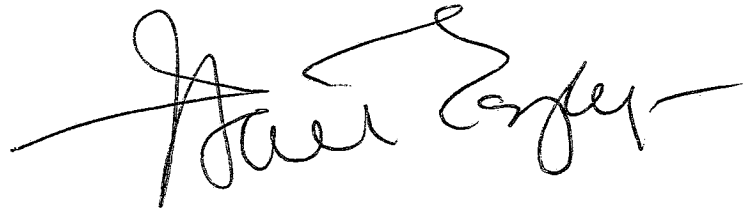


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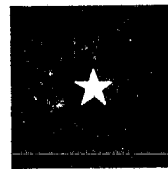
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# A HISTORICAL ATLAS OF TEXAS

By William C. Pool

Maps by Edward Triggs  
and Lance Wren



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510 Baylor : Austin, Texas  
ISBN 0-88426-033-X

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## FRONTIER FORTS, 1846-1867



WHEN TEXAS was annexed to the Union in 1845-46, the United States government acquired an additional burden of border and frontier defense. Colonel William S. Harney was in San Antonio with no army to command. When the Comanches began their raids, acting Governor Albert C. Horton asked for troops; he received several companies of state militiamen who were to serve temporarily under the United States Army. The companies were located at (1) Conner's Station on Richland Creek in southern Navarro County, (2) Ross's Station on the North Bosque River, probably in present McLennan County, (3) McCulloch's Station on Hamilton Creek in present Burnet County, (4) Medina Station on the Medina River in present Medina County, (5) Fredericksburg in Gillespie County, and (6) two companies were stationed in Austin. This feeble and inadequate beginning marks the first real line of defense in Texas.

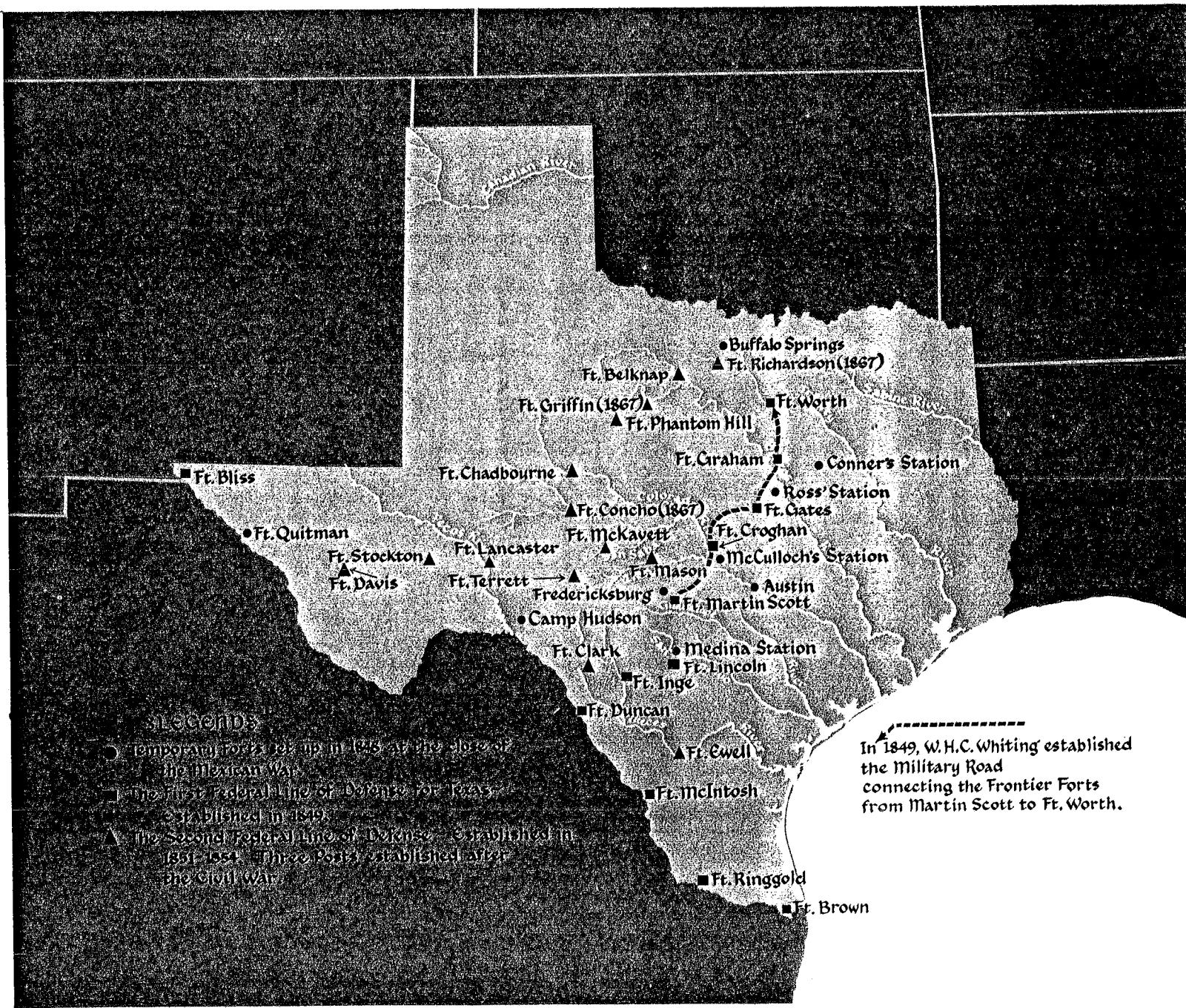
In 1849 the United States Army established the first line of federal forts staffed and manned by federal troops. This line of defense included the following: (1) Fort Worth, on a bluff overlooking the confluence of the Clear Fork and West Fork of the Trinity River on the site of the present city of Fort Worth; (2) Fort

Graham, on the east bank of the Brazos River near the site of the old José María Indian village south of present Blum in Hill County; (3) Fort Gates, on the north bank of the Leon River above its junction with Coryell Creek east of present Gatesville; (4) Fort Croghan, on Hamilton Creek in present Burnet County three miles south of the town of Burnet; (5) Fort Martin Scott, on Baron's Creek in present Gillespie County about two miles south of Fredericksburg; (6) Fort Lincoln, on the west bank of Seco Creek a mile north of D'Hanis in present Medina County; (7) Fort Inge, on the east bank of the Leona River in present Uvalde County; (8) Fort Duncan, on the east bank of the Rio Grande at present Eagle Pass; and (9) Fort Bliss, at present El Paso.

In addition to the above posts, the 1849 line of defense included the border posts of Fort McIntosh at Laredo, Fort Ringgold (or Ringgold Barracks) at Rio Grande City (known also as Davis' Landing), and Fort Brown at Brownsville.

Within a few months the 1849 posts proved inadequate. After a study of the problem the War Department began the construction of a second line of defense posts further west, extending eventually to





**Legend:**

- Temporary Forts set up in 1848 at the close of the Mexican War
- The first Federal line of Defense for Texas established in 1849
- ▲ The Second Federal line of Defense established in 1851-1854. Three Forts established after the Civil War.

In 1849, W.H.C. Whiting established the Military Road connecting the Frontier Forts from Martin Scott to Ft. Worth.

General N. P. Banks and a Federal army captured Brownsville and adjacent points in the lower Rio Grande valley; Banks's troops pushed up the Texas coast to take Fort Esperanza and Indianola. In the summer of 1864, Colonel John S. Ford recaptured Brownsville, but the mouth of the Rio Grande remained in Federal hands until the close of the war.

Both the Confederate government at Richmond and the state government at Austin realized the necessity of protecting the frontier settlers from Indian attack, but by the fall of 1861 it became clear that Texas would have to provide for its own protection against the Indians. As a result, the state legislature (in November, 1861) provided for ten companies, known as the Frontier Regiment, under the command of Colonel James M. Norris, assisted by Alfred T. Obenchain and J. E. McCord. The Frontier Regiment was then scattered along the Texas frontier in sixteen camps: Camp Cureton in Archer County; Old Fort Belknap in Young County; Camp Breckenridge in Stephens County; Camp Salmon in northeast Callahan County; Camp Pecan in southern Callahan County; Camp Collier in Brown County; Camp McMillan on Richland Creek in San Saba County; Camp San Saba on the Mason-San Saba county line; Camp Llano on the Llano River in Mason County; Camp Davis on White Oak Creek in Gillespie County; Camp Verde in southern Kerr County; Camp Montel on Seco Creek in Bandera County; Camp Dix in Uvalde County; Camp Nueces on the Nueces River in present Zavala County; Camp Rabb in the southwestern corner of present Zavala County; and Fort Duncan on the Rio Grande at Eagle Pass.

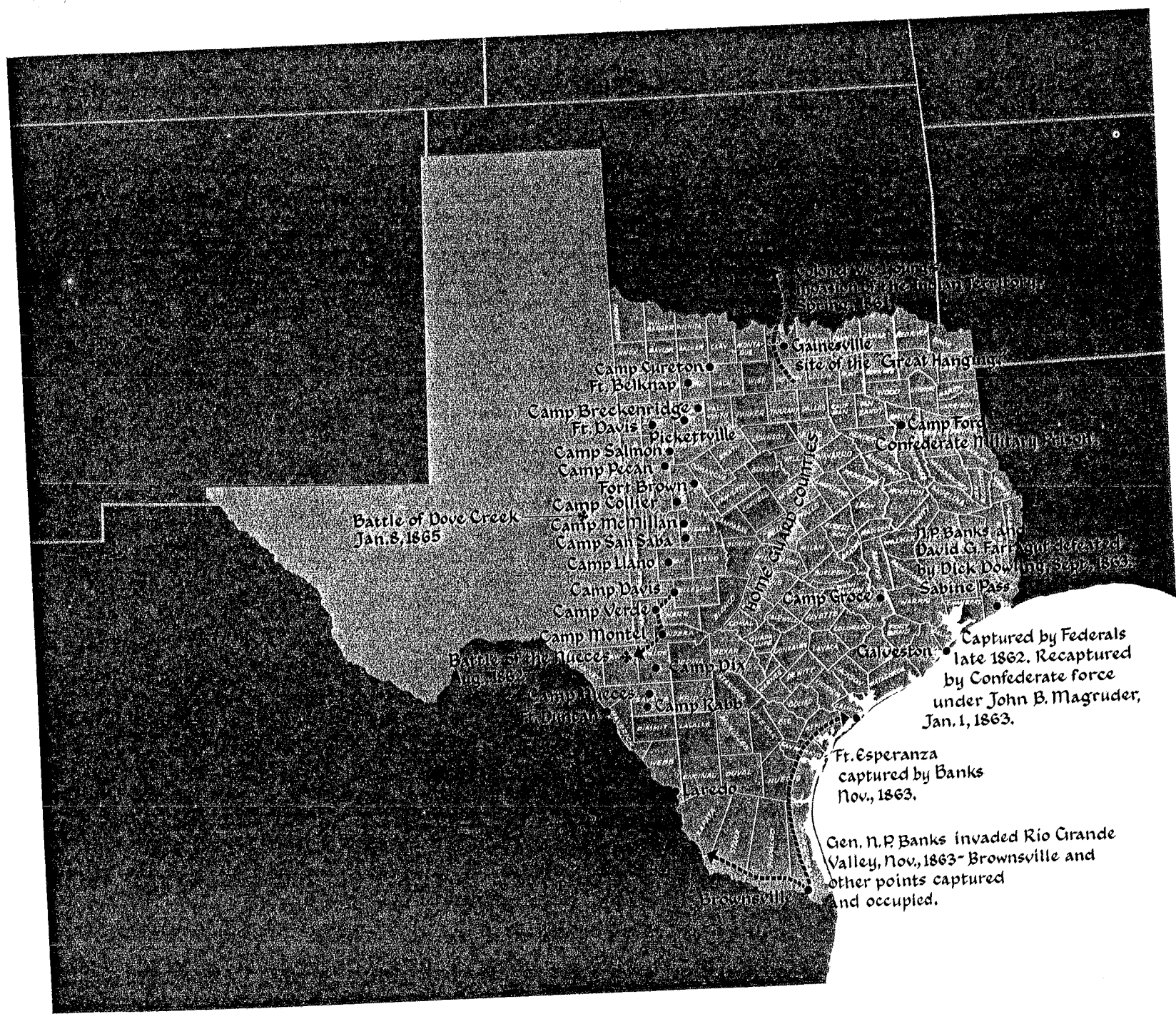
Late in 1863 the troops of the Frontier Regiment were transferred to the Confederate Army by Governor Pendleton Murrah; the regiment was to remain in Texas but not necessarily on the frontier. As a result of this loss, the state legislature, on December 15,

1863, provided that all men in a tier of frontier counties from the Red River to the Rio Grande should be organized into companies of state troops; at least one fourth of these men were to be in the field at all times, with the remainder on call. The counties selected were Cooke, Wise, Parker, Johnson, Bosque, McLennan, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Atascosa, Live Oak, La Salle, Dimmitt, and Maverick. The northern division, with headquarters at Decatur, was under the command of a Major Quayle; the central division, with headquarters at Gatesville, was commanded by Major George B. Erath; and the southern division, with headquarters at San Antonio, was commanded by J. D. McAdoo.

This system of a "home guard" worked very well, probably because the Indians were relatively quiet in 1864 and 1865. In January, 1865, several companies from the central Texas counties, assisted by Confederate troops (the old Frontier Regiment) attacked and defeated a group of Kickapoo Indians in the battle of Dove Creek, a small tributary to Spring Creek in present Tom Green County. It is of significance, however, that these "volunteer" troops were often called on to make extended Indian scouting treks into the wilds of West Texas. Poorly equipped and poorly supplied, these journeys became real ordeals, and the student of history must sympathize with one old veteran of these Civil War scouting parties, who, after facing one bitter Texas winter after another, recorded in his diary: "Norther blew up last night very cold pack up the meat At day light March and froze to Phantom Hill Commences snowing in the evening Snow on to midnight Slept under a green buffalo hide froze stiff in the Morning" and, after reaching the end of the trail "Camp at Meridian in Bosque Co. big rain all got drunk." About time!

At times the Confederate state government could be intolerant and despotic. Elise Waerenskold, a Nor-

Confederate



Battle of Dove Creek  
Jan. 8, 1865

Banks' Invasion  
Aug. 1862

Captured by Federals  
late 1862. Recaptured  
by Confederate force  
under John B. Magruder,  
Jan. 1, 1863.

Ft. Esperanza  
captured by Banks  
Nov., 1863.

Gen. N.P. Banks invaded Rio Grande  
Valley, Nov., 1863 - Brownsville and  
other points captured  
and occupied.

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# THE HANDBOOK OF TEXAS

WALTER PRESCOTT WEBB  
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IN TWO VOLUMES

Volume I



AUSTIN

The Texas State Historical Association

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increased in volume with the establishment of Fort Brown.<sup>qv</sup> In May, 1846, the Mexican War engagements of Palo Alto and Resaca de la Palma<sup>qv</sup> were fought in the vicinity of the fort.

A village which grew up around the fort was called Brownsville and was promoted by Charles Stillwell in 1848. In 1849 and 1850 California-bound gold-seekers came through the area, landing at Point Isabel and taking the military road to the West; some remained to become settlers. Border difficulties along the Rio Grande arose in title controversies between earlier settlers and the new Anglo-American intruders. A board of land commissioners examined claims to land in the area and in 1852 the legislature confirmed many Spanish and Mexican grants. In 1860 the legislature again authorized Spanish and Mexican grantees to establish their titles by court procedure. The activities of Juan N. Cortina<sup>qv</sup> in 1859 were, to a degree, an expression of Mexican-American rivalry.

