Weekly Democrat, p.3. 1 March 1891. Albuquerque Weekly Democrat, p. 4.

prisons, as well as other similar institutions across the country-the conflict between politics and reform.²²

Politics and economics often conflicted with the prison reform movements. Reformers during the nineteenth and twentieth centuries had grand plans for reshaping the criminal justice system with plans on how best to transform convicted criminals to model citizens relying on religious and later scientific techniques. Indeterminate sentencing, probation as an alternate to incarceration, and the recruitment of professionals to run prisons and penitentiaries were among the proposed reforms. However, reform efforts in many states and territories fell short for a variety of reasons including the fact that employment at a prison official remained a political plumb. The extent that inmates benefited from such reform movements varied from region and the inmates' ethnicity, race, and gender also affected treatment.

By the end of the nineteenth century, prisons and penitentiaries had become an established fixture of the American criminal justice system. Indeed, the penitentiary was "one of byproducts of the intellectual and humanitarian movements of the eighteenth century that contributed so generously to the founding" of the United States and²³ represented a shift from physical and public punishments common in Colonial America such as whipping, hanging, and humiliation.²⁴

²² 22 January 1896. Albuquerque Morning Democrat. p.3. 26 May 1899. (Omaha) Morning World Herald. p.2. . According to Gardner, Bergmann wanted Gardner to accuse Catron of hiring him to poison Bergmann and other prison officials.

²³ Blake McKelvey. American Prisons: History of Good Intentions (Montclair, New Jersey: Patterson Smith Corporation, 1977), 1.

²⁴ Elinor Myers McGinn. At Hard Labor: Inmate Labor at the Colorado State Penitentiary, 1871-1940. (New York: Peter Lang Publishing, 1993), 1,

William Penn was “apparently the first responsible leader to prescribe imprisonment” to correct major offenders in 1682. His “Great Law” for Pennsylvania’s government provided for the confinement of major and minor offenders in houses of correction where they were required to perform “useful work” to compensate for their crimes. Initially, murder was the only capital crime in Pennsylvania until treason was added in 1700. After Penn’s death in 1718, the Pennsylvania assembly brought back English criminal code, which increased the number of capital offenses and authorized whipping and other punishments common in the colonies. Pennsylvania was not alone as New York and Massachusetts also increased the number of death penalty offenses for various crimes including property crimes too a perception that crime as increasing.²⁵ But the death penalty did not have the desired effect in deterring crime as jurors often hesitated to convict defendants or they convicted defendants of a lesser crime to spare the defendants’ lives.²⁶

By the end of the eighteenth century and the beginning of the nineteenth century, attitudes toward penitentiaries changed and the survival of the penitentiary was no longer certain. At the Newgate prison, for example, prison officials frequently faced disorder. In 1799, inmates seized guards as hostages and the military put down the riots. The Walnut Street Jail also had its share of problems with prisoners setting shop equipment on fire in 1798. Growing corruption also contributed to skepticism as corrupt lawyers selling pardons and contractors smuggling alcohol in the prisons to

²⁵ Blake McKelvey. “American Prisons: History of Good Intentions,” 3-4.

²⁶ Ibid., 37.

bribe inmates so that the inmates would worker harder. These scandals caused many Americans to question whether or not it was possible to reform inmates.²⁷

Economic expansion followed by economic depression during the early decades lead to religious revivals and worker militancy. During the early nineteenth century, western expansion and the transportation revolution lead to the growing economy. Many Americans laso turned to religion during the Second Great Awakening.²⁸

Religious beliefs inspired northern reformers about the best way to deal with criminals. Following the American Revolution, Northern states such as New Hampshire, Pennsylvania, Massachusetts, and New York relied increasingly on confinement as the “dominant sentence.” By the 1820s, Protestant reformers focused on isolating the convict from all negative influences. Reformers believed that incarceration could liberate the convict’s soul from the “vice and guilt” that “corrupted” the prisoner’s soul. In order to achieve this task, reformers favored isolating the prisoner and solitary cells where the prisoner would be alone with his guilt and could contemplate his behavior. At this point, reformers believed that the prisoner would feel remorse.²⁹

Both the Pennsylvania and Auburn Prison systems relied on silence and labor to reform inmates. At Eastern Pennsylvania Penitentiary (1829), inmates spent their entire sentences in their cells. They would eat and work in their cells. This system was expensive because inmates could only perform tasks that required no machinery which could be performed in their cells. In order to insure that the inmates remained

²⁷ Ibid., 63-70.

²⁸ Ibid., 42-68.

²⁹ Caleb Smith. “Emerson and Incarceration” American Literature. Volume 78 (2), 2006, 209-210.

isolated, the prison provided them with large private cells and private exercise yards.”³⁰

The Auburn Prison system, which originated in New York during the 1820s, provided a more affordable alternative. The Auburn system encouraged both reflective silence and hard work to reform inmates. Inmates slept alone in solitary cells and were not allowed to talk or look at each other when they came together for meals or work. Inmates who talked to each other or even looked at each other risked harsh punishment. Prison officials relied on whipping inmates and the iron gag to discipline those who tried to communicate with each other. Not surprisingly, several other states favored the Auburn system because it was more affordable.³¹

During the antebellum era, English thought and ideas on penal reform influenced all Americans such as Dorothea Dix, Francis Lieber, and Samuel Gridley Howe. Lieber, Dix, and Howe were unique among American reformers because they were proud of the “international horizons of the humanitarianism.” Of particular interest were the views of William Paley and Archbishop Richard Whately. Paley argued that labor was superior to sentence length in reforming inmates while Whately recommended paroles, indeterminate sentences, and a reformatory system.³²

Another reform that attracted Americans’ attention was Sir Walter Crofton’s Irish system. This program provided a four step treatment program which included isolation, followed by congregate labor under a graded system which rewarded privileges to inmates, an intermediate stage in which inmates worked on outside jobs,

³⁰ Ibid.

³¹ Ibid., 213-214. McKelvey. “American Prisons,” 21.118-119.

³² McKelvey. “American Prisons,” 35-57.

and finally conditional release under a ticket-of-leave. Although Americans never “exactly copied” the Irish system, this idea inspired American reformers and several states, such as Michigan, New York and Ohio who adopted aspects of this system.³³

Military order and discipline influenced the administration and design of these institutions. Prison officials required inmates to wear simple, stripped uniforms and to wear their hair short. Officials moved inmates from place to place by having them walk in a lockstep, “a curious combination of march and shuffle.” Guards wore uniforms and officials directed guards to avoid unnecessary conversation or laughter and to command obedience from the inmates. The prisons themselves resembled fortresses and cells were kept sparse.³⁴

The rehabilitative models that developed in the antebellum era would not survive the post-war years. Overcrowding, brutality, corruption, and increased number of violent offenders plagued late nineteenth century prisons. Concerns about the quality of the prisons as well as the desire for social control led to the growth of the prison reform movement.³⁵

An 1867 report conducted by Enoch Cobb Wines and Theodore Dwight exposed the problems with American prisons, which found that “not one of the state prisons” had reformation as its “primary goal” nor did any prison utilize effective methods to “pursue reformation.” They also criticized prison staff for relying on physical punishment and noted that the “noxious” physical conditions of prisons. They found that most prisons had “odors from animal secretions, damp walls,” and “musty

³³ Ibid. 35, 78, 81-82.

³⁴ Rothman, “Perfecting the Prison,” 122- 123.

³⁵ Ibid., 124-226. McKelvey, “American Prisons,” 64.

clothing. Their report made a variety of recommendations to improve prisons, including indeterminate sentencing, enlarging cells, abolishing prison labor for profit, redesigning basic prison buildings, and providing inmates with academic and religious training.³⁶

Wines believed that an international organization of prisons, which would allow reformers and prison officials to share their ideas, could lead to the creation of the perfect prison and in 1870, Wines invited reformers and prison professionals from all parts of the country to meet in Cincinnati and convene as the National Congress on Penitentiary Reform and Discipline. They established the National Prison Association and laid the foundation for an international prison association. The National Prison Association represented the growing shift toward professionalism in the U.S.³⁷

The Elmira Reformatory took many of these suggestions and implemented them. Elmira and other reformatories focused on youthful offenders who were not yet hardened criminals. It attempted to reform inmates through education, indeterminate sentencing and the possibility of parole. Elmira offered inmates instruction in academic subjects and vocational training. Reformatory officials expected indeterminate sentences to provide inmates with incentives for good behavior.

³⁶ Edgardo Rotman. "The Failure of Reform," Oxford History of the Prison, ed. Norval Morris and David J. Rothman (Oxford: Oxford Press, 1995), 171-172. Matthew W. Meskell. "An American Revolution: The History of Prisons in the United States from 1777 to 1877," Stanford Law Review, Vol. 51, No. 4. (Apr., 1999), 860.

³⁷ McKelvey. "American Prisons," 88-91. Charles Richmond Henderson. Prison Reform: Correction and Prevention ed. Ann Greer (1910; reprint, Dubuque, Iowa: Brown Reprints, 1971), 39- 45. Larry E. Sullivan. The Prison Reform Movement: Forlorn Hope (Boston: Twayne Publishers, 1990), 16

Elmira's reputation inspired other officials to model their reformatories after it.

During this time period, states not only built reformatories for young men, like Elmira, but also for juveniles and women.³⁸

Reformers also addressed issues dealing with inmate comfort, hygiene, and health in all types of prisons during the late nineteenth century. Although prisons hired doctors to treat sick inmates, medical experts and reformers realized that unsanitary conditions were dangerous. During the 1880s and 1890s, several prisons purchased wood tubs or showers for their inmates. This was more appealing and sanitary than communal baths. Unfortunately, most prisons still relied on using buckets to dispose of inmate waste because they could not afford the costly process of putting toilets with running water in inmates' cells. Some prisons did try to mitigate this problem by replacing wooden buckets with iron buckets which were more "easily and thoroughly cleaned."³⁹

As with their reformist predecessors, progressive reformers also desired greater social order. Their emphasis on scientific methods, professionalism, and incarceration alternatives would have a lasting impact on prisons. Some reforms, such as paroles and pardons, still exist today.⁴⁰

Progressives embraced the principles of science and efficiency in most aspects of society. To many, medical advances during this period suggested a possible solution to the problem of reform. Penologists treated crime as a disease and viewed the

³⁸ Rotman. "The Failure of Reform," 173-174. Alexander W. Piscotta, Benevolent Repression: Social Control and the American Reformatory-Prison Movement (New York: New York University Press, 1994), 1-2, 146.

³⁹ McKelvey, "American Prisons," 180-181.

⁴⁰ Sullivan describes the era of Progressive prison reform from lasting from 1890 to 1950. See Sullivan, "The Prison Reform Movement," 23, 43.

prison as a hospital. In order to properly treat inmates, prison officials used a classification system. They distinguished between first-time offenders, “feeble-minded,” mentally ill inmates, and, in the case of women, promiscuity. Prison officials used this system as a way of separating “trouble makers” from the “reformable” inmates. Based on assumptions about what category they belonged, inmates were placed in maximum or minimum security. Some states also separated “mentally deficient” inmates from the general population and created separate institutions for these individuals.⁴¹

Unlike previous reformers, the progressives welcomed probation, which originated in the 1840s but did not gain widespread acceptance until shortly after the turn of the century.⁴² They viewed probation as both an alternative to incarceration and as a possible scientific tool, hoping that it would provide an alternative to prisons because they believed that prisons corrupted offenders, making reform impossible. To these reformers, probation was a better solution because it provided “supervised freedom” in a community setting. Trained professionals could then study offenders and provide them with counseling, training, and other services. Progressive reformers welcomed probation as an opportunity to experiment with new methods.

The growth of professionalism emphasized scientific methodology. Progressives opened the criminal justice field and prison administration to psychologists, social workers, and physicians. Many Progressives viewed these individuals as possessing

⁴¹ . McKelvey, “American Prisons,” 268. Rotman. “The Failure of Reform,” 178-179. Sullivan, “The Prison Reform Movement,” 26-27, 37.

⁴² Ibid., 27-28.

the qualifications to classify inmates and to sit on parole boards. Progressives favored hiring professional parole officers and centralizing control over prisons.⁴³

Progressive reformers also tried to make prison a little more bearable for the inmates. Reforms included experiments with democracy, more sanitary improvements, the disappearance of the lockstep, and the introduction of sports and other recreational activities. These reforms were not only introduced because progressives believed that they would help reform inmates but also to prevent prison riots.⁴⁴

The early federal prison system incorporated many of the same reforms as state prisons during this period. Prior to the establishment of a federal prison system, the federal government paid states to house federal inmates. In 1891, Congress passed the Three Prison Act, creating the federal prison system and authorizing the building of the Leavenworth penitentiary. This penitentiary would be followed by "Atlanta (1902) and, then in 1909, by McNeil Island in Washington state." The federal corrections system grew during the twentieth century due to new laws such as the Volstead Act.⁴⁵ Federal inmates, like inmates in state prisons, could receive paroles thanks to a 1901 federal law. Classification and professionalism was as important to federal prisons as state prisons. Federal prison staff classified inmates into minimum, medium, and maximum security. The creation of a federal Bureau of Prisons in

⁴³ Rotman. "The Failure of Reform," 178. Ibid., 32-33, 37. McKelvey, "American Prisons," 277-279.

⁴⁴ Ibid., 258-261.

⁴⁵ Mary Bosworth. The U.S. Federal Prison System. (Thousand Oaks, CA : Sage Publications, 2002), 4.

1929 led to the centralization of federal prisons and eventually required employees to take a civil service exam.⁴⁶

During the 1920s, many prisons continued the trends started during the Progressive Era such as classification of inmates. Most prisons, according to one 1927 survey, were performing medical examinations on all new prisoners. Women's reformatories and progressive prisons, furthermore, had hired psychologists. Prisons also offered new recreational opportunities such as team sports, which not only helped idleness but created some unity in inmates.

Ultimately, nineteenth and twentieth century reforms did not live up to their promise. Many prisons often lapsed back into traditional methods of discipline. Despite the push for professionalism, prison officials often were poorly trained political appointees. Racial, gender, religious, and class bias also dominated penology. Overcrowding and poor living conditions made reform difficult. Finally, labor remained a persistent problem.

Although both nineteenth century reformers and twentieth century reformers opposed corporal punishment, prison officials still relied on corporal punishment to control inmates. During the nineteenth century, prisons enforced rules of silence and other rules through the use of the whip and the iron gag. In Delaware, it was not until 1952 that the last official whipping at the state penitentiary occurred and not until 1972 that the practice was made illegal.⁴⁷

⁴⁶ Paul W. Keve, The McNeil Century: Life and Times of an Island Prison (Chicago: Nelson-Hall, 1984), 121. Rothman, "The Failure of Reform," 187.

⁴⁷ Rothman, "Perfecting the Prison," 121. Ibid., 184.

Another significant problem was the training and morale of prison staff. Both nineteenth century and progressive reformers advocated more control over and better training for prison officials and parole officials. At Auburn, reformers wanted surveillance of both inmates and guards. They advocated replacing the traditional practice of hiring political appointees with qualified professionals; however, prison officials and guards were political appointees during the nineteenth and much of the twentieth century. Prison guards and other staff members were often overworked, underpaid, and poorly trained. As a result, they often suffered from poor morale which often effected prison staff's treatment of inmates.⁴⁸

Reformers did not successfully address the issue of overcrowding, which characterized prisons and reformatories in the post-Civil War years. Both prisons and reformatories got an increasing number of hardened or violent criminals. Penologists blamed both overcrowding and the unsuitability of some of the inmates for their lack of success.⁴⁹

It is worth noting that not all regions of the country embraced these reforms. During the antebellum period, southern states relied on extra-legal and informal methods of discipline. Although most Southern states had built prisons modeled after Auburn by the 1850s, these prisons were not as large as their Northern counterparts. Vigilantism, duels and whippings were considered "cheaper expedients than regular prison discipline." Under this system, African Americans rarely went to prison

⁴⁸ Rotman, "The Failure of Reform," 183-184. Thomas Drumm, *Democracy and Punishment: Disciplinary Origins of the United States* (Madison: University of Wisconsin Press, 1987), 119. Pisciotta, "Benevolent Repression," 43.

⁴⁹ Rothman, "Perfecting the Prison," 124-126. Sullivan, "The Prison Reform Movement," 43. Pisciotta, "Benevolent Repression," 53, 106.

because incarcerating slaves denied plantation owners the benefit of their labor. Southern states did pass slave codes, which provided especially brutal. South Carolina, for example, enacted a law that allowed “for burning alive slaves who murdered their masters.”⁵⁰

After the Civil War, residents of the war-torn South did not organize to “carry on the patient humanitarian” efforts that “blossomed” into prison societies and boards of charities like the North. Instead, southern states sought to seek maximum profits from leasing inmates to the railroads and other large employers and took very little interest in the living conditions of inmates during the first two decades following the Civil War. Scarce water, poor sanitation, and the absence of heat during cold winters plagued the inmates. In order to prevent escapes, the lessees shackled inmates’ feet or attached a ball and chain to the inmate.⁵¹

The majority of these inmates were African Americans, who made up of seventy-five percent of the inmate population. Inspired by slavery, the Southern criminal justice system became a tool for returning African Americans to forced, unpaid labor. In Florida, the prison system became increasingly segregated after the legislature passed a series of Jim Crow laws. African American and European American prisoners could no longer eat together or share the same cell.⁵² But African Americans did not necessarily fare well in the North. When African Americans

⁵⁰ Christopher R. Adamson. “Punishment after Slavery: Southern State Penal Systems, 1865-1890.” Social Problems, 30 (June 1983), 557-558.

⁵¹ McKelvey. “A History of Good Intentions,” 197-198 and 207-209.

⁵² Rotman. “The Failure of Reform,” 176. Vivien M. Miller. “Reinventing the Penitentiary: Punishment in Florida from 1863-1923,” American Nineteenth Century History Vol.1 (Spring 2000) 96.

immigrated North to replace Euro-American labor during World War I, they ended up facing some of the same conditions as they faced in the South. They faced discrimination from social and legal agencies that contributed to their convictions by the courts. Once in prison, they encountered hostilities from guards and inmates in northern prisons.⁵³

By the 1890s, the southern states did start to make some reforms in southern prisons. Women inmates, juveniles, and sick inmates were removed from the prison camps because lessees viewed them as “dead hands.” The states started housing women, juveniles, and the sick at their central prisons. These inmates benefited from this change because the work was “less arduous,” the death rates were lower, and the punishments “were less cruel” than under the lease system.⁵⁴

Populism and Progressivism also inspired prison reform in the South. In Tennessee, for example, populists convinced the state to abolish its lease with the Tennessee Iron and Coal Railroad because the railroad had used convicts as strikebreakers. In places, where the lease system was abolished, Southern prison officials had a new problem- what to do with these idle inmates. From the perspective of prison staff, road work provided inmates with productive labor. Even in places where the lease system was not replaced, state increased its control with better supervision of the lessees. Populists and Progressives advocated other reforms as well. They supported probation laws, laws compensating inmates for their labor, and laws and policies rewarding inmates for their good behavior. One Virginia

⁵³ McKelvey. “A History of Good Intentions”. 294.

⁵⁴ Nicole Rafter, Partial Justice: Women, Prisons, and Social Control, 2nd ed., (New Brunswick: Transaction Publishers, 1990), 151.

prison superintendent rewarded good conduct through buttons, more comfortable shoes, and allowing them to write letters to home more frequently. Southern states also starting providing discharged inmates with clothes and a little money. The Prison Reform Association in Louisiana even hoped freed inmates get jobs. Despite these efforts, “chain gangs, cruel punishments, and other barbarous practices continued to blacken the region’s penal history.”⁵⁵

As was the case with the South, most of the western states did not embrace the same prison reform movement found in the Northeast. California would be the exception to this rule building reformatories for juveniles at the end of the nineteenth century and a women’s reformatory, in 1936.⁵⁶ For the most part, however, religion was the only reformatory influence in the West. In states and territories such as Nevada, Arizona, and New Mexico, the governments made no effort to provide separate cells for each inmate. Religion was the main motivation for reform, and private religious organizations such as the Society for Christian Endeavor.⁵⁷ In Arizona, New Mexico, and possibly Nevada, inmates joined self-help organizations agreeing to follow prison rules, not to drink, and some recently converted inmates gave talks and testimony about their conversion. In New Mexico, Mary Teats of the Women’s Christian Temperance Union, who was described by papers as a “Prison Missionary,” took some interest in prison reform and had written the governor and

⁵⁵ McKelvey. “A History of Good Intentions.” 215. Jane Zimmerman. “The Penal Reform Movement in the South, 1890-1917,” The Journal of Social History, 17 (November 1951), 477-492.

⁵⁶ Ibid., 218-221. Rafter. “Partial Justice.” 61.

⁵⁷ Although these western states and territories did have Populist and Progressive organizations, these organizations seemed to play very little attention to prison reform.

giving a few speeches on behalf on inmates.⁵⁸ Despite the efforts of Teats and various religious organizations, evidence of a major reform movement does not exist. With the exception of Teats, the W.C.T.U. does not seem to have played an active role in monitoring and critiquing prisons in Nevada, New Mexico, and Arizona. Unlike other regions of the country, Nevada, Arizona, and New Mexico did not build a separate prison for women during this time.

As a result, women inmates encountered unique problems in these three states and territories. The following chapter will describe attitudes toward women criminals, the treatment they received from courts and the prisons, and the role of race in determining treatment of female prisoners. As was the case in most of the United States, most westerners expected women to behave differently than men and such expectations influenced the sentencing and incarceration of women defendants. The next chapter will address the following questions. Were those women who conformed to gender ideals more likely to spend more time in prison than those who did not? What role did race play in the incarceration and imprisonment of women? Did minority women serve longer sentences than Euro-American women? What problems did women in prison experience with housing and prison staff? By addressing these questions, the next chapter will shed insight into the role of women in the Far West.

⁵⁸ 10 April 1899. Santa Fe New Mexican, p.4. 30 August 1912. San Jose Mercury News, p.4. 26 August 1896. Omaha Morning Herald, p.3.

CHAPTER 2

WOMEN IN PRISON

In October of 1899, The Cosmopolitan ran an article about Pearl Hart, famed stagecoach robber and Yuma Territorial Prison inmate. The Cosmopolitan described the “evolution of the new woman” as taking “many strange phases.” The article further featured several photographs of Hart in masculine attire and posing with guns. Yet these images conflicted with Hart’s telling of her own story in which she presented herself not as a new woman but instead a traditional victim of a patriarchal society. Hart described escaping an abusive marriage, unsuccessful efforts to make enough money to return to her native Canada to visit her sick mother, and her eventual capture and suicide attempt after authorities separated her from her accomplice, Joe Boot.⁵⁹

The fact that Hart wore traditionally male attire and engaged in stereotypically masculine activities made her an object of curiosity and ridicule by criminal justice officials and the press. Such views shaped not only Hart’s treatment but also that of other women in Arizona, New Mexico, and Nevada prisons from 1890 to 1930. Working from the assumption that women were naturally more pious and meek than

⁵⁹ “Pearl Hart: An Arizona Episode,” The Cosmopolitan Magazine 27 (1899), 673-677. Pearl Hart has received much attention from both her contemporaries and more recent authors. The most recent novel is Jane Candia Coleman’s I, Pearl Hart: A Western Story (Unity, Maine: Five Star, 1998).

men caused many to assume that there was no need for women's prisons and contributed to the fact that most western states and territories did not allocate funds for a separate woman's prison until the 1960s.⁶⁰

Yet the reality of female offenders meant that courts sentenced women criminals to male-dominated institution where they faced isolation, overcrowding, and potential sexual exploitation. Attitudes toward race provided an additional handicap for minority women. But gender attitudes did not always work against women convicts. Female prisoners often received shorter prison sentences and prison officials occasionally came to the aid of women prisoners. Some women inmates even exploited gender stereotypes to leave prison before serving their full sentences.

Criminologist Caesar Lombroso was one important influence on criminal justice officials' attitudes toward female offenders. Lombroso argued that female criminals tended to share several biological traits. He posited that female offenders were more masculine in appearance and had certain skull abnormalities. According to Lombroso, "maternity, piety," and "weakness" kept "normal" women from committing crimes and that female criminal's "wickedness must have been enormous before it could triumph over so many obstacles."⁶¹

The view that female criminals were abnormally wicked also appeared in newspapers, as well as prison and pardon records. Along with her husband, Josiah Potts, Elizabeth Potts received the death sentence for murdering acquaintance Miles

⁶⁰ Nicole Rafter. "Partial Justice." (New Brunswick: Transaction Publishers, 1990), 68-69.

⁶¹ Caesar Lombroso and William Ferrero. The Female Offender (New York: D. Appleton and Company, 1898), 152.

Faucett. In 1889, authorities arrested the husband and wife after the discovery of Faucett's mutilated remains in the cellar of Potts' former home. Not surprisingly, the Potts denied killing Faucett. Instead, they argued that he had committed suicide after they threatened to have him arrested for attempting to sexually assault their young daughter. The Potts, however, did admit to mutilating and burying Faucett's body.

An Elko County jury rejected their story and handed down a murder in the first-degree conviction. Elizabeth Potts was the first woman to receive the death penalty in Nevada. One Carson City newspaper, The Nevada Tribune, implied that Potts manipulated her husband and argued that she deserved to die because "in ninety-nine cases out of a hundred a man proves himself the weaker vessel instead of a woman" and "chances are that Potts was instigated to the crime by his wife, so she is better dead than living."⁶²

Such attitudes may have influenced the quality of justice women received from the courts. Carrie Scott, a woman sentenced to serve twenty years in the Nevada State Prison for second-degree murder along with her husband John, also discovered the arbitrary nature of western justice. This couple's attorney, John Breeze, described the events leading up to Scotts' 1908 conviction in his 1911 letter to the Board of Parole Commissioners. According to Breeze, the Scotts lived at an isolated pump station in the "lonely" desert. Their victim had wandered on to the pump station at night and John Scott had ordered him to leave. When he did not leave, Scott responded by firing warning shots. Carrie Scott, terrified that the victim would have hurt her husband, fired her rifle and killed him. Unfortunately, the reason that the

⁶² Sparks Tribune 14 October 1929, p.2. (Carson City) The Nevada Tribune, 21 June 1890, p. 2.

victim had not responded to John's commands was because he was deaf.⁶³ This fact did not stop newspapers from vilifying the Scotts for their actions. One Carson City newspaper even described the Scotts 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."⁶⁴ Breeze partially blamed "erroneous publications" for their conviction.⁶⁵

Not only did many westerners consider female criminals abnormal but, like Lombroso, they de-feminized these women. Newspapers in Arizona and Nevada noted that Pearl Hart and convicted burglar "Cowboy" Nell Monroe donned men's clothes. Arizona papers also focused on Hart's cigar-smoking habit. This tendency to view female offenders as masculine continued into the 1930s. In 1927, a Tucson court convicted and sentenced Eva Dugan for stealing a car belonging to A.J. Mathis, her common-law husband. This case attracted interest because Mathis mysteriously disappeared. After his body was found in the desert, Dugan stood trial for his murder. A Tucson court later convicted her of first- degree murder and sentenced her to die by hanging. On the day of her execution, observers noted that she was "calm" and "unafraid." One guard even commented, "You're a pretty good man, Eva."⁶⁶

⁶³ John M. Breeze to Board of Parole Commissioners, June 27, 1911, Nevada State Prison Records, Inmate Case File 1210, NSP-0013, Nevada State Library and Archives (NSLA), Carson City, NV.

⁶⁴ Carson City News, 9 October 1908, p. 1.

⁶⁵ John M. Breeze to Board of Pardons, December 14, 1910, Nevada State Prison Records, Inmate Case File 1210, NSP-0013, NSLA.

⁶⁶ Hart. "An Arizona Episode," 673. Caliente Express. 17 May 1906, p.1. (Phoenix) Arizona Republican, 19 November 1899, p.1. Arizona Republican 28 May 1927, p.1. Arizona Republican 20 February 1930, p.1. Arizona Republican 21 February 1930, p.1 and p. 8.

Defendants who were mothers faced questions not only as to their guilt but also about their maternal skills. In the trial of Ida Williams, Arizona Prosecutor J.P. Dougherty accused Williams of killing her husband, Albert, because he would not consent to a separation in 1925. Mrs. Williams told a different story. According to Williams, her husband had behaved in a “lewd way” with their daughter, Lena. If her story were true, Dougherty questioned why defense attorneys had not called Lena to testify for her mother about the abuse and referred to Williams as “an unnatural mother” in his closing argument. Lena interrupted Dougherty at her mother’s trial, crying out ““By Gosh, I will testify that my mother told the truth.”” The jury convicted Ida of manslaughter but recommended leniency.⁶⁷

Newspapers portrayed women who killed their children as particularly monstrous. In 1895, authorities arrested African-American Isabelle Washington for killing her infant son by leaving him in the Hayden canal at Tempe, Arizona. Newspaper headlines screamed “An Inhuman Mother’s Awful Crime.” Yet the circumstances surrounding the crime provide a possible motive for Washington’s actions. Washington was an unmarried pregnant woman who feared the social stigma surrounding an illegitimate birth. She worked as a domestic and her employers described her as a “hard working” but “simple-minded girl.” Further complicating matters, Washington identified the victim’s father as a “white man well known in Tempe.”⁶⁸ The circumstances surrounding her child’s death may have even caused jurors to sympathize with her because she received a one-year sentence for

⁶⁷ Arizona Republican, 14 June 1925, p.1.

⁶⁸ The Arizona Republican, 6 September 1895, p.1.

manslaughter. In Arizona, the average sentence for manslaughter was 6.7 at the Yuma prison.