By 1860 Brownsville was a thriving city; the Civil War made it the principal port for shipment of cotton and supplies to elude the Federal blockade, and cotton caravans traversed the county from north to south on their way to Matamoros and Bagdad. Other caravans bore salt from El Sal del Rey. Federal forces occupied the county in 1864, but it was later recaptured by the Confederates, and the last land battle of the Civil War, that of Palmito Ranch,<sup>qv</sup> was fought near Brazos Santiago in May, 1865.

In 1850 and in 1853 the Rio Grande Railway and Turn Pike Company and the Brownsville and Rio Grande Railway were projected for the county, but neither was built; the first railroad actually built in Cameron County was a military road constructed by Philip H. Sheridan<sup>qv</sup> from Brazos Santiago to White Ranch. A line chartered in 1866 to build from Point Isabel to Brownsville did not materialize, but in 1871 the Rio Grande Railway between those points did begin operation. The St. Louis, Brownsville, and Mexico Railroad built across the county in 1904 and the San Benito and Rio Grande Valley was built in 1912. In 1927 the San Antonio and Aransas Pass was completed from Harlingen to Brownsville.

The interior and northern parts of the county remained ranch land with small villages occupied by Mexican shepherders before 1910; population that year was 45,000, and there were forty-five schools in the county. Sugar cane and sugar mills as well as irrigation increased industry and population as did the tourist business. World Wars I and II brought increased military activity and international trade, which was promoted by completion of the ship channel which made Brownsville a deep water port. Population in 1940 was 83,202 and in 1950 was 124,834.

**BIBLIOGRAPHY:** C. E. Castañeda, *Our Catholic Heritage*, I (1936) and III (1938); Wallace Hawkins, *El Sal del Rey* (1947); *Texas: A Guide to the Lone Star State* (1940); *Texas Almanac* (1947).

**Camey Spur.** Camey Spur, in southeastern Denton County, is a spur on the St. Louis and San Francisco (Frisco) Railroad with a boxcar office on a side track. The settlement was established for the convenience of the family of Captain William McKamy, immigrants of 1852 from Tennessee. In 1947 population was forty-seven.

*Lorena Bates Smith*

**Camilla, Texas.** Camilla, five miles east of Coldspring in San Jacinto County, was named for

Mrs. Camilla Davis. Early settlers included W. D. Mitchel, L. S. McMickin, and John Cleveland. The village had five businesses and a population of one hundred in 1945.

*Ruth Hansbro*

**Camino Real.** See Old San Antonio Road.

**Camole Indians.** The Camole, an unidentified Indian tribe living on the Texas coast west of the Susola and Como,<sup>qv</sup> were met by Alvar Núñez, Cabeza de Vaca,<sup>qv</sup> in 1528-1534.

**BIBLIOGRAPHY:** F. W. Hodge (ed.), *Handbook of American Indians*, I (1907).

*Margery H. Krieger*

**Camp, John Lafayette.** John Lafayette Camp, son of John L. and Elizabeth (Brown) Camp, was born on February 20, 1828, on a farm near Birmingham, Alabama. He graduated from the University of Tennessee in 1848, came to Texas in 1849, and settled at Gilmer, where he taught school, married Mary Ann Ward in 1851, and practiced law until the Civil War. In 1861 he became captain of an Upshur County company and was later elected colonel of the 14th Texas Regiment, C.S.A., serving throughout the war, being twice wounded and twice captured.

In 1866 Camp was elected to represent Texas in the United States Congress, but the Radical Congress refused him a seat. He was a member of the Constitutional Convention of 1866.<sup>qv</sup> He became a state senator in 1874 and campaigned for the framing of the Constitution of 1876.<sup>qv</sup> In 1878 he was elected a district judge. President Grover Cleveland appointed Camp land commissioner for Arizona. At the end of one term he returned to San Antonio, where he died in 1891. Camp County was named in his honor.

**BIBLIOGRAPHY:** *Dictionary of American Biography*, III (1929).

**Camp, John Lafayette, Jr.** John Lafayette Camp, Jr., son of Mary Ann (Ward) and John Lafayette Camp,<sup>qv</sup> was born on September 23, 1855, in Gilmer, Texas. He attended Texas Military Institute and Trinity University<sup>qv</sup> at Tehuacana. Admitted to the bar in 1874, he became county attorney for Upshur County. In 1887 he represented the county in the Texas Senate. He married Mary Lamartine Felder of Navarro County at Leesburg on October 26, 1881. They were the parents of nine children. Camp moved from Gilmer to Tyler, and from Tyler to San Antonio in 1890. In 1897 he was appointed judge of the Forty-fifth District Court by Governor Charles A. Culberson<sup>qv</sup> and served as judge for seventeen years until President Woodrow Wilson appointed him United States district attorney for the Western District of Texas in 1913. As federal attorney he secured the evidence leading to the arrest of Victoriano Huerta. Camp died in San Antonio on August 10, 1918.

**BIBLIOGRAPHY:** *Dictionary of American Biography*, III (1929).

**Camp Allison, Texas.** Camp Allison, on the North Llano River in southeastern Sutton County, was named for George S. Allison, who began grazing cattle on the free range of the area in 1885 and later bought land on which he contributed a free camp site and public park. The one-store ranch supply point has reported a post office and a population of twenty-five since 1930.

**Camp Austin.** Camp Austin, on the left bank of the Colorado River in Austin, Texas, became a military depot on November 20, 1848. The first garrison, commanded by J. H. King, was composed

of two companies of the 1st United States Infantry. Temporary buildings made by sinking cedar posts in the ground were weatherboarded and shingled. They were located on a 236-foot square, enclosed with a plain fence. Subsistence stores and some quartermasters' stores were brought first from Indianola and later from San Antonio. While Colonel William S. Harney<sup>17</sup> was in command at the camp, he hoped to make Austin the military center of the state, but there were probably no troops at the post from 1852 until after the Civil War, when Austin was occupied by the 6th United States Cavalry.

**BIBLIOGRAPHY:** Joseph H. and James R. Toulouse, *Pioneer Posts of Texas* (1936); Arrie Barrett, *Federal Military Outposts in Texas, 1846-1861* (M.A. thesis, University of Texas, 1927); *Texas Almanac* (1936).

**Camp Barkeley.** Originally planned as a temporary tent camp to house an infantry division and supply troops, Camp Barkeley, nine miles southwest of Abilene, Texas, became one of the state's largest military establishments of World War II. Named for David D. Barkeley, who was killed in the Meuse-Argonne of World War I, the camp was one of the only two in the nation named in honor of enlisted men.

Actual construction of the camp was begun on December 17, 1940; the army accepted it officially from the constructing quartermaster on February 15, 1941. The estimated cost of less than \$4,000,000 rose to \$25,000,000 with expansions and conversions from a temporary tent camp to a cantonment of hutments.

The first major military unit to occupy the camp was the 45th Infantry Division, a National Guard organization of units from Oklahoma, Arizona, New Mexico, and Colorado, commanded by Major General William S. Key. On December 1, 1941, a Medical Replacement Training Center, commanded by Brigadier General Roy O. Heflebower was activated and later expanded from four battalions to fifteen. A Medical Administrative Corps officer candidate school, the only school of its kind operated by the Medical Administrative Corps, was activated in May, 1942. It graduated a total of approximately 12,500 candidates.

Early in 1942, the 45th Division moved to a theatre of operations tent camp adjoining the original camp, leaving the permanent camp area for the 90th Division, activated in March, 1942.

Under commanding Colonel Henry A. Fince, Camp Barkeley was a complete city unit with a 2,300 bed hospital, two cold storage plants, a bakery, four theaters, two service clubs for enlisted personnel, fifteen chapels, and thirty-five post exchange buildings. Military personnel were housed in hutments, except for some four thousand in barracks at the post.

Camp Barkeley became surplus March 21, 1945.

**Camp Belknap.** Camp Belknap, in Young County near Fort Belknap,<sup>18</sup> was established on March 17, 1862, by James M. Norris<sup>19</sup> as a Ranger station for the Frontier Regiment.<sup>20</sup> Manned by members of Captain J. J. (Jack) Cureton's<sup>21</sup> company, the camp engaged in frontier patrol duty until March, 1864, when the Frontier Regiment was consolidated at Fort Belknap.

**BIBLIOGRAPHY:** W. C. Holden, *Frontier Problems and Movements, 1846-1900* (Ph.D. thesis, University of Texas, 1928).

**Camp Ben McCulloch.** Camp Ben McCulloch, in Hays County near Driftwood, was or-

ganized in the summer of 1896 as a reunion camp for Confederate veterans and was named for Ben McCulloch.<sup>22</sup> The first commander was Captain M. L. Reed of Henly. Annual three-day reunions were held, often with five or six thousand persons attending. In 1930 Ben McCulloch was said to be the largest Confederate camp in existence. The last reunion, the Golden Jubilee, was held on August 9, 1946, and included a memorial service for the camp's last two members who had died the previous year.

**BIBLIOGRAPHY:** Thomas Fletcher Harwell, *Eighty Years under the Stars and Bars* (1947); *Austin American*, August 9, 1946.

**Camp Blake.** Camp Blake, a temporary military installation on the San Pedro River in Val Verde County, was established soon after the Mexican War on the old military road between San Antonio and El Paso. The post was named for Lieutenant J. E. Blake, a topographical engineer who distinguished himself in the battle of Palo Alto.<sup>23</sup>

**BIBLIOGRAPHY:** *Texas Almanac* (1936).

**Camp Bowie.** Two United States Army camps have been named in honor of the Texas patriot James Bowie.<sup>24</sup> The first was established at Fort Worth during World War I. The second Camp Bowie, located at Brownwood in September, 1940, was the first World War II major defense construction project in Texas. Both camps were established as training centers for the 36th Division, Texas National Guard.<sup>25</sup>

The Brownwood camp, an infantry and artillery training center, was first occupied at the end of December, 1940, by the 111th Quartermaster Regiment of the 36th Division, commanded by Major General Claude V. Birkhead. As Camp Bowie expanded from an original 2,000 acres to a total of 120,000 acres by October, 1942, it was occupied, in addition to the 36th, by the 113th Cavalry of the Iowa National Guard, the VIII Army Corps and the VIII Army Corps Headquarters, and troops of the Third Army under General Walter Krueger. The Third Army personnel at Camp Bowie was composed of special troops of the 7th Headquarters Detachment of the Third Army, medical units ranging from the 2nd to the 17th, some engineer companies, signal battalions, and chemical companies. The VIII Corps comprised the 174th and 142nd Field Artillery groups. The 13th Field Artillery Brigade, the 4th Armored Division, and the 7th Headquarters Special Troops of the Fourth Army were also stationed at Camp Bowie at various times. A WAC contingent was attached to the Tank Destroyer Group and the Service Command Unit. A Rehabilitation Center to serve all posts and camps of the Eighth Service Command was set up in January, 1942, and in August, 1943, a prisoner of war camp with a capacity of three thousand prisoners was established within the post.

Camp Bowie was declared surplus by a War Department order, effective August 31, 1946.

*Public Relations Office*

**Camp Branch.** At least two Texas streams are known as Camp Branch. Arranged in alphabetical order according to the counties in which they head, they are:

(1) Camp Branch, rising in southwestern Bowie County and emptying into Bassett Creek near the town of Bassett.

(2) Camp Branch, rising in east central Tyler County and flowing east into Rush Creek.

**Camp Breckenridge.** Camp Breckenridge, at the site of the town of Breckenridge in Stephens County, was a Frontier Regiment<sup>qv</sup> ranger station established by James M. Norris<sup>qv</sup> on March 21, 1862. Manned by men of Captain John Salmon's company, the station sent out patrol squads possibly as late as March, 1864, when the Regiment's companies were consolidated at Fort Belknap.<sup>qv</sup>

**BIBLIOGRAPHY:** W. C. Holden, *Frontier Problems and Movements, 1846-1900* (Ph.D. thesis, University of Texas, 1928).

**Camp Bullis.** Camp Bullis, named for John Lapham Bullis,<sup>qv</sup> was established in 1917 as a target range and maneuver ground for Fort Sam Houston and Camp Travis.<sup>qv</sup> Area of the camp was 4,871.42 square miles. Never a permanent installation, it was used for a training area for the regular army and the national guard and for a time in 1921 was occupied by one company of the 9th United States Engineers. In 1922 Camp Bullis was consolidated with Fort Sam Houston.

**Camp Cabell.** Camp Cabell, a temporary United States military installation during the Spanish-American War, was located at Dallas, Texas. Named for Ben E. Cabell, a Confederate general, the camp was occupied for a time by the 2nd Texas Volunteer Infantry.

**BIBLIOGRAPHY:** Dallas *Morning News*, July 19, 1925.

**Camp Casa Blanca.** See Camp Merrill.

**Camp Cazneau.** See Kenney's Fort.

**Camp Collier.** Camp Collier, at Vaughn's Springs on Clear Creek in Brown County, was established by James M. Norris<sup>qv</sup> on March 23, 1862, as a ranger post for the Frontier Regiment.<sup>qv</sup> Manned by members of Captain T. M. Collier's company, the post probably sent out scouting parties until the consolidation of the Regiment at Fort Belknap<sup>qv</sup> in March, 1864.

**BIBLIOGRAPHY:** W. C. Holden, *Frontier Problems and Movements, 1846-1900* (Ph.D. thesis, University of Texas, 1928).

**Camp Colorado.** Camp Colorado was probably temporarily located in 1855 near present Ebony in Mills County. In August, 1856, Troops A and F, 2nd United States Cavalry, under Major Earl Van Dorn,<sup>qv</sup> moved the camp to Mukewater Creek, Coleman County, about six miles north of the Colorado River. Because of sickness among the soldiers, the post was moved twenty miles north to Jim Ned Creek in July, 1857. Commanders who succeeded Van Dorn included Edmund Kirby Smith, Lawrence S. (Sul) Ross, John Bell Hood, and Fitzhugh Lee.<sup>qv</sup> Robert E. Lee<sup>qv</sup> visited the camp at least twice on tours of inspection.

From 1857 to 1861 Camp Colorado was the center of Coleman County's settlements. The buildings were of adobe with shingled roofs and pine plank floors, the lumber, doors, and windows being hauled by ox team from East Texas. A post office and a telegraph line, along the Wire Road between the camp and army headquarters at San Antonio, gave outside communication. People settled at all of the near-by water holes. In 1857, J. C. Mullins, a graduate of Yale University, settled east of the camp and taught school under an elm tree on the post.

The camp was abandoned on February 26, 1861, by order of General David E. Twiggs.<sup>qv</sup> With the exception of Lieutenant George B. Cosby, the men

stationed at the camp all went into the Confederate service. After the departure of United States troops, Captain W. Pitts and later Captain J. M. Holmsley, commanded companies of state troops at the camp until early in 1862. From 1862 to 1864 Captain J. J. Callan and a company of Texas Rangers<sup>qv</sup> occupied the post. Two companies commanded by Henry Fossett and George Cook were stationed at the camp from 1864 until the end of the war.

In the 1870's the site of the old camp was purchased by H. H. Sackett, an Englishman who had married the daughter of one of the army officers and had built a home and a store at the camp. The old guard house, built in 1857, was standing in 1947. In 1936 the Texas Centennial Commission erected a replica of the administration building of the camp in the city park at Coleman.

**BIBLIOGRAPHY:** Beatrice Grady Gay, *Into the Setting Sun: A History of Coleman County* (1936); Joseph C. McConnell, *The West Texas Frontier, I* (1933); *Texas Almanac* (1936); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).  
Beatrice Grady Gay

**Camp Cooper.** Camp Cooper, named in honor of the adjutant general of the U.S. Army, Colonel Samuel Cooper, was located in the present Throckmorton County on the north bank of the Clear Fork of the Brazos, five miles east of the mouth of Otey's Creek and about five miles west of Clear Fork crossing on the present Albany-Throckmorton highway. The camp was established on January 3, 1856, by Colonel Albert Sidney Johnston,<sup>qv</sup> who left three companies of cavalry as a garrison for the newly established Comanche Indian Reservation,<sup>qv</sup> south of the camp in Shackelford County. The post was a tent camp the first year, but by 1857 it had more substantial stone, log, and pole structures.

Lieutenant Colonel Robert E. Lee,<sup>qv</sup> Camp Cooper's most distinguished commandant, served from April 9, 1856, to July 22, 1857. Other notable commandants were George H. Thomas and L. S. Ross,<sup>qv</sup> who led the force which recaptured Cynthia Ann Parker.<sup>qv</sup>

In August, 1859, Camp Cooper lost its importance as a military post when the Comanche<sup>qv</sup> were moved to Indian Territory. On February 18, 1861, Brevet Major General David E. Twiggs,<sup>qv</sup> commander of the Department of Texas, ordered the camp's abandonment.

**BIBLIOGRAPHY:** Carl Coke Rister, *The Southwestern Frontier* (1928); M. L. Crimmins, "Camp Cooper and Fort Griffin, Texas," *West Texas Historical Association Year Book*, XVII (1941); Dona Ann Weldon, "Old Camp Cooper," *Junior Historian*, VIII (1947-1948).  
Carl Coke Rister

**Camp Corpus Christi.** Camp Corpus Christi was established at Corpus Christi, Texas, in November, 1850, when Lieutenant Colonel J. J. Abercrombie rented quarters there for two companies of the 5th Infantry. On August 8, 1851, Major G. R. Paul had moved his troops thirty miles inland from Corpus Christi to a location that was healthful but had bad water and no permanent building material. On November 26, 1851, the camp was manned by two companies of the 7th Infantry, a total of eighty-five men. Corpus Christi became headquarters under Persifer F. Smith in 1852 and remained such until 1855, when headquarters were moved back to San Antonio.

**BIBLIOGRAPHY:** Arrie Barrett, *Federal Military Outposts in Texas, 1846-1861* (M.A. thesis, University of Texas, 1927).

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**Camp County.** Camp County, named for John Lafayette Camp,<sup>qv</sup> was created from Upshur County and organized in 1874. The county has an area of 190 square miles, an altitude of 350 to 500 feet, annual average rainfall of 46 inches, and a mean annual temperature of 65 degrees. The county lies in the timber section of Northeast Texas and has valuable supplies of shortleaf and loblolly pine, hickory, gum, oak, and black walnut. Soils range from sand to sandy clay with sweet potatoes and vegetables and fruits the principal commercial crops. Cattle, hogs, and poultry are grown. The principal mineral is oil, but there are some deposits of lignite, clay, and iron ore.

Probably the first settlement in the county was Pittsburg, established in 1854 by Major W. H. Pitts, who migrated from Georgia in 1850. Pittsburg became the county seat upon organization of the county. Most of the early settlers located along Big Cypress Creek, which forms the northern boundary. Lumbering was the first principal occupation; sawmills and basket and crate factories were also important. In 1876 and 1877 two narrow-gauge railroads, the East Line and Red River and the St. Louis Southwestern formed a junction at Pittsburg. By 1880 the population of the county reached 5,931. The first newspaper, the *Pittsburg Gazette*, was published prior to 1886. In 1940 the county had a population of 10,285, but by 1950 it had dropped to 8,711.

**Camp Creek.** At least twelve Texas streams are known as Camp Creek. Arranged in alphabetical order according to the counties in which they head, they are:

(1) Camp Creek, rising in Anderson County and flowing southwest approximately four miles into the Trinity River.

(2) Camp Creek, rising in northwestern Archer County and flowing north into the Wichita River in Wichita County. This stream may have originally been called Van Camp Creek for Cornelius Van Camp, a young officer with the United States topographical engineers on the Wichita expedition of 1858. He was killed by Indians in the vicinity of the stream on October 1, 1858.

(3) Camp Creek, rising in northeastern Bell County and flowing southeast into Elm Creek near the county line between Bell and Milam counties.

(4) Camp Creek, rising in south central Coleman County and flowing to the southeast about fourteen miles into Home Creek.

(5) Camp Creek, rising in northwestern Cooke County about five miles south of the town of Bulcher and flowing to the north seven miles into Red River.

(6) Camp Creek, rising in southwestern Johnson County and flowing south about eight miles into the Brazos River.

(7) Camp Creek, rising in central Kent County and flowing to the east about five miles into the Salt Fork of the Brazos River.

(8) Camp Creek, rising in southeastern Lipscomb County and flowing to the north approximately ten miles into Wolf Creek east of the town of Lipscomb.

(9) Camp Creek, rising in southeastern McCulloch County and flowing to the northeast approximately eleven miles into the San Saba River in the northwestern corner of Mason County.

(10) Camp Creek, rising in southeastern Robertson County and flowing to the southeast about

eight miles into the Navasota River. The stream is dammed about fifteen miles northeast of Franklin to form a reservoir for water conservation and flood control; its capacity is 8,400 acre-feet.

(11) Camp Creek (also known as Jerry's Branch), rising in north central San Saba County and flowing approximately nine miles to the southeast into the San Saba River.

(12) Camp Creek, rising in southwestern Washington County and flowing to the south approximately seven miles into the West Fork of Mill Creek near the town of Industry in northwestern Austin County.

**Camp Cureton.** Camp Cureton, a ranger station for the Frontier Regiment,<sup>qv</sup> was established in Archer County at the Gainesville-Fort Belknap<sup>qv</sup> road crossing of the West Fork of the Trinity River. Manned by half of the men of the company of Captain J. J. (Jack) Cureton,<sup>qv</sup> for whom it was named, the camp was located on March 17, 1862, and existed until about March, 1864, when the Frontier Regiment was concentrated at Fort Belknap.

**BIBLIOGRAPHY:** W. C. Holden, *Frontier Problems and Movements, 1846-1900* (Ph.D. thesis, University of Texas, 1928).

**Camp Davis.** Camp Davis, in Gillespie County about four miles from the junction of White Oak Creek and the Pedernales River, was established in March, 1862, by James M. Norris,<sup>qv</sup> as a ranger station for the Frontier Regiment.<sup>qv</sup> Manned by members of H. T. Davis' company, the camp sent men on scout duty, probably until consolidation of the Regiment in March, 1864.

**BIBLIOGRAPHY:** W. C. Holden, *Frontier Problems and Movements, 1846-1900* (Ph.D. thesis, University of Texas, 1928).

**Camp Dix.** Camp Dix, at Black Waterhole in Uvalde County where the Sabinal to Uvalde road crossed the Frio River, was established on April 4, 1862, by James M. Norris<sup>qv</sup> as a ranger station for the Frontier Regiment.<sup>qv</sup> Manned by rangers under Captain J. J. Dix, the camp maintained scouting duties probably to the time of the Regiment's consolidation in March, 1864.

**BIBLIOGRAPHY:** W. C. Holden, *Frontier Problems and Movements, 1846-1900* (Ph.D. thesis, University of Texas, 1928).

**Camp Drum.** Camp Drum, a United States military post, was established at Zapata, on the Rio Grande, in 1852 and abandoned the same year. The most interesting point of its history concerned its naming. About the time of its establishment, C. H. Tyler, of the 2nd United States Dragoons, arrived with orders to establish a camp and call it Camp Bugle. The officer of the 4th United States Artillery, already on the site, secured an order from another authority to use the name Camp Drum. Abandonment may have been caused by the local friction, the reduced fear of border disturbances, or the westward movement of the frontier.

**Camp Eagle Pass.** Camp Eagle Pass, a temporary United States military post on the Rio Grande, was established during the Mexican War and was named because of the soldiers' observation of the daily fight of an eagle back and forth across the river to its nest in a cottonwood tree on the Mexican side. The camp was discontinued with the establishment of Fort Duncan<sup>qv</sup> in 1849, but the present town of Eagle Pass developed around the site.

## CAMP ELIZABETH

**BIBLIOGRAPHY:** *Texas: A Guide to the Lone Star State* (1940).

**Camp Elizabeth.** Camp Elizabeth, thought to have been established in 1853, was used as an outpost hospital of Fort Concho.<sup>qv</sup> In 1936 the Texas Centennial Commission placed a marker at the supposed site of the camp nine miles northwest of Sterling City.

**BIBLIOGRAPHY:** *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Camp Fannin.** Camp Fannin, an Infantry Replacement Training Center of World War II, was located ten miles northeast of Tyler, Texas. The reservation, named for James Walker Fannin, Jr.,<sup>qv</sup> was a wooded, hilly site covering more than 14,000 acres.

Construction was begun on December 1, 1942; Colonel John A. Robenson assumed command on March 16, 1943; and the camp headquarters, 361st Service Command Unit, was activated on April 25, 1943. The Branch Immaterial Replacement Training Center was activated on May 29, 1943, and the first trainees arrived in June. Formal dedication of the camp was held on September 6, 1943. Colonel Robenson was succeeded as commanding officer by Lieutenant Colonel Charles H. Brammel on August 4, 1943. Major Sam H. Burchard commanded the prisoner of war camp located at the station. Troop capacity at the height of war operations was 18,680 with hospital beds for 1,074. All except the cantonment was declared surplus on January 19, 1946.

**Camp Ford.** During the Civil War, Federal prisoners captured by the Confederate Army were sent to the Trans-Mississippi Department to be interned. After the battle of Mansfield,<sup>qv</sup> the prisoners were brought to a stockade camp known as Camp Ford. Located in Smith County, Texas, on the east line of the Thomas E. Pugh survey, the camp at one time had more than six thousand internees.

The stockade fence was built of long poles, some sixteen feet in length, set as closely as possible to one another and fixed about two and one-half feet in the ground. Inside the enclosure of about ten acres the prisoners provided their own "dugouts" or small wooden houses, which they called "shebangs." Guards paced along the outside of the fence day and night, keeping close watch on the internees. On one occasion a number of the prisoners found a weak spot in the enclosure, pried the poles apart, and made their escape in darkness and rain; their escape was futile, for their guards captured them before they had gone twenty miles.

In order for those confined at Camp Ford to keep abreast of the times, a newspaper called the *Old Flag* was printed by hand in Roman letters. A violin, two banjos, and a triangle furnished musical programs for the men.

The site of Camp Ford has been purchased by Tyler citizens, who have marked it with a granite marker.

**BIBLIOGRAPHY:** A. J. H. Duganne, *Camps and Prisons: Twenty Months in the Department of the Gulf* (1865); Charles C. Nott, *Sketches in Prison Camps* (1865); *War of the Rebellion*, Ser. II, Vol. VII (1902).

Albert Woldert

**Camp Groce.** Camp Groce, probably established in 1862, was located about two and one-half miles east of Hempstead, Texas, on Liendo Plantation,<sup>qv</sup> for whose owner, Leonard W. Groce,<sup>qv</sup> the camp was named. Used to imprison Federal

soldiers during the Civil War, Camp Groce had four stacks of barracks and a militia guard of sixty to eighty men. It probably never held more than two or three hundred prisoners. As prisoners were exchanged and others were sent to Camp Ford,<sup>qv</sup> Camp Groce was finally abandoned and at the end of the war was used as a rallying place for Confederate soldiers.

**BIBLIOGRAPHY:** A. J. H. Duganne, *Twenty Months in the Department of the Gulf* (1865); C. A. Evans, *Confederate Military History*, XI (1899); Charles C. Nott, *Sketches on Prison Camps* (1865); Frank E. White, *A History of the Territory That Now Constitutes Waller County, Texas from 1821 to 1884* (M.A. thesis, University of Texas, 1936).

**Camp Harney.** Camp Harney, a temporary military establishment near Belleville, Zapata County, was established in 1851 and named for Colonel William S. Harney.

**BIBLIOGRAPHY:** *Texas Almanac* (1936).

**Camp Hatch.** See Fort Concho.

**Camp Hood.** See Fort Hood.

**Camp Houston.** See Fort Houston.

**Camp Howze.** Camp Howze, named for Robert Lee Howze, was an Infantry Division Training Camp of World War II, located near Gainesville, Texas. The War Department announced the selection of the area as a military reservation on December 18, 1941, and construction was begun in April, 1942. The camp was a temporary cantonment designed for immediate utility and hurriedly built. In August, 1942, the Station Complement Quartermaster Detachment arrived, and in September the 84th Infantry Division was activated. The first commander was Major General John H. Hildring, who was succeeded by Major General Stonewall Jackson. The 86th Infantry Division was activated on December 15, 1942, under command of Major General Alexander E. Anderson, who was succeeded by Major General Harris M. Melasky. Troop capacity was 39,963 with hospital beds for 1,271. The camp was declared surplus on February 18, 1946.

**Camp Hudson.** Camp Hudson, in Val Verde County, was established by the United States Army on June 7, 1857, on San Pedro Creek near Devils River as a means of protecting the road from San Antonio to El Paso against hostile Indians. It was named in honor of Second Lieutenant Walter W. Hudson, who died on April 19, 1850, of wounds received in action with Indians in Texas. On March 17, 1861, it was evacuated by federal troops but reoccupied from the end of the Civil War until April, 1868. The state of Texas erected a marker at the site of the camp in 1936.

**BIBLIOGRAPHY:** *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Camp Hulen.** Camp Hulen, named for General John A. Hulen of the Texas National Guard,<sup>qv</sup> was established on Tres Palacios Bay in Matagorda County, as a summer training encampment of the Texas National Guard. When the national emergency was declared in 1940, Camp Hulen was selected as a training center. Construction began on September 14, 1940, and the first troops moved into the camp on September 23 and began immediate training. General Harvey C. Allen assumed command of the camp and the Anti-aircraft Artillery Training Center on November 7, 1940. The first selective service men arrived on January 11, 1941. By that time some warehouses had been completed and mess halls erected, but the men still

lived in tents. On February 2, 1941, the Camp Hulen *Searhlight* made its debut as a printed newspaper. By August, 1942, durable buildings had largely replaced the tents.

Camp Hulen proper covered approximately 1,460 acres. In connection with it were the Indianola Battalion Camp with an area of 2,135 square miles, Wells Point Rifle Range and Anti-aircraft Firing Range of 475 acres, Olivia Projectile Area of 4,550 acres, and a Civilian War Housing Project of 20 acres. The Palacios Army Air Base, which adjoined Camp Hulen, was begun on October 1, 1942. Troop capacity at the height of war operation was 14,560. Camp Hulen was declared surplus by the United States War Department on May 31, 1946, and returned to the Texas National Guard.

**Camp Independence.** Camp Independence, located on the east side of the Lavaca River four or five miles from Old Texana and four miles southwest of present Edna in Jackson County, was used as a camp by part of the army of the Texas Republic from December, 1836, until furloughed by order of President Sam Houston on May 18, 1837. Near the camp Albert Sidney Johnston and Felix Huston<sup>qv</sup> fought a duel on February 5, 1837, and Captain Henry Teal<sup>qv</sup> was assassinated at the camp as he slept in his tent on the night of May 5, 1837.