Yet some westerners did allow traditional attitudes toward women's sexuality to influence their views toward minority women. In 1907, a Sierra County Court convicted Valentina Madrid, a Latina, and Alma Lyons, an African-American woman, in the first-degree murder of Madrid's husband Manuel. Initially, the court sentenced both women to hang, creating controversy within and outside of New Mexico. The governor's office received letters from private citizens who favored and opposed their execution. One letter writer who supported hanging the two women focused on their sexual behavior. W.H. Bucher, the cashier at the Sierra County Bank, argued that, although these women were young, they were "old" in "dissolute" and "unchaste" habits. Other writers opposed hanging these women because of their sex. Eventually, the governor commuted their sentences. Some of these letters demonstrated more rancor toward these women than European American women convicted of similar crimes.⁶⁹

Judges and juries especially condemned African-American women for their sexuality. In 1913, a Cochise County jury tried and convicted Genevieve Kennedy of manslaughter. She shot and killed Dan Danielson, a Euro-American man, whom she had lived with since she was twelve-years old. Kennedy described the "unfortunate circumstances" leading to her conviction. According to Kennedy, Danielson had told

⁶⁹ The Santa Fe New Mexican, 23 May 1907, p.1. W.H. Bucher to J.W. Raynolds, 26 May 1907, Governor's Papers, Governor George Curry, 1907-1910, penal papers, reel 179, Territorial Archives of New Mexico (TANM), New Mexico State Records and Archives Center (NMSRAC), 1.

her to bring him his lunch at a Courtland, Arizona saloon where he was working. He then took her to a corral where he tried to shoot her. She grabbed his revolver and shot him. Unfortunately, Kennedy had no witnesses and she admitted that “her manner of living” had not “pre-disposed the community in her favor.” She received a one-to-ten-year sentence.⁷⁰

Ruth Davis, another African American woman, also faced condemnation at her 1907 trial, not only because she shot and killed her husband, but also because of her sex life. During Davis’s trial, witnesses testified that George Davis had beaten and threatened to kill his wife on numerous occasions. He additionally forced her to serve as a prostitute for Chinese customers in Brodie, Nevada. Despite this testimony, a Nye County jury convicted Ruth Davis of manslaughter while requesting that the judge show mercy to Ruth Davis. At her sentencing, Judge O’Brien lectured Davis. He called her a “licentious libel to her sex” and a “moral degenerate.” He also chastised her for not getting a divorce. Still, she received only one year in prison for manslaughter.⁷¹

Some Nevadans used the behavior of accused and convicted African American women to justify racism against all African Americans. Mollie Harrison, for example, stabbed an African-American man, James Nichols, to death during a brawl in Winnemucca in 1908. According to Harrison’s statement, the fight resulted from attempts to prevent her husband and some of his companions from gambling in their

⁷⁰ (Phoenix) Arizona Republican, 18 April 1913, p.12. Note: This newspaper lists Kennedy’s crime as murder but the official records list her crime as manslaughter.

⁷¹ The Tonopah Sun, 13 July 1907, p.3. The Tonopah Sun, 13 July 1907, p.6. The Tonopah Sun, 23 September 1907, p.1

tent. After taking an unloaded gun away from her, her husband left the tent. Nichols then started insulting Harrison and tried to attack her with a piece of iron. She responded by grabbing a knife and stabbing him. Although Harrison may have acted in self-defense, reporters with The Humboldt Star condemned her as a “murderess,” before a jury had convicted her. Describing Harrison and her alleged victim as belonging to a “local negro [sic] colony” recruited from various “Western Pacific grading camps,” the paper claimed that this colony was frequently the scene of “orgies and rows.” It argued that these African Americans belonged to a “semi-criminal class” responsible for “much of the selling of whiskey to the Indians” and “numerous petty robberies.” It hoped that Harrison’s crime would cause Winnemucca citizens to “rid” the town of these individuals.⁷²

Such attitudes might explain why African-American women made up a disproportionately large percentage of female inmates in Arizona, Nevada, and New Mexico prisons. In Arizona, African Americans consisted of 1.5 percent of the population, at the most, during the period of 1890 to 1910. By 1920, the percentage of Arizonans who were African Americans increased to 2.4 percent (See Table 1 and Table 2). Amazingly, at the Arizona Territorial Prison in Yuma, African American women numbered 35.3 percent of the female prison population (see Table 3) and in Florence, African American women made up 21.1 percent of the female prison population (see Table 3).

Similar trends exist for Nevada and New Mexico. Prior to 1910, census figures reveal that African Americans only made up .5 percent of the population at its peak

⁷² (Winnemucca) The Humboldt Star, 16 September 1908, p.1. This newspaper article printed a copy of Harrison’s statement.

(see Table 4) in Nevada. By 1910, .6 percent of Nevada's population was African Americans and by 1920, African Americans only made up .4 percent of the population (see Table 5) but at the Nevada State Prison, African-American women made up 13.3 percent of the female inmate population before 1909 and 26.7 percent of the female inmate population after 1909 (see Table 6).

Like Nevada and Arizona, very few African Americans lived in New Mexico. Prior to 1910, African Americans made up, at most, 1.2 percent of the population. (See Table 10) After 1910, they consisted of 1.6 percent of the population (See Table 11). Yet, in prison, African-American women consisted of 5.1 percent of the female prison population from 1890 to 1909 and 16.7 percent of the female prison population after 1909 (see Table 7).

Discrimination may not have affected only African-American women but also Latinas. In New Mexico, Latinas made up the largest number of women convicted of adultery from 1890 to 1909. Thirty-seven out of the thirty-nine or 94 percent of the women sent to prison for adultery were Latinas. Several factors may count for this large number. First, Euro-Americans may have viewed Latinas as particularly unchaste. Nineteenth-century Euro-American writers often expressed shock at the alleged immorality of Latinos and Latinas in northern New Mexico, claiming that adultery was prevalent. Euro-American law enforcement officials may have internalized these views and were more willing to arrest and prosecute New Mexican Latinas and Mexican immigrants than Euro-American women.⁷³

⁷³ Janet Leconte. "Independent Women of Hispanic New Mexico," The Western Historical Quarterly. 12 (January 1981), 17-19.

Second, New Mexico had a long tradition of punishing adultery. Even before New Mexico became part of the United States, Spanish and Mexican authorities punished both men and women for adultery. As a result of this legal tradition, Latinos were more likely to use the courts to punish unfaithful wives than Euro-American men. A final reason for these high numbers is the economic hardships facing Latinas. Many women worked in extremely low-paying occupations and trading sexual favors may have compensated for low pay and may have provided additional resources. Indeed, women's penal records often list "economic necessity" and not starry-eyed romance as the reason for committing this crime.⁷⁴

These attitudes also may have affected sentencing with minority women receiving some of the longest sentences. One example was Leonidas Griego, an elderly Latina. In 1913, a Los Lunas court convicted Griego, along with her son, in the murder of her daughter-in-law. She received a ninety-nine year sentence for second-degree murder while her son received a fifty-year sentence for the same offense.⁷⁵

Arizona and Nevada courts especially gave African-American women higher minimum sentences for manslaughter than Euro-American women. In Arizona, African American women received an average minimum sentence of 4.3 years and an average maximum sentence of 8.8 years. Euro-American women received an average minimum sentence of 3.6 years and maximum sentence of 5.8 years (see Table 9). In

⁷⁴ Donna Crail-Rugotzke. "A Matter of Guilt: The Treatment of Hispanic Inmates by New Mexico Courts and the New Mexico Territorial Prison, 1890-1912." New Mexico Historical Review 74 (July 1999), 302-303, 306. After 1909, I could find no evidence that courts sentenced women to prison for this crime in New Mexico. New Mexico may have decided not to prosecute women for this crime after statehood.

⁷⁵ Albuquerque Morning Journal, 5 September 1913, p.8. Territory of New Mexico, Penitentiary Records, Convict Records Book, 1884-1917, reel 1, TANM.

Nevada, African-American women also received higher average minimum sentence of four years compared to the average minimum sentence of two years given to Euro-American women. (See Table 8) Yet, it is important to note that both African-American and Euro-American women received an average maximum sentence of ten years in Nevada.⁷⁶

Some minority female inmates did benefit from chivalry. Many writers opposed executing African-American Alma Lyons and Latina Valetina Madrid because they were women. Colorado attorney Eusebio Chacon wrote New Mexico's Acting Governor J.W. Raynolds on Lyons and Madrid's behalf without knowing either woman and he knew very few details about their crime. Chacon argued that Lyons and Madrid deserved clemency because "when death is to be visited upon a woman, our nature revolts" no matter the crime. Acting Governor J.W. Raynolds commuted Lyons and Madrid's sentences to life.⁷⁷

The possibility that juries would treat minority and Euro-American women leniently because they were women presented a legitimate concern to law enforcement officials. Alice Hartley, a Euro-American woman, stood trial in 1894 for the murder of a Nevada state senator, M.D. Foley. Foley, a married man, had impregnated Hartley and encouraged her to see a doctor in San Francisco, presumably for an abortion. She decided to keep the child and insisted that Foley acknowledge in writing that he was the father. Foley claimed he had already done so and tried to

⁷⁶ The reason for comparing manslaughter sentences in Nevada and Arizona is that women convicted of this crime from 1910 to 1930 provide the best sample size.

⁷⁷ Eusebio Chacon to J.W. Raynolds, 20 May 1907, W.H. Bucher to J.W. Raynolds, 26 May 1907, Governor's Papers, Governor George Curry, 1907-1910, penal papers, reel 179, TANM. J.W. Raynolds. Executive Order, 4 June 1907, Governor's Papers, Governor George Curry, 1907-1910, penal papers, reel 179, TANM.

convince her to leave Reno. She refused to leave without notifying her friends and argued with him over recognizing the child. He threatened to hit her and told her that he did not care about his child. She shot him twice, firing the fatal shot as he tried to hit her with a chair. Hartley's trial attracted a lot of attention and the prosecutor for this case feared that jurors might treat Hartley leniently because of her sex. At her trial, District Attorney Benjamin Curler asked a potential juror 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 woman?"⁷⁸

The treatment of Pearl Hart, another Euro-American woman, received from jurors was so lenient that it caused outrage. A Pinal County jury found Hart innocent of robbing the Globe stagecoach, despite the fact that she had admitted to this crime in several magazine and "yellow journal" articles. Although this first jury acquitted Hart, a later Pinal County jury convicted her of stealing a revolver and other items from the stagecoach driver.⁷⁹

Newspapers noted the support that convicted women received from other women, especially in death penalty cases. A reporter with the *San Francisco Chronicle*, for example, noted differences in men and women's attitudes toward the upcoming execution of Mr. and Mrs. Potts. Many Elko men opposed executing Josiah Potts

⁷⁸ Reno Evening Gazette, 13 September 1894, p.1. F.R. Porter, State of Nevada vs Alice M. Hartley, 11 September 1894, State of Nevada Case Records, Case No. 3115, Second Judicial District Court, Reno, NV, p.10.

⁷⁹ The Arizona Republican, 16 November 1899, p.4. The Arizona Republic, 19 November 1899, p.1.

because they believed Elizabeth Potts alone murdered Faucett. Other individuals, especially women, opposed executing Elizabeth Potts because she was a woman.⁸⁰

Such attitudes did not benefit all women. The Nevada Board of Pardons still decided to reject a plea to commute Elizabeth and Josiah Potts's sentence from death to life in prison even though the judge in the case, Judge R.R. Bigelow, supported commuting their sentence. Rosa Watts, Nevada's only Latina prisoner, also received no consideration based on her sex or even the evidence. In 1929, a Winnemucca jury convicted Watts of murder in the shooting death of her husband, Rollin Watts, and she received a life sentence. Despite such a long sentence, it is unlikely that she played a role in her husband's murder. According to Phil Tobin, a juror in Watts's trial, Watts did not assist in the murder of Rollin; her ex-husband, Glenn Trousdale, committed the crime. Tobin believed that Trousdale intimidated his former wife so much that she was afraid to "give the true facts" of the case at the preliminary hearing. Surprisingly, Tobin still voted to convict Rosa Watts because he felt that the fact she knew who the killer was "made her an accessory."⁸¹

Despite the difficulties that women like Rosa Watts had in western courts, women made up a very small minority of inmates in Nevada, Arizona, and New Mexico. Prior to 1909, 2.6 percent or fifteen out of a sample size of 570 inmates in the Nevada State Prison were female. In Arizona, the percentage is even smaller and only 1.2 percent of the total number of prisoners at the Yuma Territorial Prison was female.

⁸⁰ San Francisco Chronicle, 21 June 1890, p.1.

⁸¹ R.R. Bigelow to Board of Pardons, file no. 25964, Nevada Board of Pardons, Box 10, Nevada State Library and Archives, p.9. The Winnemucca Humboldt Star, 16 July 1929, p.1. Phil Tobin to W.S. Harris, Secretary and Board of Pardons and Parole Commissioners, 24 March 1938, Nevada State Prison Records, Inmate Case File 2981, NSP-0064, NSLA.

New Mexico had the largest percent of female inmates, out of a sample size of 1100, fifty-nine or 5.4 percent were women (see Table 12).⁸²

Even after 1909, women still remained a small minority. The total number of women sent to prison from Nevada from 1910 to 1930 was only fifteen women. During this same period, Arizona sent thirty-eight women to the new prison in Florence. In New Mexico, only twelve women went to prison between 1910 and 1920 (see Table 13).

Western courts sentenced women to prison for variety of crimes. In Nevada, state courts between 1890 and 1909 sent women to prison mainly for committing violent crimes such as second-degree murder and manslaughter. Federal courts sent the most women, eight, to the Nevada State Prison for selling liquor to the Indians (see Table 19) although no woman in the sample population went to prison in New Mexico or Arizona for this crime. In Arizona, the crime that territorial courts were most likely to convict women of was manslaughter (6), followed by grand larceny (3) (See Table 14). Federal and not state courts sentenced the most women to prison in New Mexico for adultery (39) followed by fornication (5) (See Table 15).

In later years, federal courts sent few if any women to prison in Nevada, Arizona, and New Mexico. In Arizona, from 1910 to 1930, state courts convicted women of a wide variety of crimes such as performing an abortion, bigamy, and first-degree murder. The majority of incarcerated women at Florence had committed manslaughter (11). As with Arizona, most of the women in the Nevada State Prison

⁸² The ratio of women to men is probably even smaller in Nevada and Arizona, examining total population and not just sample size. Easily available records for New Mexico end at 1917. I relied on the 1920 Census to supplement my answer.

were serving sentences for manslaughter (5) (See Table 18). During this time, very few women served time for property crimes in Nevada with only four women total imprisoned for burglary or grand larceny (See Table 18). New Mexico also incarcerated women for mainly committing violent crimes such as murder and second-degree murder (see Table 19).

Although women made up a small minority of the prison population, they often influenced the operations of the prisons. In New Mexico, Arizona, Nevada, and other western prisons, women prisoners faced neglect, inadequate quarters, unhealthy and dangerous living conditions, sexual assault or exploitation, and isolation. Yet the picture was not completely bleak for female inmates. Some prison officials aided female inmates and supporters aided women's efforts to gain their freedom.⁸³

One of the major obstacles facing women in western prisons was the absence of adequate quarters. In Nevada, prison staff frequently expressed their concerns about the quality of the women's quarters and urged the employment of a matron. In 1911, the prison held women in a room over a carpenter shop and their quarters did not provide them with room to exercise, lavatories, or a water closet in 1911. This caused Dr. Donald Maclean to urge the state legislature to improve the women's quarters with apparently little success. In 1923, Secretary of the Board of Pardons Homer Moody still described "the facilities of care for women" at the prison as "poor" in his letter to Mrs. M.L. Macaulay of the Red Cross.⁸⁴

⁸³ For a general history on women in western prisons see Anne Butler's Gendered Justice in the American West: Women Prisoners in Men's Penitentiaries (Urbana: University of Chicago Press, 1997).

⁸⁴ Las Vegas Age, 25 March 1911, p.8. Warden W.J. Maxwell, Biennial Report of the Warden of the State Prison, 1909-1910, (1911), State Printing Office, Nevada State

Women in Arizona's prisons experienced similar problems. As early as 1897, Superintendent John W. Dorrington described Yuma's quarters for women inmates as a "den of horror." Through out its history conditions did not improve at Yuma for female inmates and, in 1909, Assistant Superintendent U.G. Wilder recommended that the Territory provide an enclosure for the women so they could exercise. Even with a new prison, the State of Arizona paid little attention to women's quarters. Superintendent R.B. Sims at the Arizona State Prison in Florence described the women's quarters as inadequate in 1914 and "in no way suited to the purpose for which it is being used." Acknowledging the need for permanent quarters for women, Sims recommended that the Arizona Board of Control establish a separate institution for women "if the enlightened methods of the twentieth century are to prevail in caring for them."⁸⁵

Library and Archives, Carson City, Nevada., 10 Homer Moody to Mrs. M.L. Macaulay, 29 June 1923, Nevada State Prison Records, Inmate Case File 2379, NSP-0048, NSLA.

⁸⁵ Cliff Trafzer and Stephen George. Prison Centennial, 1876-1976: A Pictorial History of the Arizona Territorial Prison at Yuma (Yuma: Yuma County Historical Society, 1980), 47. Biennial Report of the Board of Control of Arizona for the Years ended June 30, 1907 and June 30, 1908 (Tucson: State Consolidated Printing, Co., 1909), 3. Annual Report of the Board of Control of the State of Arizona for the Fiscal Year Ending June 30, 1914 (Tucson: Board of Control, 1914), 49. Sims also favored separating juvenile offenders under the age of 18 and also separate "sexual perverts" and "sodomites" from the general population to prevent them from spreading their "soul-destroying" influence among other inmates. See Annual Report of the Board of Control for the State of Arizona for the Fiscal Year Ended June 30, 1915 (Tucson: Board of Control, 1915, 70-71. By the late 1930s, women's quarters may have improved significantly. According to Daniel G. Moore, a former guard at the Arizona State Prison in Florence, each woman had her own quarters which she could decorate as she pleased. Each room also had its own radio. Daniel Moore, Enter Without Knocking (Tucson: University of Arizona Press, 1969), 87.

New Mexico may have had the best arrangements for holding women. The territorial penitentiary hired matrons to look after female inmates during its early years. In 1920, however, the census taker makes no mention of a matron employed by the prison and according to the records neither Arizona nor Nevada appeared to have hired a matron. While the Arizona Quarterly Reports show the position of matron in the records, it is usually crossed out and replaced by chaplain. No mention of a matron appears in later records. The same is true of Nevada. Although Dr. Donald Maclean recommended that the state hire a matron, no evidence exists to suggest that Nevada ever hired a professional matron. Yet, it is possible in all three states, that the warden's wife filled this position without pay.⁸⁶

The absence of a female matron contributed to one of the most prevailing problems facing female inmates in western prisons: isolation. Ella Connell and Lizzie Woodfolk both complained about the loneliness that resulted from being the only women in prison. For the first ten months of her imprisonment, Connell was the only female inmate at the Nevada State Prison. For Connell, these ten months of "solitary confinement" was a "terribly severe punishment." Woodfolk, an African-American woman, described her imprisonment in similar terms. In 1913, a Tonapah court sentenced Woodfolk to prison for manslaughter in the killing of another-African American woman. After her incarceration, she spent "almost a year" as the only female inmate. Woodfolk noted the differences between female and male inmates at

⁸⁶ Reel 2, Penitentiary Records, 1885 to 1917, TANM. Census Bureau, Fourteenth Census of the United States, 1920 (Washington D.C.: Census Bureau, 1920). Warden W.J. Maxwell, Biennial Report of the Warden of the State Prison, 1909-1910, (1911), 10. In New Mexico, women appeared in the prison's list of employees' names during the 1890s. See Business Journal, 3/12/1885 to 10/24/1892, Penitentiary Records, Reel 2, TANM

the Nevada State Prison. She described her incarceration as “severe” because her “liberty of action is so circumscribed” and “differing from the male inmates, I have no companions or recreation.”⁸⁷

At least one woman complained of loneliness in Arizona. In 1900, Pearl Hart was incarcerated at the Arizona Territorial Prison and desperate for company. She requested to have Judie’s, one of the guard’s dog, puppies visit her prison yard for companionship. Sadly, Judie’s owner Ira Smith rejected Hart’s request because “Judie is a lady” and he did not want her puppies’ “morals contaminated by association with Pearl.”⁸⁸ This rejection only contributed to Hart’s loneliness.

Language barriers contributed to further feelings of loneliness. A Silver City court had sentenced Ada Hulmes to prison for murder. Although her victim, Jack Brown, deceived her, “violently abused” her, contributed to her mental problems, threatened her life and was well-armed at the time of his death, Hulmes still received a three-year sentence for murder.⁸⁹ Although Hulmes was not the only female prisoner, she only spoke English while the other incarcerated women only spoke Spanish.

Another major concern for prison staff was possible sexual relations between female inmates and male prisoners or male prison staff. Rumors of such relations

⁸⁷ Connell to the Honorable Board of Pardons. 26 April 1917, Nevada State Prison Records, Inmate Case File 1890, NSP-0033, NSLA. Tonapah Daily Bonaza, 13 June 1913, p.1. Lizzie Woodfolk to the Honorable Board of Pardons, Inmate Case File 1576, NSP-0022, Nevada State Prison Records, NSLA

⁸⁸ Arizona Graphic, 27 January 1900, Clara T. Woody Collection, Series 4, MS 887, Box 15, folder 48, Arizona Historical Society, Tucson State Library and Archives, Tucson, Arizona.

⁸⁹ Ada Hulme to L. Bradford Prince, 17 January 1891, Governor’s Records, L. Bradford Prince, 1889-1893, penal papers, reel 122, TANM.

could prove politically damaging. Two female inmates who may have benefited from this reality were Pearl Hart and Rosa Duran. According to George Smalley, a former secretary of Governor Alexander Brodie, Hart and Duran were released from prison early, a result of Hart's alleged pregnancy. Apparently, Hart had a romantic relationship with a man who was a trustee at the prison and who had run of the yard. Officials feared that rumors about Hart's pregnancy would spread to the public. In order to avoid a scandal, Brodie not only paroled Hart, but he also paroled her cellmate, Rosa Duran, because he assumed that she might know too much. Ultimately, such rumors might even cost the governor his job.⁹⁰

Some inmates understood the value of testifying on behalf of prison staff during official prison investigations. Ada Hulmes argued that various "parties" wanted her to testify against the Deputy Warden of the New Mexico Territorial Penitentiary as part of an investigation into Thomas Gable, the former superintendent. She refused to provide incriminating evidence to these "parties" and who accused her of lying. Hulmes resented these accusations and noted that her accusers questioned her honesty because "they say a convict's word is no good." She recommended that Governor L. Bradford Prince pardon her because the testimony of a free woman was worth more than that of a convict. Hulmes further reminded Prince that her testimony

⁹⁰ Bert Fireman. Arizona Days and Ways Magazine, (September 23, 1956), 38-39. Clair T. Woody Collection, Series 4, Research Notes, MS 887, Box 15, Folder 48, Arizona Historical Society, Tucson, Library and Archives. The Arizona Board of Pardons also considered the meager accommodations for women at the Arizona Territorial Prison when paroling Hart and Duran. 18 December 1902. The Arizona Republican, p. 7.

would benefit the Republican Party and that he still had time to pardon her before Election Day.⁹¹

Despite her denials, Hulmes still had a sexual stigma attached to her name. In order to examine Hulmes for mental problems, the prison physician Dr. John Stymington called in Dr. R.H. Longwill to consult in Hulmes case. Longwill concluded that Hulmes was a nymphomaniac and argued that she developed a "suicidal mania" because of the extent to which she practiced "this vile habit." He recommended that Governor Prince pardon her "at once," noting that this was only the second time he made such a recommendation.⁹²

Nevada inmate Lizzie Woodfolk testified that she was sexually harassed and physically abused in her 1915 sanity hearing. She claimed that Frank "Peggy" Nevin, a guard, had "placed his hands on her" and "taken undue liberties." She then requested that the captain of the guard replace Peggy, which he did. Woodfolk also claimed that the guards physically abused her. She noted that they handled her "so rough as they handle a man bringing me in." Woodfolk testified that a lieutenant choked her, causing her neck to become stiff. Even a captain, whom she credited with attempting to "make things a little better for me," pushed her against the "foot of that bed." Her response to this violence was to respond in kind; she allegedly hit a guard. Officials had reason to fear that she might try to further harm a guard because

⁹¹ Petition, Governor's Records, L. Bradford Prince, 1889-1893, penal papers, reel 122, TANM. Idus L. Fielder to L. Bradford Prince, 25 December 1890, Governor's Records, L. Bradford Prince, 1889 -1893, penal papers, reel 122, 1-2. Ada Hulmes to L. Bradford Prince, 12 February 1891, Governor's Records, L. Bradford Prince, 1889 -1893, penal papers, reel 122, 1-5. Anne M. Butler. "Gendered Justice in the American West," 210-211.

⁹² R.H. Longwill to L. Bradford Prince, 31 May 1891, Governor's Records, L. Bradford Prince, 1889 -1893, penal papers, reel 122.

she had hidden a gas pipe, and had threatened “If you treat me so bad I am liable to take a gas pipe or knife or something and stick into one of those guards; I am telling you just how I feel.”⁹³

Prison records indicate that prison staff occasionally disciplined female inmates for fighting in Nevada, Arizona, and New Mexico. In Arizona, prison officials disciplined several women for fighting and sent Rosa Duran and Elena Estrada to the “Dark Cell” for three days for fighting.⁹⁴ One woman prisoner, Lizzie Woodfolk, even threatened to kill a fellow inmate, Frances Nones. According to Woodfolk, Nones hollered insults and accused Woodfolk of flirting with a guard. Woodfolk responded by trying to break the other prisoner’s inmate’s neck “with a stick ” because “any woman of her race [white] that will go around and holler things about a colored woman, needs killing.” The fact that the two women fought all of the time and Woodfolk’s increasing “ravings” caused prison officials to request to have her transferred to the Nevada State Hospital for Mental Diseases. Woodfolk’s case provides the most extreme example of the tension that existed between female inmates.⁹⁵

The mental and physical health of female inmates proved a daunting concern to prison officials. In New Mexico, Dr. R.H. Longwill believed that Governor L. Bradford Prince had to pardon Ada Hulmes or “she will soon be a raving maniac with no hope of ultimate recovery.” Superintendent J. Franco Chavez concurred, noting

⁹³ Lizzie Woodfolk to the Honorable Board of Pardons, Nevada State Prison Records, Inmate Case File 1576, NSP-0022 3, 5, 9, 10-12

⁹⁴ Register and Descriptive List of Convicts, October 1900 to 1909, 23.0.2, Territory of Arizona Prison Records, Record Group 85, ASLAPR.

⁹⁵ Ibid., 7, 9.

her suicidal tendencies and rapid weight loss from 160 pounds to 102 pounds over a short period of time.⁹⁶

The health problems suffered by women in prison could prove very severe. The first and only female inmate to die at the Arizona Territorial Prison was an African-American woman named Pearl Eikner in 1908. Prison physician Dr. J.A. Ketcherside identified the cause of death as a bowel obstruction and argued that had she come to him sooner, she would have survived.⁹⁷

Some women came to prison already ill. Jesus Chacon arrived from Solomonville, Arizona, already infected with smallpox in 1902. Prison staff avoided an epidemic by fumigating the women's quarters at Yuma and burning anything possibly infected by the disease. This near disaster prompted Superintendent William M. Griffith to comment on the crowded and cramped conditions of the women's quarters. According to Griffith, this was the reason he recommended executive clemency for Hart and Duran. He also blamed the poor quarters in county jails for sick inmates.⁹⁸

Women at the Nevada State Prison suffered from their own health problems. Inmate Carrie Scott complained of "a tumor the size of a man's head" in her stomach and that she would never recover unless she received "a very serious operation." Ella

⁹⁶ R.H. Longwill to L. Bradford Prince. J. Franco Chavez to L. Bradford Prince, 27 June 1891, Governor's Records, L. Bradford Prince, 1889-1893, penal papers, reel 122, TANM.

⁹⁷ Quarterly Reports, 1904-1908, Territorial Prison Records, Territory of Arizona, Filmfile 23.3.2, RG 85, ASLAPR.. Biennial Report of the Board of Control for the Years Ended in June 30, 1907 and June 30, 1908. (Tucson: State Consolidated and Printing Co., 1909), 37,40, Arizona State University Library, Tempe, AZ.

⁹⁸ Quarterly Reports, 1899-1904, Territorial Prison Records, Territory of Arizona, Filmfile 23.3.1, RG 85, ASLAPR.

Connell also was extremely ill in prison. Prison physician A. Huffaker wrote the Board of Pardons describing Connell's condition in 1919. According to Huffaker, Connell was anaemic and "her heart's action is quite feeble." He believed, that unless she improved, she would not live very long. His prediction proved correct, and Connell died within a year, probably of natural causes.⁹⁹

Surgery in prison could prove extremely dangerous. In 1911, Dr. Donald Maclean operated on Nevada inmate Mollie Harrison for elephantiasis of the breasts. Maclean described Harrison's surgery as a "serious" undertaking because it involved the removal of both of her breasts. According to Maclean, this operation was necessary because Harrison's breasts weighed sixty pounds. As a result of this surgery, Harrison went into to shock. This operation did little if anything to improve Harrison's health. In a letter written seven months later, Harrison described her health as "not improving."¹⁰⁰

One of the biggest challenges for female inmates and prison staff was integrating motherhood and prison life. Prison staff allowed women with very young children to bring their children to prison with them in Arizona and Nevada. In Arizona, Conchon Olivas gave birth in 1920 while incarcerated and was allowed to bring her baby with her to prison. Nevada inmates Alice Hartley and Lizzie Astor both brought their babies to prison with them. Astor, a Native American woman convicted of

⁹⁹ Carrie Scott to Board of Pardons, 26 December 1910, Nevada State Prison Records, Inmate case file 1210, NSP-0013 NSLA. A. Huffaker to the Board of Pardons, 29 November 1909, Nevada State Prison Records, Inmate case file no. 1890, NSLA. C.H. Robinson to Homer Mooney, 3 March 1920, Nevada State Prison Records, Inmate case file 1890.

¹⁰⁰ Biennial Report of the Warden of the State Prison, 1909-1910, (Carson City: Nevada State Printing Office, 1911), 9. Mollie Harrison to Board of Pardons, 27 June 1910, Nevada State Prison Records, Inmate case file no. 1224, NSP-0013, NSLA.

manslaughter, brought her two-year old daughter with her while her five-year son went to the Indian school in Carson City.⁴⁵

Prison staff often wrote letters on the behalf of incarcerated women. For example, prison superintendents and doctors wrote letters for Ada Hulmes and Ella Connell. One author attributes practical considerations, such as not having proper facilities for women and the danger women posed to the discipline of men, and not chivalry as motivating reasons for the willingness of prison staff to help female inmates. It is true that the presence of female inmates could create administrative headaches for prison officials. Quarterly reports from Arizona list the various offenses that staff punished male inmates including writing letters to women prisoners and throwing objects into the women's yard. Yet some male staff members' motivations may have also included the well being of female inmates. Warden Matthew Penrose of the Nevada State Prison persistently wrote letters on behalf of Rosa Watts much to the annoyance of the judge and district attorney who refused to act on her case.¹⁰¹

These women also occasionally received help from members of their local communities. In Arizona, New Mexico, and Nevada, many citizens wrote letters for women prisoners and signed petitions on the behalf of female inmates. Some

45Misc. Prison Records, Florence, Filmfile 23.1.11, RG 85 Arizona State Library, Archives and Public Records, Phoenix, AZ. Reno Evening Gazette, 17 June 1895, p.3. Reno Evening Gazette, 28 March 1908, p.1.