The camp site was marked by the Texas Centennial Commission in 1936.

**BIBLIOGRAPHY:** I. T. Taylor, *The Cavalcade of Jackson County* (1938); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Camp Ives.** Camp Ives, on Turtle Creek in eastern Kerr County about four miles north of Camp Verde,<sup>qv</sup> was established on October 2, 1859, by Company I, 2nd United States Cavalry, under command of Lieutenant Wesley Owens. A sub-post of Camp Verde, the installation was temporarily abandoned on March 13, 1860, when its troops escorted Robert E. Lee<sup>qv</sup> to the Rio Grande. The troops returned on October 20, 1860, and remained until January 28, 1861, when Camp Ives was abandoned.

**BIBLIOGRAPHY:** Francis B. Heitman, *Historical Register and Dictionary of the United States Army*, II (1903); Joseph C. McConnell, *The West Texas Frontier*, I (1933).

**Camp Joseph E. Johnston.** Camp Joseph E. Johnston, a temporary federal outpost on the south side of the North Concho River in northwestern Tom Green County, was named for Joseph E. Johnston,<sup>qv</sup> who in 1849 had commanded an army topographic party in surveying the road between San Antonio and El Paso. Five companies of the 8th Infantry, a total of 284 persons including families and servants of officers, garrisoned the camp between March 15 and November 18, 1852, under command of General J. Garland.

**BIBLIOGRAPHY:** Arrie Barrett, *Federal Military Outposts in Texas, 1846-1861* (M.A. thesis, University of Texas, 1927).

*Dorman H. Winsfrey*

**Camp Kenny.** Camp Kenny, at the head of Gonzales Creek in southern Stephens County was a temporary patrolling post of the Frontier Battalion.<sup>qv</sup> Among the ranger officers who scouted from the camp were Lieutenants J. T. Wilson and J. W. Millican. Squads operated from the camp after October, 1874, and probably up to September, 1875, after which no Indian depredations were reported on that frontier.

**BIBLIOGRAPHY:** L. W. Hartsfield, *A History of Stephens County, Texas* (M.A. thesis, University of Texas, 1929).

**Camp Lake Slough.** Camp Lake Slough rises in southern Uvalde County about two miles south of the town of Uvalde and flows southeast into northeastern Zavala County where it empties into the Leona River.

**Camp Liendo.** Camp Liendo, on Liendo Plantation<sup>qv</sup> near Hempstead, Texas, was probably the same site as Camp Groce<sup>qv</sup> and was used as a camp site by George A. Custer<sup>qv</sup> and his command from September 1 to December 1, 1865.

**BIBLIOGRAPHY:** Frank Edd White, *A History of the Territory That Now Constitutes Waller County, Texas, from 1821 to 1884* (M.A. thesis, University of Texas, 1936); Elizabeth Custer, *Tenting on the Plains* (1887).

**Camp Llano.** Camp Llano, at the junction of Rock Creek and the Llano River in Mason County, was established by James M. Norris<sup>qv</sup> on March 29, 1862, as a ranger station for the Frontier Regiment.<sup>qv</sup> Manned by members of the ranger company of Captain H. T. Davis, the camp was engaged in scouting duty, probably until the consolidation of the Frontier Regiment in March, 1864.

**BIBLIOGRAPHY:** W. C. Holden, *Frontier Movements and Problems, 1846-1900* (Ph.D. thesis, University of Texas, 1928).

**Camp Logan.** Camp Logan, an emergency training center in World War I, was earlier a National Guard camp just beyond the western city limits of Houston, Texas. Construction of the center began on July 24, 1917. Trouble between local police and negro soldiers quartered at the camp resulted in a riot on August 23 and the declaration of martial law in Houston. The camp was used for hospitalization of wounded men in 1918. At the close of the war, the site was acquired by William C. Hogg<sup>qv</sup> and his brother, Mike, who turned over to the city of Houston, at cost, more than one thousand acres. Memorial Park, the city's largest recreational area, was located on the site.

**Camp Mabry.** Camp Mabry, in northwestern Austin, Texas, is state headquarters for the United States Property and Disbursing Office, the station and arsenal of the 111th Quartermaster Regiment, a Motor Car Maintenance Unit and Supply Depot for the National Guard,<sup>qv</sup> and headquarters of the state department of Public Safety.<sup>qv</sup> Camp Mabry also serves as headquarters for the 56th Cavalry Brigade. Offices of the Texas Rangers,<sup>qv</sup> the Highway Patrol, the Bureau of Intelligence, the Division of Traffic and Safety, Drivers' License Bureau, and the Bureau of Identification are located on the grounds.

Named for W. H. Mabry,<sup>qv</sup> the camp was established in 1890 as a summer encampment of the Texas Volunteer Guard, a forerunner of the National Guard. It became a federal post during World War I, when it was used for training various units, and barracks and administration buildings were erected by the federal government. It was activated again during World War II, and civilians engaged in supply and replacement.

Camp Mabry Precinct, Number 23 in Travis County, was created by order of the Commissioners' Court in 1894.

**Camp MacArthur.** Camp MacArthur, named for General Arthur MacArthur, was located at Waco, Texas, on July 18, 1917, to train men for World War I. Troops demobilized from service on the Mexican border were moved to the new camp

and trained for overseas service as were National Guard units from Wisconsin and Michigan, the 32nd or Red Arrow Division, which saw combat service in France. The camp was discontinued after the war, and the site became a part of the city of Waco.

**BIBLIOGRAPHY:** R. N. Richardson, *Texas: The Lone Star State* (1943); *History of Texas World War Heroes* (1919).

**Camp McMillan.** Camp McMillan, at Hall's Spring at the head of Richland Creek in San Saba County, was established by James M. Norris<sup>qv</sup> on March 26, 1862, as a ranger station for the Frontier Regiment.<sup>qv</sup> Commanded by Captain N. D. McMillan, the camp was a center of scouting duty until consolidation of the Regiment in March, 1864.

**BIBLIOGRAPHY:** W. C. Holden, *Frontier Problems and Movements, 1846-1900* (Ph.D. thesis, University of Texas, 1928).

**Camp Marfa.** See Fort D. A. Russell.

**Camp Maxey.** Camp Maxey, an infantry training camp of World War II located ten miles north of Paris, Texas, was named in honor of Samuel Bell Maxey.<sup>qv</sup> The camp was activated on July 15, 1942, under command of Colonel C. H. Palmer. The first division to be trained at the camp, the 103rd Infantry Division, was organized and activated on September 15, 1942, under General John B. Anderson. Colonel Robert C. Anmin succeeded Colonel Palmer as commander of the camp on March 25, 1943.

In addition to the Army Ground Forces trained at Camp Maxey, Army Service Forces and Army Air Forces had a part in the development of camp activities. The varied terrain provided facilities for working out problems of infantry training to meet modern battle conditions. An artillery range, obstacle course, infiltration course, and a "German Village" were included in training maneuvers. Troop capacity was 44,931. The camp was put on an inactive status on October 1, 1945.

**Camp Merrill.** Camp Merrill, on the south side of the Nueces River in northeastern Jim Wells County, was established in 1852 on a site formerly known as Camp Casa Blanca. The camp may have been a sub-post for Fort Merrill,<sup>qv</sup> for both installations were named for H. W. Merrill. The town of Casa Blanca later developed on the site.

**Camp Montel.** Camp Montel, at the head of Seco Creek in Bandera County, was established by James M. Norris<sup>qv</sup> in March, 1862, as a ranger station for the Frontier Regiment.<sup>qv</sup> The post was manned by rangers under Charles de Montel<sup>qv</sup> until the consolidation of the Frontier Regiment in March, 1864.

In 1870 Captain de Montel, with a large surveying party, located another Camp Montel on the Nueces River in northern Uvalde County. At this site the town of Montell was later established. In 1880 and 1881 Company G of the First Texas Volunteer Cavalry was organized and named the Montell Guards. The company, consisting of thirty-seven men and an ordnance store, was stationed at Montell.

**BIBLIOGRAPHY:** W. C. Holden, *Frontier Problems and Movements, 1846-1900* (Ph.D. thesis, University of Texas, 1928).

*E. C. deMontel*

**Camp Mystic.** Camp Mystic, on the South Fork of the Guadalupe River three miles south-

west of Hunt in Kerr County, was started by E. J. Stewart in 1928 as a summer camp for girls. In 1943 it was leased by the Army Air Forces and used as a rest camp by Second Air Force and the Central Flying Training Command until 1945.

**Camp Normoyle.** Camp Normoyle, a stone arsenal three blocks south of the Bexar County courthouse in San Antonio, is a technical supply depot for small arms and ammunition.

**BIBLIOGRAPHY:** Green Peyton, *San Antonio, City in the Sun* (1946).

**Camp Nowlin.** Camp Nowlin, a temporary military outpost on the Little Wichita River, was established by Captain John H. Brown<sup>qv</sup> on August 8, 1859, as a post for men escorting the Indians from the Brazos Indian Reservation<sup>qv</sup> to Indian Territory. Illness among the men caused Brown to dismiss the company at Camp Nowlin on August 21 and return to Caddo Springs.

**BIBLIOGRAPHY:** W. C. Holden, *Frontier Problems and Movements, 1846-1900* (Ph.D. thesis, University of Texas, 1928).

**Camp Nueces.** Camp Nueces, in southwestern Uvalde County at the San Antonio-Eagle Pass road crossing of the Nueces River, was established by James M. Norris<sup>qv</sup> in April, 1862, as a ranger station for the Frontier Regiment.<sup>qv</sup> Manned by members of Captain J. J. Dix's company, the camp sent out scouts on the frontier, probably until consolidation of the Regiment in March, 1864.

**BIBLIOGRAPHY:** W. C. Holden, *Frontier Problems and Movements, 1846-1900* (Ph.D. thesis, University of Texas, 1928).

**Camp Pecan.** Camp Pecan, on Pecan Bayou in Callahan County, was established on March 23, 1862, by James M. Norris<sup>qv</sup> as a ranger post of the Frontier Regiment<sup>qv</sup> on the road from Camp Cooper to Camp Colorado.<sup>qv</sup> Commanded by Captain T. M. Collier, the camp continued scouting activities, probably until consolidation of the Regiment in March, 1864.

**BIBLIOGRAPHY:** W. C. Holden, *Frontier Problems and Movements, 1846-1900* (Ph.D. thesis, University of Texas, 1928).

**Camp Rabb.** Camp Rabb, in Bexar Territory where the road from San Antonio to Eagle Pass crossed Elm Creek in present northeastern Maverick County, was established by James M. Norris<sup>qv</sup> on April 7, 1862, as a ranger station for the Frontier Regiment.<sup>qv</sup> Commanded by Captain Thomas Rabb, the camp guarded the road and the frontier until consolidation of the Regiment at Fort Belknap<sup>qv</sup> in March, 1864.

**BIBLIOGRAPHY:** W. C. Holden, *Frontier Problems and Movements, 1846-1900* (Ph.D. thesis, University of Texas, 1928).

**Camp Radzimirski.** Camp Radzimirski was established in 1858 on Otter Creek in Indian Territory and operated as an outpost of Fort Belknap,<sup>qv</sup> Young County, Texas. The post was named for Lieutenant Charles Radzimirski, 2nd United States Cavalry. Lieutenant Radzimirski was a Pole, who, before appointment to the army, had served as an engineer on the American-Mexican Boundary Commission under John R. Bartlett.<sup>qv</sup>

**BIBLIOGRAPHY:** *Texas Almanac* (1936); F. B. Heitmann, *Historical Register and Dictionary of the United States Army*, II (1903).

**Camp Rice.** See Fort Hancock.

**Camp Ruby, Texas.** Camp Ruby, a lumbering community in southeastern Polk County fourteen

miles east of Livingston, was established by the W. T. Carter and Brother Lumber Company and named for Ruby Caton, daughter of A. B. Caton, first woods foreman. In 1940 the camp was a post office with two stores and a population of twenty-five.

*Aline Rothe*

**Camp Sabinal.** Camp Sabinal, in eastern Uvalde County, was established on July 12, 1856, by Captain Albert G. Brackett, 2nd United States Cavalry, as a protection for travel on the road from San Antonio to El Paso. The fort was occupied by federal troops until November, 1856, and later served as a Texas Ranger "v" camp. In 1936 the Texas Centennial Commission placed a marker at the site, five miles west of Sabinal.

**BIBLIOGRAPHY:** *Texas Almanac* (1936); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Camp Salmon.** Camp Salmon, near Sloan's Ranch on the East Prong of Hubbard Creek at the Eastland-Callahan county line, was established by James M. Norris "v" in March, 1862, as a ranger station of the Frontier Regiment "v" Commanded by Captain John Salmon, the camp was headquarters for scouting expeditions until consolidation of the Regiment in March, 1864.

**BIBLIOGRAPHY:** W. C. Holden, *Frontier Problems and Movements, 1846-1900* (Ph.D. thesis, University of Texas, 1928).

**Camp San Elizario.** Camp San Elizario, on the Rio Grande in El Paso County, was located twenty-one miles below the city of El Paso at the site of San Elizario Presidio, "v" established there in 1773. On September 15, 1849, the post was occupied by Companies I and K of the 3rd United States Infantry. In 1862 it was occupied by the California Volunteers, or the California Column, "v" which had moved eastward to prevent invasion of California by Confederate troops.

**BIBLIOGRAPHY:** C. W. Hackett, *Pichardo's Treatise on the Limits of Louisiana and Texas, II* (1934); Arrie Barrett, *Federal Military Outposts in Texas, 1846-1861* (M.A. thesis, University of Texas, 1927); J. C. McConnell, *The West Texas Frontier, I* (1933).

**Camp San Saba.** Camp San Saba, on the San Saba River in southern McCulloch County, was established in March, 1862, by James M. Norris, "v" as a ranger station for the Frontier Regiment "v" The site was probably the same as that of an earlier ranger camp on the road from Camp Colorado to Fort Mason. "v" N. D. McMillan's rangers scouted the frontier from the camp, which probably was active until consolidation of the Regiment in March, 1864. The community named Camp San Saba grew up around the former camp.

**BIBLIOGRAPHY:** W. C. Holden, *Frontier Problems and Movements, 1846-1900* (Ph.D. thesis, University of Texas, 1928); J. L. Barfoot, *History of McCulloch County, Texas* (M.A. thesis, University of Texas, 1937).

**Camp San Saba, Texas.** Camp San Saba, in southeastern McCulloch County on the San Saba River, was named for a Texas Ranger "v" camp located there in 1856. Early in the Civil War, Captain W. D. McMillan's company of the Frontier Regiment "v" was stationed there. Ranches and businesses developed in and around the community, but when Brady was established, most of the businesses dwindled. In 1940 the town had one store, a post office, and a population of thirty.

*Darwin Shrell*

**Camp Seale, Texas.** Camp Seale, in southeastern Polk County, was established as a lumber

camp by the Kirby Lumber Company. In 1940 the village was a post office and had a population of twenty.

*Aline Rothe*

**Camp Springs, Texas.** Camp Springs, in eastern Scurry County, was named for a cattle camp used by open range cattlemen before the organization of the county in 1884. J. M. Bailey became postmaster of an office established in his grocery store about 1900. In 1910 a school, two churches, a bank, and a population of forty were reported. Population was fifty in 1920 and 1940 and was estimated at fifteen in 1947.

**Camp Stanley.** Camp Stanley, originally established as Camp Funston, was a sub-post of the San Antonio Arsenal "v" and operated as an ammunition storage depot. It was named Camp Stanley on October 2, 1917, for Brigadier General David Sloane Stanley, "v" Designated at first as an infantry cantonment, it was located at Leon Springs Military Reservation about twenty miles northwest of San Antonio. In 1922 the camp became a sub-post of Camp Travis "v" and was to be used as a temporary garrison at peace strength. In September, 1933, it was transferred to the jurisdiction of the Ordnance Department, and new buildings were constructed to eliminate hazards. Magazine and igloo space totaled 232,100 square feet.

On July 1, 1947, Camp Stanley was consolidated with the San Antonio General Distribution Depot and on July 1, 1949, was designated to the Camp Stanley Area of Red River Arsenal, Texarkana, a class II installation under the jurisdiction of the chief of ordnance.

**BIBLIOGRAPHY:** Leah Carter Johnston, *San Antonio, St. Anthony's Town* (1947).

**Camp Swift.** Camp Swift, an infantry training camp of World War II, was located in Bastrop County about thirty-six miles from Austin, Texas. Construction was started in January, 1942, under Colonel Caryl R. Hazeltine, directing 12,000 men. The camp was activated under command of Colonel Lawrence A. Kurtz on May 4, 1942, and was named for Eben Swift, "v" General Harry L. Twaddle took over the 95th Division Headquarters on June 7, 1942, and the division was activated on July 12. A camp newspaper, the *Camp Swift Baron*, began publication on June 10, 1942. Colonel Aubrey K. Brown commanded the station hospital.

The 97th Infantry Division under General Louis A. Craig and the 102nd Infantry Division under General John B. Anderson were also trained at Swift in addition to 5th Headquarters Special Troops of the Third Army under General John C. P. Barthos. The 116th and 120th Tank Destroyer Battalions were trained at Camp Swift before being transferred to Camp Hood (later Fort Hood "v"). The 2nd Air Base Security Training Group under Colonel Francis T. Armstrong was activated at the post.

Colonels Oscar P. Houston and Alfred G. Brown succeeded Kurtz as post commander. Camp Swift was planned originally for thirty thousand troops but was later greatly expanded. Effective January 31, 1947, Camp Swift, with certain exceptions, was placed in the category of surplus by the War Department.

*Public Relations Office*

**Camp Travis.** Camp Travis, a World War I training and mobilization center, was established at San Antonio in 1917 and was named for William



B. Travis.<sup>qv</sup> Some 112,000 draftees from Texas, Arizona, New Mexico, and Oklahoma were trained at the camp, the units stationed there including the 90th Infantry Division,<sup>qv</sup> the 156th Depot Brigade, and the 1st, 2nd, 3rd, 4th, 5th, and 6th Training Battalions. The camp was consolidated with Fort Sam Houston<sup>qv</sup> in 1922.

BIBLIOGRAPHY: *Camp Travis and Its Part in the World War* (1919).

**Camp Van Camp.** Camp Van Camp, a United States military post established near Newcastle, Young County, on April 30, 1859, was named for the topographical officer of Earl Van Dorn's<sup>qv</sup> expedition, Second Lieutenant Cornelius Van Camp, who was killed in a battle at the Wichita Village, Indian Territory, on October 1, 1858. The camp was abandoned on August 28, 1859. In 1936 the Texas Centennial Commission placed a marker at the site.

BIBLIOGRAPHY: *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Camp Verde (1).** Camp Verde, a United States Army frontier post, was established on July 8, 1855, on the northern bank of Verde Creek three miles outside of Bandera Pass in southern Kerr County. In 1856 the camp was headquarters for forty camels sent by Secretary of War Jefferson Davis<sup>qv</sup> to be used in a system of overland communications (see *Camels in Texas*). Albert Sidney Johnston<sup>qv</sup> started from Camp Verde in 1857 on his expedition to operate against the Mormons in Utah. The post was surrendered to the Confederate government in 1861, reoccupied by United States troops in 1865, and abandoned on April 1, 1869. In 1949 a few ruins of the camel corrals and the officers' quarters remained. The Texas Centennial Commission erected a marker at the site near Camp Verde, Texas, in 1936.

BIBLIOGRAPHY: Arrie Barrett, *Federal Military Outposts in Texas, 1846-1861* (M.A. thesis, University of Texas, 1927); J. Marvin Hunter, *Old Camp Verde, the Home of the Camels* (1939); Chris Emmett, *Camel Days in Texas* (1932); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Camp Verde (2).** Camp Verde, two miles below old Camp Verde<sup>qv</sup> in Kerr County, was established on March 31, 1862, by James M. Norris<sup>qv</sup> as a ranger station for the Frontier Regiment.<sup>qv</sup> Manned by members of Charles de Montel's<sup>qv</sup> company, the camp served as a frontier outpost, probably until consolidation of the Regiment in March, 1864.

BIBLIOGRAPHY: W. C. Holden, *Frontier Problems and Movements, 1846-1900* (Ph.D. thesis, University of Texas, 1928).

**Camp Verde, Texas.** Camp Verde, in southeastern Kerr County at the approximate site of old Camp Verde,<sup>qv</sup> was a post office and site of a district school in 1940, when population was twenty-five. By 1947 the post office had been discontinued and population was reported as fifteen.

**Camp Wallace.** Camp Wallace, Galveston County, Texas, was designed as a training center for anti-aircraft units of World War II. Formally opened on February 1, 1941, the camp was named for Colonel Elmer J. Wallace of the 59th Coast Artillery, who was fatally wounded in the Meuse-Argonne offensive of 1918.

For two years Camp Wallace served as an anti-aircraft replacement training center. On April 15, 1944, the camp was officially transferred to the United States Navy as a United States Naval

Training and Distribution Center and was used as a "boot camp." At the close of World War II it became the Naval Personnel Separation Center. It was declared surplus in 1946.

#### Public Relations Office

**Camp Waul.** Camp Waul, a Confederate training camp located seven miles from Brenham, Texas, was probably named for Thomas N. Waul.<sup>qv</sup> John Duff Brown<sup>qv</sup> trained men at Camp Waul for service in Waul's Legion.<sup>qv</sup>

BIBLIOGRAPHY: "Reminiscences of Jno. Duff Brown," *Quarterly of the Texas State Historical Association*, XII (1908-1909).

**Camp Wichita.** Camp Wichita, a United States Army sub-post built in the line of frontier defense stations for courier communication between posts, was located near Buffalo Springs between Fort Richardson and Red River Station.<sup>qv</sup> Lieutenant H. B. Mellon of the 6th Cavalry was stationed there in December, 1870. It was a camp site for Ranald S. Mackenzie's<sup>qv</sup> expedition in pursuit of Kicking Bird<sup>qv</sup> in 1871.

BIBLIOGRAPHY: R. G. Carter, *On the Border with Mackenzie* (1935).

**Camp Wolters.** Camp Wolters, four miles east of Mineral Wells, was established in 1925, when Brigadier General Jacob F. Wolters obtained permission to construct a field training camp in Texas for the 56th Brigade of National Guard (the 112th Texas Regiment and the 113th New Mexico Regiment) which he commanded. The city of Mineral Wells donated fifty acres and leased 2,300 surrounding acres to be used three weeks of each year for maneuvers.

With the outbreak of World War II, the citizens of Mineral Wells leased and purchased additional land to increase the size to 7,500 acres. The camp served primarily as an Infantry Replacement Training Center with a troop capacity, at height of operations, of 24,973. A War Department order, effective June 27, 1946, placed Camp Wolters in the category of surplus.

**Camp Wood.** Camp Wood, a United States military outpost on the Nueces River in southwestern Real County, was established on May 20, 1857. On June 30, 1860, Lieutenant J. B. Wood commanded the post with one company of the 1st Cavalry, a total of fifty-four men. With the approach of the Civil War and surrender of Federal units in Texas, the post was abandoned on March 15, 1861. In 1936 the state of Texas erected a marker at the old camp site.

BIBLIOGRAPHY: Arrie Barrett, *Federal Military Outposts in Texas, 1846-1861* (M.A. thesis, University of Texas, 1927).

**Camp Wood, Texas.** Camp Wood, in southwest Real County, was named for the United States military post, Camp Wood,<sup>qv</sup> established at the site in 1857 and constructed in part from the ruins of the mission San Lorenzo de la Santa Cruz.<sup>qv</sup> Anglo-American settlement began about 1880, when William Tomerlin located near the present townsite. The village developed as the terminus of the Uvalde and Northern Railroad, chartered in 1914 and abandoned in 1942. Deposits of kaolin and abundance of cedar for production of cedar oil promoted development. Tourists are attracted during the hunting and fishing season. Population was 778 in 1948.

**Camp Wood Creek.** Camp Wood Creek rises in southern Real County and flows four miles

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Fort Belknap. Fort Belknap, a United States Army post, was established on June 24, 1851, by General William G. Belknap<sup>qv</sup> and moved on November 1, 1851, to a site in present Young County selected by Captain Randolph B. Marcy.<sup>qv</sup> This post, one of the most important and the largest military posts in North Texas prior to Civil War, was reoccupied after the war and maintained until 1876 for the protection of early settlers and travelers. A few of the original buildings still stand and replicas of others were rebuilt by the state of Texas in 1936. The fort, now used as a county-wide recreation park, is the scene of historical and civic meetings. Belknap, the town which grew up around the fort, was the first county seat of Young County.

BIBLIOGRAPHY: *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939); *Texas Almanac* (1936).

Fort Bené Fort Bend, a pioneer blockhouse at the site of present Richmond, Fort Bend County, was built in November, 1821, by William W. Little, Joseph Polley,<sup>qv</sup> and others. The site of the frontier outpost, in a big bend of the Brazos River, was selected by Stephen F. Austin, and became the nucleus of a settlement made by members of the Old Three Hundred.<sup>qv</sup> Antonio López de Santa Anna<sup>qv</sup> transported the Mexican Army across the Brazos at Fort Bend on his way to San Jacinto. The name of the fort was given to the county when it was created in 1837. Richmond became the county seat upon organization of the county in 1838 and absorbed the Fort Bend settlement. In 1936 the Texas Centennial Commission marked the site.

BIBLIOGRAPHY: *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939); Laura J. Irvine, "Sketch of Fort Bend County," *American Sketch Book*, VII (1882).

Fort Bend County. Fort Bend County, in the generally level Coastal Plains area of Southeast Texas, was named for old Fort Bend,<sup>qv</sup> established in the bend of the Brazos River in 1821. The county, one of the most irregular in shape in Texas, has an area of 867 square miles, an altitude ranging from 80 to 150 feet, an annual rainfall of 41.99 inches, and a mean annual temperature of 69.1 degrees. The soils vary from rich alluvial in the Brazos bottoms to black, sandy loam, and clay on the prairies. Native timber includes pecan, oak, ash, and cottonwood. Principal crops are rice and cotton; corn, grain sorghums, and vegetables are also grown commercially. Natural gas, oil, and sulphur are produced in commercial quantities. Ranching includes beef cattle, hogs, mules, sheep, and goats. Dairying and poultry raising are also prominent. Sugar refining, oil emulsion, and canning of fruits and vegetables add to the resources of the county.

The Karankawa Indians<sup>qv</sup> of the area did not prove hostile to the Anglo-American colonists. Land titles dated from 1824 are evidence of early settlement of the area. Originally a part of Austin County, Fort Bend was created in 1837 with Richmond as the county seat. The first court was held on February 27, 1838, with Benjamin C. Franklin,<sup>qv</sup> judge of the Second Judicial District of the Republic, presiding. John V. Morton was the first sheriff, and Wylie Martin,<sup>qv</sup> the first county judge. Gail Borden, Jr., William K. Davis, and Mirabeau B. Lamar<sup>qv</sup> were prominent early residents. Plantations and slavery gave way to individual farms, and farming has remained the chief occupation. The county is served by the Texas and New Orleans and the Gulf, Colorado, and Santa Fe Rail-

roads. Population dropped from 32,963 in 1940 to 30,410 by 1950.

BIBLIOGRAPHY: A. J. Sowell, *A History of Fort Bend County* (1904); *Texas Almanac* (1945).

Fort Bliss. Fort Bliss, located on a mesa about three and one-half miles from El Paso, Texas, originated as the Post of El Paso, ordered established in February, 1848. In September, 1849, Major Jefferson Van Horne<sup>qv</sup> arrived with regimental headquarters and six companies to defend against Indian raids and to maintain American authority in the territory recently acquired from Mexico by the treaty of Guadalupe Hidalgo.<sup>qv</sup> The post was renamed in 1854 for Colonel William Wallace S. Bliss, assistant adjutant general and General Zachary Taylor's<sup>qv</sup> adjutant general during the Mexican War.

When troops arrived, they found on the American side of the Rio Grande four scattered establishments known as Hart's Mill, Smith's Ranch, Magoffinsville, and Stephenson's (or Concordia) Ranch. As the site of the post, Van Horne chose land on Smith's Ranch (about where Main and Santa Fe Streets intersect in present-day El Paso). Necessary buildings and corrals were built of adobe, and the garrison settled to its duties. In 1854 the original site was abandoned, and a new fort was built at Magoffinsville on property leased from James Magoffin.<sup>qv</sup>

With the outbreak of the Civil War, Fort Bliss became headquarters for the Confederate Army in the Southwest. In August, 1862, when the Confederates found increasing adversities too much for them, they burned the fort and moved eastward. The United States flag was soon raised over the ruins, but the fort was not restored until August, 1865. In February, 1868, flood waters from the Rio Grande seriously damaged the Magoffinsville post, washing away the corral and several buildings. In March, Fort Bliss was moved to higher ground and rebuilt on a site called Concordia. The new post was called Camp Concordia until 1869, when the former name of Fort Bliss was resumed.

During the last two years of the Civil War and immediately following, El Paso and Juarez drew a ruffian border population, and crime became common. The army restored order and confidence; by 1877 there was no apparent need for the troops, and they were removed to Fort Davis.<sup>qv</sup> The Salt War<sup>qv</sup> caused the troops to be recalled, and by January, 1878, Fort Bliss had become a permanent fixture in the El Paso area. From 1880 to 1893 the post was located at Hart's Mill.

During the middle 1880's Fort Bliss served chiefly as a refitting post for troops who were searching for Geronimo, an Apache<sup>qv</sup> chief who was raiding in New Mexico, Arizona, and northern Mexico. Troops from the fort investigated the Francisco (Pancho) Villa<sup>qv</sup> raids in New Mexico in 1912, and a punitive expedition was sent from the fort into Mexico in pursuit of Villa. During World War I, Fort Bliss became headquarters for about 60,000 troops. After the war the number of troops varied between 2,500 and 4,000. In 1921 Fort Bliss became the home of the 1st Cavalry Division, the largest cavalry post in the army and distinctive because of its make up. One unit was from the 7th Cavalry Regiment, made famous in George A. Custer's charge against Black Kettle and the Cheyenne<sup>qv</sup> in 1868. Another unit was the 5th Cavalry Regiment, once the 2nd Cavalry, organized

under the influence of Jefferson Davis and the pride of the American Army.

An expansion program in 1940 increased the number of troops at Fort Bliss to about 35,000. Expanded again during World War II, the fort became a center for anti-aircraft artillery training. In 1949 the fort was operating as the army's Anti-Aircraft and Guided Missile Center and as one of the army's five replacement centers.