¹⁰¹ John Mason Jeffery. Adobe and Iron: The Story of the Arizona Territorial Prison at Yuma (La Jolla: Prospect Avenue Press, 1969), 84. Quarterly Report, Quarter ending March 1909, Quarterly Reports, 1908-1910, Territorial Prison Records, Filmfile 23.3.3., RG 85, Arizona State Library and Archives, Phoenix, AZ. Merwyn Brown to M.R. Penrose, 29 April 1935, Nevada State Prison Records, Inmate case file no. 2981, NSP-0064, NSLA.

individuals and organizations campaigned for women. Nevada newspapers speculated that Alice Hartley's numerous friends and contacts in the community would help her get out of prison, early. Mamie Green, an African American woman convicted of assault with intent to kill, received help from several prominent citizens of Roswell, New Mexico. In a petition to Governor Miguel Otero, petitioners described Green as honest and her victim, Annie Barber, as worthless.¹⁰²

Private citizens and organizations occasionally provided emotional support and services. A female minister befriended Hartley during her trial and accompanied her to the prison. When Anita Larukin became ill, prison officials released her into the custody of a local minister. Organizations also proved helpful. The Red Cross, for example, arranged the transportation of Nellie McFarland from Carson City to Michigan. While the motivations of individuals and organizations were noble, they focused their attention mainly on helping individual women and not on improving the status of female prisoners as a whole and they helped a very select group of women such as those who attracted attention because of their celebrity status like Hart and Hartley or those women who conformed to middle-class notions of propriety like Green.¹⁰³

Despite the popular myth that female criminals were rebellious "New Women" breaking into the male-dominated field of crime, most female inmates were not "New Women." Instead, they often described themselves as victims of domestic violence in

¹⁰² Misc. Prison Records, Florence, Prison Records, Filmfile 23.1.10, ASLAPR. Petition, Governor's Records, Governor Miguel Otero, 1897-1906, penal papers, reel 152, TANM.

¹⁰³ Egie M. Ashmun to Rose Stewart, 18 July 1923, Nevada State Prison Records, Inmate case file no. 2379, NSLA.

a society that did very little to protect women from abusive husbands and lovers. Although laws existed against assault, blaming the victim was not unusual. The absence of genuine economic opportunities for women also contributed to their criminal activities as they tried to devise various strategies to get by. Once convicted, female inmates were forced to adjust to the reality of prisons created for and ran by men. Women lived in poor quarters, were frequently isolated, suffered greatly from poor health, and experienced sexual exploitation and possible physical abuse. Yet individual criminal justice officials and private individuals occasionally made an effort to help women and lobbied on their behalf. While some prison officials no doubt viewed women as a threat to discipline and really did not know what to do with women, others such as Warden Matthew Penrose appeared to be motivated by compassion.

Another group of inmates that frequently experienced additional difficulties in prison were Native Americans. The next chapter will explore the changing legal status of Native Americans during the late nineteenth century. It will also examine the treatment they received from the courts and prisons.

CHAPTER 3

NATIVE AMERICANS AND THE LEGAL SYSTEM

In 1907, the murder trial and conviction of Buckaroo Jack in Nevada demonstrates the complex relationship between Native American and Euro-American legal systems. Buckaroo Jack, a Northern Paiute, found himself torn between two cultures when presented with evidence of his wife's infidelity. He originally turned to the Humboldt County Justice of the Peace to arrest his wife, Lottie, and her lover, Willie Harden. When the judge refused to issue an arrest warrant for Lottie and Harden because they were not under state jurisdiction, Jack gave into pressures from other Northern Paiutes to "use Indian law," which "made it [his] duty to kill [his] false wife." Unfortunately for Jack, the Winnemucca jury that tried this case was unaware of these "mitigating" circumstances and convicted him of first-degree murder. Although Jack was originally sentenced to die for his crime, the Board of Pardons commuted his sentence to life in prison in 1908.¹⁰⁴

Cases such as Buckaroo Jack's demonstrate some of the problems that Native Americans faced in dealing with Nevada, Arizona, and New Mexico courts from 1890 to

¹⁰⁴ Buckaroo Jack, Affidavit, 4 September 1913, Nevada State Prison Records, Inmate Case File 1200, Nevada State Library and Archives, Carson City, NV, 2-3. Superintendent C.H. Asbury to the Board of Pardons, 17 July 1908, Nevada State Prison Records, Inmate Case File 1200, Nevada State Library and Archives, Carson City, NV. Commutation of Death Sentence, 12 November 1908, Nevada State Prison Records, Inmate Case File 1200, Nevada State Library and Archives, NV.

1930¹⁰⁵. Federal assimilation policies, environmental destruction, and economic forces diminished Native American autonomy and increased their exposure to the Euro-American legal system. Those individuals who appeared before western courts found themselves navigating a complex maze of bureaucratic red tape further complicated by racist stereotypes, unsympathetic reservation superintendents, poverty, a confusing legal system, language and cultural barriers. Yet in prison, Native Americans received similar treatment to inmates of other races.

Both western expansion and official U.S. Indian policy contributed to Native Americans' problems with the legal system. Encroachment from American settlers degraded Native American resources and contributed to the likelihood of clashes between Native Americans and European American settlers. As the Navajo, Apache, Paiutes and many others were pushed on to the reservations, they were forced to give up their traditional hunting and gathering lifestyles. Federal officials then attempted to assimilate Native Americans into mainstream American society by training them to abandon this lifestyle and to become farmers. At the same time, Native Americans started participating more in the cash economy. As a result of the many Native Americans ended up in low-paying jobs and, despite the objections of the reservation officials, and they came into disastrous contact with alcohol and violence. Indeed, forced assimilation, poverty, cultural differences, racism, unfamiliarity with the English

¹⁰⁵ Keith Edgerton. Montana Justice: Power, Punishment and the Penitentiary (Seattle: University of Washington, 2004), 61-62. Edgerton suggested potentially similar problems that Native American prisoners may have faced in Montana including cramped living conditions and a high death rate. In Karnee: A Paiute Narrative, (Reno: University of Nevada Press, 1966) 66-69, Northern Paiute Annie Lowry describes witnessing a brutal homicide committed by three other Northern Paiutes and later serving as a translator for these three people. Lalla Scott, Karnee: A Paiute Narrative, (Reno: University of Nevada Press, 1966) 66-69.

language and American courts all contributed to Native Americans' troubles with the American legal system.¹⁰⁶

The Apaches were among those affected by assimilation. Traditionally, the Apaches were a hunting-gathering society that moved from camp to camp as the seasons changed. As a result of the Apache Wars of the 1870s and 1880s, the federal government forced the Western Apaches to give up this lifestyle, adopt an agricultural life, and eventually confined them to three reservations in Arizona.¹⁰⁷ The Chiricahua Apache from their homeland reservation on the Mexican border to San Carlos, Arizona in 1876. Conditions at this reservation were poor and inadequate rations made survival difficult. Corruption on the part of Agent Joseph Tiffany and the Tucson Ring also prevented residents of the San Carlos from becoming self-sufficient. Although rations were often inadequate, Tiffany refused passes that would have allowed Native Americans to hunt off the reservation. Blankets and other supplies intended for the residents of San Carlos were sold to traders in the town. In addition, reports of "arbitrary punishments were numerous."¹⁰⁸

¹⁰⁶ Keith Edgerton. "Power, Punishment, and the United States Penitentiary at Deer Lodge City, Montana Territory, 1871-1889." Western Historical Quarterly. Vol. 28 (Summer, 1997). In this article, Edgerton describes the problems Native Americans may have had with forced assimilation in prison and how that might have taken a toll on Native Americans.

¹⁰⁷ Bruce E. Hilpert. "The Indé (Western Apaches): The People of the Mountains" in Paths of Life: American Indians of the Southwest and Northern Mexico. Ed. Thomas Sheridan and Nancy J. Parezo (Tucson: University of Arizona Press, 1996), 66-72. There is some debate over what was an Apache. Richard J. Perry argues that the Tonto in the West were mostly Yavapai who had closely interacted and intermarried with the Apache. See Richard J. Perry. Apache Reservation: Indigenous Peoples and the American State (Austin: University of Texas Press, 1993), 136.

¹⁰⁸ Donald Worchester. The Apaches: Eagles of the Southwest. (Norman: University of Oklahoma Press, 1979). 168, 259-261.

Not surprisingly, some rebelled and fled the San Carlos reservation. The army chased these Apaches including the famed Geronimo and eventually secured their surrender by promising to return them to San Carlos. Breaking their promise to the Chiricahua, government officials exiled the Chiricahua (including a few army scouts who had helped track the escaping Apache) and their allies, the Warm Spring Apaches, to Florida and, later Oklahoma. Finally, in 1913, the government allowed the Chiricahua to move to the Mescalero reservation in New Mexico.¹⁰⁹

Like the Apache, the United States government confined the Navajo (Diné) to a reservation by the end of the nineteenth century. Prior to Euro-American conquest, Navajos had a diverse economy, consisting of raiding, farming, hunting, gathering, and herding. This way of life changed permanently during the 1860s, when the Navajo were defeated by the United States during the Carson Campaign and forced to go on a brutal forced march –the Long Walk–to Fort Sumner. Like San Carlos, conditions at Fort Sumner were deplorable. Rations were “woefully insufficient” and farming efforts “generally failed” due to the alkaline soil and dry climate. The federal government eventually returned them to their home in 1868.¹¹⁰ During this period, raiding will “all but disappeared” and livestock played a “central role” in the Navajo economy.¹¹¹

In most cases, reservation life proved detrimental to Arizona, New Mexico, and Nevada’s native populations. Even after moving onto reservations, American intrusion

¹⁰⁹ Ibid., 120, 126-128. Alan Axelrod. Chronicle of the Indian Wars: from Colonial Times to Wounded Knee (New York: Prentice Hall General Reference, 1993), 246-247

¹¹⁰ Peter Iverson. Diné: A History of the Navajos. (Albuquerque: University of New Mexico Press, 2002), 50-51, 58-59, 66-67.

¹¹¹ Garrick Baily and Roberta Glenn Baily. A History of the Navajos: the Reservation Years. (Santa Fe: School of American Research Press, 1986), 20-21. Peter Iverson. The Navajo Nation. (Westport Connecticut: Greenwood Press, 1981), 10-11.

often led to the loss of land and water rights. The Apache, Tohono O'odham, and Akimel O'odham all lost control over natural resources during the late nineteenth and early twentieth centuries. After the administrative division of the San Carlos and Fort Apache reservations in 1897, the San Carlos people "continued to see the gradual encroachment on their lands by whites" and "by 1925, nearly the entire reservation was leased to non-Indians, who devastatingly overgrazed the land."¹¹²

The Akimel O'odham, who allied themselves with Euro-Americans against the Apaches, did not receive the necessary "protected" lands and the first reservation only consisted of the "small" San Xavier reserve. This reservation did not include the most fertile lands along the Santa Cruz River. The federal government established an even "smaller" reservation in 1882 at Gila Bend. Euro-Americans did not find the Tohono O'odham land appealing and usually left them alone. The government eventually established a large reservation at San Xavier del Bac (70,080 acres) and a smaller reservation at Gila Bend (10,240 acres) for the Tohono O'odham in 1882.¹¹³

The Akimel O'odham received the first reservation of any Arizona tribe in 1859. They eventually became relatively successful by growing and selling wheat to white settlers and the U.S. Army. Yet, increasing white settlement in the Safford Valley, the operation of the Florence Canal, the availability on only "seepage water" for irrigation, and erosion caused by the overgrazing of cattle transformed the Akimel O'odham from a prosperous people to "poverty-stricken wards of the state." In 1892, reservation officials

¹¹² Ibid., 276.

¹¹³ Edward F. Caster and Willis H. Bell. Pima and Papago Indian Agriculture (Albuquerque: The University of New Mexico Press, 1942), 10-11.

issued rations to help the Akimel O'odham. The inability to farm forced Akimel O'odham to leave the reservation and seek employment.¹¹⁴

During this period, the Navajo were also forced to adapt to new circumstances. The depletion of game and wildlife during the 1860s and 1870s increased Navajo reliance on herding. The Navajo successfully traded wool and livestock with trading posts and other tribes contributing to their wealth. As a result, the Navajo were extremely wealthy compared to other Native Americans but the Navajos' dependence upon livestock herding proved to be a mixed blessing. Unfortunately, Navajo wealth disappeared as a result of economic depression, drought, and harsh winter weather plagued the Navajo livestock industry. Wool and livestock prices plummeted because of the Panic of 1893. The 1893 and 1900 droughts led to cattle overgrazing rangelands near water holes and a "permanent" deterioration of the soil. Cold weather, during the 1894 winter, killed off many livestock. Federal officials responded to these crises plus the 1905 outbreak of scabies among Navajo sheep herds through rations, increasing the size of the Navajo reservation, and creating a Northern Navajo Agency in 1903. In the end, as with the Akimel O'odham, the Navajo was transformed from a wealthy tribe to an impoverished tribe.¹¹⁵

Environmental, economic, and legal developments during the late nineteenth and early twentieth century wrecked havoc on Nevada's native cultures, which contributed to behaviors such as drinking that led to the arrest and conviction of some Native

¹¹⁴ Ibid. Sheridan. "Paths of Life," 134-135. Cary Walter Meister, *Historical Demography of the Pima and Maricopa Indians of Arizona (USA), 1846-1974*, diss. (Ann Arbor and London: Xerox University of Michigan, 1975) 195-196, 204.

¹¹⁵ Garrick Bailey and Roberta Glenn Bailey. A History of the Navajo: The Reservation Years (Santa Fe: School of the American Research Press, 1986), 100-103 and 114-116.

Americans. During the late nineteenth century, burgeoning Euro-American settlement in Nevada placed greater demands on Native American lands and resources. Mining polluted streams and logging led to the “extensive” cutting of pinyon-juniper woodlands that provided a major source of food for local Native Americans. Additionally, overgrazing by Euro-American owned livestock between the years 1890 to 1920 proved especially destructive to productive grasslands, which led to the depletion of the Great Basin wild rye.¹¹⁶

Another consequence of Euro-American encroachment was a decrease in the fish and wildlife population. Northern Paiutes at the Walker River and Pyramid Lake Reservations depended heavily on fishing to supplement their diet. Unfortunately, Euro-American fisherman competed with native fisherman and convinced the territorial and state governments to pass laws outlawing traditional native fishing practices; further damage occurred when dam building and irrigation infrastructure blocked the cutthroat trout from spawning. American settlement also caused habitat destruction leading to a decrease of deer, antelope, and sage grouse population.¹¹⁷

Nevada Indian reservation officials expected Native Americans to exchange hunting for farming, but conditions on the reservations did little to guarantee success. Native Americans frequently received inferior farmland compared to Euro-American speculators and had very little autonomy. Compounding this problem were the constant efforts of Euro-Americans to chip away at reservation lands during the nineteenth century.

¹¹⁶ Richard C. Hanes. “Cultural Persistence in Nevada: Current Native American Issues.” Journal of California and Great Basin Anthropology 4, no. 2 (Winter 1982) 205-206, 209.

¹¹⁷ Ibid., 209, 214-215. Edward C. Johnson. Walker River Paiutes: A Tribal History (Salt Lake City: University of Utah Press, 1975), 95.

Western Shoshone, Northern and Southern Paiutes often found themselves in direct competition with mining and railroad interests, as well as settlers who desired land and water rights. Many settlers even refused to recognize and honor reservation boundaries. Squatters and the illegal grazing of cattle on reservation land continued until the 1940s. When open competition between Euro-Americans and Native Americans for prime acreage erupted, Native Americans seldom won. The Southern Paiutes Moapa Reservation, for example, exceeded 2.5 million acres in 1873. Yet, because of settlers who had settled on the land prior to it becoming the Moapa Reservation, refused to accept compensation and leave the reservation, and due to protests from mining interests, the government cut the size of this reservation to one thousand acres making it too small for farming. The Northern Paiutes on the Walker River and Pyramid Lake Reservations also experienced “early and continuous” conflicts with miners, railroads, and ranchers who coveted Northern Paiute lands, which resulted in the Native Americans losing the lions’ share of the productive acreage.

An equally important issue was water. The Northern Paiutes at both the Walker River and Pyramid Lake Reservations relied heavily on the river and lake, but had to compete with settlers for water. In the 1870s, squatters diverted water away from the Walker River Reservation to their own fields. This problem became more severe in 1901, as large ranching interests bought out smaller farms and ranches. These “giants” flooded irrigated their fields taking additional water from the Walker River Paiutes. Federal water projects further removed water from both reservations. Nevada’s U.S. Senators fought for water projects that would mainly benefit Euro-American settlers. In 1902, Congress passed the Newlands Act, which led to the building of the Derby Dam,

which blocked water that normally would have flowed to Pyramid Lake thus cutting off Northern Paiutes. It was not until 1908 that reservation's water rights were protected under the Winters Doctrine.¹¹⁸

Nevada's naturally arid climate and short growing seasons caused some Indian agents to question whether farming was a realistic endeavor for Nevada's Native Americans. Spring flooding and sandy riverbanks contributed to the difficulties of irrigation. The washing out of dams and irrigation ditches were a consistent problem. The main water source for the Duck Valley Western Shoshone and Northern Paiutes was the Owyhee River, which was fairly dry by the end of June. In spite of these problems, the Bureau of Indian Affairs' officials initially insisted that Nevada's Native Americans farm. Not until the growing realization that the Duck Valley Paiute and Shoshone would not survive by farming, did the BIA eventually start a cattle program in the early 1900s.¹¹⁹

An even more serious problem for Nevada's Native American population was disease. Tuberculosis, unsanitary living conditions, and the absence of medical care caused the number of Southern Paiutes at the Moapa Reservation to drop from 141 people in 1904 to 129 in 1906. As a result, the Southern Paiutes became increasingly pessimistic, believing that they "would soon pass away and leave their homes to the whites." Such problems were not limited to the Moapa Reservation. In 1904, the

¹¹⁸ Ibid., 214. Johnson. "Walker River Paiutes," 59, 64-65. Martha C. Knack and Omar C. Stewart. As Long as the River Shall Run: An Ethnohistory of Pyramid Lake Indian Reservation (Reno: University of Nevada Press, 1999), 267-269.

¹¹⁹ Ibid. Ibid., 104-105. Steven J. Crum. Po'i Pentun Tammen Kimmappéh: The Road on Which We Came: A History of the Western Shoshone, (Salt Lake City: University of Utah Press: 1994) 53.

Shoshones and Northern Paiutes at the Duck Valley Reservation were quarantined for diphtheria.¹²⁰

Additionally, reservation officials enjoyed a great deal of power, which they frequently abused. Northern Paiutes protested the behavior of Walker River Reservation Superintendent Samuel Pugh. In their 1912 petition, the Northern Paiutes complained that Pugh humiliated their children by feeding them out of the back of a school window “like so many animals” forcing them to use the nearest ditch “to wash down their food” instead of allowing them to drink water out of a class.¹²¹

The Moapa Reservation especially suffered at the hands of dishonest agents from the 1870s to the early 1900s. Colonel W.R. Bradfute, Moapa’s farmer-in-charge during the 1870s, earned a notorious reputation by renting reservation lands out to private parties for personal profit and denied the Southern Paiutes that resided at the reservation access to farming tools and equipment. Outraged by Bradfute’s actions, most of the Southern Paiutes abandoned the reservation and refused to return until Bradfute left.¹²²

Coping with tribal life and environmental degradation, Nevada’s native population tried to adapt by increasingly providing goods and services for neighboring settlers.

¹²⁰Inter-Tribal Council of Nevada. Nuwuvi: A Southern Paiute History (Salt Lake City: University of Utah Printing Service,) 105. Superintendent, Narrative, Annual Report, Moapa River, Nevada, Indian School to Department of Interior, United States Indian Service, 1911, Moapa River Agency, Annual Narrative Statistical Reports, Records of the BIA, RG 75, National Records and Archives Center, Denver Colorado, Las Vegas Paiute Tribal Archives, Lied Library Special Collections, Las Vegas, NV. Whitney McKinney. A History of the Shoshone-Paiutes of the Duck Valley Indian Reservation (Salt Lake City: Institute of the American West & Howe Brothers, 1983), 98.

¹²¹ Johnson. “Walker River Paiutes,” 121.

¹²² Sally S. Zanjani. “Total Disregard to the Wellfair [sic] of the Indians’: The Longstreet-Bradfute Controversy at Moapa Reservation.” The Nevada Historical Quarterly 24, no. 4 (Winter 1986), 241. One of Bradfute’s critics, George Sigmiller (also spelled Segmiller), was the father of inmate Cochie Segmiller.

Native American baskets and deerskin gloves became popular items and a growing number of Native Americans sought employment off the reservation. Men plowed fields, cut firewood, and dug ditches for the settlers. Women worked as laundresses and maids. Native laborers made more money working off the reservation than they could from farming. Yet, compared to Euro-American laborers, Native Americans made very little. Southern Paiutes from the Moapa Reservation typically received only one-third to one-half of the wages received by Euro-Americans until 1920. While federal policy makers welcomed Native American wage work as evidence of assimilation, they also expressed concern about the Paiutes' access to alcohol and opium off the reservation.¹²³

Although conditions were poor for the indigenous peoples of the Southwest, ironically Yaqui immigrants from Mexico immigrated to the United States to improve their lot. Since its independence, the Mexican government attempted to pressure the Yaqui to pay taxes with little success. The Yaqui spent the next decades fighting to defend their land, avoid deportation, and forced "serfdom." Throughout the late nineteenth and early twentieth century, many fled to the United States to find work or to escape violence. They generally worked on the railroads and on the farms, living near urban centers such as Tucson and Phoenix.¹²⁴ Some eventually ended up in Nevada.

During this period, the legal status of Native Americans in Nevada, Arizona, New Mexico and the rest of the country changed. By the late nineteenth century, the federal government had increasingly asserted its dominance over America's native peoples.

¹²³ Crum. "Po'i Pentun Tammen Kimmappah," 52. Martha C. Knack, "Nineteenth-Century Great Basin Indian Wage Labor," in Native Americans and Wage Labor, ed. Alice Littlefield and Martha Knack, (Norman and London: University of Oklahoma Press, 1996)145, 151-153, 158, 160. Johnson. "Walker River Paiutes," 93.

¹²⁴ Trimble. "The People,"424-426.

Prior to 1885, federal policy toward tribes allowed Native Americans to settle criminal matters within the tribe. In Ex parte Crow Dog (1885), the United States Supreme Court decided that the federal government had “no jurisdiction over Indians for murders or other crimes committed by Indians against other Indians on Indian reservations.”

Congress responded with the Major Crimes Act of 1885, which made it a federal offense for an “Indian to commit murder, manslaughter, rape, assault with intent to kill, arson, burglary, or larceny against another Indian on an Indian reservation.”¹²⁵ In addition, the Dawes Act of 1887 provided that “ ‘upon the completion of . . . allotment and the patenting of land to said allottees, ‘ Indians would have the benefit of and be subject to the laws both civil and criminal of the ‘State or Territory’ in which they resided.’ ” The resulting police brutality created by this act challenged the wisdom of transferring jurisdiction to the states and territories.¹²⁶ The plight of Native American defendants and inmates in Nevada, Arizona, and New Mexico serves as a reminder of their precarious legal position.¹²⁷

Many Americans tended to view Native Americans as inherently lawless and focused on Native American criminal behavior. They especially exaggerated the exploits of the infamous Apache Kid. Despite his reputation, the Apache Kid was initially the ideal model of assimilation. He served as an Indian Scout, spoke “passable” English, and

¹²⁵ John R. Wunder, “Retained by the People”: A History of American Indians and the Bill of Rights, (New York and Oxford: Oxford University Press, 1994) 36.

¹²⁶ Frederick E. Hoxie, A Final Promise: The Campaign to Assimilate the Indians, 1880-1920, (Lincoln and London: University of Nebraska Press, 1984), 225.

¹²⁷ Some important court cases that effected Native Americans legal status include: Dick v. U.S., in which the Supreme Court upheld the conviction of George Dick, a Nez Pierce man convicted of deal liquor in 1908, the 1911 Hallowell decision which upheld the conviction of Simeon Hallowell, an Omaha allottee. Hallowell unsuccessfully argued that he was citizen under state law. Other court cases include Mosier v. U.S. (1912) and U.S. v. Sandoval (1913). Ibid. 221-3 & 236.

apparently admired some military officials. In 1887, the Apache Kid avenged the death of his father by killing another Apache, which was legal according to Apache custom. He, along with four other scouts, returned to the San Carlos Reservation where they surrendered their weapons. Apparently, an interpreter told them that government would send them to either Alcatraz Island or Florida. This alarmed some of the Apaches who overheard the conversation and reacted by firing on reservation officials. The Apache Kid, and four other scouts, fled believing they had committed no serious crime, they eventually surrendered to the military. Despite the fact that they did not understand the charges against them, a military court tried and convicted them of mutiny. The courts later determined that the military did not have jurisdiction in this case. Civil authorities responded by arresting the Apache Kid. A Globe court convicted all five of murder and sentenced them to serve seven years at the Yuma Territorial Prison. On their way to Yuma, several of the Apaches overpowered and killed the sheriff and deputy, allowing them to escape. The military never captured the Apache Kid and Arizonans blamed the Kid for a variety of criminal activities.¹²⁸

In Nevada, many settlers also tended to misinterpret Native Americans' violent and criminal behavior. They tended to assume that individual criminal behavior by Native Americans would lead to a large attack against their settlements. The popularity of the Prophet Wovoka and the Ghost Dance religion contributed to many settlers' fears from 1870-1890. The Wounded Knee Massacre contributed to the common belief that Wovoka was inciting the Northern Paiutes to attack Euro-American towns

¹²⁸ Phyllis de la Garza, The Apache Kid (Tucson: Western Lore Press, 1995), xi, 28-29

such as Hawthorne. Hawthorne's residents requested a fort with troops to protect them from a possible attack. The 1891 death of Ah Quong Ti at Bridgeport, California only contributed to their anxiety. Ti owned and operated a restaurant, which served food to native diners. He had engaged in a Poker game with Poker Tom, a Walker River Northern Paiute, and killed Tom. Although Ti claimed self-defense, many of Tom's fellow tribesmen suspected that Ti had served them stew made from Tom's body parts. After a California court dismissed the charges against Ti for lack of evidence, a group of Northern Paiutes captured, tortured, and killed Ti.¹²⁹

Driven by fear and paranoia, Americans engaged in vigilantism. In 1911, a Nevada cattle company sent out four men to investigate stolen livestock. When these men failed to return, a search party found their bodies. Without any proof, the victims' friends and relatives blamed seventy-year old Shoshone Mike and his band. Seeking revenge, a posse hunted and killed Shoshone Mike and seven other Shoshones; the only survivors were a sixteen-year old girl and three small children. One of the members of the posse admitted that they would have killed the four survivors if a Nevada State Police captain had not stopped them.¹³⁰

Newspapers were notorious for their racist stereotypes of Native Americans. In one example, the July 25, 1905 edition of the Carson City News described a crime committed by a fifteen-year old, mixed-race girl and generalized her behavior to all Native Americans. While visiting her mother's people, the girl had met and fallen in

¹²⁹ Ibid. 50-51, 90-92. McKinney. "A History of the Shoshone-Paiutes," 103-105. Crum. "'Po'i Pentun Tammen Kimmappéh,'" 70.

¹³⁰ Ibid.

love with a young Native American man. The relationship led to an unwanted pregnancy. In order to avoid detection, she burned her infant alive shortly after giving birth. Noting the horrendous nature of the crime, the paper questioned whether “an Indian had a conscience.” Another example of racism appeared in a 1901 Central Nevadan editorial about selling liquor to the Indians. It described Native Americans as “the nigger in the wood pile.”¹³¹

Reservation agents, military officers, and some private citizens in Nevada, New Mexico, and Arizona could and often did counter such attitudes. For example, an official at the Walker River Reservation in Nevada scoffed at allegations that the Northern Paiutes were planning to attack Euro-Americans, arguing that the “Indians on this Reservation [sic] are a virtuous, happy, and industrious people. And far more law abiding than the Chinese, Italian, Hungarian and other specimens of the imported genus homo.”¹³²

In Arizona, Brigadier General B.H. Gierson characterized the Hualpais, Zuñi, and Navajo as peaceful in his 1890 report to the Assistant Adjunct General, claiming that Euro-American settlers and newspapers exaggerated Hualapais’ depredations and “warlike attitude.” Gierson suspected the settlers had designs on Hualapai land. Newspapers printed false reports that the Navajo planned to avenge the murder of a Navajo man by John Cox, a Euro-American cowboy, if the victim’s family did not receive a payment of “a certain sum of money.” The military’s investigation revealed that certain cattlemen offered to bribe the Navajo not to bring charges against Cox. The Navajo refused, simply wanting Cox brought to trial. The Zuñi had

¹³¹ 24 July 1905 Carson City News p. 1. (Battle Mountain) The Central Nevadan p. 1.

¹³² Johnson. “Walker River Paiutes,” 51-53

their own problems with Euro-American criminals. The military investigated a report, which proved false that Zuñi Indians planned to murder two squatters on their land. In truth, the Zuñis merely wanted compensation from the trespassers for improvements they had made on the ranch.¹³³

One critic of Native Americans had to admit that those under his supervision were peaceful. Leo Crane, superintendent of the Moqui reservation, described the Hopi and Navajo as “savages” and complained about the Indian police, judges, and native culture. Crane frequently compared the Indian police and judges to “blanket Indians” and argued they were ignorant and had no desire to change their ways. Despite his complaints about the Navajos and Hopis, Crane rarely dealt with serious problems. So eventually Crane had to admit that Navajo and Hopi were mainly an “orderly” and peaceful people.¹³⁴

Still, many European Americans persisted in believing the myths about the savage Indian despite the evidence to the contrary and such views affected the treatment that Native Americans received from the courts. Beliefs about cultural superiority and racism especially influenced the sentences that Nevada’s Native Americans received. For example, courts were more likely to sentence Native Americans to death for

¹³³ Brigadier General Benjamin .H. Grierson. Report of Brigadier General B.H. Grierson, Brevet Major General, U.S. Army, Comprising a Summary of Events, Department of Arizona, from September 1, 1889 to July 1, 1890. *Western Americana : Frontier History of the Trans-Mississippi West, 1550-1900*, Reel 154, No. 5589, University of Nevada, Las Vegas Library, Las Vegas, Nevada, 1-3, 4-5, 8-10.