Fort Bliss has performed civic as well as official duties for El Paso, serving at various times as banking center, furnisher of hotel accommodations, and a cultural center of the town. The polo teams of the 7th and 9th Cavalry Regiments have played matches with the teams from Juarez and Mexico City, contributing to a development of international good will. World-known personages associated with the history of the fort included John J. Pershing and Jonathan Wainwright.

On November 5, 6, and 7, 1948, Fort Bliss Centennial celebrations were held in El Paso and Fort Bliss, and a commemorative Fort Bliss Centennial stamp was issued by the United States Post Office Department.

**BIBLIOGRAPHY:** Anson Mills, *My Story* (1918); W. W. Mills, *Forty Years at El Paso* (1901); M. H. Thomlinson, *The Garrison of Fort Bliss, 1849-1916* (1945); *Fort Bliss One Hundredth Anniversary, El Paso, Texas* (1948); *El Paso Times*, November 4, 1948.

#### Rosalie Ivey

**Fort Boggy.** Fort Boggy, a blockhouse on the north bank of Boggy Creek about five miles south of Centerville in Leon County, was built about 1840 by a company of minute men under Thomas N. B. Greer. As headquarters for the Boggy and Trinity Rangers in 1840, the fort offered protection for the frontier, and the first settlements of the area on the Leon prairie grew up around it. The Fort Boggy community retained the name long after the fort itself was abandoned. In 1936 the Texas Centennial Commission erected a marker at the site.

**BIBLIOGRAPHY:** W. D. Wood, "Sketch of the Early Settlements of Leon County," *Quarterly of the Texas State Historical Association*, IV (1900-1901); Dabney White and T. C. Richardson, *East Texas: Its History and Its Makers*, III (1940); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Fort Bolivar Point.** See Fort Travis.

**Fort Brazos Santiago.** See Fort Polk.

**Fort Brown.** Fort Brown, on the north bank of the Rio Grande, opposite Matamoros, Mexico, had its beginnings when Zachary Taylor<sup>qv</sup> and American forces of occupation arrived on the Rio Grande on March 26, 1846, to establish the river as the southern boundary of Texas. In April, 1846, Taylor built an earthen fort of eight hundred yards perimeter, with six bastions, walls more than nine feet high, a parapet of fifteen feet, the whole surrounded by a ditch fifteen feet deep and twenty feet wide. Armament was four eighteen-pound guns. The 7th Infantry, with Company I of the 2nd Artillery and Company E, 3rd Artillery, commanded by Major Jacob Brown<sup>qv</sup> garrisoned the fort.

Mexican troops under Mariano Arista<sup>qv</sup> intercepted the Americans as they brought supplies from Point Isabel to the fort, and the battles of Palo Alto and Resaca de la Palma<sup>qv</sup> were fought on May 8 and 9, 1846. On May 9 Major Brown died from effect of shell shot during the bombardment of the fort by Mexicans in Matamoros. He was buried within the fortifications, and on May 17, the post was named in his honor.

The position was held by a strong force during the Mexican War, and in 1848 quarters for officers and enlisted men and a permanent post were built about a quarter-mile north of the first site, the land being purchased from heirs of Josefa Cavazos, representing José Salvador de la Garza, grantee, one of José de Escandón's<sup>qv</sup> colonists. A brick wall, called the Quarter Master's Fence, divided the fort and the city of Brownsville.

From 1848 on there were rumors of abandoning Fort Brown. Indian raids in 1852 made it a necessary fortification for Brownsville, and from one to four companies of troops were stationed there. In 1859 Juan Nepomuceno Cortina<sup>qv</sup> occupied the fort as a refuge. In 1860 Robert E. Lee<sup>qv</sup> was called to the border to quell disturbances and was stationed at Fort Brown.

In March, 1861, the post was abandoned by United States troops, under orders, and occupied by troops of the state of Texas. Fort Brown was garrisoned by a small force of Confederates until November, 1863, occupied by Union forces until July, 1864, and again held by Confederates until November, 1865. During the Confederate occupation the fort was described as a field work of six bastion fronts with a defence line of 950 yards and was garrisoned by two thousand men with an armament of guns of different calibers.

Permanent buildings erected in 1869 included the post hospital, administration building, large officers' quarters, and the chapel. In 1882 William Crawford Gorgas<sup>qv</sup> was sent to the post to cope with the worst and last yellow fever epidemic at Fort Brown.

At various intervals negro troops were stationed at Fort Brown. In 1906 a negro raid caused citizens of Brownsville to demand that no more colored troops be stationed there. President Theodore Roosevelt responded by transferring the post from the War Department to the Department of Interior which converted the establishment into an experimental garden for spineless cacti.

In 1914, because of bandit raids on the Rio Grande, Fort Brown was reactivated and made headquarters for the Brownsville Military District under General James Parker. Within a few months about 50,000 state guards were mobilized within the district. The first wireless station was established about 1916.

From World War I to February, 1941, Fort Brown was headquarters for the 12th Cavalry. That unit was replaced by the 124th Cavalry, which trained there until May, 1944, when the fort was inactivated. Official inactivation was declared by the War Department in 1945, when the fort was turned over to the Army Engineers. Certified to the War Assets Administration for disposal on May 15, 1946, it was assigned to the Federal Works Agency on July 7; the agency referred the territory to the Federal Land Bank for farming purposes. The land in the area is claimed by the International Boundary Commission.<sup>qv</sup>

On July 22, 1948, the front 162 acres of Fort Brown were deeded to the city of Brownsville, and the old post hospital was granted to the Brownsville School District for use of Texas Southmost College.

#### Elizabeth Pettit Davenport

**Fort Burleson.** Fort Burleson, probably named for Edward Burleson<sup>qv</sup> was established on August 26, 1839, by W. S. Fisher at the falls of the Brazos River in present Falls County. A temporary



establishment for Indian protection, the fort was occupied for a time by George T. Howard.<sup>qv</sup>

**Fort Chadbourne.** Fort Chadbourne, a United States military post, was established on October 28, 1852, on Oak Creek, thirty miles above its junction with the Colorado River, in the northeastern part of present Coke County, by Companies A and K, 8th United States Infantry. The station was first called Camp on Oak Creek, then Camp Chadbourne, and later Fort Chadbourne, in honor of Lieutenant Theodore L. Chadbourne, who had been killed at the battle of Resaca de la Palma.<sup>qv</sup> Guarding an important station on the Butterfield Overland Mail Route,<sup>qv</sup> the post was occupied continuously from the time of its founding through December, 1859. With the outbreak of the Civil War, Henry E. McCulloch,<sup>qv</sup> commissioner for the state of Texas, required the commander of the fort to deliver to him the public property of the post. After the war United States troops reoccupied the fort from 1865 to 1867. The present town of Fort Chadbourne has grown up around the location, which was marked by the Texas Centennial Commission in 1936.

**BIBLIOGRAPHY:** Arrie Barrett, *Federal Military Outposts in Texas, 1846-1861* (M.A. thesis, University of Texas, 1927); J. C. McConnell, *The West Texas Frontier, 1* (1933); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Fort Chadbourne, Texas.** Fort Chadbourne, in northwestern Coke County, grew up around Fort Chadbourne.<sup>qv</sup> J. B. McCutcheon had the post office in his general store in 1880, when population was twenty-five. No population was reported in 1900, but the Kansas City, Mexico, and Orient Railroad reached the site in 1910, and by the end of the year, the town had four stores, two churches, a school, and a population of one hundred. A population of fifty was reported in 1920, 1930, and 1940.

**Fort Chambers.** Fort Chambers, located about half way between old Fort Anahuac<sup>qv</sup> and the town of Anahuac in Chambers County, was built by Confederate troops to protect the Gulf coast area during the Civil War and was named for Thomas Jefferson Chambers.<sup>qv</sup> Two cannon said to have been mounted at the fort were afterwards conveyed to Galveston.

**BIBLIOGRAPHY:** Jewel Horace Harry, *A History of Chambers County* (M.A. thesis, University of Texas, 1940); *Texas Almanac* (1936).

**Fort Cienaga.** Fort Cienaga, a quadrangular adobe fortress at Cienaga Springs, was used by Milton Favor<sup>qv</sup> in the 1850's to protect his ranch from attacks by Apache Indians.<sup>qv</sup> The ruins, near Shafter in Presidio County, were visible in 1949.

**BIBLIOGRAPHY:** Evelyn and T. C. Davis, *Spirit of the Big Bend* (1948); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Fort Clark.** Fort Clark was established at the head of the Las Moras Creek opposite the town of Brackettville in Kinney County on June 19, 1852. First named Fort Riley in honor of the commanding officer of the 1st Infantry, it was redesignated Fort Clark on July 15, 1852, in honor of Major John B. Clark, who died in the Mexican War.

The first troops to arrive at the fort were two companies of the 1st Infantry under Joseph H. LaMotte and an advance and rear guard of United States Mounted Rifles, later the 3rd Cavalry. For four years the members of the garrison lived in

temporary barracks. The post headquarters building was constructed in 1857.

When Texas seceded from the Union, the post was evacuated by Federal troops on March 19, 1861, and occupied by Texas volunteers. On December 12, 1866, the post was again garrisoned by Federal soldiers, Troop C, 4th Cavalry, and new barracks and quarters were constructed. The United States government did not secure a deed to the land upon which the military post was located until 1884, when Mary Adams Maverick<sup>qv</sup> was paid \$80,000 for the 3,965-acre tract.

Many infantry regiments and practically all of the cavalry regiments have been stationed at Fort Clark at various times. The 5th Cavalry Regiment was located there for twenty-one years, from 1920, to November, 1941. At the outbreak of World War II the 112th Cavalry Regiment under Julian Cunningham trained from November, 1941, to July 5, 1942. The 2nd Cavalry Division was activated under command of Major General Henry H. Johnson on February 25, 1943. The fort was inactivated on February 9, 1946. In 1949 it was owned privately and was operating as a guest ranch.

**BIBLIOGRAPHY:** Don Hinga, "Heroes Lived Here," *Texas Parade* (September, 1949).

**Fort Colorado.** Fort Colorado (Fort Coleman), a Texas Ranger<sup>qv</sup> fort on Walnut Creek about seven miles east of Austin, was established in June, 1836, by Robert M. Coleman.<sup>qv</sup> Captain Michael Andrews and Captain William M. Eastland<sup>qv</sup> were also temporarily in command. The fortification of crude log huts surrounded by a stockade gave protection against the Indians. It is thought that the fort was abandoned in November, 1838. The Texas Centennial Commission placed a marker at the site in 1936.

**BIBLIOGRAPHY:** *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939); W. P. Webb, *The Texas Rangers* (1935).

**Fort Concho.** Fort Concho, at the junction of the North and Main Concho rivers in present Tom Green County, was one of a line of military posts designed to protect settlers in West Texas from hostile Indians. The site was selected in November and the post was established in December, 1867, by a part of the 4th Cavalry under Captain George P. Hunt from Fort Chadbourne,<sup>qv</sup> which was being abandoned because of failure of the water supply.

First called Camp Hatch in honor of Major John P. Hatch, the post, in January, 1868, was renamed Camp Kelly, in honor of Captain Michael J. Kelly; the name again changed in March, 1868, to Fort Concho after the rivers joining at the point. Fort Concho, the center of a line of posts extending from El Paso to the northeastern border of Texas, was also part of the southern chain to the mouth of the Rio Grande. Because of its central position more duty devolved upon the troops and officers of Fort Concho than upon those of other posts in the chains of defense. The duties were scouting, picketing the mail road, escorting the mail coaches, and general escort duty.

Among the officers stationed at Fort Concho who later attained high rank in the army were Randall S. Mackenzie and William R. Shafter.<sup>qv</sup>

On June 20, 1889, Fort Concho was abandoned as a military post and the property comprising it passed to private ownership. In 1929 the old administration building was acquired to house the

## FORT CROCKETT

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## FORT DAVIS

West Texas Museum, now Fort Concho Museum. A movement was under way to restore the entire post.

**BIBLIOGRAPHY:** *A Report on Barracks and Hospitals with Descriptions of Military Posts* (1870); Grace Bitner, *The History of Tom Green County, Texas* (M.A. thesis, University of Texas, 1931).

*Grace Bitner*

**Fort Crockett.** Fort Crockett, a United States military reservation established primarily for Coast Artillery training and harbor defense, was named for David Crockett.<sup>qv</sup> The fort is located at the western end of the sea wall on Galveston Island. Fort San Jacinto<sup>qv</sup> guards the eastern end of the island, and Fort Travis<sup>qv</sup> guards the entrance to Galveston Bay. Built in 1897, Fort Crockett was first garrisoned by Battery G, 1st Artillery, which was relieved by Battery C under Captain William C. Rafferty, just before the Galveston storm of 1900. After the storm the batteries were transferred to the District Engineers, and Fort Crockett was not garrisoned again until 1911, when it became a mobilization center during the border troubles with Mexico.

During World War I, two marine regiments were quartered at Fort Crockett, and troops were trained for heavy artillery. In 1926, when the Coast Artillery was reorganized, the fort became the home station of the 69th Coast Artillery (anti-aircraft) and was occupied by the 13th Coast Artillery. The 3rd Attack Group was stationed at the post from 1925 to 1933.

The 265th Coast Artillery took over Fort Crockett in January, 1941, and on April 10, 1942, the fort became headquarters of a part of the Gulf Sector, Southern Coastal Frontier, with a separate staff after October 4, 1942. The station hospital and laundry serve personnel of the whole Gulf defense area. Engineers, Ordnance, and Signal Corps operated at the fort during World War II. In 1949 Fort Crockett was primarily a recreation center for military personnel and their families.

*Dorman H. Winfrey*

**Fort Croghan.** Fort Croghan, a United States military post on Hamilton Creek in Burnet County about three miles south of the present town of Burnet, was established at the site of a frontier post known as McCulloch's Station. Henry E. McCulloch<sup>qv</sup> and his rangers were stationed there when the place was chosen for the fort on March 13, 1849, by Lieutenant C. H. Tyler, commanding Company A of the 2nd Dragoons. McCulloch was not relieved of his duty until March 18, when the site became officially a federal post. On October 12, a new location was chosen and the fort was built across Hamilton Creek about three and a half miles above the first site. The post was known as Camp Croghan, then Camp Hamilton, and finally as Fort Croghan, in honor of Colonel George Croghan. Buildings were of oak covered with shingles; officers' quarters were four log houses, each having two rooms separated by a hall. The hospital was a large four-room log house.

The fort became headquarters for the 2nd Dragoons in 1852, but the government started moving its troops from Fort Croghan in 1853, and only a small guard remained when orders were issued to abandon it in 1855. The buildings were used as residences; the old hospital, long the home of W. P. Fry, was torn down in 1922. In 1940 only the foundations remained as evidence of the military occupation.

**BIBLIOGRAPHY:** Arrie Barrett, *Federal Military Outposts in Texas, 1846-1861* (M.A. thesis, University of Texas, 1927); Melvin G. Bowden, *History of Burnet County* (M.A. thesis, University of Texas, 1940); J. C. McConnell, *The West Texas Frontier, I* (1933).

**Fort D. A. Russell.** Fort D. A. Russell, a United States military reservation of some 2,700 acres located on a plateau overlooking Marfa, Texas, was known as Camp Marfa until January 1, 1930, when it was officially named for David Ashley Russell, a veteran of the Mexican War.

When the Mexican revolutionary disturbances began in 1911, the United States War Department ordered troops to the Rio Grande and Troop M of the 3rd Cavalry and Troop H of the 14th Cavalry were stationed in Marfa. Units of the 15th, 6th, and 8th Cavalries were on border patrol near Marfa during the Francisco (Pancho) Villa<sup>qv</sup> disturbances. One of the army duties was to rescue Mexican refugees from Ojinaga and hold them under guard until transferred to Juarez.