¹³⁴ Leo Crane, Annual Report, 1912, Superintendents’ Annual Narrative and Statistical Reports from Field Jurisdictions of the Bureau of Indian Affairs, 1907-1938, National Archives Microfilm Publications, Roll 88, National Archives and Records Administration (henceforth referred to as NARA), Washington D.C., 4-9. Louis Weaver, Annual Report, 1911, Superintendents’ Annual Narrative and Statistical Reports from Field Jurisdictions of the Bureau of Indian Affairs, 1907-1938, National Archives Microfilm Publications, Roll 125, NARA, 2.

killing European Americans than they were for killing Native Americans. At least four-out –of-the- seven of the Native Americans sent to the Nevada State Prison for first-degree-murder killed European Americans and all seven individuals initially received the death sentence (Table 1).¹³⁵ Three out of four inmates convicted of killing Euro-Americans were executed.

In some of these cases the evidence of actual guilt or at least premeditation was lacking. A Paiute named George Williams, for example, was executed for killing two Euro-American prospectors despite his coerced confession being the only evidence linking him to the crime.¹³⁶ In the case of Johnny and Joe Ibapah, both were drunk when they killed their victim, which indicated no premeditation. Extenuating circumstances may have also contributed to sixteen-year-old Cochie Sigmiller killing his William Atkins, a man who allegedly had “given [him] beatings . . . without the least provocation for several years previous to the killing” and had tried to seduce his sister.¹³⁷

Courts also sentenced Native Americans to longer sentences for rape if the victims were European American women than if the victims were Native Americans. Washoe Bert Dandy was sentenced for fourteen years for attempted rape of a Euro-American woman, while Johnny Sam only received a sentence of twenty months for

¹³⁵ Goldfield Daily Tribune, 21 May 1908, p.1; The Carson City News, 6 December 1906, p.1.; The Carson City News, 21 November 1903. p.3.

¹³⁶ The Carson City News, 31 July 1908, p. 1. The Carson City News, 25 September 1909, p.1. George Williams was hung on September 24, 1909.

¹³⁷ Cochie Sigmiller to the Board of Pardons, 12 June 1909, Nevada State Prison Records, Inmate Case File No. 1189, Nevada State Library and Archives, Carson City NV. F.R. McNamee to the Board of Pardons, 7 July 1908, Nevada State Prison Records, Inmate Case File No. 1189, Nevada State Library and Archives, Carson City, NV.

raping a Native American woman.¹³⁸ Assumptions about the “purity” of Euro-American women may account for Dandy receiving a longer sentence than Sam; although the sample size of these two court cases is too small to provide conclusive evidence of racism, they demonstrate that courts considered the victim’s race to be a factor and tended to give Native Americans harsher sentences if their victims were Euro-Americans than if their victims were other Native Americans. These assumptions of purity also caused Congress to amend the Major Crimes Act of 1887 in 1909, to exclude Indian men who raped Indian women within a reservation from execution but did still permitted the execution of Indian rapists who attacked non-Indian victims. One member of the House of Representatives (Representative Norris) argued that “The morals of Indian women as the morals of white women, and consequently the punishment should be lighter for an offense against her.”¹³⁹

Despite such discrimination, Native Americans accounted for only a small portion of the inmates in Nevada, Arizona and New Mexico. In Arizona, Native Americans made up 34 percent of the population in 1890 and 21.5 percent in 1900. In Nevada, Native Americans made up 10.9 percent of the state’s population in 1890, 12.3 percent in 1900, 6.4 percent in 1910, and 6.3 percent in 1920 but only made up 4.9 percent of the population at the state prison. Out of the federal inmates temporarily quartered at the Nevada State Prison until they were transferred to McNeill, they made up 2.1 percent of the federal inmates housed in Nevada from 1925 to 1928 (see

¹³⁸ Carson City News 19, November 1911, p. 1; Carson City News, 15 March 1903 p.1; Carson City News 24 July 1903, p. 3.

¹³⁹ Daniel H. MacMeekin. “Red, White, and Gray: Equal Protection and the American Indian,” Stanford Law Review, Vol. 21 (May, 1969), 1236-1247.

Table 2). In New Mexico, Native Americans made up 9.4 percent of the territory's population in 1890 and 6.7 percent in 1900. The population dropped to 6.3 percent in 1910 and by 1920, only composed 5.4 percent of the population. At the penitentiary, the Native American population was only two percent. This number demonstrates that, unlike other groups, courts did not send a disproportionate number of Native Americans to prison.

One possible reason for the low incarceration rate of Native American inmates in Nevada, Arizona, and New Mexico was the existence of alternative forms of punishment. On the reservation, officials punished native offenders for minor offenses such as drinking, gambling, and adultery, by sentencing them to hard labor. Federal and state courts sent those guilty of more serious offences to the territorial or federal prisons. The military also imprisoned some Native Americans in military forts, frequently without due process. In the case of By-a-lil-le, the military had arrested a Navajo medicine man and a group of his followers. The military believed By-a-lil-le and his followers planned to kill the reservation superintendent, William Shelton, and any Navajo who tried to send his child to school. The military arrested the Navajos and sentenced them to serve an indefinite period at "hard labor" without trying them. The Indian Rights Association took up By-a-lil-le's cause and argued his case before the territorial supreme court which ordered the Navajos' release.¹⁴⁰

¹⁴⁰Crane, Annual Report, 1912, 11-12. Weaver, Annual Report, 1911, 2. Ibid., 204-209. According to Knepper, the military frequently arrested and confined Native Americans in Arizona without due process. He notes that the military imprisoned almost as many Native Americans in two years as were legally imprisoned at the Yuma Territorial Prison during the prison's entire history.

Some Arizona officials also noted the low numbers of Native Americans in prison. Governor Joseph Kibbey commented in 1905 that ““It is but seldom that an Indian commits a felony”” and credited ““civilizing influences”” such as Indian schools for this low number. Although some Native Americans may have been sent to federal prison for breaking laws on reservations, if the records of inmates from the Nevada State Prison sent to McNeil are any indication, very few Native Americans went to federal prison. Yet, by the 1940, sociologists blamed the “extent and character of contacts” with American civilization for “tribal disorganization” and criminal behavior.¹⁴¹

Although Native American tribes generally did not have a formal legal system, many tribes did have devices for social control. The Apache, for example, “relegated its punishment” for homicide “to family or clan.” If one Apache accidentally killed another or “killed in anger, it was common to pay atonement” to victim’s blood relatives.¹⁴²

Exposure to Euro-American culture may have contributed to greater native criminal behavior because of increased opportunities for alcohol consumption. Police officers found prohibition “more easily” enforced on the reservations as compared to areas where Native Americans “are scattered among whites.” Off-reservation Indians may have felt more isolated than those still on the reservations thus increasing the desire for alcohol. Still Euro-Americans frequently blamed alcohol for the criminal

¹⁴¹Ibid., 200. Paul Hayner, “Variability in the Criminal Behavior of American Indians,” American Journal of Sociology 47, (1942), 602.

¹⁴² Clare V. McKanna, Jr., “Murderers All: The Treatment of Indian Defendants in the Arizona Territory, 1880-1912,” American Indian Quarterly, Vol. 17, (Summer, 1993), 360.

behavior of Native Americans. In the case of Sydney Smith, an Arizona Apache convicted of assaulting an eighteen-month old girl, newspaper writers considered alcohol a contributing factor to this crime. The belief that alcohol more radically effected Native American behavior than other races caused federal officials to prohibit any alcohol consumption by Native Americans. A later sociological study questioned the wisdom of prohibition, arguing that this legislation denied Native Americans the opportunity to learn how to drink in moderation leading to criminal behavior and other problems. Various Native American tribes had instruments of social control such as shaming those who stepped outside of the bounds of polite society.¹⁴³

There is other evidence to suggest that contact with European-American society increased potential legal difficulties for Native Americans. Native inmates in the Nevada State Prison were usually under the age of forty-five years old and were usually male.¹⁴⁴ In other words, these were the individuals most likely to seek

¹⁴³ 2 July 1909 Arizona Republican p. 8. 7 July 1909 Arizona Republican p. 19. Hayner "Variability in the Criminal Behavior of American Indians," 602-604. Hayner dismisses biological explanations for the affects of alcohol on Native Americans by pointing to sources, which suggest that different tribes and even individuals within different families handled alcohol differently. He notes that white criminal behavior also was influenced by alcohol. According to Hayner, more than half of the arrests of Euro-Americans were "occasioned" by intoxication.

¹⁴⁴ Nevada. The Warden's Biennial Report(s) to the State of Nevada, 1890-1912, Nevada State Library and Archives, Carson City, NV. Arizona. Description of Convicts, 1884-1909, Territory of Arizona Prison Records, Filmfile# 23.0.1., 23.0.2, 23.0.3, Arizona State Archives, Phoenix, AZ. Note: it is impossible to determine the exact race of inmates because of incomplete and unreadable records.

employment off the reservation. In New Mexico, the majority of inmates, for whom penitentiary officials listed tribal affiliation for, were Navajo (see Table 3).¹⁴⁵

Time and time again, the nature of the crime did not always correspond with the type of sentences Native Americans received. For example, San Carlos officials expressed outrage over the treatment of an Apache convicted of making “tualapai,” an alcoholic beverage. For this offense, the Apache received an “excessive and unjust” one year sentence at the federal prison in Georgia.³⁰

Cultural differences and the absence of resources contributed further to Native American defendants’ difficulties with the law. In their attempts to convince the Board of Pardons to free them, Native American prisoners and their attorneys often cited their lack of understanding of the legal system as a cause of their convictions. George Jim, convicted of manslaughter in 1910, claimed that “through my ignorance of the law, coupled through coercions by the Police Officials, at RENO [sic], that a confession of manslaughter was wrung from me.” District Attorney William Woodburn, Jr., confirmed that Jim’s confession was not voluntary, stating that the arresting officer had told Jim that it “would be better to ‘tell the truth.’”¹⁴⁶ Attorneys

¹⁴⁵ *Ibid.*, 602. In his article, Hayner notes that in the 1930s, crime among the Pueblo Indians was rare. According to Hayner, the pueblos with the most severe law-enforcement problems were the Laguna and Isleta Pueblos which were closest two pueblos to Albuquerque. Yet, the Hopi reservation which, in 1937, was sixty miles from a modern highway or railroad and the ZuZi Pueblo, forty miles from Gallup on a “third-class” road, have very little to no reported criminal activity.

³⁰ A.L. Lawske, Annual Report, 1912, Superintendents’ Annual Narrative and Statistical Reports from Field Jurisdictions of the Bureau of Indian Affairs, 1907-1938, National Archives Microfilm Publications, Roll 125, NARA.

¹⁴⁶ Nevada. George Jim, Letter to the Board of Pardons and Paroles, (date unknown), Nevada State Prison Records, Inmate Case File No. 1347, Nevada State Library and Archives, Carson City, NV. Also see William Woodburn, Jr.’s Letter to the Board of

argued that their clients' inability to understand the legal process made it impossible for them to produce the necessary evidence for an adequate defense. C.C. Ward, attorney for Paiute George Williams, argued that he was unable to successfully defend his client because he was "wholly uneducated and illiterate, and of so low an order of intelligence that he was unable to disclose the facts which would have made possible a proper prosecution of his defense."¹⁴⁷

Language may also have played a role in determining treatment. Native American inmates did not always speak English and had to rely on interpreters during their trials. For example, Fannie King, the sole Native American woman incarcerated at the Yuma Territorial Prison, needed an Apache interpreter at her 1909 manslaughter trial for killing another Native American woman in Globe, Arizona. Since King needed an Apache translator, she probably could not speak any Spanish or English and had no way to communicate with her fellow inmates and guards.¹⁴⁸

Native American defendants also had very little economic resources to mount a successful defense as Ramos Archuleta, of the San Juan Pueblo, discovered during his trial for assault with a deadly weapon. According to petitioners, Archuleta was

Pardons, 28 January 1914, Nevada State Prison Records, Inmate Case File No. 1347, Nevada State Library and Archives, Carson City, NV.

¹⁴⁷ Nevada. C.C. Ward, Petition for Commutation of the Sentence of Death, 10 July 1909, Nevada Prison Records, Inmate Case File No. 1025, Nevada State Library and Archives, Carson City, NV.

¹⁴⁸ Sentence, Territory of Arizona vs. Fannie King, 30 June 1909, no. 698, District Court Criminal Cases, 1909. Gila County District Court Records, Filmfile# 69.4.12, ASLAPR. Trial Transcript, 29 June 1909, no. 698, District Court Criminal Cases, 1909. Gila County District Court Records, Filmfile# 69.4.12. King received a two year sentence for this crime. Peter Iverson also describes this problem in Diné: A History of the Navajos (Albuquerque: University of New Mexico Press, 2002), 114-114.

“forced to trial” without all of his witnesses and the presence of his attorney. They noted that the Pueblo people could not afford his six-hundred dollar fine.¹⁴⁹

Native American defendants and convicts often had a poor reputation with fellow tribe members because of their criminal activities. For example, some native petitioners opposed pardoning Ramos Archuleta and argued that he received a fair trial and his sentence was “richly deserved.” They claimed Archuleta’s supporters included “drunken, lawless Indians” and “Mexicans who profited in some manner” by his “twenty one years” of crime. They hoped prison would make him a “good Indian.”¹⁵⁰

Prison records also reveal that there was strife between Native Americans of different tribes and nationalities. One example is the case of Thomas Russell, a Yaqui sentenced to the Nevada State Prison for the murder of a Western Shoshone woman in 1922. Several Western Shoshone Indians petitioned the state in 1938 to prevent his parole because, according to reservation Superintendent Alida Bowler, they viewed him as a threat.¹⁵¹ Ely attorney H.M. Watson, who represented the victim’s father, also wrote a letter opposing Russell’s release from prison. According to Watson, Mexicans and Yaquis imposed “themselves to an obnoxious extent upon our American Indian. This is only one case in many in which an Indian girl has been taken by men of this type, abused, and often killed or worse and her people left

¹⁴⁹ Petition, Governors Records, William McDonald, 1912-1916, actions refused box, penal papers, STANM

¹⁵⁰ Petition, Governors Records, William McDonald, 1912-1916, actions refused box, penal papers, STANM. Petition, 1 January 1913, William McDonald, 1912-1916, actions refused box, penal papers, STANM.

¹⁵¹ Alida C. Bowler to Parole Board, 9 February 1938, Inmate Case File 2414, Prison Records, Nevada State Library and Archives, Carson City.

without any recourse.” Watson further explained that his client, Harry Johnson, had lost another daughter to a Mexican who had “brought her home an invalid and left her with her people to die.”¹⁵²

A few Native Americans were more fortunate. Chis-chilling-begay, a New Mexican Navajo, had a competent and enthusiastic legal team. He was charged with killing Richard Wetherill, a rancher and amateur archeologist. Superintendent William Shelton blamed the victim, arguing that Wetherill had threatened to kill Chis-chilling-begay. Even before Wetherill’s death, Shelton had demonstrated animosity toward Wetherill and wanted to drive the Wetherills out of Chaco Canyon. After his conviction, Chis-chilling-begay’s defense team was willing to appeal his sentence and Shelton even tried to obtain a pardon for this man, arguing he was seriously ill and only had a few years to live. Shelton offered to look after him. Although he was initially indicted for murder, an Aztec jury convicted him of manslaughter and sentenced him to serve five to ten years at the New Mexico State Penitentiary in 1912.¹⁵³

As these cases demonstrate, New Mexico, Arizona, and Nevada courts treated individual Native Americans both harshly and leniently. In Arizona, Native Americans tended to receive fairly short average sentences at the Yuma Territorial Prison for murder, manslaughter, and grand larceny compared with Latinos and Euro-

¹⁵² H.M. Watson to the Honorable Board of Pardons. 25 February 1929. Inmate Case Files, Inmate 2414, Prison Records, Nevada State Library and Archives, Carson City. Prison records in Nevada address Yaquis as Indians in some records and as Mexicans in other records.

¹⁵³ Frank McNitt, Richard Wetherill: Anasazi (Albuquerque: University of New Mexico Press, 1966) 258, 278, 304-308. Although Chis-chilling-begay originally claimed self-defense, it is likely he killed Wetherill by mistake. Instead, he may have meant to kill Bill Finn.

Americans (see Table 8 -10). At Florence, Native Americans convicted of grand larceny received longer minimum sentence of any group but shorter maximum sentences than Euro-Americans. (See Table 10) In New Mexico, no Native American received a life or a ninety-nine year sentence although six were convicted of murder (see Table 19).¹⁵⁴

In Nevada, the sample size of Native American inmates is very small thus making it hard to compare Native American sentences with the sentences of other inmates. On one hand, the six Native American inmates sentenced for second-degree murder received an average sentence of eleven years compared to European Americans who received an average sentence of 18.6 years. Yet on the other hand they received a longer average sentence than Latino inmates convicted of the same crime (ten years). (see Table 20). Native Americans received the longest average sentence, 5.6 years of any group convicted of narcotics violations. (See Table 22.) Perhaps in a paternal effort to reform Native American drug users, courts gave only Native American defendants indeterminate sentences for this crime.

There are several possible reasons why Native American defendants may have received a mixture of benevolent and harsh treatment. Courts might have been more lenient to defendants whose victims had bad reputations in the community. In the earlier years of this study, whites may have been afraid of stirring up trouble with local Native American tribes as Annie Lowry suggested. In cases where Native

¹⁵⁴ This table also may be found in my article. See Donna Crail-Rugotzke's "A Matter of Guilt: The Treatment of Hispanic Inmates by New Mexico Courts and the New Mexico Territorial Prison, 1890-1912." The New Mexico Historical Review July (1999), 304.

Americans received harsher sentences, the defendants may have had a bad reputation in the community or their victims may have been white.

Despite being on the losing side of the legal system, while in prison, some Native Americans received aid from prison staff and took advantage of the meager resources available to them. For example, Cochie Sigmiller learned to read and write while at the Nevada State Prison. Although he expressed frustration about his writing skills and his inability to use “fancy words,” others described him as intelligent and Sigmiller utilized his writing skills to try to win his freedom and to communicate his location after the state paroled him. Thomas Russell played on the Nevada State Prison baseball team and became the star pitcher.¹⁵⁵ In Arizona, three Native American prisoners enrolled in the prison school ran by another inmate in January of 1902.¹⁵⁶

Native American inmates received aid from prison staff and from non-Indians outside the prison. In Arizona and Nevada, governors paroled and pardoned Native American prisoners with good records. Prison staff and local European Americans helped Native Americans by writing letters on their behalf so they could be paroled or pardoned and, in some cases, helped Native Americans out financially.

One such fortunate inmate was Thomas Russell. Not only did jurors in Russell’s case petition the state to commute his sentence from death to life in prison, but he

¹⁵⁵ Reno Evening Gazette. 10 November 1937, pg. 2.

¹⁵⁶ Nevada. Cochie Sigmiller, Letter to Governor Thomas Salter, 25 December 1910 and George E. Brown, Letter to Honorable E.J.L. Tabor, 13 March 1913, Nevada State Prison Records, Inmate Case File No.# 1189, Nevada State Library and Archives. Arizona. Report, 1 January 1902, in Quarterly Reports, 1899-1904, Territory of Arizona Prison Records, Filmfile# 23.1.1, Arizona State Archives, Phoenix, AZ.

also received aid from death penalty opponents in Nevada. Several writers wrote the state arguing that Russell should not be executed because, in their view, the death penalty was immoral and should be abolished. Ironically, those individuals who sought to spare the lives of inmates on death row often expressed their own prejudices. For example, Mrs. M. Newnhan praised Russell for reading the Bible but argued that, as a Roman Catholic, Russell “probably has never seen a Bible before as they teach them such false truths, and keep them in such ignorance and darkness.”¹⁵⁷ These efforts were successful and Russell would not only have his sentence commuted to life in prison but would also eventually be paroled.

One of the individuals who wrote on Russell’s behalf actually knew Russell personally and had played baseball against him. John G. Brooks praised Russell for his sportsmanship as a baseball player and also commented on how Russell had stopped another inmate from assaulting his father, John W. Brooks. Brooks was a builder and carpenter who worked at the prison.¹⁵⁸

Many European Americans in Nevada sympathized with Cochie Sigmiller because of his age, sixteen years old, his family’s standing among whites, and the notorious reputation of his victim. Lincoln County residents argued that Sigmiller should receive a full pardon because his father had served as a peacemaker between whites and Paiutes. Although many of these petitioners were European Americans, they did not sympathize with his European American victim, “a man of bad

¹⁵⁷ Nevada. Petition to the Honorable Board of Pardons, 28 January 1923, Inmate Case File 2414. Mrs. M. Newnham to Governor James Scrugham, 5 February 1924, Nevada Prison Records, Inmate Case File No. 2414.

¹⁵⁸ John G. Brooks to Board of Pardons and Paroles, 1 November 1935, 1923, Inmate Case File 2414.

character,” whom they felt provoked Sigmiller into committing the crime.¹⁵⁹ After making “further inquiries,” even Lincoln County District Attorney John M. Breeze recommended a full pardon for Sigmiller.¹⁶⁰ Unfortunately, some of the reasons given for releasing Sigmiller reflected Nevadans’ racist attitudes. The Carson City News argued that Sigmiller should be released, in part, because the “untutored savage” was “only meting out justice according to the ethics of his race.”¹⁶¹

Racial attitudes influenced the views of prison staff toward Native American inmates. One racial stereotype that Arizona prison officials had of Native Americans was that of the submissive, broken Indian. Prison officials and others believed that Apaches made ideal prisoners because once they reach prison, their spirits “were broken” by their “disgrace.” Such beliefs caused Arizona’s superintendent to express shock when three Navajo prisoners escaped from Yuma because “such a thing had never before been attempted by any Indian convicts.”¹⁶²

Incarceration often proved lethal for Apaches. A disproportionate number of Native Americans were sent to the Yuma Territorial Prison died while in prison. At least one study documents the high mortality rate of incarcerated Native

¹⁵⁹ Nevada. Letter and Petition to the Honorable John Sparks, Governor of Nevada, and to the Board of Pardons, 1 June 1906, Nevada Prison Records, Inmate Case File No. 1189, Nevada State Library and Archives, Carson City, NV.

¹⁶⁰ Nevada. District Attorney John M. Breeze, Letter to the Board of Pardons, 12 June 1909, Nevada Prison Records, Inmate Case File No. 1189, Nevada State Library and Archives, Carson City, NV.

¹⁶¹ The Carson City News, 21 November 1903, p. 2. Despite violating the conditions of his parole by drinking and returning to prison four times, many remained sympathetic. In 1917, Sigmiller was released into the custody of a white temperance worker and moved to Ohio.

¹⁶² Knepper, “Imprisonment and Society,” 203.

Americans.¹⁶³ In Arizona, Native Americans consisted of about 8.3% of the prison population but consisted of 22.2% of those who died in prison (see Table 21).

Interestingly enough, out of a sample size of 1,100, one Native American died (see Table 22) in the New Mexico Territorial Penitentiary before 1909. In Nevada, only two Native Americans died from natural causes. (See Table 23)

There are several possible reasons for this discrepancy. Health conditions at the Yuma Territorial Penitentiary may account for some of the health problems experienced by Native Americans. One study notes that Native American inmates were held in the same cells as consumptive inmates. Another possible problem may have been that Native Americans already arrived in poor health because of unsanitary living conditions on the reservations and in reservation jails where inmates may have been held before their trial. Superintendent Leo Crane of the Moqui Agency in Keams Canyon noted the need for a sanitary guardhouse for the health of the Indian police and inmates. He requested basic necessities such as a toilet, bath, and a separate living room for the police and argued that the reservation should provide the same quality of accommodations found in any "model" town or city jail.¹⁶⁴

The relationship between Nevada's Native Americans and the legal system demonstrates the problematic nature of assimilation. White pressures on traditional Native American lands forced Native Americans to take jobs in white communities, which exposed them to alcohol and increased the chance of conflict between Native

¹⁶³Clare V. McKanna, "A Tale of Three Counties: Homicide, Race, and Justice in the American West, 1880-1920," 203. McKanna finds a high death rate among Apaches sent to the prison from Gila County and at San Quentin but gives no reason. Leo Crane, Annual Report, 1912, NARA.

¹⁶⁴ Crane, Annual Report, 1912, 11-12.

Americans and whites. The federal government encouraged assimilation and wanted Native Americans to become “civilized,” but tried to protect them from the negative aspects of Anglo-American culture, including alcohol consumption. In some cases, the courts considered the disadvantages experienced by Native Americans and gave them short sentences. Courts also treated Native American defendants harshly, especially if their victims were European Americans. Once in prison, Native Americans experienced a mixture of benevolent and harsh treatment. While prison officials did not single out Native Americans for punitive treatment, poor living conditions affected Native American inmates. Yet despite all of the problems experienced by Native Americans, they were often released before serving their whole sentences. A mixture of compassion and race prejudice caused some whites to aid Native American inmates.

The next chapter will describe the treatment of Latinos in prison and the courts in Arizona and New Mexico. As with Native Americans, Latinos often encountered language barriers that made it difficult for them to adequately defend themselves. Many Latinos also faced the disadvantage of poverty. However, the treatment Latinos received varied from state-to-state and, unlike Native Americans, Latinos were more likely to benefit from political connections.

CHAPTER 4

LATINO INMATES

In 1905, a Euro-American jury convicted sixteen-year-old Isidora Miranda of murder. Miranda claimed he acted in self-defense, arguing that his victim was about to strike him with a “big rock.” Prosecutor James M. Hervey even admitted that the victim had a reputation as a “very mean boy,” who had beaten Miranda “a number of times.” Despite Latino witnesses corroborating Miranda’s claim, the jury dismissed their testimony in favor of evidence made “very credible by disinterested parties.” Later, Hervey noted that a number of “honorable” and “respectable Mexicans” from Chaves and Eddy Counties complained that this jury did not give “proper credit” to the testimony given by Miranda and his witnesses.¹⁶⁵

This case indicates the problems that Latino inmates had with the legal system in New Mexico, Arizona, and Nevada. Poverty, unfamiliarity with the laws, and outright racial prejudice formed the basis of their struggles and, resulted in Latinos comprising the majority of inmates in those state prisons. In spite of these problems Latino inmates and defendants, occasionally received aid from prison staff and influential members of the community.

¹⁶⁵ James M. Hervey to Acting Governor N. Jaffa, January 28, 1908, Governors’ Papers, Governor John Mills, 1910-1912, penal papers, reel 189, Territorial Archives of New Mexico (TANM), New Mexico State Records Center and Archives (NMSCRA), Santa Fe.

Yet not all Latinos received equal treatment. In New Mexico, Mexican immigrants especially bore the brunt of racial prejudice not only from Euro-Americans but also from native-born Latinos. Latinos in Arizona-regardless if they were native born or immigrants- fared worse than those in New Mexico. In Nevada, Latinos also received mixed treatment. Although Anthropologist Malvin L. Miranda describes biased reporting by Las Vegas newspapers against Mexicans, prison records indicate that such attitudes did not necessarily lead to longer, harsher sentences for Latinos.¹⁶⁶

To fully understand the treatment of Latino inmates in Arizona, Nevada, and New Mexico, it is important to explore these states' histories. Prior to 1880, Arizona had a small Euro-American population and these newcomers realized they needed cooperation from Arizona's elite Latinos in order to counter the Apache threat. The arrival of the railroad and subsequent defeat of the Apaches eliminated this need for cooperation; however, Easterners arrived in Arizona with their racial prejudices intact.¹⁶⁷

Over time, Latinos faced a slew of discriminatory laws and behavior. Euro-Americans passed laws prohibiting non-English speakers from working in the "hazardous occupations" in the mines to deny them lucrative jobs. The Arizona legislature not only passed laws restricting non-English speakers from working certain jobs, but, in 1899, the legislature also passed a law requiring that schools teach children in English only. As a result, Spanish-speaking children had slower

¹⁶⁶ M.L. Miranda. A History of Hispanics in Southwestern Nevada. (Reno: University of Nevada Press., 1997), 88-93.

¹⁶⁷ Manuel Gonzales. Mexicanos: A History of Mexicans in the United States (Bloomington: Indiana University Press, 1999) 93.

levels of academic achievement and often had to repeat the first grade several times to learn English. Ironically, although requiring Spanish-speaking students to learn English was to integrate them, government officials used the language barrier as justification for segregated classrooms and schools. African American and Asian students were placed in the same schools and classrooms as Latino children. In many Arizona communities, Latinos faced economic and residential segregation as well. Legally, Spanish speakers were discriminated against in Phoenix and Pima County as judges gave longer sentences to Latinos.¹⁶⁸ Eventually, the only refuges for Arizona's Latino population were Tucson and Florence where they still maintained a numerical advantage. Because of their hostility toward Latinos, Arizona's Euro-Americans opposed joint statehood for Arizona and New Mexico. They were concerned about New Mexico's large Latino population.¹⁶⁹

New Mexico Latinos fared better than most Latinos in the Southwest during the late nineteenth century due to the simple fact that they outnumbered Euro-Americans in the state. While Euro-American immigration increased during the years following the Civil War,¹⁷⁰ Hispanos maneuvered into political office and blocked the kind of

¹⁶⁸ Mary Melcher "'This is not right': Rural Arizona women challenge segregation and ethnic division." *Frontiers*. Volume 20 (1999), 190-194. Bradford Luckingham. *Minorities in Phoenix: A Profile of Mexican American, Chinese American, and African American Communities*, (Tucson: University of Arizona Press, 1994) 28-29, 36-38. Oscar J. Martinez, "Latinos in Arizona," in *Arizona at 75: The Next Twenty-five Years* ed. Beth Luey and Noel J. Stowe (Tucson: University of Arizona Press, 1987), 98 and 107-108.

¹⁶⁹ Thomas E. Sheridan. *Arizona: A History* (Tucson: University of Arizona Press, 1995), 174-175.

¹⁷⁰ Gonzales. "Mexicanos", 99.

political domination that befell other Latinos in the Southwest.¹⁷¹ They also served on juries, as law enforcement officials, and as coroners maintaining active role in the legal system.¹⁷²

Socioeconomic status also played a role in determining how Latinos fared in New Mexico. Many Hispanos relied on herding animals and raising crops to survive. The loss of private and community land grants and environmental destruction contributed to economic and social problems for small Hispano farmers. Under the Treaty of Guadalupe Hidalgo, the United States government promised to respect the property rights of Mexico's former citizens. Yet the newly arrived Euro-American immigrants, many of them businessmen and lawyers, used Hispano unfamiliarity with U.S. laws as well as their inability to speak English to confiscate their land. The Santa Fe Ring, were a set of lawyers, politicians, and businessmen, who used a spoils system to influence territorial legislators, judges, and federal officials in order to "implement the development-oriented programs of the Ring's members. This political machine relied on land to successfully manipulate "local political and economic situations" for example, lawyers such as Thomas B. Catron exchanged their legal services with their poor Spanish-speaking clients for land titles.¹⁷³ The U.S.

¹⁷¹ Richard Griswold del Castillo and Arnoldo De León. North to Aztlán: A History of Mexican Americans in the United States (New York: Twayne Publishers, 1996), 32-33.

¹⁷² Laura Gomez. "'Race, Colonialism, and Criminal Law: Mexicans and the Criminal Justice System in Territorial New Mexico," Law and Society Review 34 (4), 1129, 1164-1169, 1171-1172. Gomez describes the situation in San Miguel County from 1876-1882. Arie W. Poldervaart. Black-Robed Justice (Santa Fe: Historical Society of New Mexico, 1948), 155.

¹⁷³ María E. Montoya. Translating Property: The Maxwell Land Grant and the Conflict over Land in the American West, 1840-1900. (Berkeley: University of California Press, 2001), 109.

government afforded small Hispano farmers very little legal protection and as a result they often struggled alone against chicanery, legal fees, and the imposition of land taxes¹⁷⁴ Growing poverty resulted in violent and criminal behavior on the part of Hispanos in the late nineteenth century. Some vented their frustration by joining the *Las Gorras Blancas* (White Caps), which “engaged in various acts of defiance, including cutting fences and burning buildings.”¹⁷⁵ While European Americans condemned such behavior, prominent and politically active Hispanos such as newspaper editor Félix Martínez viewed the group as a legitimate response to social injustice and joined Los Gorras Blancas.¹⁷⁶

Increased Mexican immigration from 1890 to 1920 presented additional challenges in both Arizona and New Mexico. Between one million and one-and-a-half million Mexicans may have migrated into the United States during these years.¹⁷⁷ In Arizona, Mexican immigrants increased from 29,452 in 1910 to 60,325 in 1920 while in New Mexico, the number grew from 11,918 in 1910 to 19,906 in 1920.¹⁷⁸

¹⁷⁴ Suzanne Forest, The Preservation of the Village: New Mexico's Latinos and the New Deal, (Albuquerque: University of New Mexico, 1989), 9. William E. deBuys, Enchantment and Exploitation The Life and Hard Times of a New Mexico Mountain Range (Albuquerque: University of New Mexico Press, 1985), 171-174.

¹⁷⁵ Manuel Gonzales. Mexicanos: A History of Mexicans in the United States (Bloomington: Indiana University Press, 1999) 104-105. Richard Griswold del Castillo and Arnolfo De León. North to Aztlán: A History of Mexican Americans in the United States (New York: Twayne Publishers, 1996), 30, 31, 50, and 51.

¹⁷⁶ Manuel Gonzales. “Mexicanos,” (Bloomington: Indiana University Press, 1999) 104-105

¹⁷⁷ David Gutiérrez. Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity. (Berkeley: University of California Press, 1995), 39-40.

¹⁷⁸ James Richard Sena. The Survival of a Mexican Extended Family in the United States, Evidence from a Southern California Town: Chino, San Bernardino County, (diss. University of California, Los Angeles, 1973), II-7,47. The number of the numbers of Mexican immigrants decreased in Arizona and New Mexico to 48,824 in Arizona and 16,347 in 1930.

Revolution in Mexico as well as the outbreak of World War I encouraged Mexicans to move to the United States. As the Mexican President Porfirio Díaz displaced northern small farmers and Indian villages from their land with “draconian land policies,” many fled into the United States.¹⁷⁹ When Mexicans rose up in revolution to replace Díaz and then his successor, more Mexicans sought refuge across the border. Simultaneously, World War I created an additional demand for labor in the United States, which Mexican immigrants met. Although some came to the United States as political refugees, most came for jobs. Starvation and the absence of jobs contributed to the migration of hundreds of thousands of Mexicans into the United States. As the number of landless Mexican farmers increased as many had no choice but to sell their lands.¹⁸⁰

By the early 1910s, “numerous raids and showdowns that pitted a multifarious amalgam of insurgents, gun-runners, and exiles” against the U. S. military forces “heightened the bellicose atmosphere that had come to characterize the postcolonial borderlands” after “the signing of the Treaty of Guadalupe Hidalgo in 1848.”¹⁸¹ Americans came to believe that Mexicans were a threat to national security and that the revolutionary rhetoric and violence from Mexico would “spill over” into the United States.

¹⁷⁹ David Gutiérrez. “Walls and Mirrors” 39-40.

¹⁸⁰ Mario T. García. Desert Immigrants: The Mexicans of El Paso, 1880-1920. (New Haven: Yale University Press, 1981), 40-45. Matt S. Meir and Felicia Rivera. The Chicanos: A History of Mexican Americans (New York: Hill and Wang, 1972), 126-127.

¹⁸¹ Alexandra Minna Stern. “Buildings, Boundaries, and Blood: Medicalization and Nation-Building on the U.S-Mexico Border, 1910-1930,” The Hispanic Historical Review 79, no 1 (February 1999), 54.

Nevada had a very different history from both New Mexico and Arizona.

Although Nevada was part of the territory the United States obtained under the Treaty of Guadalupe Hidalgo, it was distant from the Mexican border and the dreaded Great Basin Desert covered most of Nevada. Since Nevada was part of the Utah Territory, the majority of non-Indians in Nevada were Mormon settlers prior to the discovery of the Comstock Lode in 1859, which brought in miners from around the world and Nevada had a large immigrant population.

Not surprisingly, many Latinos –especially from northern Mexico and Chile, came to Nevada during the Comstock period to work in the mines. They contributed to mining by introducing new techniques but they also worked in ranching and on the railroads. Some of the first individuals to settle in Las Vegas-a small southern Nevada town founded by the railroad in 1905- were Mexicans. While most Mexicans were employed by the railroad, some may have opened their own businesses in Las Vegas, a small Nevada railroad town founded in 1905.¹⁸²

In Nevada, Mexicans often experienced discrimination. The majority of Mexican railroad laborers were relegated to the lowest paying positions. Residential segregation was another problem facing Mexicans as Las Vegas Land and Water Company vice president Walter Bracken tried to force African Americans and Mexicans to live in Block 17, next to the “notorious Block 16,” with its brothels and saloons.¹⁸³

Prejudice against Mexican immigrants, however, was not limited to European Americans. Indeed, New Mexico’s native-born Latino population did not welcome

¹⁸² M.L. Miranda. “A History of Hispanics in Southern Nevada” 34-35, 51-53, 74-77.

¹⁸³ Ibid., 81, 87-91.

Mexican immigrants either. They feared that the newcomers would introduce a potentially negative influence.¹⁸⁴ New Mexican Hispanos used the term Hispano or Spanish American to describe themselves and distinguish themselves from Mexicans. They also tended to view themselves as superior to the Mexican immigrants, who were often uneducated and poor.¹⁸⁵ But this internal differentiation did not keep Hispanos and Mexican immigrants from sharing common experiences with the legal system. This is evident in both Arizona and New Mexico, as Mexicans and Mexican Americans constituted a large portion of inmates in the prisons. At the Yuma Territorial Prison and the Arizona State Prison in Florence, between 42 percent and 43.1 percent of the inmate population were Latinos. Before 1909, 57.6 percent of the inmates were Latinos in New Mexico. After 1909, they made up 51.9 percent of the inmates in the New Mexico Penitentiary. (See Table 1 through Table 4)

Because Latinos were more likely to be poor, courts tended to convict and sentence more Latinos than other ethnic groups for crimes related to poverty and, for young immigrants, a lack of ties to the community. At the Yuma Territorial Prison the majority of inmates incarcerated for assault with a deadly weapon and grand larceny were Latinos. They consisted of 57.7 percent of the 123 inmates convicted of assault with a deadly weapon, and 45.7 percent of the 265 inmates convicted of grand larceny. (See Table 5) This high incarceration rate may have also resulted from district attorneys allowing Euro-American defendants to plead to lesser offenses such as discharging a weapon, which might have required jail but not prison time.

¹⁸⁴ David Gutiérrez. "Walls and Mirrors," 40.

¹⁸⁵ Matt S. Meier and Feliciano Ribera. Mexican Americans, American Mexicans: From Conquistadors to Chicanos (New York: Hill and Wang, 1993), 102.

As in Arizona, New Mexican courts were more likely to send Latinos to prison for certain crimes particularly assault with a deadly weapon. From 1890 to 1909, 65.2 percent of inmates incarcerated for assault with a deadly weapon were Latinos, while they made up 66.7 percent of the inmates sent to the penitentiary for this offense after 1909. (See Table 7)

Stealing livestock was another crime courts frequently sentenced Latinos to prison. Before 1909, 65.4 percent of the defendants that courts sentenced to prison for this offense were Latinos. After 1909, this percent increased to 73.6 percent. (See Table 8) Some of these defendants were also convicted of killing the livestock they stole, which indicates that starvation may have motivated their crime. Thus economic desperation and opportunity may explain why Latinos were more likely to steal livestock than European Americans.

A disproportionate number of Latinos were also convicted and sent to prison for adultery. Before 1909, 90.7 percent of the individuals sent to prison for adultery were Latinos. (See Table 9) Judges sent individuals to prison for committing adultery under the 1887 Edmunds Tucker Law, which Congress initially passed to fight Mormon polygamy. Although the original Edmunds Law (1882) punished polygamy and bigamy, the Edmunds Tucker Law provided penalties for adultery, fornication, and incest. In Utah, federal prosecutors used this law to give longer sentences to Mormon polygamists.¹⁸⁶ Since this law was applied to the territories, it is not

¹⁸⁶ Santa Fe New Mexican, 13 September 1906, p. 1. . J.H. Parry, Constitutional and Governmental Rights of the Mormons as defined by Congress and the Supreme Court of the United States: Containing the full Text of the Declaration of Independence, The Constitution of the United States, Washington's Farewell address, The Organic Act of Utah Territory, the Anti-Polygamy Law of 1862, The Poland Law of 1874, The

surprising that very few, if any, individuals were sent to the New Mexico Penitentiary for this offense after 1909.

Prior to 1909, New Mexican courts were more likely to give long prison sentences to Latinos than to inmates of other ethnicities. All of the nine inmates who received ninety-nine year sentences were Latinos for murder. Out of twenty-four inmates, 70.8 percent of the inmates who received life sentences for murder were Latinos. They also received the longest average numerical sentences for murder. Latinos received an average sentence of 24.1 years while Euro-Americans received an average sentence of 20.7 years.¹⁸⁷ (See Table 10)

After 1909, this pattern changed slightly when New Mexico started using indeterminate sentencing and Latinos began receiving shorter indeterminate sentences. The average minimum sentence given to Latino inmates was 23.6 years compared to the average minimum sentences given to European Americans, which was 30.8 years. The average maximum sentence was 34.9 years for Latinos while Euro-Americans received an average maximum sentence of thirty-eight years. (See Table 11)

In Arizona, Latinos made up 48.5 percent of the inmates who received life sentences for murder at the Yuma Territorial Prison compared to Euro-Americans

Edmunds Law of 1882, The Edmunds-Tucker Law of 1887, the United States Statute of Limitations, The Poor Convict Release Act, and the Idaho Test Oath Law to Which is Appended a Digest of the Decisions of the Supreme Court of the United States, (Salt Lake City: 1890), 72-79, Western Americana Collection, Reel 122, no. 1349, University of Nevada, Las Vegas Library, Las Vegas. Ken Driggs, "Lorenzo Snow's Appellate Court Victory," Utah Historical Quarterly, 58, no. 1, (Winter 1990), 92. For a more thorough discussion of the Edmunds-Tucker Act, please refer to David A. Reichard. 1997. "'Justice is God's Law'", 255-290.

¹⁸⁷ Donna Crail-Rugotzke. "A Matter of Guilt," 304.

who made up 30.3 percent of those who received life sentences for the same offense. Surprisingly, Latinos received shorter sentences for murder on average, 18.6 years, compared to Euro-Americans who received an average sentence of 29.3 years. (See Table 12)

A smaller percent of the inmates who received death sentences at Florence were Latinos. While both Latinos and Euro-Americans each made up 40.5 percent of the total number of the prison population at Florence for life, Latinos only consisted of 30.4 percent of those who received death sentences. Euro-Americans made 43.5 percent of those who received death sentences. (See Table 13) Perhaps those Latino inmates who received more lenient sentences for murder killed other Latinos.

Of course, not all inmates served their complete sentences. Some inmates were pardoned while others were paroled. In New Mexico, Latinos received the majority of the pardons prior to 1909. Indeed, 58.3 percent of the 103 inmates who received pardons were Latinos while Euro-Americans only made up 37.9 percent of those who received pardons. However, a greater proportion of the Euro-American inmate population (10.5 percent) received pardons. This is compared to 9.4 percent of all Latinos receiving pardons. (See Table 14)

After 1909, New Mexico authorities started paroling inmates as an alternative to pardons. Latinos received approximately half (50.9 percent) of all paroles while European Americans received 36.8 percent of all paroles. Out of the total number of Latinos in prison, 11.8 percent were paroled while 11.7 percent of all European American inmates were paroled. (See Table 15)

In Arizona, out of 218 inmates incarcerated at the Yuma Territorial prison who received pardons, 59.6 percent of those inmates were Euro-Americans while 26.6 percent of the inmates were Latinos. Twenty-two percent of all Euro-Americans received pardons while 9.3 percent of the total Latino inmate population received pardons. (See Table 16) Euro-Americans received 43.9 percent of the total paroles given while Latinos received 40.4 percent of all paroles. Only 7.4 percent of the total Latino inmate population received paroles compared to 8.5 percent of the total Euro-American population. (See Table 16)

At Florence, Euro-Americans also constituted the majority of the parolees. They made up 47.9 percent of those inmates who were paroled while Latinos consisted of 39.2 percent of all inmates who received paroles. The state paroled sixty-seven percent of all Euro-Americans compared to 58.8 percent of all Latino inmates who received paroles.¹⁸⁸ (See Table 18) Lack of political power and community support systems could be reasons why Arizona's Latinos had more difficulty in getting paroles and pardons compared to Euro-Americans and compared to Latinos in neighboring New Mexico.

In Nevada, Latinos made up a very small percent of the prison population. Roughly 8.5 percent of all inmates were Latinos (See Table 31) in the Nevada State Prison. Among the federal inmates temporally incarcerated in Nevada before they were to be sent to McNeill Island, Latinos made up 10.4 percent (See Table 30).

¹⁸⁸ Arizona courts freed very few inmates from the Arizona State Prison by granting them pardons. It is also interesting to note that 67.6 percent of all African-American inmates received paroles.

About 73 percent of the Latino Nevada State inmates were identified as Mexican immigrants. (See Table 32).

Mexican immigrants in particular suffered from a disadvantage in New Mexican courts and the prison because they had few ties to the community, very little political power, and were small in numbers. At the peak of Mexican immigration in 1920, Mexican immigrants made up only 6.5 percent of the general population in New Mexico and 18 percent of the population in Arizona. (See Table 19) Despite their small population, both Arizona and New Mexico imprisoned a large number of Mexican immigrants and Mexican immigrants serving time in prison was disproportionate to the general population. From 1890 to 1909, they represented 11.3 percent of the prison population compared to 6.5 percent of the general population in New Mexico.

According to the 1910 census, Mexican immigrants made up 15.6 percent of the prison population and 14.4 percent of the general population. (See Table 20) Yet at Yuma, they made up 35.8 percent of the prison population, while at Florence, they made up 30.6 percent of the total prison population but 18.1 percent of the general population.¹⁸⁹ (See Table 21)

Not only did Mexicans make up a disproportionate number of the inmates sent to prison in New Mexico and Arizona but they also were less likely to receive paroles and pardons than Mexican-Americans and Hispanos. Prior to 1910, Mexican inmates in New Mexico only received 10 percent of the pardons given to Latinos and only 4.8 percent of Mexican inmates received pardons compared to 12.3 percent of Hispanos

¹⁸⁹ James Richard Sena. "The Survival of a Mexican Extended Family in the United States" II-8, 48. The census counted Latinos as "white."

who listed New Mexico as their place of birth. (See Table 22) After 1909, Mexicans consisted of 18.5 percent of all Latinos paroled and 7.5 percent of the total Mexican inmate population received paroles. By comparison, Hispanos received 70.4 percent of the total number of paroles given to Latinos and 14.9 percent of all Latinos were paroled. (See Table 23) Mexicans' position as community outsiders may explain why so few received pardons and paroles.

Mexican inmates fared no better in Arizona. Since Mexican immigrants made up the largest number of Latino inmates incarcerated in Arizona, it is not surprising that they received the most pardons and paroles of any other Latino group. Yet a closer examination reveals that a small percent of Mexicans received pardons and paroles. Mexican immigrants, for example, received 72.4 percent of all pardons given to Latinos but only 8.1 percent of the total Mexican immigrant population incarcerated at the Yuma Territorial Prison received pardons. This is compared to 15.2 percent of Mexican-Americans who listed Arizona as their place of birth. (See Table 24) Only 6.7 percent of all Mexican inmates received paroles while 12.1 percent of all Arizona's Mexican Americans received paroles. (See Table 25) At Florence, 57.5 percent of Mexican inmates received paroles compared to 67.9 percent of Mexican-Americans. (See Table 26)

Although Mexican inmates had a harder time successfully applying for paroles and pardons, the courts did not always give them longer sentences compared to Mexican-Americans. Among Latinos sent to the New Mexico Territorial Penitentiary prior to 1909 for stealing livestock, Mexicans received an average sentence of 1.8

years compared to the 2.2 years given to those Latinos who listed New Mexico as their place of birth and the 2.4 years given to Hispanos. (See Table 27)

This trend starts to change after 1909 when New Mexican courts began meting out longer sentences to Mexicans convicted of stealing livestock. Compared to Hispanos, Mexican inmates received an average minimum sentence of 1.9 years and an average maximum sentence of three years while Hispanos received an average minimum sentence of 1.7 years and an average maximum sentence of 2.7 years in prison. (See Table 28) Increasingly negative attitudes toward Mexicans during the Mexican Revolution may help explain why Mexican inmates started receiving longer sentences.

The Mexican Revolution further contributed to growing racism and hostility against Mexicans in New Mexico. D.G. Grantham commented in 1913 that “there is, and has been for two or three years in our county (Eddy) a great deal of prejudice against Mexicans” making it “difficult for a Mexican defendant to have a fair and impartial trial.” Although Grantham was writing specifically for Antonio Valencia, he described observing biased jury verdicts in other cases.¹⁹⁰

New Mexicans, however, did not share uniform views of Mexicans during this time as treatment of the captured *Villistas* demonstrates. Pancho Villa’s raid in 1916 on Columbus, New Mexico no doubt affected New Mexicans’ attitudes toward Mexicans. When U.S. soldiers arrested sixteen men in Mexico for their participation in the raid on Columbus, New Mexicans debated what to do with the *Villistas*. These

¹⁹⁰ D.G. Grantham to Governor W.C. McDonald, May 28 1913, folder 16, “refused actions” box, Governor’s Records, William C. McDonald, 1912-1916, penal papers, State Archives of New Mexico (STANM), NMSCRA

men plead guilty to second degree murder and received prison sentences of seventy to eighty years. One defendant, Jose Rodriguez was convicted of first-degree murder and was sentenced to die.¹⁹¹ His sentence was later commuted to life in prison.

Urged by the Mexican Consul, Governor Octaviano Larrazolo pardoned all sixteen men and identified his complex reasons for the pardons. One of Larrazolo's concerns was whether or not the United States was at war with Mexico at the time of the raid. The United States had not declared war on Mexico but had invaded the Port of Vera Cruz in 1914. He noted that U.S. troops had fought a battle against Mexican troops. He questioned whether or not friendly relations had been reestablished between Mexico and the United States. He argued that if the answer to this question was "no," then the Villistas should be treated as prisoners of war and civilian courts had no jurisdiction.¹⁹²

Larrazolo also commented on the role of class. These men were privates in Villa's army and most were illiterate, "belonging to the common laboring class." They also claimed that they were impressed and forced to fight for Villa. Even if this claim was not true, Larrazolo felt that it was important to consider the fact that they were privates and since General Francisco Villa kept a "regularly officered" army,

¹⁹¹ Executive Order, 22 November 1920, Governor's Records, Octaviano Larrazolo, 1918-1920, pardons and penal papers, folder 167, State Archives of New Mexico (STANM), NMSCRA, p. 1-3. These men included Ramon Bustillos, Rafael Bustamante, Tomas Camareno, Santos Torres, Pedro Borciago, Jose Tena, Jose de la luz Marquez, Lorenzo Gutierrez, Rafael Rodriguez, Pedro Lopez, Mariano Jiminez, Juan Munoz, David Rodriguez, Francisco Solias, and Juan Torres who plead guilty to second degree murder and received prison sentences of seventy to eighty years. Jose Rodriguez was convicted of first-degree murder and was sentenced to die

¹⁹² Executive Order, 22 November 1920, Governor's Records, Octaviano Larrazolo, 1918-1920, pardons and penal papers, folder 167, State Archives of New Mexico (STANM), NMSCRA, p. 3-4.

under military discipline, the private “is never told what the objective of any military movement is.” They were required to follow the orders of their superior officers and the penalty for not obeying orders could be death.¹⁹³

Larrazolo went on to note that there was a precedent for the case. The Court of Criminal Appeals in Texas had already decided that the conviction of Villistas for murder was in error.¹⁹⁴ An additional concern for Larrazolo was that not all of the individuals arrested in association with this raid were Villistas. An attorney for one of the prisoners stated that his client, who was never near Columbus New Mexico, was identified as a Villista by his finance’s parents to prevent them from marrying. This same individual was paralyzed from the waist down.¹⁹⁵ The attorney in question was probably referring to Jesus Rios, a twelve-year old Mexican boy who was injured during the raid.¹⁹⁶ Yet Rios’s name was not on the list of pardoned individuals.

Larrazolo’s decision to pardon these individuals was controversial to say the least. The New Mexico Department of the American Legion sent a resolution condemning these pardons because the suspects had “fair trials” and had killed “innocent AMERICAN men, women, and children.”¹⁹⁷ At the time of their arrest, a Deming

¹⁹³ Executive Order, 22 November 1920, Governor’s Records, Octaviano Larrazolo, 1918-1920, pardons and penal papers, folder 167, State Archives of New Mexico (STANM), NMSCRA, p.4-6

¹⁹⁴ Executive Order, 22 November 1920, Governor’s Records, Governor Octaviano Larrazolo, 1918-1920, pardons and penal papers, folder 167, State Archives of New Mexico (STANM), NMSCRA, p.7-9.

¹⁹⁵ A.B. Renehand to Governor Octaviano Larrazolo, May 13, 1919, Governor’s Records, Governor Octaviano Larrazolo, 1918-1920, pardons and penal papers, folder 167, State Archives of New Mexico (STANM), NMSCRA.

¹⁹⁶ Santa Fe New Mexican. 10 April 1916, p. 3

¹⁹⁷ J.W. Chapman to Governor Octaviano Larrazolo, November 20, 1924, Governor’s Records, Governor Octaviano Larrazolo, 1918-1920, pardons and penal papers, folder 167, State Archives of New Mexico (STANM), NMSCRA. Despite the anger

newspaper referred to them as “Mexican curs” and accused another paper, the Albuquerque Morning Journal as being too sympathetic to the Villistas. It further complained that the Journal had yet to express sympathy for the American victims of this raid, those who had suffered the “horrors of a sack by wanton savages who came to burn, steal, and outrage women.”¹⁹⁸

The controversy caused the Acting Governor, Benjamin M. Pankey to suspend the pardons. According to Governor Larrazolo, Pankey did not have the legal right to suspend the execution of the pardons and he ordered the Superintendent of the State Penitentiary, Fidel Ortiz, to disregard Pankey’s Executive Order.¹⁹⁹

The Mexican Revolution apparently did not significantly impact Arizonans’ views toward Mexicans because Mexicans received shorter sentences for certain crimes than other Mexican-Americans from the period of 1910 to 1930. For example, the average minimum sentence for Mexicans sent to the prison in Florence for grand larceny was 1.5 years compared to 1.8 years for Mexican-Americans. The average maximum sentence for Mexicans sent to Florence was 5.4 years compared to the 6.1 years for Arizona Latinos. (See Table 29)²⁰⁰

Another problem for Latinos was that judges and juries often viewed all Latino defendants negatively. For example, petitioners for Francisco Villegas questioned if

toward the Villistas, efforts were made to treat them humanely. For example, authorities placed them in the prison instead of the Deminig jail because the jail was “unfit for a dog.” See Santa Fe New Mexican 25 April 1916, p.6.

¹⁹⁸ Santa Fe New Mexican, 8 May 1916, p.3.

¹⁹⁹ Executive Order, December 16, 1920, 20, 1924, Governor’s Records, Governor Octaviano Larrazolo, 1918-1920, pardons and penal papers, folder 167, State Archives of New Mexico (STANM), NMSCRA.

²⁰⁰ The reason for not comparing Mexican and Arizona Latino inmates at Yuma or those that convicted of other offenses in Arizona was that there was not a large enough sample size.

the “Court was vindictive or unexplainably cruel” because the Judge S.B. Axtell gave Villegas an unusually long sentence. Axtell gave Villegas a thirty-year-sentence for incest²⁰¹ and sentenced him to serve an additional thirty years for contempt of court, possibly as a result of Villegas’s complaint that he did not have an ample opportunity to make his defense.²⁰²

In some cases, courts convicted Latino defendants on questionable evidence. A Nye County jury convicted Ascension Mangana of first-degree murder and sentenced him to death in 1909. His sentence was later commuted to life in prison. Homer Mooney, the secretary of the Nevada Board of Parole Commissioners admitted that Mangana’s conviction was based on circumstantial evidence and that another man had later confessed to the crime.

Another judge allowed a defendant’s physical appearance and not legal facts to determine his opinion of a case.²⁰³ Nineteenth century intellectuals and reformers turned to biology for explanations of human behavior. Phrenologist believed that physical characteristics played a crucial role in determining character. According to phrenologists, the physical shape of the human skull helped explain human behavior. Although, many scientists had discredited phrenology by the mid-nineteenth century, the importance placed on physical appearance and characteristics did not disappear.

²⁰¹ Homer Mooney to Mrs. Tena Shanaeger, December 15, 1919, Inmates Case Files, Nevada State Prison, Nevada State Library and Archives, Carson City.

²⁰² Petition, Governor’s Records, Miguel Otero, 1897-1906, penal papers, reel 152, TANM. Demetrio Perez to Governor Miguel Otero, December 23, 1898, Ibid.

²⁰³ Blake McKelvey, “American Prisons,” 268-269. McKelvey describes the debate between American criminologists in the early 1900s debated biological and sociological causes of crime. Anne Butler, “Gendered Justice,” 29. Cynthia Eagle Russett, Sexual Science: The Victorian Construction of Womanhood, (Cambridge: Harvard University Press, 1989), 24-25 and 71-74

Italian physician and “father of criminal anthropology,” Cesar Lombroso, argued that it was possible to identify criminals by their physical appearance. According to Lombroso, criminals exhibited a “far greater proportion” of anatomical abnormalities than “could be found among the ordinary European population.” Euro-American criminologists generally welcomed his approach. New Mexico Judge John McFie provides a case study in the dangers of Lombroso’s approach dangers when he wrote his 1908 letter recommending that convicted murderer Henry Romero receive a pardon. He described Romero’s alleged accomplice Trinidad Olguin as the more guilty party since Olguin was an “Old Mexico Mexican” and claimed where “face and actions indicated that he was a villain.” Demonstrating the inherent flaws of judging people by appearance, Romero later admitted that Olguin was completely innocent.²⁰⁴

Petitions and letters sent to penitentiary officials and the governor were riddled with stereotypes against Latinos. European American judges, attorneys, and criminal justice officials often referred to all Latinos as “Mexicans,” regardless of whether or not they were born in Mexico or the United States. Occasionally, in New Mexico, Euro-Americans referred to Hispanos as “natives.” Euro-American criminal justice officials also stereotyped Latinos as biased and easily influenced. In one case, a writer argued that a man was unfairly convicted of murder because eleven of the jurors were “Mexican” and “more or less under outside influence.” He credited the

²⁰⁴ John R. McFie to Governor William J. Mills, December 10, 1908, Governor’s Records, William J. Mills, 1910-1912, penal papers, reel 189, TANM. Henry Romero, Affidavit, August 9, 1911, Ibid.

one Euro-American juror with preventing this man from receiving a death sentence.²⁰⁵

Some individuals in New Mexico expressed concern about outright racial bias against Latinos. For example, in 1919, James Mullens wrote to Octaviano Larrazolo asking him to investigate and act on the “matter of Sabino Montoya.” Mullens claimed that the sheriff in this case was a “Texas cowboy whose opinions of the Mexican people are based on his experiences with renegades along the Rio Grande” and had “no love for the race.” Barney Rubin, a Roswell merchant, confirmed Mullens’ statement when he commented on witnessing the racist attitudes of law enforcement officials when he worked as a translator. This sheriff also served as head of the local draft board and had some trouble with Montoya’s friends. District Attorney H.B. Hamilton justified Montoya’s treatment by claiming that Montoya informed others that it was an “easy matter to get out after you got into the service” and that Montoya stated that he got out of being drafted “on account of his eyesight” and thus was innocent of being unpatriotic but Hamilton promised to investigate.²⁰⁶

Criminal justice officials also occasionally commented on whether or not they thought Latino defendants received fair treatment. In 1928, Sheriff Mariano G. Montoya suspected a “mis-carriage [sic] of justice” in the case of Jesus M. Salazar.

²⁰⁵ J.B. Ralliere (?), Letter to M.B. Rodney, February 19, 1893, Governor’s Records, William T. Thorton, 1893-1897, penal papers, reel 126, TANM.

²⁰⁶ James Mullens to Governor Octaviano Larrazolo, January 4, 1919. Governor Octaviano Larrazolo, 1918-1920, pardons and penal papers, folder 247, State Archives of New Mexico (STANM), Barney Rubin to Governor Octaviano Larrazolo, January 6, 1919. Governor Octaviano Larrazolo, 1918-1920, pardons and penal papers, folder 247, STANM, NMSCRA. H.B Hamilton to James Mullen, December 20, 1918, pardons and penal papers, folder 247, STANM, NMSCRA..