From 1917 to 1919 the 6th Cavalry, the 4th Texas Infantry, the 1st Texas Cavalry, two battalions of the Pennsylvania National Guard, and the 34th United States Infantry served along the border. In 1920 the Big Bend Military District was officially discontinued, and Camp Marfa was established as headquarters of the Marfa Command.

Activity at the fort was discontinued in December, 1932, with the transfer and motorizing of the 1st Cavalry Regiment. Colonel William Austin held an impressive last review to mark the passing of the oldest cavalry regiment in the United States as a mounted organization, and Louie, oldest horse in the regiment, was given a military review.

Caretakers were in charge of Fort Russell until it was re-established as an active military reservation and garrisoned by the 2nd Battalion of the 77th Field Artillery in 1935 with Colonel Robert H. Lewis as post and regimental commander. In the spring of 1938 a month of cavalry maneuvers was held under direction of General Ben Lear. In June, 1938, an officer's training schedule was instituted. After a threatened abandonment in 1939, Marfa offered the federal government 2,400 acres of land for use in enlarging facilities at the post. Adjacent property was bought, and under Colonel Burtram Frankenberger the 77th Field Artillery became a part of the 13th Field Artillery Brigade, and many improvements and steps to beautification were made on the physical plant.

Additional buildings were necessary at Fort Russell after the passing of the Selective Service Law. The 1st Squadron of the 5th Cavalry under Major John C. Ninnice, Jr., replaced the field artillery unit. Major Royce A. Drake brought in the 8th U. S. Cavalry. Troops A and G of the 124th Cavalry under Captains George B. Jordan and Jackson A. Parker were brought in in 1944. The 81st and 85th Chemical Warfare Battalions also trained at D. A. Russell. Colonel Napoleon Rainbolt supervised the establishment of a German Prisoner of War Camp at the fort in November, 1943. In 1943 also a Military Police Escort Guard Detachment was activated under Lieutenant Harvey F. Bailey.

Fort D. A. Russell became inactive in December, 1945, and in 1949 the property was privately owned.

**Fort Davis.** Following the discovery of gold in California in 1848 the War Department desired to locate a practicable "water route" through the arid Southwest so that the gold-seekers, settlers,

and troops might be assured of water for themselves and their animals. The survey that was conducted embraced La Limpia, or Limpia Creek and canyon in the Davis Mountains in the vast and empty region between the Pecos River and Presidio del Norte—present El Paso.

In 1854 Jefferson Davis,<sup>qv</sup> then secretary of war, ordered the establishment of a military post at a "suitable location" in the region. In late summer of that year Lieutenant Colonel Washington Seawell left Fort Ringgold<sup>qv</sup> with six companies of the 8th Infantry. On October 3 the troops reached Limpia Creek. After skirmishes with the Indians they arrived on October 7, 1854, at a primitive settlement which was called Painted Comanche Camp. The location was chosen "because of the salubrious climate and pure water," according to War Department records, and named Fort Davis in honor of the secretary of war. The same troops remained in continuous warfare with the Comanche and Apache<sup>qv</sup> until the outbreak of the Civil War. Colonel John R. Baylor's<sup>qv</sup> Confederate cavalry brigade reached Fort Davis on April 13, 1861, and the Union troops withdrew in compliance with orders already received from Brigadier General David E. Twiggs,<sup>qv</sup> commanding the 8th United States Military District.

The Confederates remained for a few months; then the post was vacant until the return of Federal troops on June 29, 1867. In the meantime the post buildings had been almost destroyed by the Indians. The majority of the sixty-five or so structures in Hospital Canyon had been built of sawed pine and cottonwood slabs set in the ground and thatched with grass and tules. Six barracks, the rock foundations of which were still discernible in spots in 1943, were built across the mouth of the short canyon. Soon after the return of troops in 1867 more substantial buildings of rock and adobe were constructed just outside the canyon east of the original post.

Fort Davis, from its establishment to 1880, was the hub of warfare with the Indians. It was the crossroads for horse-and-ox-drawn, high-wheeled wagon trains to and from Mexico and westward to El Paso and California. Herds on the hoof were driven through to the Far West.

The widely publicized attempt of Jefferson Davis to introduce camels as army pack animals (see *Camels in Texas*) in the Southwest touched at Fort Davis; a train of them is said to have passed through bound for California in 1858, and there is another record of twenty-four camels at the fort the following year.

In 1878 the Mescalero Apache<sup>qv</sup> began their last bitter stand for their homeland. In 1880 Colonel Benjamin H. Grierson's<sup>qv</sup> effective forays put an end to Indian troubles. Large numbers of cattlemen at once began to move in. By 1891 there was no longer need of troops; the frontier had vanished. On July 31, 1891, Company F, 5th United States Infantry, marched away from the post, the last ever to be stationed in old Fort Davis.

John James<sup>qv</sup> of San Antonio was the first owner of the land on which the post was built. The War Department leased it from him. The land in 1943 was still in the James Estate. Several of the old fort structures have been entirely destroyed, but enough crumbling buildings remained in the 1950's to constitute what has been termed one of the most picturesque frontier fort ruins in all the West.

In 1936 the state of Texas erected a marker at the site.

**BIBLIOGRAPHY:** C. G. Raht, *Romance of the Davis Mountains and Big Bend Country* (1919); Barry Scobee, *The Story of Fort Davis* (1936).

Barry Scobee

**Fort Davis, Texas.** Fort Davis, in the Davis Mountains in southeastern Jeff Davis County, came into existence in 1854 with the establishment of the military post, Fort Davis,<sup>qv</sup> at the crossroads of the Chihuahua Trail and the Butterfield Overland Mail Route.<sup>qv</sup> The first civilian settlers, so far as known, were E. P. Webster and Diedrick Dutch-over. The town grew in the protection of the fort and gained the distinction of serving as the county seat of two counties. From 1875 until 1885 it was county seat of Presidio County; after Jeff Davis County was created, Fort Davis in 1887 became county seat of the newer county.

Fort Davis is known as the "Mile High Town," its elevation being approximately a mile above sea level, which together with its scenic attractions have made it a haven for summer visitors. The picturesque ruins of the old military post are in the town, and the Davis Mountains State Park is only four miles from the courthouse. A seventy-five-mile highway makes a loop from the town through the mountains and back to Fort Davis. Sleeping Lion Mountain, famous for its natural stone figure of the Kneeling Nun, is immediately north of town. The McDonald Observatory<sup>qv</sup> is only a short distance away, while sixteen miles west of town is the Skillman Grove, home of the Bloys Camp Meeting.<sup>qv</sup> Population was estimated at 1,200 in 1949.

**BIBLIOGRAPHY:** Barry Scobee, *The Story of Fort Davis* (1936).

Barry Scobee

**Fort Defiance.** Fort Defiance was the name given by James W. Fannin, Jr.,<sup>qv</sup> and his men to the La Bahia presidio (Nuestra Señora de Loreto<sup>qv</sup>) at Goliad in February, 1836, when the fort was repaired and strengthened in preparation for the Mexican invasion.

**BIBLIOGRAPHY:** D. G. Wooten, *Comprehensive History of Texas*, I (1898).

**Fort Duncan.** Fort Duncan, on the east side of the Rio Grande one or two miles above Eagle Pass, was established by order of Major General William J. Worth<sup>qv</sup> on March 27, 1849, when Captain S. Burbank occupied the site with Companies A, B, and F of the 1st United States Infantry. Roads ran to Fort Inge and Fort McIntosh,<sup>qv</sup> and mail was received from San Antonio.

The post consisted of a storehouse, two magazines, four officers quarters, and a stone hospital in addition to quarters for enlisted men. Construction was done half by the troops and half by hired mechanics. There was ample stone but no timber for building, and the men suffered from exposure. Company C, 1st Artillery, asked permission to erect quarters at its own expense. The fort was significant because of the trade with Mexico which crossed at Eagle Pass and because of the location on the California road, but Secretary of War John B. Floyd ordered abandonment of the post in May, 1859, and troops were transferred to Camp Verde<sup>qv</sup> on June 18. Because of the Juan N. Cortina<sup>qv</sup> disturbances on the Rio Grande, Robert E. Lee<sup>qv</sup> ordered the fort regarrisoned in March, 1850, and in August, 1860, Major W. H. French leased the site from John Twohig.<sup>qv</sup> With the outbreak

of the Civil War, the post was again abandoned, the Federal troops evacuating on March 20, 1861, when John C. Crawford received the property as the agent for the state of Texas. During the war the post was known as Rio Grande Station<sup>qv</sup> and served as a station for the Frontier Regiment.<sup>qv</sup> Federal troops reoccupied Fort Duncan in 1868; in 1870 Seminole Indians were attached to the command as guides. From 1890 to 1916, when disturbances in Mexico took National Guard units to the river, the fort had a skeleton caretaking detachment. After 1940 the city of Eagle Pass converted the site into a recreational area known as Fort Duncan Park.

**BIBLIOGRAPHY:** Arrie Barrett, *Federal Military Outposts in Texas, 1846-1861* (M.A. thesis, University of Texas, 1927); *Texas: A Guide to the Lone Star State* (1940); *Texas Almanac* (1947).

**Fort Elliott.** Fort Elliott was established on June 5, 1875, in present Wheeler County, one-half mile south of the head of Sweetwater Creek and about one mile from Hidetown, later known as Mobeetie. The site was selected by the first commanding officer, Major Henry C. Bankhead of the 4th Cavalry. Originally a sub-post of Fort Sill and known as the "Cantonment of Sweetwater," it was made a regular United States post and named in honor of Major Joel H. Elliott of the 7th Cavalry, who had been killed in a battle with Indians on the Washita River, Indian Territory, on November 27, 1868.

The buildings were long, rambling structures of frame and adobe, built in a rectangle in the center of which was the parade ground. Offices were in front; on one side were sleeping quarters of the enlisted men with their dining rooms and kitchens adjoining at the back; officers' quarters were on the opposite side. In the extreme rear were houses of the negro families, and on the creek were tepees of Indians who were part of the post personnel. The total number of soldiers was small, usually less than five hundred. Part of the time there were three companies of negro infantry and five companies of white cavalry.

Fort Elliott was abandoned about 1890 and transferred from the War Department to the Department of Interior for disposition. Nothing of the original buildings remains. In 1936 the state of Texas erected a marker at the site.

**BIBLIOGRAPHY:** J. Everts Haley, "When the Panhandle Was Still Young," *Dallas Morning News*, August 2, 1925; Laura V. Hamner, *Short Grass and Longhorns* (1943); Willie Newbury Lewis, *Between Sun and Sod* (1938); William Coy Perkins, *A History of Wheeler County* (M.A. thesis, University of Texas, 1938).

**Fort Esperanza.** Fort Esperanza, a Confederate post at Saluria on Matagorda Island, was built by slave labor under direction of Caleb G. Forshey<sup>qv</sup> early in 1863. The post was defended by a battalion of Confederate artillery until November 29, 1863, when the Confederates retreated to the mainland before Federal troops moving up the island under command of Nathaniel P. Banks.<sup>qv</sup>

**BIBLIOGRAPHY:** J. S. Clark, *Life in the Middle West* (1916); Hobart Huson, *A Comprehensive History of Refugio County* (MS., Archives Collection, University of Texas Library); *Victoria Advocate*, September 28, 1934.

**Fort Ewell.** Fort Ewell, on the south bank of the Nueces River in southern La Salle County, was established on May 18, 1852, and was named for Richard Stoddard Ewell, captain of dragoons in the United States Army. The post was established to guard the frontier and the road from San Antonio

to Laredo. In a poor location, surrounded by a low salt marsh, the fort had only temporary buildings put up by troop labor; the troops were without proper food and clothing; there was much sickness. When W. G. Freeman inspected the post in June, 1853, he reported one commissary storehouse, a blacksmith shop, and two sets of company quarters constructed of adobe. Major J. S. Simonson commanded companies E, G, and I of the Regiment of Mounted Rifemen. In December, 1853, the War Department issued orders for abandonment of the fort as early as convenient, and the orders were carried out on October 3, 1854. When La Salle County was organized in 1880, the settlement around the old fort was the most populous in the area. Renamed La Salle, it served as county seat until 1882.

**BIBLIOGRAPHY:** Arrie Barrett, *Federal Military Outposts in Texas, 1846-1861* (M.A. thesis, University of Texas, 1927); M. L. Crimmins (ed.), "W. G. Freeman's Report on the Eighth Military Department," *Southwestern Historical Quarterly*, LI (1947-1948); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Fort Fisher.** Fort Fisher, a temporary Texas Ranger<sup>qv</sup> post, was established at the Waco Springs by a battalion of rangers under Thomas H. Barron in the spring of 1837.

**Fort Francois.** See Fort St. Louis.

**Fort Gates.** Fort Gates, originally called Camp Gates, was established on October 26, 1849, by William R. Montgomery<sup>qv</sup> as a stockaded United States cantonment on the north bank of the Leon River above Coryell Creek about five miles east of present Gatesville. It was named for Brevet Major Collinson Reed Gates of New York, who won distinction in the battles of Palo Alto and Resaca de la Palma.<sup>qv</sup> The last of a cordon of posts established in 1849 to protect settlers on the frontier from marauding Indians, it was authorized by George Mercer Brooke<sup>qv</sup> of the Eighth Military Department. The establishment had seventeen buildings; four for officers' quarters, two for company quarters, three for laundresses, one for muleteers and employees, one hospital, one stable, one forage house, two storehouses, one guardhouse, and one blacksmith shop. Quarters for a third company were half completed before orders for the building were revoked. Supplies were transported from Washington-on-the-Brazos, Houston, and Indianola.

Lieutenant W. H. C. Whiting of the Corps of Engineers, ordered by General Brooke to make a reconnaissance of the cordon of forts, reported early in 1850 that Fort Gates was for the protection of its immediate neighborhood, that it needed at least two companies to operate within a radius of sixty or seventy miles, and that the nature of the country was such that the Indians could move in all directions. The district lay in the northern part of Tonkawan country and was visited by the Waco, Comanche, and Lipan-Apache;<sup>qv</sup> but the Indian menace was soon removed, and the fort was abandoned in March, 1852, the first of the line of posts to be evacuated.

Commanding officers at Fort Gates were Lieutenant Colonel William Reading Montgomery, October 26, 1849, to July 23, 1850; Lieutenant James G. S. Snelling,<sup>qv</sup> July 23, 1850, to March 10, 1851; Major Carlos Adolphus Waite,<sup>qv</sup> March 10, 1851, to January 7, 1852; and Lieutenant Horace Haldeman, January 7, 1852, to March, 1852. The



1850 census enumerated six officers and ninety-four men at the garrison. The personnel included men of Companies D, I, F, and H of the 8th Infantry.

For a time after the removal of the garrison, settlers continued to look upon the fort as a refuge from Indian depredations. The buildings soon disintegrated until only the rock of the fireplaces remained. Lead Mountain, back of the ruins, was so named because of the numbers of lead bullets found there. The Cotton Belt Railroad named its flagstation near the site of the old post Fort Gates, and the town of Gatesville perpetuated the name.