Writing to Governor Richard C. Dillon, Montoya described how a Sandoval County jury convicted Salazar of receiving stolen property. Montoya did not believe that the property Salazar received was worth twenty dollars, meaning that Salazar was only guilty of committing a misdemeanor. In his letter, Montoya also stated that Salazar had five children who “are nearly starving for the lack of their father” and that “all of the intelligent citizens of this County [sic] who know anything about the circumstances of this case and who are not prejudiced would agree” that Salazar deserved executive clemency.²⁰⁷

Latinos also discriminated against other Latinos in New Mexico. In 1912, J.B. Newell argued that his client, Domecio Delgadillo, received an unfair trial because Delgadillo was a “native of Old Mexico” and that “the majority of the jury being natives entertain ill feeling” toward Mexican immigrants.²⁰⁸

Unfamiliarity with the law presented additional problems for Mexican defendants in New Mexico and Arizona. Not only did Mexican immigrants have to adjust to new laws in a strange country; some Mexicans were caught by changes in cultural

²⁰⁷ Mariano Montoya to R.C. Dillion, June 2, 1928, Governor R.C. Dillion, pardons and penal papers, 1927-1930, folder 163, STANM.

²⁰⁸ J.B. Newell to Governor William McDonald, November 9, 1912, folder 8, actions refused box, Governor’s Records, William McDonald, 1912-1916, penal papers, STANM. According to Richard L. Nostrand, the increase in animosity between Hispanos and Mexican immigrants was directly related to the increase of Mexican immigration to New Mexico and other regions of the Hispano Homeland after 1900. After 1900, the number of Mexicans immigrating to New Mexico increased because of “European-American-created economic opportunities” such as employment in urban centers. Competition for low paying jobs and Hispano assumptions of superiority based on claims of “better language, education, cleanliness, culture, and citizenship” account for tensions between Hispanos and Mexicans. Richard L. Nostrand, “The Hispano Homeland”, 163- 164. Mario Barrera, Race and Class in the Southwest: A Theory of Racial Inequality, (Notre Dame: University of Notre Dame Press, 1979) 66.

attitudes toward Native Americans. In Arizona, Jose Padilla was convicted of stealing a horse from a Native American in 1910. According to Arizona Republican, the custom of stealing Native American horses was a practice that courts tolerated until recently.²⁰⁹

Poor defendants also found it difficult to mount a successful defence. In 1899, Damacio Chavez was charged for burglary and was tried in San Miguel County but the witnesses who could have cleared him resided in Lincoln County. The petitioners for Chavez speculated that he would not have received a conviction for burglary if he could have afforded to bring these witnesses to San Miguel County to testify on his behalf.²¹⁰

The wives, mothers and children of inmates especially suffered from the economic crises created by their husbands and fathers' imprisonment. Indeed, the fate of the wives and children connected to Latino defendants clearly demonstrate the vulnerability of women and children in New Mexico and Arizona. Traditionally, Hispanos in New Mexico and Mexican Americans in Arizona had a division of labor where men engaged in wage work and women were responsible for the home, maintaining gardens, and; when their husbands took on migrant work, they took care of the crops. Under this system, divorced and widowed women were often at a disadvantage, especially if they did not own land and had young children, and were

²⁰⁹ 30 April 1910 Arizona Republican, p. 2.

²¹⁰ Petition, Governor's Records, Miguel A. Otero, 1897-1906, penal papers, reel 152, TANM.

forced into enter low-paying jobs.²¹¹ If their husbands were in prison, inmates' wives were placed in a similar situation to divorced and widowed women. Both Margarita Jamie and Refugia Hernandez de Jamie were dependent upon Carlos Jamie for support. Margarita was Carlos's pregnant wife and Refugia was his mother. When Carlos was convicted of stealing three dollars and clothes, both women lost an important source of financial support. In her letter to Governor Thomas Campbell, Refugia stated that she needed the governor to pardon her son because she received only thirty dollars over three months in aid from the county.²¹²

Mexican immigrants who could speak little or no English also found themselves at a disadvantage. Writing to the Nevada Board of Pardons and Paroles, convicted murderer Juan Romero, for example, wrote "When I was tried in Winnemucca I did not understand the English language but slightly as I am a native in Mexico." He would be paroled in 1916.²¹³

Another major problem facing inmates was prison corruption in Arizona and New Mexico. In 1906, the governor of the territory of New Mexico removed the superintendent for gross mismanagement, misappropriation of penitentiary funds, and missing financial records at the New Mexico Territorial Penitentiary. Even more troubling were accusations of brutality. In 1907, Attorney General George W. Prichard investigated penitentiary conditions and found that Superintendent Arthur

²¹¹ Sarah Deutsch, No Separate Refuge: Culture, Class, and Gender on an Anglo-Hispanic Frontier in the American Southwest, 1880-1940. (Oxford: Oxford University Press, 1987), 44-57.

²¹² Gustavo G. Hernandez to Thomas Campbell, 2 September 1919, RG 89, Arizona State Library and Archives. Refugio Hernandez de Jamie to Thomas Campbell, 2 September 1919 RG 89 Arizona State Library and Archives.

²¹³ Juan Romero to Honorable Board of Pardons and Parole, September 2, 1915, Inmate Case Files, Nevada State Library and Archives, Carson City Nevada.

Trelford participated in or tolerated the abuse of inmates. In one case, a penitentiary employee brutally kicked an elderly Latino man. The Santa Fe New Mexican blamed former Governor Herbert Hagerman for not acting on the complaints.²¹⁴

In Arizona, prison corruption actually benefited a convicted criminal. Frank Valenzuela who was convicted of stealing cattle in Yuma and sentenced to state prison in Florence. Valenzuela did not serve a single day of his sentence and “virtually admitted he paid his way off from the Sheriff or prison officials.”²¹⁵ Despite these scandals, neither Arizona nor New Mexico ever developed a strong prison reform movement. In this respect, New Mexico and Arizona resembled most western states and territories. Indeed, “apathy to wretched penal conditions characterized the territorial period” in New Mexico and Arizona. Furthermore, religion was the “only reformatory influence” in either the New Mexico or Arizona prisons and “there was not much of that.” Nowhere in the Great West were the principles of penological technique “fully understood or applied.”²¹⁶

Despite complaints of prison brutality and corruption, both Arizona and New Mexico provided books published in English and Spanish and the prisons in Arizona offered English, Spanish and German courses to students.²¹⁷ Although Arizona prison

²¹⁴ George W. Prichard, “In the Matter of Cruel Treatment of Convicts under the Present Management of the New Mexico Penitentiary-Attorney General’s Report,” June 28, 1907, Removal of Arthur J. Trelford, Superintendent of the Penitentiary, Governor’s Papers, George Curry, 1907-1910, special Issues, reports, and investigations, reel 178, The Santa Fe New Mexican, 3 June 1907, p. 1.

²¹⁵ Miller K. Hinds to Governor John C. Phillips, October 9, 1929, Governor John C. Phillips, 1929-1935, Governor’s files, 1925-1932, Arizona Department of Library, Archives, and Public Records, Tempe, Arizona, p.1-2.

²¹⁶ Blake McKelvey, “American Prisons” (Montclair, New Jersey: Patterson Smith, 1977), 232.

²¹⁷ Judith R. Johnson. “For Any Good at All,” 63 and 78

staff showed some cultural sensitivity, they still made an effort to “Americanize” Mexican inmates in Arizona.²¹⁸

On the other hand, prison records indicate that inmates with Spanish surnames served as prison trustees, indicating an effort at rough equality in the prisons. Crencencio Gonzales, for example, was an inmate at the New Mexico Penitentiary. He worked on the prison ranch with very little supervision. The prosecutor at his murder trial, Alexander Read, acknowledged that Gonzales could have escaped at any time if he so desired and successfully recommended a parole or conditional pardon for Gonzales, who received a conditional pardon in 1919.²¹⁹

In New Mexico, it was not unusual for law enforcement officials and prominent people to lend their support to Hispano inmates. Hispano law enforcement officials often wrote letters on behalf of inmates. In some cases, they had a great deal of influence even though judges and juries consisted mainly of European Americans. Sheriffs with Spanish surnames appear in the records so they obviously had wielded some influence over the fate of Latino inmates. H.B. Hamilton, the former District Attorney for Dona Ana, received a letter from Governor Arthur T. Hannett asking about the record of Apolonio Medina, who was serving a suspended sentence. Hamilton responded to his letter by stating that he was forwarding the letter to Sheriff Jose (Joe) Lucero because he always “referred these matters to the sheriffs of different counties who are in much better positions to know whether the parties of conducted themselves in a way to receive reinstatement of citizenship.” In 1926,

²¹⁸ Ibid., 140.

²¹⁹ District Attorney Alexander Read to Governor Octaviano Larrazolo, 19 February 1919, Governor Octaviano Larrazolo, 1918-1920, pardons and penal papers, folder 167, State Archives of New Mexico (STANM), NMSCRA.

Hannett gave Medina a pardon based in part on the recommendation of Sheriff Lucero.²²⁰

Politicians also helped some inmates get paroled or pardoned. Santos Matamoras, for example was convicted of larceny of a cow and was sentenced to serve two to three years in prison for this crime. W.H.H. Llewellyn, a New Mexico state senator, wrote a letter on his behalf. He noted that Santos was seventy-five years old and had never been accused of a crime. He probably did not actually steal the cow but was with several young men who stole the cow and took the blame to protect them and was sufficiently punished.²²¹

Enriquez Gonzales's connections to a powerful New Mexican, U.S. Senator Albert Fall benefited him when he was sentenced for stealing property from a railroad company. In 1919, Fall wrote a letter on Gonzales's behalf to Judge Edwin Mechem, describing Gonzales's brother-in-law as "one of the most dependable and honest Mexicans whom I know in the entire state." In a separate letter to Governor Larrazola, Mechem noted that "the boy was led into it (committing his crime) by an older man living at the boy's mother's home" and the older man gave "leg bail" while Gonzales pled guilty."²²²

²²⁰ H.B. Hamilton to Arthur T. Hannett, October 8, 1926, Governor Arthur T. Hannett, 1925-1927, pardons and penal papers, folder 236, State Archives of New Mexico (STANM), NMSCRA. Executive Order, Governor Arthur Hannett, November 5, 1926, Governor Arthur T. Hannett, 1925-1927, pardons and penal papers, folder 236, State Archives of New Mexico (STANM), NMSCRA.

²²¹ W.H.H. Llewellyn to Governor Octaviano Larrazolo, May 27, 1919, Governor Octaviano Larrazolo, 1918-1920, pardons and penal papers, folder 167, State Archives of New Mexico (STANM), NMSCRA.

²²² Edwin Mechem to Octaviano Larrazolo, June 14, 1919, Governor Octaviano Larrazolo, 1918-1920, pardons and penal papers, folder 220, State Archives of New Mexico (STANM), NMSCRA. Albert B. Fall to Judge Edwin C. Mechem, June 16,

As the Gonzales case demonstrates, the history of Latino prisoners and defendants in the Southwest is fairly complicated. On one hand, Latinos were at a severe disadvantage when dealing with an unfamiliar legal system and were more likely than Euro-Americans to be convicted of some crimes. The treatment of Latino inmates also varied based on region and place of birth with Latinos in Arizona receiving harsher treatment than those in New Mexico and Mexican immigrants receiving worse treatment in New Mexico than Hispanos. Yet Latinos still received help from other members of the community.

1919, Governor Octaviano Larrazolo, 1918-1920, pardons and penal papers, folder 220, State Archives of New Mexico (STANM), NMSCRA.. According to the Executive Order signed by Larrazolo and dated June 20, 1919, he got a conditional pardon.

CHAPTER 5

CONCLUSION

The experiences of inmates in the Nevada, New Mexico, and Arizona prisons and penitentiaries were often typical of inmates in western prisons.²²³ While reported cases of deliberate prison brutality by prison officials were rare, inmates often lived in substandard quarters and the territorial and state governments often neglected to improve these institutions. Unlike Northeastern states, Nevada, Arizona and New Mexico did not have strong prison reform movements. Western prison staff did not have the same access to industrialization as northeastern prison staff had and since staff could not rely on factories to employ their inmates, they had to find other ways to employ inmates including assigning them monotonous and physically demanding tasks such as breaking rocks.²²⁴

Although there were similarities with these three states' prisons and other western state prisons, Nevada, Arizona and New Mexico were also very unique. While Nevada, New Mexico and Arizona are located in the Far West and all were part of the territory acquired by the United States as part of the Treaty of Guadalupe Hidalgo,

²²³ Blake McKelvey. "A History of Good Intentions" (Montclair, NJ: P. Smith 1977), 321-233. Even western federal prisons lacked the basic amenities and basic security prisons to 1891. See Paul W. Keve. Prisons and the American Conscience: A History of the U.S. Federal Corrections. (Carbondale: Southern Illinois University Press, 1991), 28.

²²⁴ Ibid. 218

Nevada had a very different history than New Mexico and Arizona. Nevada not only became a state earlier than New Mexico and Arizona, but the population demographics were different in Nevada as well. Nevada, unlike New Mexico and Arizona did not have as large of a Latino population. Early statehood also meant different laws. For example, there is no evidence that Nevada courts did not send men or women to prison for adultery.

By studying penology in Nevada, New Mexico, and Arizona it is possible to learn much about attitudes toward race and gender in the American West. Such attitudes influence the conviction and incarceration of defendants and, in addition to the run-of-the mill neglect experienced by most inmates, Native American, Latino, and women inmates faced unique problems that hindered their ability to function as well as European American men as defendants and as prison inmates. Nineteenth and early twentieth century assumptions about the moral character and “natural meekness” of women meant that government and prison officials would put very few resources into the incarceration of women. Western states especially lagged behind the rest of the nation in building separate prisons for women.

Although the courts often gave women shorter sentences than men, in many ways conditions were worse for female inmates than men. The absence of separate prisons for women could lead to overcrowding during some years and living in solitary confinement-a punishment generally reserved for the worst offenders- during other years. Indeed, living in isolation often took a psychological toll on female inmates as the correspondence of Ella Connell and Pearl Hart suggest. In some cases, prison staff improvised by allowing female inmates to live in the guards’ quarters but

generally women lived in substandard quarters that not only provided them with little opportunity for recreation or exercise and often endangered their health.

The need to separate male and female inmates presented other problems for prison officials and female inmates. Compared to their male counterparts, female inmates had even less access to work in prison industries. They often were assigned very traditional tasks such as working as cooks or they had absolutely nothing to do. As Rosa Watts discovered, the money she made from making gifts for tourists was inadequate for her needs.

Incarceration at predominately male institutions also exposed women prisoners to the threats of sexual and physical violence.²²⁵ In Arizona and Nevada, male guards guarded women where as only New Mexico hired a matron. Yet, as several cases in New Mexico demonstrate, the presence of a matron did not always protect women from harsh discipline.

Another difference between New Mexico and Arizona and Nevada, was the fact that only New Mexico sent a comparatively large number of women to prison for adultery. Cultural differences might help explain the different treatment women received in New Mexico and it was not unusual for men and women to report cheating spouses to the authorities during the Spanish period. It is possible that they continued this tradition after the United States incorporated New Mexico.

For women and men, race played an important role in determining the treatment inmates received. In New Mexico, Arizona, and Nevada, courts sent a

²²⁵ At McNeil Island in Washington, the hospital was used to house the occasional female inmate. See Keve "Prisons and the American Conscience," 76-77. Shelley Bookspan. A Germ of Goodness: The California State Prisons System, 1851-1944. (Lincoln: University of Nebraska Press, 1991), 70.

disproportionate number of non-white women to prison.²²⁶ Additionally, non-white women were burdened with longer sentences than their European American counterparts.

Native American men especially did not fare well in Nevada and Arizona. Nevada courts frequently sentenced Native American inmates to death. Even if Apache inmates did not receive the death penalty in Arizona, it was fairly common for Apache inmates to die in prison.

Language and cultural differences were additional burdens for Native American defendants and inmates. Many Native American defendants and inmates came from a different tribal legal culture and had no familiarity with the U.S. legal system, making it difficult for them to navigate complex U.S. courts. The fact that many Native Americans could not speak English was another hardship because they had to rely on interpreters. An incorrect translation of a defendant or witness's testimony could prove disastrous to Native American defendants.

Native American prisoners often found that their problems with the legal system did not always disappear with their release. As the cases of Cochie Sigmillier and Anne Gomez demonstrate, Native Americans frequently were at the mercy of uncaring and possibly corrupt reservation officials. Sigmillier's supporters blamed the reservation superintendent for tensions between Sigmillier and the superintendent, while Gomez had to rely on her reservation superintendent to write her reports to the parole board to keep her conditional pardon. She almost lost this pardon when the

²²⁶ This trend was not unique. Keith Edgerton noted the treatment of non-white female inmates in "Montana Justice," 60-61.

superintendent fell behind in writing the letters. In both cases, the plight of these individuals demonstrates their almost total helplessness.

Spanish-speaking immigrants and Mexican-Americans also suffered from language and cultural barriers as well as out-right discrimination in New Mexico. Records reveal that unfamiliarity with the U.S. legal system may have played a role in causing Mexican defendants to plead guilty for crimes they may not have actually committed. Mexican defendants also faced discrimination in New Mexico and received longer sentences for some crimes than native-born Latinos. Hispanos, as well as European Americans, discriminated against them.

Hispanos also had more advantages than Mexican immigrants for several reasons. They usually had ties to the community and prominent Hispanos and European Americans frequently came to the aid of imprisoned Hispanos, helping them win their freedom and offering them employment after their release. Hispanos made up such a large portion of New Mexico's population, which provided that politicians could not afford to ignore the presence of Hispano prisoners.

Latinos did not fare as well in Arizona. Arizona courts sent a large number of Latinos to prison and gave them longer sentences than European Americans for certain crimes. This demonstrates their relative lack of political power compared to Latinos in New Mexico.

The one thing most of the inmates incarcerated in New Mexico, Nevada, and Arizona shared was their relative powerlessness in society prior to their incarceration. Many of these individuals were too poor to afford a decent legal defense nor could they pay for their witnesses to travel to their trials and testify on their behalf. Many of

the crimes committed by these inmates also reflected the desperation created by poverty. For example, many inmates were incarcerated for crimes such as stealing livestock. In the prison records, inmates explain the reason for stealing and slaughtering cattle was because they were starving.

The experiences of Pearl Hart, Southern Paiute Cochie Sigmiller, Isidoria Miranda and the many inmates in prisons and penitentiaries in Nevada, Arizona, and New Mexico demonstrate that prison history is the history of powerlessness. These individuals came from the poorest and most vulnerable groups in society. They were less likely to have the resources to mount an adequate defense therefore their cases represent the lop-sided nature of the American legal system.

Yet, despite the relative powerlessness of inmates compared to the rest of society, they often received aid from their local communities and from prison staff. One of the most surprising results of this study is the compassion that some prison officials and civilians showed inmates. Although none of these three states had a major prison reform movement, some individuals did try to help inmates gain their freedom and with their legal difficulties.

APPENDIX I

CHAPTER 2 TABLES

Table 1: Population by Race for Arizona, 1890 to 1900

Race	1890	Percent of Population	1900	Percent of Population
Euro-American	55734	63.2	92903	75.6
Native American	29981	34.00	26480	21.5
African American	1357	1.5	1848	1.5
Asian (Chinese)	1170	1.3	1419	1.2
Asian (Japanese)	1	0.00	281	0.2
Total	88243	100	122931	100

Percents are rounded to the nearest tenth. Source: Bureau of the Census, Thirteenth Census of the United States Taken in the Year 1910, Volume II: Population, 1910. Reports by States, with Statistics for Counties, Cities, and Other Civilian Divisions: Alabama through Montana. Prepared under the supervision of William C. Hunt, Chief Statistician for Population, Bureau of the Census, Washington D.C.: GPO, 1913, 77.

Table 2: Population by Race in Arizona, 1910 to 1920

Race	1910	Percent of Population	1920	Percent of Population
Euro-American	171468	83.9	291449	87.2
Native American	29201	14.3	32989	9.9
African American	2009	1	8005	2.4
Asian (Chinese)	1305	0.6	1137	0.3
Asian (Japanese)	371	0.2	550	0.2
Asians (Koreans)	0	0	12	0
Asians (Hindus)	0	0	10	0
Asians (Filipinos)	0	0	10	0
Total	204354	100	334162	100

Percents rounded to the nearest tenth. Source: Bureau of the Census, Fourteenth Census of the United States Taken in the Year 1920, Volume III: Population, 1920. Composition and Characteristics of the Population by States. Prepared under the supervision of William C. Hunt, Chief Statistician for Population, Bureau of the Census, Washington D.C.: GPO, 1922, 74.

Table 3: Race of Women in the Arizona Territorial and State Prisons, 1890 to 1930

Race	Yuma	Percent of total women who are of a particular race	Florence	Percent of total women who are of a particular race
Latina	5	29.4	9	23.7
Euro-American	5	29.4	21	55.3
African American	6	35.3	8	21.1
Native American	1	5.9	0	0
Unknown	0	0	0	0
Total	17	100	38	100.1

Percentages rounded to the nearest tenth, which explains the rounding error.

Source: Territory of Arizona Prison Records, Register and Descriptive List of Convicts, 1884-1910. Reel 23.01-23.03, Reel 23.1.8-23.10, Reel 23.1.12-23.1.14
Arizona State Archives, Phoenix, AZ. Yuma numbers are based on a sample size of 1450 out of 2453. Florence numbers are based on a sample size of 38 inmates.

Table 4: Population by Race for Nevada, 1890 to 1900

Race	1890	Percent of Population	1900	Percent of Population
Euro- American	39121	82.6	35405	83.6
Native American	5156	10.9	5216	12.3
African American	242	0.5	134	0.3
Asian (Chinese)	2833	6	1352	3.2
Asian (Japanese)	3	0	228	0.5
Total	47355	100.01	42335	99.9

Percent rounded to the nearest tenth. Percentages are a result of rounding errors.

Source: Bureau of the Census, Thirteenth Census of the United States Taken in the Year 1910, Volume II: Population, 1910. Reports by States, with Statistics for Counties, Cities, and Other Civilian Divisions: Nebraska through Wyoming, Alaska, Hawaii, and

Porto Rico. Prepared under the supervision of William C. Hunt, Chief Statistician for Population, Bureau of the Census, Washington D.C.: GPO, 1913, 83.

Table 5: Population by Race in Nevada, 1910 to 1920

Race	1910	Percent of Population	1920	Percent of Population
Euro-American	74276	90.7	70699	91.3
Native American	5240	6.4	4907	6.3
African American	513	0.6	346	0.4
Asian (Chinese)	927	1.1	689	0.9
Asian (Japanese)	864	1.1	754	1
Asians (Koreans)	3	0.	4	0
Asians (Hindus)	52	0.1	3	0
Asians (Filipinos)	0	0	5	0
Total	81875	100	77407	99.9

Percents rounded to the nearest tenth, leading to rounding errors.

Source: Bureau of the Census, Thirteenth Census of the United States Taken in the Year 1910, Volume II: Population, 1910. Reports by States, with Statistics for Counties, Cities, and Other Civilian Divisions: Nebraska through Wyoming, Alaska, Hawaii, and

Porto Rico. Prepared under the supervision of William C. Hunt, Chief Statistician for Population, Bureau of the Census, Washington D.C.: GPO, 1913, 83.

Bureau of the Census, Fourteenth Census of the United States Taken in the Year 1920, Volume III: Population, 1920. Composition and Characteristics of the Population by States. Prepared under the supervision of William C. Hunt, Chief Statistician for Population, Bureau of the Census, Washington D.C.: GPO, 1922, 612.

Table 6: The number of women by race at the Nevada State Prison, 1890 to 1930

Race	Before 1909	Percent of women inmates	After 1909	Percent of women inmates
Latina	0	0	1	6.7
Euro-American	9	60	8	53.3
African American	2	13.3	4	26.7
Native American	2	13.3	1	6.7
Unknown	2	13.3	1	6.7
Total	15	99.9	15	100.1

Percents rounded to the nearest tenth. Numbers of inmates before 1909 is based on a sample size of 570 inmates out of 957. Sources: Biennial Reports of the Warden, 1890-1912, Nevada Inmate Case Files, Nevada Newspapers.

Table 7: The Race of Female Inmates at the New Mexico Penitentiary, 1890 to 1920

Race	1890-1909	Percent of Women of this race	1909-1920	Percent of Women of this race
Latina	49	83.1	6	50
Euro-American	7	11.9	4	33.3
African American	3	5.1	2	16.7
Native American	0	0	0	0
Unknown	0	0	0	0
Total	59	100.1	12	100

Records after 1920 are unavailable. Percents are rounded to the nearest tenth accounting for rounding errors. For women incarcerated prior to 1909, numbers and percentages based on a sample size of 1100 out of 3000 inmates. Sources: Territory of New Mexico, Records of Convicts, Reel 1, Penitentiary Records. 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe. U.S. Census Office.

Fourteenth Census of Population, (1920), New Mexico. National Archives and Records Administration, 1992.

Table 8: The Number and Average Sentences of Women Convicted of Manslaughter by Race at the Nevada State Prison, 1910-1930

Race	Average Minimum Sentence	Average Maximum Sentence	Number convicted of crime
Latina	0	0	0
Euro-American	2	10	2
African American	4	10	2
Native American	0	0	0
Unknown	1	10	1
Overall Average	2.6	10	
Total			5

Years rounded to the nearest tenth. Sources: Biennial Reports of the Warden, 1890-1912, Nevada Inmate Case Files, Nevada Newspapers.

Table 9: The Number and Average Sentences of Women Convicted of Manslaughter
at the Arizona State Prison, Florence, 1910-1930

Race	Minimum Sentence	Maximum Sentence	Number
Latino	2.0	10.0	2
Euro-American	3.6	5.8	5
African American	4.3	8.8	4
Native American	0	0	0
Unknown	0	0	0
Overall Average	3.5	7.6	
Total Number			11

Years rounded to the nearest tenth. Numbers are taken from a sample size of 38 inmates. Source: Arizona Misc. Prison Records, Register and Descriptive List of Convicts, 1884-1910. Reel 23.1.9-23.1.10, Reel 23.1.12-23.1.14 Arizona State Archives, Phoenix, AZ. Florence numbers are based on a sample size of 38 inmates.

Table 10: Population by Race in New Mexico, 1890 to 1900

Race	1890	Percent of Population	1900	Percent of Population
Euro-American	142918	89.2	180207	92.3
Native American	15044	9.4	13144	6.7
African American	1956	1.2	1610	0.8
Asian (Chinese)	361	0.2	341	0.2
Asian (Japanese)	3	0	8	0
Total	160282	100	195310	100

Percents are rounded to the nearest tenth.

Source: Bureau of the Census, Thirteenth Census of the United States Taken in the Year 1910, Volume II: Population, 1910. Reports by States, with Statistics for Counties, Cities, and Other Civilian Divisions: Nebraska through Wyoming, Alaska, Hawaii, and Porto Rico. Prepared under the supervision of William C. Hunt, Chief Statistician for Population, Bureau of the Census, Washington D.C.: GPO, 1913, 171.

Table 11: Population by Race in New Mexico, 1910-1920

Race	1910	Percent of Population	1920	Percent of Population
Euro-American	304594	93.1	334673	92.9
Native American	20573	6.3	19512	5.4
African American	1628	0.5	5733	1.6
Asian (Chinese)	248	0.1	171	0.0
Asian (Japanese)	258	0.1	251	0.1
Asians (Koreans)	0	0	3	0
Asians (Hindus)	0	0	0	0
Asians (Filipinos)	0	0	7	0
Total	327301	100.1	360350	100

Percents are rounded to the nearest tenth. The 100.1% is due to a rounding error.

Numbers based on a sample size of 17 inmates. Source: Bureau of the Census, Fourteenth Census of the United States Taken in the Year 1920, Volume III: Population, 1920. Composition and Characteristics of the Population by States. Prepared under the supervision of William C. Hunt, Chief Statistician for Population, Bureau of the Census, Washington D.C.: GPO, 1922, 668.

Table 12: Number and Percentage of Prison Population that is Female

1890 to 1909

State or Territory	Number of Women	Number of Inmates	Percent of Prison Population
Arizona	17	1450	1.2
Nevada	15	570	2.6
New Mexico	59	1100	5.4
Total Number	91	3120	
Total Percent			2.9

Percentages rounded to the nearest tenth. For inmates after 1909, numbers are based on a sample size of 870 out of 1500. Source: Territory of Arizona Prison Records, Register and Descriptive List of Convicts, 1884-1910, Reel 23.01-23.03, Reel 23.1.8. Arizona State Archives, Phoenix AZ. Territory of New Mexico, Records of Convicts, Reel 1, Penitentiary Records. 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe. Inmates Cases Files, Nevada State Library and Archives, Carson City, Nevada. Warden's Biennial Reports to the State, Nevada State Library and Archives, Carson City.

Table 13: Number of Women in Prison in Arizona and Nevada

1910 to 1930. Number of Women in Prison in New Mexico 1910 to 1917

State	Number
Arizona	38
Nevada	15
New Mexico	12
Total	65

Percentages rounded to the nearest tenth.

Source: Territory of Arizona Prison Records, Register and Descriptive List of Convicts, 1884-1910, Reel 23.01-23.03, Reel 23.1.8. Arizona State Archives, Phoenix AZ. Territory of New Mexico, Records of Convicts, Reel 1, Penitentiary Records. 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe. Inmates Cases Files, Nevada State Library and Archives, Carson City, Nevada. Warden's Biennial Reports to the State, Nevada State Library and Archives, Carson City.

Table 14: The Crimes Women were Sentenced to the Arizona Territorial Prison for.

1890-1909

Crime	Number	Percent of Women sent to prison for this crime
Manslaughter	6	35.3
Grand Larceny	3	17.6
Receiving Stolen Property	2	11.8
Assault with Intent to Murder	1	5.9
Assault with a Deadly Weapon	1	5.9
Aggravated Assault	1	5.9
Second Degree Robbery	1	5.9
Second Degree Burglary	1	5.9
Adultery	1	5.9
Total	17	100.1

Percents are rounded to the nearest tenth. The 100.1% is due to a rounding error.

Numbers based on a sample size of 17 inmates. Source: Territory of Arizona Prison

Records, Register and Descriptive List of Convicts, 1884-1910, Reel 23.01-23.03, Reel

23.1.8. Arizona State Archives, Phoenix AZ.

Table 15: Crimes Women were Sentence to Serve Time at the New Mexico

Territorial Penitentiary, 1890-1909

Crime	Number	Percent of Women Sent to Prison for this Crime
Adultery	39	66.1
Fornication	5	8.5
Perjury	3	5.1
Bigamy	3	5.1
Adultery and Fornication	2	3.4
Murder	2	3.4
Grand Larceny	2	3.4
Livestock Killing	1	1.7
Larceny and Receiving Stolen Goods	1	1.7
Incest	1	1.7
Total	59	100.1

Percents are rounded to the nearest tenth. The 100.1% is a rounding error. Sources: Territory of New Mexico, Records of Convicts, Reel 1 , Penitentiary Records. 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe. Numbers and percentages are based on a sample size of 1,100 out of 3,000 inmates.

Table 16: Crimes Women Were Sent to the Nevada State Prison, 1890-1909

Crime	Number of Women	Percent of Women Convicted of this Crime
Selling Liquor to the Indians	8	53.3
Second Degree Murder	4	26.7
Manslaughter	2	13.3
Receiving Stolen Property	1	6.7
Total	15	100

Numbers are based on a sample size of 570 inmates out of 957 inmates. The percent of inmates who are women are rounded to the nearest tenth. Sources: Biennial Reports of the Warden to the State, 1889-1912, Nevada Inmate Case Files and Nevada newspapers, Nevada State Library and Archives, Carson City

Table 17: The Types of Crimes Women were Convicted of in Arizona and sent to Florence for, 1910 to 1930

Crime	Number	Percent
Manslaughter	11	28.9
First Degree Murder	2	5.3
Assault with a Deadly Weapon	2	5.3
Robbery	2	5.3
Burglary	2	5.3
Forgery	2	5.3
Writing a False or Bogus Check	2	5.3
Second Degree Murder	1	2.6
Murder	1	2.6
Other	13	34.2
Total	38	100.1

Source: Territory of Arizona Prison Records, Register and Descriptive List of Convicts, 1884-1910. Reel 23.01-23.03, Reel 23.1.8-23.1.10, Reel 23.1.12-23.1.14 Arizona State Archives, Phoenix, AZ. Percents are rounded to the nearest tenth.

Table 18: Crimes that women were Sentenced to the Nevada State Prison for
1910 - 1930

Crime	Number	Percent
Manslaughter	5	33.3
Burglary	2	13.3
Grand Larceny	2	13.3
First Degree Murder	1	6.7
Assault with Intent to Murder	1	6.7
Poison with intent to Kill	1	6.7
Assault causing Bodily Harm	1	6.7
Arson	1	6.7
Robbery	1	6.7
Total	15	100.1

Percents are rounded to the nearest tenth. Sources: Biennial Reports from the Warden, 1889-1912, Nevada Inmate Case Files, Nevada newspaper, Nevada State Archives, Carson City.

Table 19: Crimes that Women were Incarcerated for in New Mexico

1910-1920

Crime	Number	Percent
Unknown	4	33.3
Second Degree Murder	2	16.7
Murder	2	16.7
Larceny of Livestock	1	8.3
Assault with Intent to Murder	1	8.3
Assault with a Deadly Weapon	1	8.3
Grand Larceny	1	8.3
Total	12	99.9

Percents are rounded to the nearest tenth. Sources: Territory of New Mexico, Records of Convicts, Reel 1 , Penitentiary Records. 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe. U.S. Census Office. Fourteenth Census of Population, (1920), New Mexico. National Archives and Records Administration, 1992.

APPENDIX II

CHAPTER 3 TABLES

Table 1: Table of the number of inmates executed in Nevada

Race	Number Executed	Percent of total number executed	Number who received death sentences	Percent of each race executed
Euro-American	2	16.7	8	25
Native American	4	33.3	7	57.1
Latino	0	0	1	0
African American	0	0	0	0
Asian	1	8.3	1	100
Other	5	41.7	5	100
Unknown	0	0	0	0
Total	12	100	22	54.6

Percents are rounded to the nearest tenth. Source: Inmate Case Files, Prison Files, Nevada State Library and Archives, Carson City Nevada.

Table 2: Nevada Federal Prisoners 1925-28 (Transferred to McNeill)

Race	Number	Percent
Euro-American	145	75.5
Native American	4	2.1
Latino	20	10.4
African American	12	6.3
Asian	11	5.7
Total	192	100

Percent rounded to nearest tenth Sources: Inmate Case Files, Prison Files, Nevada State Library and Archives, Carson City Nevada.

Table 3: Number and Tribal Affiliation of Native American Inmates at the New Mexico Territorial Penitentiary from 1890-1930

Tribe	Number	Percentage of Native Population
Navajo	19	35.19
Apache	2	3.7
San Carlos Apache (Western)	2	3.7
Jiricalla Apache	1	1.85
Osage	2	3.7
Santa Clara Pueblo	3	5.56
San Juan Pueblo	1	1.85
Isleta	1	1.85
San Colima	1	1.85
Pueblo	1	1.85
Cherokee	1	1.85
Unknown	20	37.04
Total	54	99.99

Percent rounded to the nearest tenth. Most of the New Mexico records do not specify the tribal affiliation of the inmates sent to the New Mexico Territorial Penitentiary.

Source: Territory of New Mexico, Convict Record Books, Reel 1 Penitentiary Records, 1884-1917, TANM, New Mexico Records Center and Archives, Santa Fe. Numbers based on a sample size of 1,100.

Table 4: Population by Race for Arizona, 1890 to 1900

Race	1890	Percent of Population	1900	Percent of Population
Euro-American	55734	63.2	92903	75.6
Native American	29981	34.00	26480	21.5
African American	1357	1.5	1848	1.5
Asian (Chinese)	1170	1.3	1419	1.2
Asian (Japanese)	1	0.00	281	0.2
Total	88243	100	122931	100

Percents are rounded to the nearest tenth. Source: Bureau of the Census, Thirteenth Census of the United States Taken in the Year 1910, Volume II: Population, 1910. Reports by States, with Statistics for Counties, Cities, and Other Civilian Divisions: Alabama through Montana. Prepared under the supervision of William C. Hunt, Chief Statistician for Population, Bureau of the Census, Washington D.C.: GPO, 1913, 77.

Table 5: The Race of Inmates at the Yuma Territorial Prison

Race	Number	Percent of Prison Population
Latino	625	43.1
Euro-American	591	40.8
Native American	121	8.3
African American	72	5.0 4
Asian	17	1.2
Other	4	0.3
Unknown	20	1.4
Total	1450	100.1

Percents rounded to the nearest tenth. Source: Territory of Arizona Prison Records, Register and Descriptive List of Convicts, 1884-1910, Reel 23.01-23.03, Arizona State Archives, Phoenix AZ. Numbers based on a sample size of 1450 inmates.

Table 6: Race of Inmates at the Florence Prison

Race	Number	Percent
Latino	682	42.0
Euro-American	729	44.9
African American	108	6.7
Native American	69	4.3
Asian	9	0.6
Unknown	4	0.2
Other	22	1.4
Total	1623	100.1

Percents are rounded to nearest tenth. Source: Prison Records, Reel 23.1.9-23.10, Reel 23.1.12-.23.1.14 Arizona State Archives, Phoenix, AZ. Florence numbers are based on a sample size of 1623 inmates out of approximately 4634 inmates.

Table 7: Population by Race for Nevada., 1890 to 1900

Race	1890	Percent of Population	1900	Percent of Population
Euro-American	39121	82.6	35405	83.6
Native American	5156	10.9	5216	12.3
African American	242	0.5	134	0.3
Asian (Chinese)	2833	6	1352	3.2
Asian (Japanese)	3	0	228	0.5
Total	47355	100.	42335	99.9

Percents are rounded to the nearest tenth. Percentages are a result of rounding errors.

Source: Bureau of the Census, Thirteenth Census of the United States Taken in the Year 1910, Volume II: Population, 1910. Reports by States, with Statistics for Counties, Cities, and Other Civilian Divisions: Nebraska through Wyoming, Alaska, Hawaii, and Porto Rico. Prepared under the supervision of William C. Hunt, Chief Statistician for Population, Bureau of the Census, Washington D.C.: GPO, 1913, 83.

Table 8: Population by Race in Nevada, 1910 to 1920

Race	1910	Percent of Population	1920	Percent of Population
Euro-American	74276	90.7	70699	91.3
Native American	5240	6.4	4907	6.3
African American	513	0.6	346	0.4
Asian (Chinese)	927	1.1	689	0.9
Asian (Japanese)	864	1.1	754	1
Asians (Koreans)	3	0	4	0
Asians (Hindus)	52	0.1	3	0
Asians (Filipinos)	0	0	5	0
Total	81875	100	77407	99.9

Percents are rounded to the nearest tenth. This accounts for rounding errors.

Source: Bureau of the Census, Thirteenth Census of the United States Taken in the Year 1910, Volume II: Population, 1910. Reports by States, with Statistics for Counties, Cities, and Other Civilian Divisions: Nebraska through Wyoming, Alaska, Hawaii, and Porto Rico. Prepared under the supervision of William C. Hunt, Chief Statistician for Population, Bureau of the Census, Washington D.C.: GPO, 1913, 83.

Bureau of the Census, Fourteenth Census of the United States Taken in the Year 1920, Volume III: Population, 1920. Composition and Characteristics of the Population by States. Prepared under the supervision of William C. Hunt, Chief Statistician for Population, Bureau of the Census, Washington D.C.: GPO, 1922, 612.

Table 9: Population by Race in New Mexico, 1890 to 1900

Race	1890	Percent of Population	1900	Percent of Population
Euro-American	142918	89.2	180207	92.3
Native American	15044	9.4	13144	6.7
African American	1956	1.2	1610	0.8
Asian (Chinese)	361	0.2	341	0.2
Asian (Japanese)	3	0	8	0
Total	160282	100	195310	100

Percents are rounded to the nearest tenth. Source: Bureau of the Census, Thirteenth Census of the United States Taken in the Year 1910, Volume II: Population, 1910. Reports by States, with Statistics for Counties, Cities, and Other Civilian Divisions: Nebraska through Wyoming, Alaska, Hawaii, and Porto Rico. Prepared under the

supervision of William C. Hunt, Chief Statistician for Population, Bureau of the Census, Washington D.C.: GPO, 1913, 171.

Table 10: Population by Race in New Mexico, 1910-1920

Race	1910	Percent of Population	1920	Percent of Population
Euro-American	304594	93.1	334673	92.9
Native American	20573	6.3	19512	5.4
African American	1628	0.5	5733	1.6
Asian (Chinese)	248	0.1	171	0.0
Asian (Japanese)	258	0.1	251	0.1
Asians (Koreans)	0	0	3	0
Asians (Hindus)	0	0	0	0
Asians (Filipinos)	0	0	7	0
Total	327301	100.1	360350	100

Percents are rounded to the nearest tenth. Source: Bureau of the Census, Fourteenth Census of the United States Taken in the Year 1920, Volume III: Population, 1920. Composition and Characteristics of the Population by States. Prepared under the

supervision of William C. Hunt, Chief Statistician for Population, Bureau of the Census, Washington D.C.: GPO, 1922, 668.

Table 11: Breakdown of New Mexico Territorial Penitentiary Population by Ethnicity, 1890-1909

Ethnicity	Number	Percentage of Penitentiary Population
Latinos	634	57.6
European Americans	370	33.6
African American	57	5.2
Native American	22	2
Asian	7	.6
Mixed Race	6	.5
Unknown	4	.4
Total	1100	99.9

Numbers are based on a sample size of 1,100 out of 3,000 inmates. Percents are rounded to the nearest tenth. Includes all persons of mixed heritage: Latino, African American, Native American, and European American. Sources: Territory of New Mexico, Records of Convicts, Roll 1, Penitentiary Records. 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe.

Table 12: Race of Inmates in New Mexico after 1909

Race	Number	Percent
Latino	456	51.9
Euro-American	333	37.9
African American	45	5.2
Native American	32	3.6
Asian	1	0.1
Other	12	1.34
Total	879	100

Percents rounded to the nearest tenth. Sources: Territory of New Mexico, Records of Convicts, Roll 1, Penitentiary Records, 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe.

Table 13: A Comparison of the Average Sentence of Inmates Convicted of Murder & Who Received a Numerical Sentence to serve at the Yuma Territorial Prison, 1890-1909

Race	Number	Average Sentence (Years)	Percent of Inmates Convicted of Murder
Latino	23	18.6	41.8
Euro-American	16	29.3	29.1
Native American	16	22	29.1
Total	55	69.9	100

This table excludes the sole African American who was convicted of murder and received a twelve-year sentence. Year and percents are rounded to the nearest tenth.

Source: Territory of Arizona Prison Records; Register and Descriptive List of Convicts, 1884-1910, Reel 23.01-23.03, Arizona State Archives, Phoenix AZ. Numbers based on a sample size of 1450 inmates. Percentages are rounded to the nearest tenth.

Table 14: The Average Sentences of Inmates Convicted of Manslaughter
& Sentenced to the Yuma Territorial Prison, 1890-1909

Race	Number	Average Sentence in Years	Percent of Inmates Convicted of Manslaughter
Latinos	32	6.7	36.8
Euro-American	27	6.3	31.0
Native American	20	6	23.0
Asian American	4	6	5.0
African American	4	5.3	5.0
Total	87	30.3	100.8

Numbers based on a sample size of 1450 inmates. Percents and years are rounded to the nearest tenth. Source: Territory of Arizona Prison Records, Register and Descriptive List of Convicts, 1884-1910, Reel 23.01-23.03, Arizona State Archives, Phoenix AZ.

Table 15: The Average Sentences of Inmates Convicted of Grand Larceny at the Yuma Territorial Prison, 1890-1909

Race	Number	Average Sentence in Years	Percent of Inmates convicted of Grand Larceny
Latino	121	2.5	45.7
Euro-American	96	2.4	36.2
Native American	41	1.5	15.5
African American	7	1.8	2.6
Total	265	8.2	100

These numbers do not include the one Asian-American, one mulatto, one mixed-blood Native American, and the one half-Latino and half-Euro-American. Numbers are rounded to the nearest tenth. Source: Territory of Arizona Prison Records, Register and Descriptive List of Convicts, 1884-1910, Reel 23.01-23.03, Arizona State Archives, Phoenix AZ. Numbers based on a sample size of 1450 inmates. Percentages are rounded to the nearest tenth.

Table 16: Sentences in Years for Grand Larceny at Florence

Race	Number	Minimum	Maximum	Regular
Latino	129	1.6	5.5	1.8
Euro- American	147	1.9	5.3	2.4
Native American	17	2.0	4.9	
African American	17	1.9	4.0	
Asian	0			
Unknown	1	1.0	10.0	
Total	311			

Total Number excludes number of inmates of mixed parentage. Years are rounded to the nearest tenth. Source: Misc. Prison Records, Florence, Filmfile 23.1.11, RG 85
Arizona State Library, Archives and Public Records, Phoenix, AZ.

Table 17: Ethnicity and Average Murder Sentences of Inmates at the New Mexico Penitentiary, 1890-1909 (This table gives the average number of years given to inmates of different ethnic groups convicted of murder at the New Mexico Territorial Penitentiary from 1890 to 1909.)

Race	Number of Individuals from Each Ethnic Group Convicted of Murder	Percent	Average Number of Years
Latino	72	59.5	24.1
European American	33	27.3	20.7
African American	7	5.8	19.4
Native American	6	5.0	14.3
Asian	2	1.7	26.5
Unknown	1	0.8	unknown
Total	121	100.1	
Average for total population			22.2

In 1909, New Mexico criminal justice officials introduced indeterminate sentencing. No inmate on this table received an indeterminate sentence. Numbers are based on a sample size of 1,100. Percents rounded to the nearest tenth. Sources: Territory of New

Mexico, Records of Convicts, Roll 1, Penitentiary Records, 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe.

Table 18: Ethnicity of Convicted Murders that Received Life and 99 Year Sentences, 1890-1909, (This table gives the ethnicity of inmates who were convicted of murder and received either life or 99 year sentence terms.)

Race	Number of life sentences	Percent of life sentences	Number of 99 year sentences	Percent of 99 year sentences
Latino	17	70.8	9	100
European American	6	25	0	0
African American	1	4.2	0	0
Native American	0	0	0	0
Asian	0	0	0	0
Total	24	100	9	100

Sources: Territory of New Mexico, Records of Convicts, Roll 1, Penitentiary Records, 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe. Numbers based on sample size of 1,100 inmates.

Table 19: The number and average length of sentence for those convicted of second-degree murder in Nevada

Race	Number	Average Years
Euro-American	28	18.6
Latino	3	10.0
Native American	6	11.0
African American	2	15.0
Asian	4	27.0
Unknown	1	30.00
Total	44	17.6

Years rounded to the nearest tenth. Sources: Biennial Reports of the Warden, 1889-1912, Nevada Inmate Case Files, Nevada Newspapers.

Table 20: Narcotics convictions in Nevada, 1890-1930

Race	Number	Average Sentence
White	61	3.4
Latino	7	3.9
Native American	8	5.6
African American	5	2.5
Asian	11	2.2
Unknown	0	0
Total	92	3.4

Sentences are in years and are rounded to the nearest tenth. All 8 Native Americans received indeterminate sentences. No whites, African Americans or Asians, received indeterminate sentences. Sources: Biennial Reports of the Warden, 1889-1912, Nevada Inmate Case Files, Nevada Newspapers, Nevada State Archives, Carson City.

Table 21: The Number and Race of Inmates Died at the Yuma Territorial Prison,

1890-1909

Race	Number	Percentage of the total population that died in Prison
Latinos	30	47.6
Native Americans	14	22.2
Euro-Americans	13	20.6
African Americans	2	3.2
Polynesians	1	1.6
Australian Aborigine	1	1.6
Latino Euro-American Mix	1	1.6
Person of Unknown Race	1	1.6
Total	63	100

Percents are rounded to the nearest tenth. Numbers based on a sample size of 1450 inmates. Source: Territory of Arizona Prison Records, Register and Descriptive List of Convicts, 1884-1910, Reel 23.01-23.03, Arizona State Archives, Phoenix AZ.

Table 22: Number of Inmates who died while in the New Mexico Penitentiary of causes other than death sentence

Race	Number	Percent
Latinos	10	45.5
Native Americans	2	9.1
Euro-Americans	8	36.4
African Americans	1	4.6
Asians	1	4.6
Total	22	100.2

Percents rounded to the nearest tenth. Numbers based on sample size of 1,100 inmates. Sources: Territory of New Mexico, Records of Convicts, Roll 1, Penitentiary Records, 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe.

Table 23: Race and Number of Inmates at the Nevada State Prison

who Died from causes other than Execution, 1890-1909

Race	Number	Percent of those who died	Total Number of Inmates	Percent of each race which died
Euro-American	9	50	386	2.3
Asian	6	33.3	60	10
Native American	2	11.1	29	6.9
Unknown	1	5.6	44	2.3
Latinos	0	0	24	0
African Americans	0	0	22	0
Probably Euro-American	0	0	5	0
Total	18	100	570	3.2

Percents are rounded to the nearest one-hundredth. Sources: Biennial Reports of the Warden of the State of Nevada, 1889-1912, Board of Pardons, annual reports, 1865-1930 Nevada, State Prison, annual reports, 1865-1930, Nevada Inmate Case Files.

APPENDIX III

CHAPTER 4 TABLES

Table 1: Breakdown of New Mexico Territorial Penitentiary Population by Race,

1890-1909

Race	Number	Percent of Prison Population
Latinos	634	57.6
Euro-Americans	370	33.6
African Americans	57	5.2
Native Americans	22	2
Asians	7	.6
Other	6	.5
Unknown	4	.4
Total	1100	99.9

Numbers and percents are based on a sample size of 1,100 out of 3,000 inmates.

Percents are rounded to the nearest tenth. Includes all persons of mixed heritage: Latinos, African American, Native American, and European American. Sources: Territory of New Mexico, Records of Convicts, Roll 1, Penitentiary Records. 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe.

Table 2: Race of Inmates in the New Mexico Penitentiary, 1909-1930

Race	Number	Percent of Prison Population
Latino	456	51.9
Euro-American	333	37.9
African American	45	5.1
Native American	32	3.6
Asian	1	0.1
Other	12	1.4
Total	879	100

The sample size is 879 out of approximately 4000 inmates including federal inmates.

Percents are rounded to the nearest tenth. Source: Inmate Intake Files, Penitentiary of New Mexico Records, New Mexico Department of Corrections Records, New Mexico State Records Center and Archives.

Table 3: The Race of Inmates at the Yuma Territorial Prison, 1890-1909

Race	Number	Percent of Prison Population
Latino	625	43.1
Euro-American	591	40.8
Native American	121	8.3
African American	72	5.0
Asian	17	1.2
Other	19	1.3
Unknown	5	.3
Total	1450	100

Percent rounded to the nearest tenth. Other includes inmates of mixed heritage and Polynesian inmates. Source: Territory of Arizona Prison Records, Register and Descriptive List of Convicts, 1884-1910, Reel 23.01-23.03, Arizona State Archives, Phoenix AZ. Numbers based on a sample size of 1450 inmates out of approximately 3000 inmates.

Table 4: The Race of Inmates at the Arizona State Prison in Florence, 1910-1930

Race	Number	Percent of Prison Population
Latinos	682	42.0
Euro-American	729	44.9
African American	108	6.7
Native American	69	4.3
Asian	9	0.6
Unknown	4	0.2
Other	22	1.4
Total	1623	100.1

Percents are rounded to the nearest tenth. Table includes inmates with mixed heritage. Source: Prison Records, Reel 23.1.9-23.10, Reel 23.1.12-23.1.14 Arizona State Archives, Phoenix, AZ. Florence numbers are based on a sample size of 1623 inmates out of approximately 4634 inmates.

Table 5: Number of Inmates Convicted of Grand Larceny and Assault with a Deadly
Weapon at the Yuma Territorial Prison, 1890 to 1909

Race	Number of inmates convicted of Grand Larceny	Percent of Inmates convicted of Grand Larceny	Number of inmates convicted of assault with a deadly weapon	Percent of the inmates convicted of assault with a Deadly Weapon
Latino	121	45.7	71	57.7
Euro- American	96	36.2	34	27.6
Native American	41	15.5	12	9.8
African American	7	2.6	6	4.9
Total	265	100	123	100

Numbers based on a sample size of 1450 inmates out of approximately 3000 inmates.

Percents rounded to the nearest tenth. Source: Territory of Arizona Prison Records, Register and Descriptive List of Convicts, 1884-1910, Reel 23.01-23.03, Arizona State Archives, Phoenix AZ.

Table 6: Number of Inmates convicted of Grand Larceny and Assault with a Deadly
Weapon at Arizona State Prison at Florence, 1910-1930

Race	Number of inmates sent to prison for Grand Larceny	The percent of inmates from each race convicted of Grand Larceny	Number of inmates sent to prison for Assault with a Deadly Weapon	The percent of inmates from each race convicted of Assault with a Deadly Weapon
Latinos	129	41	70	64.8
Euro- American	147	46.7	30	27.8
Native American	17	5.4	1	0.9
African American	17	5.4	7	6.5
Asian	0	0	0	0
Unknown	1	0.3	0	0
Other	4	1.3	0	0
Total	315	100.1	108	100

Percents are rounded to the nearest tenth and the table includes inmates with mixed heritage. Source: Prison Records, Reel 23.1.9-23.1.10, Reel 23.1.12-23.1.14 Arizona State Archives, Phoenix, AZ. Florence numbers are based on a sample size of 1623 inmates out of approximately 4634 inmates.

Table 7: The Racial Breakdown for Inmates Convicted of Assault with a Deadly Weapon, 1890-1930

Race	Number of inmates convicted of this crime prior to 1910	Percent of total convicted of this crime prior to 1910*	Number of inmates convicted of this crime from 1910-1930	Percent of total convicted of this crime from 1910-1930
Latino	30	65.2	38	66.7
Euro-American	10	21.7	9	15.8
Native American	2	4.3	6	10.5
African American	4	8.7	3	5.3
Asian	0	0	0	0
Unknown	0	0	1	1.8
Total	46	99.9	57	100.1

Sources: Territory of New Mexico, Records of Convicts, Roll 1, Penitentiary
Records. 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe.
Inmate Intake Files, Penitentiary of New Mexico Records, New Mexico Department of
Corrections Records, New Mexico State Records Center and Archives. Percents are
rounded to the nearest tenth.

Table 8: Racial Breakdown of inmates at the New Mexico Penitentiary for Livestock Larceny, 1890-1930

Race	Number of inmates convicted of this crime prior to 1910	Percent of total convicted of this crime prior to 1910	Number of inmates convicted of this crime after 1910	Percent of total convicted of this crime after 1910
Latino	89	65.4	81	73.6
Euro-American	42	30.9	24	21.8
Native American	3	2.2	2	1.8
African American	1	.7	1	.9
Asian	0	0	0	0
Unknown	1	.7	1	.9
Other	0	0	1	.9
Total	136	99.9	110	99.9

Percents are rounded to the nearest tenth. Source: Territory of New Mexico, Records of Convicts, Roll 1, Penitentiary Records. 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe. Inmate Intake Files, Penitentiary of New Mexico Records, New Mexico Department of Corrections Records, New Mexico State Records Center and Archives. Inmate Intake Files, Penitentiary of New Mexico Records, New

Mexico Department of Corrections Records, New Mexico State Records Center and Archives.

Table 9: The Racial Breakdown of Inmates convicted of Adultery at the New Mexico Penitentiary, 1890-1909

Race	Number	Percent of total inmates imprisoned for adultery
Latino	117	90.7
Euro-American	9	7
Native American	0	0
African American	2	1.6
Asian	0	0
Unknown	1	0.8
Total	129	100.1

Percents are rounded to nearest tenth. Sources: Territory of New Mexico, Records of Convicts, Roll 1, Penitentiary Records. 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe. Inmate Intake Files, Penitentiary of New Mexico

Records, New Mexico Department of Corrections Records, New Mexico State Records Center and Archives.

Table 10: Race and Murder Sentences of Inmates at the New Mexico Penitentiary.

1890-1909

Race	Number	Average sentence	Number of Life Sentences	Percent of Life Sentences
Latinos	72	24.1	17	70.8
Euro-American	33	20.7	6	25
Native Americans	6	14.3	0	0
African American	7	19.4	1	4.2
Asian	2	26.5	0	0
Total	120		24	100
Overall Average		22.2		

One of the inmates convicted of murder does not have a known race or sentence.

Numbers and percents are rounded to the nearest tenth. Nine Latinos also received sentences of 99 years or more. Sources: Territory of New Mexico, Records of Convicts, Roll 1, Penitentiary Records. 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe.

Table 11: Average Minimum and Maximum Murder Sentences of Inmates at the New Mexico Penitentiary by Race, 1910-1930

Race	Number	Average Minimum Sentence (Years)	Average Maximum Sentence (Years)
Latino	24	23.6	34.9
Euro-American	21	30.8	38
African American	3	40.3	46.3
Native American	2	10	15
Asian	0	0	0
Unknown	1	40	50
Total	51		
Overall Average		27.3	36.4

This table only considers the average sentences of inmates who received indeterminate sentences. Four Inmates got determinate sentences for this crime. Two Inmates got life sentences including one Latino inmate and one European American inmate. Years rounded to the nearest tenth. Source: Inmate Intake Files, Penitentiary of New Mexico Records, New Mexico Department of Corrections Records, New Mexico State Records Center and Archives.

Table 12: A Comparison of the Average Sentences For Inmates Convicted of Murder

Yuma Territorial Prison, 1890-1909

Race	Number	Average Sentence (Years)	Number of Life Sentences	Percent of Total Life Sentences
Latino	23	18.6	16	48.5
Euro-American	16	29.3	10	30.3
Native American	16	22	7	21.2
Total	55	69.9	33	100

Years and percents rounded to the nearest tenth. This table excludes the sole African American who was convicted of murder and received a twelve-year sentence. Source: Territory of Arizona Prison Records, Register and Descriptive List of Convicts, 1884-1910, Reel 23.01-23.03, Arizona State Archives, Phoenix AZ.

Table 13: A Table Comparing the Death Sentences and Life Sentences of inmates at Florence, 1910-1930

Race	Number	Death Sentences	Percent of Total Death Sentences	Life Sentences	Percent of Total Life Sentences
Latino	22	7	30.4	15	40.5
Euro-American	26	10	43.5	15	40.5
Native American	6	1	4.3	5	13.5
African American	4	2	8.7	2	5.4
Asian	3	3	13.0	0	0
Total	61	23	99.9	37	99.9

Percents are rounded to the nearest tenth. Source: Prison Records, Reel 23.1.9-23.10, Reel 23.1.12-.23.1.14 Arizona State Archives, Phoenix, AZ. Florence numbers are based on a sample size of 1623 inmates out of approximately 4634 inmates.

Table 14: The number of Pardons Inmates received at the New Mexico Penitentiary,

1890-1909

Race	Number	Percent of those pardoned	Total number of inmates	Percent of each race pardoned
Latino	60	58.3	635	9.4
Euro-American	39	37.9	370	10.5
Native American	2	1.9	22	9.1
African American	2	1.9	57	3.5
Asian	0	0	7	0
Unknown	0	0	2	0
Other	0	0	7	0
Total	103	100	1100	9.4

Percents are rounded to the nearest tenth. A total of 9.4 percent of the total inmate population received pardons. Sources: Territory of New Mexico, Records of Convicts,

Roll 1, Penitentiary Records. 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe.

Table 15: The Number of Paroles that Inmates Received at the New Mexico Penitentiary, 1910-1930

Race	Number	Percent of those paroled	Total number	Percent of each race paroled
Latino	54	50.9	456	11.8
Euro-American	39	36.8	333	11.7
Native American	6	5.7	32	18.8
African American	4	3.8	45	8.9
Asian	0	0	1	0
Unknown	1	0.9	6	16.7
Other	2	1.9	6	33.3
Total	106	100	879	12.1

Percents are rounded to nearest tenth. This table includes individuals of mixed heritage and Polynesians. Source: Territory of New Mexico, Records of Convicts, Roll

1, Penitentiary Records. 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe. Inmate Intake Files, Penitentiary of New Mexico Records, New Mexico Department of Corrections Records, New Mexico State Records Center and Archives.

Table 16: The Number of Inmates Pardoned by Race Territorial Prison at Yuma,

1890-1909

Race	Number	Percent of those pardoned	Total number	Percent of each Race pardoned
Latino	58	26.6	625	9.3
Euro-American	130	59.6	591	22
Native American	11	5.0	121	9.1
African American	16	7.3	72	22.2
Asian	2	0.9	17	11.8
Unknown	0	0	5	0
Other	1	0.5	19	5.3
Total	218	99.9	1450	15

Percent rounded to the nearest tenth. Numbers based on a sample size of 1450 inmates out of approximately 3000 inmates. Source: Territory of Arizona Prison Records, Register and Descriptive List of Convicts, 1884-1910, Reel 23.01-23.03, Arizona State Archives, Phoenix AZ.

Table 17: Number of Inmates Paroled by Race Yuma Territorial Prison, 1890-1909

Race	Number	Percent of total paroles	Total number	Percent of each race that received paroles.
Latino	46	40.4	625	7.4
Euro-American	50	43.9	591	8.5
Native American	9	7.9	121	7.4
African American	6	5.3	72	8.3
Asian	1	0.9	17	5.9
Other	2	1.8	19	10.5
Unknown	0	0	5	0
Total	114	100.2	1450	7.9

Percents are rounded to the nearest tenth. Source: Territory of Arizona Prison Records, Register and Descriptive List of Convicts, 1884-1910, Reel 23.01-23.03,

Arizona State Archives, Phoenix AZ. Numbers based on a sample size of 1450 inmates out of approximately 3000 inmates.

Table 18: Number of Inmates Paroled by Race State Prison in Florence
1910-1930

Race	Number	Percent of Total Paroles	Total number	Percent of each race that received paroles
Latino	401	39.2	682	58.8
Euro- American	490	47.9	731	67.0
Native American	40	3.9	69	58
African American	73	7.1	108	67.6
Asian	5	0.5	9	55.6
Unknown	3	0.3	4	75
Other	10	1	20	50
Total	1022	99.9	1623	63

Percent rounded to the nearest tenth. Florence numbers are based on a sample size of 1623 inmates out of approximately 4634 inmates. Source: Prison Records, Reel 23.1.9-23.10, Reel 23.1.12-23.1.14 Arizona State Archives, Phoenix, AZ.

Table 19: The Population of Mexican Immigrants in New Mexico and Arizona
1890-1930

Census Year	New Mexico	Percent of New Mexico's General Population	Arizona	Percent of Arizona's General Population
1910	11918	3.6	29452	14.4
1920	19906	6.5	60325	18.1
1930	16347	3.9	48824	11.2

Percents are rounded to the nearest tenth. Source: James Richard Sena. The Survival of a Mexican Extended Family in the United States, Evidence from a Southern California Town: Chino, San Bernardino County, (diss. University of California, Los Angeles, 1973), 47-48

Table 20: The Number of Mexican Immigrants in New Mexico Penitentiary, 1890-

1930

Date	Number	Total Number in Prison	Percent in prison
1890-1909	124	1100	11.3
1910-1930	137	880	15.6
Total	261	1980	13.2

Percent rounded to nearest tenth. Sources: Territory of New Mexico, Records of Convicts, Roll 1, Penitentiary Records. 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe. Inmate Intake Files, Penitentiary of New Mexico Records, New Mexico Department of Corrections Records, New Mexico State Records Center and Archives.

Table 21: The Number of Mexican Immigrants in the Yuma Territorial Prison, 1890-1909 and the Number of Mexican Immigrants in the Arizona State Prison Florence 1910-1930

Date	Number	Total Number in Prison	Percent in prison
1890-1909	519	1450	35.8
1910-1930	497	1623	30.6
Total	1016	3073	33.06

Percents are rounded to the nearest tenth. Source: Territory of Arizona Prison Records, Register and Descriptive List of Convicts, 1884-1910, Reel 23.01-23.03, Arizona State Archives, Phoenix AZ. Prison Records, Reel 23.1.9-23.10, Reel 23.1.12-23.1.14 Arizona State Archives, Phoenix, AZ.

Table 22: Latinos in the New Mexico Penitentiary. The Number of Pardons Given to Inmates based on Ethnicity, 1890-1909

Ethnicity	Number	Percent of those pardoned	Total number	Percent of each ethnic group pardoned
Mexican	6	10	124	4.8
New Mexico	35	58.3	285	12.3
Hispano	16	26.7	174	9.2
Unknown	1	1.7	23	4.3
Other	2	3.3	29	6.9
Total	60	100	635	9.4

Percents rounded to the nearest tenth. Sources: Territory of New Mexico, Records of Convicts, Roll 1, Penitentiary Records. 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe.

Table 23: Latinos in New Mexico. The Number of Paroles Given to Inmates based on Ethnicity, 1910-1930

Ethnic Group	Number	Percent of those paroled	Total number	Percent of each ethnic group paroled
Mexicans	10	18.5	134	7.5
Hispanos	2	3.7	7	28.6
Spanish Americans	0	0	16	0
New Mexico	38	70.4	255	14.9
Texas	3	5.6	22	13.6
Unknown	1	1.9	8	12.5
Other	0	0	14	0
Total	54	100.1	456	11.8

Percents are rounded to nearest tenth. Sources: Territory of New Mexico, Records of Convicts, Roll 1, Penitentiary Records. 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe. Inmate Intake Files, Penitentiary of New Mexico

Records, New Mexico Department of Corrections Records, New Mexico State Records Center and Archives.

Table 24: The Number of Pardons Latinos in the Yuma Territorial Prison Received in 1890-1909

Ethnicity	Number	Percent of those pardoned	Total number	Percent of each ethnic group pardoned
Mexican	42	72.4	519	8.1
Arizona	5	8.6	33	15.2
New Mexico	6	10.3	38	15.8
California	2	3.4	9	22.2
Texas	1	1.7	10	10
Unknown	2	3.4	12	16.7
Other	0	0	4	0
Total	58	99.8	625	9.3

Percents are rounded to the nearest tenth. Other includes Cuban, Peruvian and "American." Source: Territory of Arizona Prison Records, Register and Descriptive List of Convicts, 1884-1910, Reel 23.01-23.03, Arizona State Archives, Phoenix AZ.

Table 25: The Number of Pardons Latinos in the Yuma Territorial Prison Received from 1890-1909

Ethnicity	Number	Percent of those paroled	Total number	Percent of each ethnic group paroled
Mexican	35	76.1	519	6.7
Arizona	4	8.7	33	12.1
New Mexico	3	6.5	38	7.9
California	1	2.2	9	11.1
Texas	1	2.2	10	10
Unknown	1	2.2	12	8.3
Other	1	2.2	4	.3
Total	46	100.1	625	7.4

Percents are rounded to the nearest tenth. Other includes Cuban, Peruvian, and "American." Source: Territory of Arizona Prison Records, Register and Descriptive List of Convicts, 1884-1910, Reel 23.01-23.03, Arizona State Archives, Phoenix AZ.

Table 26: The Number of Latinos Who Received Paroles at the Arizona State Prison,
Florence from 1910-1930

Ethnicity	Number	Percent of those paroled	Total number	Percent of each ethnic group paroled
Mexican	286	71.3	497	57.5
Arizona	74	18.5	109	67.9
New Mexico	15	3.7	29	51.7
Texas	13	3.2	25	52
California	6	1.5	11	54.6
Unknown	1	0.2	2	50
Other	6	1.5	20	30
Total	401	99.9	682	58.8

Percents are rounded to the nearest tenth. Other includes inmates identified as Cuban and Puerto Rican. Source: Arizona State Archives, Phoenix AZ. Prison Records, Reel 23.1.9-23.1.10, Reel 23.1.12-23.1.14 Arizona State Archives, Phoenix, AZ.

Table 27: Average Sentences Given to Latino Inmates Convicted of Livestock

Larceny, 1890-1909

Ethnicity	Number convicted of this crime	Average Sentence (Years)
Mexicans	13	1.8
New Mexico	40	2.2
Hispanos	26	2.4
Texas	6	2.0
Colorado Hispanic	1	1.0
Unknown	3	2.0
Total	89	
Overall Average		2.5

Years rounded to the nearest tenth. Sources: Territory of New Mexico, Records of Convicts, Roll 1, Penitentiary Records. 1884-1917, TANM, New Mexico State Record Center and Archives, Santa Fe.

Table 28: Average Minimum and Maximum Sentences Given to Latino Inmates for Livestock Larceny, 1910-1930

Ethnicity	Total Number	Number given indeterminate sentences	Minimum Sentence (Years)	Maximum Sentence (Years)
Mexican	12	12	1.9	3.0
New Mexico	63	59	1.7	2.7
Texas	3	2	1.5	3.5
Unknown	2	2	1.5	2.50
Total	80	75		
Overall Average			1.7	2.8

Years rounded to the nearest tenth. Source: Inmate Intake Files, Penitentiary of New Mexico Records, New Mexico Department of Corrections Records, New Mexico State Records Center and Archives.

Table 29: The Average Minimum and Maximum Sentences for Latinos at the Arizona State Prison for Grand Larceny, 1910-1930

Ethnicity	Number	Minimum Sentence (Years)	Maximum Sentence (Years)
Mexican	68	1.5	5.4
Arizona	21	1.8	6.1
New Mexican	4	1.4	4.6
Texas	5	1.2	4.4
California	2	1.8	6.5
Lower CA	2	3.0	10.0
Cuba	1	2.0	3.0
Total	103		
Overall		1.6	5.5

Years rounded to the nearest tenth. The table only examines the sentences given to inmates who received indeterminate sentences. Twenty-five Latino inmates received determinate sentences. Source: Arizona State Archives, Phoenix AZ. Prison Records, Reel 23.1.9-23.10, Reel 23.1.12-.23.1.14 Arizona State Archives, Phoenix, AZ.

Table 30: Nevada Federal Prisoners form 1925-28, (Transferred to McNeill)

Race	Number	Percent
Euro-American	145	75.5
Native American	4	2.1
Latino	20	10.4
African American	12	6.25
Asian	11	5.7
Total	192	100

Percents are rounded to the nearest tenth. Sources: Biennial Reports of the Warden, 1889-1912, Nevada Inmate Case Files, Nevada Newspapers, Nevada State Archives and Library, Carson City

Table 31: Nevada State Prisoners by Race, 1890-1930

Race	Number	Percent
Euro-American	780	70.9
Native American	54	4.9
Latino	94	8.5
African American	44	4
Asian	76	6.9
Unknown	47	4.3
Other	5	0.5
Total	1100	100

Percents are rounded to the nearest tenth. Sources: Biennial Reports of the Warden, 1889-1912, Nevada Inmate Case Files, Nevada Newspapers, Nevada State Library and Archives.

Table 32: Latinos, 1890-1930-Nevada State Prison

Ethnicity	Number	Percent
Mexican	69	73.4
New Mexico	5	5.3
Arizona	2	2.1
California	2	2.1
Texas	1	1.1
Chile	1	1.1
Unknown	14	15
Total	94	100.1

Percents rounded to the nearest tenth. Sources: Biennial Reports of the Warden, 1889-1912, Nevada Inmate Case Files, Nevada Newspapers, Nevada State Library and Archives, Carson City.

Table 33: Comparison of the Number of Nevada Inmates who Received the Death

Penalty for Murder 1.

Race	Number who received Death Penalty sentence	Percent of total who received death penalty	Number of each race convicted of murder
Euro- American	8	36.4	16
Native American	7	31.8	8
Latino	1	4.5	5
African American	0	0	0
Asian	1	4.5	2
Other	5	22.7	5
Unknown	0	0	0
Total	22	99.9	36

Percents rounded to the nearest tenth. Sources: Warden's Report to the State, 1890-1912, Nevada Inmate Case Files, Nevada Newspapers, Nevada State Library and Archives, Carson City.

Table 34: Table of the Percent of Inmates of each Race Executed in Nevada, 1890-

1930

Race	Number Executed	Percent of total number executed	Number who received death sentences	Percent of each race executed
Euro-American	2	16.7	8	25
Native American	4	33.3	7	57.1
Latino	0	0	1	0
African American	0	0	0	0
Asian	1	8.3	1	100
Other	5	41.7	5	100
Unknown	0	0	0	0
Total	12	100	22	54.5

Percents rounded to nearest tenth. Sources: Biennial Reports of the Warden, 1889-1912, Nevada Inmate Case Files, Nevada Newspapers, Nevada State Library and Archives, Carson City.

Table 35: Nevada Inmates who received life sentences

Race	Number	Percent of the total life sentences
Euro-American	16	57.1
Latino	6	21.4
Native American	2	7.1
African American	0	0
Asian	4	14.3
Unknown	0	0
Total	28	99.9

Percents rounded to the nearest tenth. Sources: Biennial Reports of the Warden, 1889-1912, Nevada Inmate Case Files, Nevada Newspapers, Nevada State Library and Archives.

Table 36: Number and Average Sentence of those convicted of Burglary in Nevada,

1890-1930

Race	Number	Average Sentence (Years)
Euro-American	101	3.2
Latino	11	1.9
Native American	6	3.7
African American	11	3.0
Asian	1	1.0
Unknown	11	2.8
Total	141	3.0

Years rounded to the nearest tenth. Sources: Biennial Reports of the Warden, 1889-1912, Nevada Inmate Case Files, Nevada Newspapers, Nevada State Library and Archives, Carson City.

Table 37: The Average Sentences for those Convicted of Grand Larceny in Nevada
from 1890-1930

Race	Number	Years
Euro-American	81	2.5
Latinos	6	1.6
Native American	1	2.0
African American	3	2.2
Asian	1	1.5
Unknown	4	1.8
Total	96	2.4

Years rounded to the nearest tenth. Sources: Biennial Reports of the Warden, 1889-1912, Nevada Inmate Case Files, Nevada Newspapers, Nevada State Library and Archives, Carson City.

Table 38: Nevada Inmates convicted of selling liquor to the Indians and the sentences they received, 1890-1930.

Race	Number	Years
Euro-American	52	1.2
Latino	8	1.1
Native American	0	0
African American	1	1.0
Asian	40	1.2
Unknown	9	1.2
Total	110	1.2

Years rounded to the nearest tenth. Sources: Biennial Reports of the Warden, 1889-1912, Nevada Inmate Case Files, Nevada Newspapers, Nevada State Library and Archives, Carson City.

Table 39: Narcotics convictions in Nevada, 1890-1930

Race	Number	Average Sentence
Euro-American	61	3.4
Latino	7	3.9
Native American	8	5.6
African American	5	2.5
Asian	11	2.2
Unknown	0	0
Total	92	3.4

All 8 Native Americans received indeterminate sentences. No whites, African Americans or Asians, received indeterminate sentences. Years rounded to the nearest tenth. Sources: Biennial Reports of the Warden, 1889-1912, Nevada Inmate Case Files, Nevada Newspapers, Nevada State Library and Archives, Carson City.

Table 40: Paroles in Nevada, 1890 -1930

Race	Number	Percent of total
Euro-American	211	79.3
Latinos	26	9.8
Native American	17	6.4
African American	6	2.3
Asian	3	1.1
Unknown	3	1.1
Total	266	100

Percents are rounded to the nearest tenth. Sources: Biennial Reports of the Warden, 1889-1912, Nevada Inmate Case Files, Nevada Newspapers, Nevada State Library and Archives, Carson City.

BIBLIOGRAPHY

Primary Sources

Archives

Arizona State Archives and Libraries, Tempe, Arizona

District Court Records

Territory of Arizona Prison Records

Arizona Historical Society, Tucson State Library and Archives, Tucson, Arizona

Clara T. Woody Collection,

Nevada State Library and Archives, Carson City, Nevada

Inmate Case Files, Nevada State Prison Records

Biennial Reports of the Warden, 1889-1912

New Mexico State Archives and Records Center

Penal Papers, Governor's Records

Newspapers and Magazines

Albuquerque Morning Democrat 22 January 1896, p.3.

Albuquerque Morning Democrat, 1 March 1891, p.4

Albuquerque Morning Democrat, 5 September 1913, p. 8

(Phoenix) Arizona Republican, 6 September 1895, p.1.

Arizona Republican, 16 November 1899, p.4.

Arizona Republican, 19 November 1899, p.1.

Arizona Republican, 30 April 1910, p. 2

Arizona Republican, 14 June 1925, p.1.

Arizona Republican, 28 May 1927, p.1.

Arizona Republican, 20 February 1930, p.1.

Arizona Republican, 21 February 1930, p.1 and p. 8

Caliente Express, 17 May 1906, p.1

Carson City News, 24 July 1903, p.3.

Carson City News, 21 November 1903, p.2.

Carson City News, 24 July 1905, p.1.

Carson City News, 6 December 1906, p.1.

Carson City News, 31 July 1908, p.1.

Carson City News, 25 September 1909, p.1.

Carson City News, 19 November 1911, p.1.

(Winnemucca) Humboldt Starr, 16 September 1908, p.1.

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

(Carson City) The Nevada Tribune, 21 June 1890, p.2.

Omaha Morning Herald, 26 August 1896, p.3.

Reno Evening Gazette, 13 September 1894, p. 1.

Reno Evening Gazette, 17 June 1895, p. 3.

Reno Evening Gazette, 28 March 1908, p. 1.

Reno Evening Gazette, 10 November 1937, p. 2.

San Francisco Chronicle, 21 June 1890, p. 1.

San Jose Mercury News 30 August 1912, p. 4.

Santa Fe New Mexican, 10 April 1899, p. 4.

Santa Fe New Mexican, 10 July 1899, p. 4.

Santa Fe New Mexican, 13 July September 1906, p. 1.

Santa Fe New Mexican, 23 May 1907, p. 1.

Santa Fe New Mexican, 10 April 1916, p. 3.

Santa Fe New Mexican, 8 May 1916, p. 3.

Sparks Tribune 14 October 1929, p.2

Tonopah Daily Bonanza, 13 June 1913, p.1

The Tonopah Sun, 13 July 1907, p.3.

The Tonopah Sun, 13 July 1907, p.6.

The Tonopah Sun, 23 September 1907, p.1

Winnemucca Humboldt Star, 16 July 1929, p.1

Census Reports

Census Bureau, Thirteenth Census of the United States Taken in the Year 1910, Volume II: Population, 1910. Reports by States, with Statistics for Counties, Cities, and Other Civilian Divisions: Nebraska through Wyoming, Alaska, Hawaii, and Porto Rico. Prepared under the supervision of William C. Hunt, Chief Statistician for Population, Bureau of the Census, Washington D.C.: GPO, 1913, 171.

_____. Fourteenth Census of the United States, 1920 (Washington D.C.: Census Bureau, 1920)

Laws

J.H. Parry, Constitutional and Governmental Rights of the Mormons as defined by Congress and the Supreme Court of the United States: Containing the full Text of the Declaration of Independence, The Constitution of the United States, Washington's Farewell address, The Organic Act of Utah Territory, the Anti-Polygamy Law of 1862, The Poland Law of 1874, The Edmunds Law of 1882, The Edmunds-Tucker Law of 1887, the United States Statute of Limitations, The Poor Convict Release Act,

and the Idaho Test Oath Law to Which is Appended a Digest of the Decisions of the Supreme Court of the United States, (Salt Lake City: 1890), 72-79, Western Americana Collection, Reel 122, no. 1349, University of Nevada, Las Vegas Library, Las Vegas.

Books

Axelrod, Alan. Chronicle of the Indian Wars: From Colonial Times to Wounded Knee. New York: Prentice Hall General Reference, 1993.

Bailey, Garrick and Roberta Glenn. A History of the Navajo: The Reservation Years. Santa Fe: School of the American Research Press, 1986.

Barrera, Mario. Race and Class in the Southwest: A Theory of Racial Inequality. Notre Dame: University of Notre Dame Press, 1979.

Bookspan, Shelley. A Germ of Goodness: The California State Prison System, 1851-1944. Lincoln: University of Nebraska Press, 1991.

Butler, Anne. Gendered Justice in the American West: Women Prisoners in Men's Penitentiaries. Urbana: University of Chicago Press, 1997.

Caster, Edward F. and Willis H. Bell. Pima and Papago Indian Agriculture. Albuquerque: The University of New Mexico Press, 1942.

Christianson, Scott. With Liberty for some: 500 Years of Imprisonment in America. Boston: Northeastern University Press, 1998.

Colvin, Mark. Penitentiaries, Reformatories, and Chain Gangs. New York: St. Martin's Press, 1997.

deBuys, William E. Enchantment and Exploitation the Life and Hard Times of a New Mexico Mountain Range. Albuquerque: University of New Mexico Press, 1985.

Deutsch, Sarah. No Separate Refuge: Culture, Class, and Gender on an Anglo-Hispanic Frontier in the American Southwest, 1880-1940. New York: Oxford University Press, 1987.

- Edgerton, Keith. Montana Justice: Power, Punishment and the Penitentiary. Seattle: University of Washington, 2004.
- Elliott, Russell. History of Nevada 2nd ed. ed. Lincoln: University of Nebraska Press, 1987.
- Forest, Suzanne. The Preservation of the Village: New Mexico's Latinos and the New Deal. Albuquerque: University of New Mexico, 1989.
- Freedman, Estelle. Their Sisters Keepers: Women's Prison Reform in America. Ann Arbor: University of Michigan Press, 1981.
- García, Mario T. Desert Immigrants: the Mexicans of El Paso, 1880-1920. New Haven: Yale University Press, 1981.
- Gonzales, Manuel. Mexicanos: A History of Mexicans in the United States. Bloomington: Indiana University Press, 1999.
- Griswold del Castillo, Richard and Arnolde De León. North to Aztlán: A History of Mexican Americans in the United States. New York: Twayne Publishers, 1996.
- Gutiérrez, David. Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity. Berkeley: University of California Press, 1995.
- Henderson, Charles Richmond. Prison Reform: Correction and Prevention ed. Ann Greer (1910; reprint, Dubuque, Iowa: Brown Reprints, 1971)
- Hulse, James W. The Silver State: Nevada's Heritage Reinterpreted 3rd ed. Reno: University of Nevada Press, 2004.
- Iverson, Peter. Diné: A History of the Navajos. Albuquerque: University of New Mexico Press, 2002.
- . The Navajo Nation. Westport Connecticut: Greenwood Press, 1981.
- Jeffery, John Mason. Adobe and Iron: The Story of the Arizona Territorial Prison at Yuma. La Jolla: Prospect Avenue Press, 1969.

- Keve, Paul W. Prisons and the American Conscience: A History of the U.S. Federal Corrections. Carbondale: Southern Illinois University Press, 1995.
- Lombroso, Caesar and William Ferrero. The Female Offender. New York: D. Appleton and Company, 1898.
- Luckingham, Bradford. Minorities in Phoenix: A Profile of Mexican American, Chinese American, and African American Communities. Tucson: University of Arizona Press, 1994.
- Luey, Beth and Noel J. Stowe, eds. Arizona at 75: The Next Twenty-Five Years. Tucson: University of Arizona, 1987.
- McGinn, Elinor Myers. At Hard Labor: Inmate Labor at the Colorado State Penitentiary, 1871-1940. New York: Peter Lang Publishing, 1993.
- McKelvey, Blake. American Prisons: History of Good Intentions. Montclair, New Jersey: Patterson Smith Corporation, 1977.
- . American Prisons: A Study in American Social History Prior to 1915. Montclair, N.J: Patterson Smith, 1968.
- McKenna, Clare V. Homicide, Race, and Justice in the American West, 1880-1920. Tucson: University of Arizona Press, 1997.
- Meir, Matt S. and Felicia Rivera. The Chicanos: A History of Mexican Americans. New York: Hill and Wang, 1972.
- Miranda, M. L. A History of Hispanics in Southwestern Nevada. Reno: University of Nevada Press, 1997.
- Montoya, María E. Translating Property: the Maxwell Land Grand and the Conflict Over Land in the American West, 1840-1900. Berkeley: University of California Press, 2001.
- Moore, Daniel. Enter without Knocking. Tucson: University of Arizona Press, 1969.
- Oldham, Willa. Carson City: Nevada's Capital City. Genoa: Desk Top Publishers, 1991.
- Penrose, Matthew. Pots O' Gold. Reno: A. Carlisle & Co. Of Nevada, 1935.

- Perry, Richard J. Apache Reservation: Indigenous Peoples and the American State. Austin: University of Texas Press, 1993.
- Piscotta, Alexander W. Benevolent Repression: Social Control and the American Reformatory-Prison Movement. New York: New York University Press, 1994.
- Poldervaart, Arie W. Black-Robed Justice. Santa Fe: Historical Society of New Mexico, 1948.
- Rafter, Nicole. Partial Justice: Women, Prisons, and Social Control, 2nd Edition. New Brunswick: Transaction Publishers, 1990.
- Rothman, David J. "Perfecting the Prison: United States, 1789-1865" In Oxford History of the Prison, edited by Norval Morris and David J. Rothman, 111-130. Oxford: Oxford University Press, 1995.
- Russett, Cynthia Eagle. Sexual Science: The Victorian Construction of Womanhood. Cambridge: Harvard University Press, 1989.
- Scott, Lalla. Karnee: A Paiute Narrative. Reno: University of Nevada Press, 1966.
- Sheridan, Thomas. Arizona: A History. Tucson: University of Arizona Press, 1995.
- Sheridan, Thomas and Nancy J. Parezo, eds. Paths of Life: American Indians of the Southwest and Northern Mexico. Tucson: University of Arizona Press, 1996.
- Sullivan, Larry E. The Prison Reform Movement: Forlorn Hope. Boston: Twayne Publishers, 1990.
- Trafzer, Cliff and Stephan George. Prison Sentential 1876-1975: A Pictorial History of the Arizona Territorial Prison at Yuma. Yuma: Yuma County Historical Society, 1980.
- Worcester, Donald. The Apaches: Eagles of the Southwest. Norman: University of Oklahoma Press, 1979.

Dissertations

Johnson, Judith R. "For any Good at all: A Comparative Study of State Penitentiaries in Arizona, Nevada, New Mexico and Utah for 1900 to 1980." Ph.D. Diss, University of New Mexico, 1987.

Knepper, Paul Eduard. "Imprisonment and Society in Arizona Territory." Ph.D. Diss, Arizona State University, 1990.

Journal Articles

Butler, Anne. "Women's Work in Prisons of the American West, 1865-1920." Western Legal History 7, no. 2 (Summer /Fall 1994): 201-222.

———. "'Still in Chains: Black Women in Western Prisons, 1865-1910'." Western Historical Quarterly 20, (February 1989): 19-35.

Crail-Rugotzke, Donna. "A Matter of Guilt: The Treatment of Hispanic Inmates by New Mexico Courts and the New Mexico Territorial Prison, 1890-1912." New Mexico Historical Review 74, no. 3 (July 1999): 295-314.

Edgerton, Keith. "Power, Punishment, and the United States Penitentiary at Deer Lodge City, Montana Territory, 1871-1889." The Western Historical Quarterly 28, no. 2 (Summer 1997): 160-184.

Hahn, Nicolas. "Female State Prisoners in Tennessee: 1831-1979'." Tennessee Historical Quarterly 39, (1980): 485-497.

Hanes, Richard C. Hanes. "Cultural Persistence in Nevada: Current Native American Issues." Journal of California and Great Basin Anthropology 4, no. 3 (Winter 1982): 201-221.

Kremer, Gary. "Strangers to Domestic Virtues: Nineteenth Century Women in the Missouri Prison." Missouri Historical Review 84, (1990): 293-310.

Lecompte, Janet. "Independent Women of Hispanic New Mexico." Western Historical Quarterly 12, (January 1981).

McKelvey, Blake. "Penology in the Westward Movement." The Pacific Historical Review 2, no. 4 (Dec., 1933): 418-438, <http://links.jstor.org/sici?sici=0030-8684%28193312%292%3A4%3C418%3APITWM%3E2.0.CO%3B2-Q>

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

Melcher, Mary. "'This is Not Right': Rural Arizona Women Challenge Segregation and Ethic Division, 1925-1950." Frontiers 20, (1999): 290-214.

Parker, Linda. "'Superior Court Treatment of Ethnics Charged with Violent Crimes in Three California Counties, 1880-1910'." Southern California Quarterly 74, (Fall 1992): 225-246.

———. "'Murderous Women and Mild Justice: A Look at Female Violence in Pre-1910 San Diego, San Luis Obispo, and Tuolumne Counties'." Journal of San Diego History 38, no. 2 (1992): 23-49.

Rafter, Nicole. "'Gender, Prisons, and and Prison History'." Social Science History 9, (Fall 1985): 233-245.

Sprenger-Farley, Terri. "'the Great Prison War'." Nevada (November-December 1984): 42.

———. "The Unthinkable Mollie Forshay." Nevada (May-June 1982): 24-26.

Stern, Alexandra Minna. "Buildings, Boundaries, and Blood: Medicalization and Nation-Building on the U.S-Mexico Border, 1910-1930." The Hispanic Historical Review 79, no. 1 (February 1999): 41-81.

Tynan, Thomas J. "Prison Labor on Public Roads." Annals of the American Academy of Political and Social Science 46, no. Prison Labor (Mar., 1913): 58-60,
<http://links.jstor.org/sici?sici=0002-7162%28191303%2946%3C58%3APLOPR%3E2.0.CO%3B2-F>.

Waite, Robert. "Necessary to Isolate the Female Prisoners: Women Convicts and the Women's Ward at the Old Idaho Penitentiary." Idaho Yesterdays 29, (1985): 2-15.

Wood, Arthur Evans. "Crime and Penology." The American Journal of Sociology 36, no. 6 (May, 1931): 1017-1029, <http://links.jstor.org/sici?sici=0002-9602%28193105%2936%3A6%3C1017%3ACAP%3E2.0.CO%3B2-V>

VITA

Graduate College
University of Nevada, Las Vegas

Donna Crail-Rugotzke

Home Address:

9444 Coral Berry ST
Las Vegas, NV 89123

Degrees:

Bachelor of Science, History, 1990
University of Wyoming, Laramie

Master of Arts, History 1995
University of Nevada, Las Vegas

Special Honors and Awards:

Best Graduate Student Beyond Comprehensive Exams Award
History Department, University of Nevada, Las Vegas, 2002

Publications:

"A Matter of Guilt: The Treatment of Hispanic Inmates by New Mexico Courts and the New Mexico Territorial Prison, 1890-1912," The New Mexico Historical Review, 74, no. 3 (July 1999), 295-314.

Dissertation Title:

The Treatment of Minorities and Women by Southwestern Courts and Prisons.

Dissertation Committee:

Committee Chair: Dr. Maria Requel Cases, Ph.D.
Committee Member: Dr. David Tanenhaus, Ph.D.
Committee Member: Dr. Willard Rollings, Ph.D.
Committee Member: Dr. Elspeth Whitney, Ph.D.
Graduate Faculty Member: Dr. Beth Rosenberg, Ph.D.