**BIBLIOGRAPHY:** Zelma Scott, *The History of Coryell County* (M.A. thesis, University of Texas, 1946).

*Zelma Scott*

**Fort Graham.** Fort Graham, a United States military post, was established on March 27, 1849, by General W. S. Harney<sup>qv</sup> with Companies F and I of the 2nd Dragoons, under command of Brevet Major Ripley A. Arnold.<sup>qv</sup> The post was located on the east bank of the Brazos River at the old Waco Indian<sup>qv</sup> village of José María about fourteen miles west of present Hillsboro and was named for William M. Graham, who was killed in the battle of Molino del Rey in 1847. As the line of settlement moved farther west, the need for the fort was less, and the troops were permanently withdrawn on November 9, 1853. The old quarters were used as shelters by cattle drivers, and in the 1860's a settlement called Fort Graham grew up at the site, the families living in the abandoned buildings while their homes were under construction. In 1890 Fort Graham had a population of 250. In 1936 the Texas Centennial Commission provided for the purchase of the site, the erection of a marker, and the reconstruction of the barracks, partly from the original stone.

**BIBLIOGRAPHY:** Joseph C. McConnell, *West Texas Frontier*, I (1933); Mrs. C. H. Penny, "Fort Graham Is Most Noted Spot in Hill County," *Hillsboro Evening Mirror*, May 18, 1936; *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Fort Green.** See Fort Travis.

**Fort Griffin.** Fort Griffin (Bell County) was the name sometimes given to Smith's Fort or Little River Fort.<sup>qv</sup>

Fort Griffin (Jefferson County) was an alternate name for Fort Sabine.<sup>qv</sup>

Fort Griffin (Shackelford County), on the Clear Fork of the Brazos thirty-seven miles above old Fort Belknap<sup>qv</sup> and about twenty-five miles north of present-day Albany, was an important link in the chain of military posts along the Texas frontier. Established on July 31, 1867, by Colonel Samuel Davis Sturgis and four companies of the 6th Cavalry, it was first named Camp Wilson but subsequently was renamed Fort Griffin, in honor of Major General Charles Griffin,<sup>qv</sup> commanding the department of Texas.

The department commander had made plans for permanent stone buildings at Fort Griffin, but since it was supposed to take several years to complete them, temporary wooden shelters were built for both officers and men. The commanding officer's quarters were made from an old log house, hauled from a deserted ranch. A similar building served as a hospital. The post at its best consisted of quarters for six companies and a band, eleven sets of officers' quarters, and the adjutant's office, hospital, guardhouse, magazine, five storehouses, forage houses, bakery, four stable sheds, workshops, and laun-

dressers' quarters. A few of these buildings were made of stone.

Wagon trains hauled the post's supplies from the depots at St. Louis, New Orleans, and San Antonio. Drinking water was hauled from the near-by Clear Fork.

Fort Griffin maintained a substantial garrison, and from it were sent troops to escort government mail, surveying parties, and cattle drivers and to follow up and punish depredating Indians.

As early as 1873, the War Department had planned to abandon Fort Griffin. Settlers of the Texas border counties petitioned that it be retained and Lieutenant Colonel George P. Buell endorsed their petition, stating that the Indians would depopulate the frontier if the post were abandoned. In the following year, General C. C. Augur, commander of the department, visited the border posts to determine which ones should be given up. He felt that Fort Griffin should be retained and asked an appropriation of \$80,000 for permanent buildings to accommodate a six-company post. The end of the Indian raids and the rapid advance of settlements made these improvements unnecessary. In 1881 Augur reported that Fort Griffin, ceasing to serve a useful purpose, had been abandoned in May of that year.

**BIBLIOGRAPHY:** C. C. Rister, "Fort Griffin," *West Texas Historical Association Year Book*, I (1925); C. C. Rister, *The Southwestern Frontier* (1928); Captain R. G. Carter, *On the Border with Mackenzie* (1935).

*C. C. Rister*

**Fort Griffin, Texas.** Fort Griffin, in northeastern Shackelford County, grew up around the military establishment of Fort Griffin<sup>qv</sup> and like the post was named for Major Charles Griffin.<sup>qv</sup> Settled by 1865, the community had a post office by 1884 and in 1896 reported three churches, a school, nine businesses, and a population of three hundred. Population was only thirty-five in 1933 but was reported as one hundred in 1949.

**Fort Griffin Trail.** See Western Trail.

**Fort Hancock.** Fort Hancock, in southwestern Hudspeth County fifty-three miles east of El Paso, was established in 1882 and was called Fort Rice until the name was changed to honor its first commander, General Winfield Scott Hancock.<sup>qv</sup> The post was abandoned in 1895, but the town of Fort Hancock remained.

**Fort Hancock, Texas.** Fort Hancock, on the Texas and New Orleans Railroad in southwestern Hudspeth County, grew up around the military post, Fort Hancock,<sup>qv</sup> after the railroad established a station there in 1882. In 1890 the town had a population of 375, but when the fort was disbanded, population decreased until by 1920 it was only 34. By 1930 population had increased to 110, and by 1940, to 450.

**Fort Hood.** Fort Hood, originally Camp Hood, was a World War II training center for tank destroyers. The post was located on a 160,000-acre tract between Killeen and Gatesville, Texas, a site chosen in January, 1942, under the direction of General A. D. Bruce. Named for John Bell Hood,<sup>qv</sup> the camp had its headquarters and planning echelon at Temple. In March, 1942, the first personnel moved on the reservation, the men bivouacking in the field. Actual construction began on April 20, 1942; the official dedication was held on September 18. North Camp Hood, a sub-camp containing the basic unit training center was activated in March, 1944. Special units of the Fourth Army and

the XXIII Corps were also trained at the camp. The famous battle-conditioning course, which later became a requirement for every soldier, originated at Camp Hood. A unit of field artillery was included in the personnel to help provide battle-conditioned training. Troop capacity at the camp was more than 95,000 in late June, 1943.

At the close of World War II Camp Hood began to take the appearance of a peacetime military installation. By January, 1946, the troops numbered only ten thousand and they were charged with caretaker duties, reprocessing equipment for storing and shipping, and other similar tasks. The same year North Camp Hood, with the exception of the United States Disciplinary Barracks, was closed and all useable property turned over to the War Assets Administration.

After a general military reorganization in 1946, Camp Hood was placed under the command of the newly-activated Fourth Army. Designated Fort Hood, the post became the permanent home of the 2nd Armored (Hell on Wheels) Division, and the commanding general of the tactical troops became also commanding general of the fort. In 1948 after the fort's acquiring a permanent status, the post engineer started the rehabilitation and renovation of existing buildings and construction of additional ones. During 1949 the training and field facilities of the camp were used by army reserve units, the Reserve Officers Training Corps, the Organized Reserve Corps, and units of the Texas National Guard.<sup>qv</sup>

**Fort Houston.** Fort Houston, a stockade and blockhouse of the Republic of Texas about two miles west of present Palestine in Anderson County, was completed in the spring of 1835. A store and some half-dozen cabins which were built around the fortification constituted the first Texas town to bear the name of Sam Houston. The fort was an important point of frontier defense from 1836 to 1839 but was abandoned in 1841 or 1842. With creation of Anderson County in 1846, the settlement was suggested for county seat, but it was not sufficiently centrally located. The site finally became a part of the John H. Reagan<sup>qv</sup> home, which was called Fort Houston. The Texas Centennial Commission erected a marker at the fort in 1936, and in 1942 Miss Kate Hunter took the lead in securing a stone gateway and markers for the pioneer graves in the Fort Houston cemetery.

**BIBLIOGRAPHY:** William A. McClintock, "Journal of a Trip Through Texas and Northern Mexico in 1846-1847," *Southwestern Historical Quarterly*, XXXIV (1930-1931); Jimmie Valentine, "The Original Houston, Texas, and the First Fort Sam Houston," *Junior Historian*, V (1944-1945); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Fort Hudson.** Fort Hudson, first called the Camp on the San Pedro, was on San Pedro Creek near Devils River in Val Verde County. Established in 1857 for protection against the Indians, it was abandoned during the Civil War, reoccupied in 1867, and abandoned again in 1868.

**BIBLIOGRAPHY:** *Texas Almanac* (1943).

**Fort Inge.** Fort Inge, a United States military reservation on the east bank of the Leona River in Uvalde County, was named for Lieutenant Zebulon M. P. Inge, of the 2nd Dragoons, who was killed at the battle of Resaca de la Palma.<sup>qv</sup> The post was established and garrisoned on March 13, 1849, by Captain Sidney Burbank with two companies of the 1st Infantry. In 1856, when Robert E. Lee<sup>qv</sup> visited

this post, it consisted of about a dozen buildings of various sizes around the edge of a parade ground. The houses were rough and temporary, some of the officers' quarters being made of jacal, but all were whitewashed and neatly kept, shaded by hackberry and elm trees. The hospital was of stone. Troops were withdrawn temporarily several times, but the fort was reoccupied. During the Civil War Confederate soldiers were stationed there. Federal personnel occupied it again in 1866, remaining until the fort was finally abandoned on March 28, 1869. The original buildings are in ruins.

**BIBLIOGRAPHY:** Arrie Barrett, *Federal Military Outposts in Texas, 1845-1861* (M.A. thesis, University of Texas, 1927); Bertha Dalton, "History of Fort Inge," *San Antonio Express*, June 23, 1912; Carl Coke Rister, *Robert E. Lee in Texas* (1946); George Collins, "Fort Inge," *Junior Historian*, XI (1950-1951).

**Fort Inghish.** Fort Inghish was founded on March 17, 1837, when Bailey Inghish<sup>qv</sup> located on the northeast line of the present town of Bonham in Fannin County. The settlement came to be called Fort Inghish because of the blockhouse, sixteen feet square, with an overhanging second story, twenty-four feet square, which Inghish built for his home. Often some eight or ten families seeking shelter from the Indians would fort up in the structure, which may have been surrounded by a stockade. John P. Simpson and Mabel Gilbert<sup>qv</sup> settled at the fort in September, 1837. It was a rendezvous for rangers in a campaign against Indians of the area in 1838 and 1839 and again in July, 1841, when a regiment left the fort to fight the Indians of the Trinity area, a fight for which the Indians retaliated with an attack on Fort Inghish. The board of land commissioners for Fannin County met at the site on December 17, 1837. Eventually the settlement attached to the blockhouse became the town of Bonham. A replica of the blockhouse has been constructed and is maintained by Bonham.

**BIBLIOGRAPHY:** W. A. Carter, *History of Fannin County, Texas* (1885); R. W. Strickland, "History of Fannin County, Texas, 1836-1843," *Southwestern Historical Quarterly*, XXXIII and XXXIV (1929-1931).

**Fort Ives.** See Camp Ives.

**Fort Jacksboro.** See Fort Richardson.

**Fort Johnson.** Fort Johnson, four miles north of Pottsboro in Grayson County, was established by William G. Cooke<sup>qv</sup> in 1840 as part of the defense of the Military Road<sup>qv</sup> from Red River to Austin. Named for Francis W. Johnson<sup>qv</sup> the post was a place of rendezvous for the Snively Expedition.<sup>qv</sup> The community around the fort was known as Georgetown. In 1936 the Texas Centennial Commission erected a marker at the site.

**BIBLIOGRAPHY:** *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Fort Kenney.** See Kenney's Fort.

**Fort Lacy.** See Lacy's Fort.

**Fort Lancaster.** Fort Lancaster, a Federal military outpost, was established on August 20, 1855, on the old military road between San Antonio and El Paso a half-mile above the junction of Live Oak Creek with the Pecos River in present Crockett County. The fort was abandoned on March 19, 1861, just after Texas seceded from the Union, and reoccupied for a short time in 1868. In 1936, as a part of the centennial celebration, the state of Texas erected a marker at the site.

**BIBLIOGRAPHY:** Arrie Barrett, *Federal Military Outposts in Texas, 1846-1861* (M.A. thesis, University of Texas, 1927).

**Fort Leaton.** Fort Leaton, a pioneer trading post, was established about 1846 at the site of Presidio del Norte,<sup>qv</sup> a short distance below present Presidio, Texas. In 1848, Ben Leaton, a former Mexican War soldier, acquired the trading post and rebuilt it to contain thirty or forty rooms and named the old presidio site Fort Leaton. In August, 1848, an expedition sent under John C. (Jack) Hays<sup>qv</sup> to find a practicable road from San Antonio to Chihuahua via El Paso spent ten days at the fort. The post probably continued in operation until Indian depredations increased at the outbreak of the Civil War. Sometime between 1860 and 1865 the property was bought by John D. Burgess, whose family owned it as late as 1883.

In the early 1930's Presidio County began a partial construction of the fort but finally had to turn it back to its owner, Frank O. Skidmore of El Paso. In 1936, the same year that the Texas Centennial Commission placed a marker at the site, a fire destroyed the stockade and some of the adjoining rooms. In 1949 twenty-two rooms of the fort remained, occupied by stock and a family of Spanish-American farm workers.

**BIBLIOGRAPHY:** A. B. Bender, "Opening Routes across West Texas, 1848-1850," *Southwestern Historical Quarterly*, XXXVII (1933-1934); John E. Gregg, *The History of Presidio County* (M.A. thesis, University of Texas, 1933); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939); Evelyn and Thomas Clement Davis, *Spirit of the Big Bend* (1948).

**Fort Lincoln.** Fort Lincoln, on the west bank of Seco Creek a mile north of D'Hanis in west central Medina County, was named for George Lincoln, who was killed in the battle of Buena Vista. Established on July 7, 1849, the fort occupied the site used the year before by Charles de Montel<sup>qv</sup> as headquarters for a company of Texas Rangers.<sup>qv</sup> The fort furnished protection for frontier settlements and was a post of escort and refuge for travel on the road from San Antonio to Fort Duncan.<sup>qv</sup> In 1851 the installation had buildings for two companies, a commissary store, a storehouse for company property, a storehouse for the quartermaster's depot, and a hospital. The temporary buildings were of logs or poles, with roofs of shingles, thatch, or tarpaulin. The fort was abandoned on July 20, 1852, after the frontier line had advanced westward. The buildings remained intact for some time, and Texas Rangers made headquarters at the site. The barracks were torn down and transformed into residences east of Seco Creek at D'Hanis when the property passed into private hands. On May 26, 1936, a dedication ceremony was held for the unveiling of a marker placed by the Texas Centennial Commission at the site.

**BIBLIOGRAPHY:** Arrie Barrett, *Federal Military Outposts in Texas, 1846-1861* (M.A. thesis, University of Texas, 1927); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

H. E. Haass

**Fort Lipantitlán.** Fort Lipantitlán, on the Nueces River near San Patricio, was established by order of Manuel de Mier y Terán<sup>qv</sup> as a measure to carry out the provisions of the Law of April 6, 1830.<sup>qv</sup> Its Aztec name indicated the government's determination to Mexicanize Texas. Francisco Ruiz<sup>qv</sup> commanded the Mexican garrison which occupied the post in 1831. On November 4, 1835, the fort was captured by Texas volunteers under Ira J. Westover.<sup>qv</sup> Attacked on June 7, 1842, by a Mexican Army under Antonio Canales,<sup>qv</sup> it was successfully defended by 192 men under James

Davis.<sup>qv</sup> In 1936 the Texas Centennial Commission erected a marker eleven and one-half miles northwest of Banquette, Nueces County, to commemorate the fort.

**BIBLIOGRAPHY:** Ohland Morton, *Terán and Texas* (1948); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Fort McIntosh.** Fort McIntosh, first called Camp Crawford for Secretary of War George W. Crawford, was established on March 3, 1849, when the United States troops entered Laredo, Texas, immediately after the Mexican War. On January 7, 1850, the name was changed to Fort McIntosh in honor of Colonel J. B. McIntosh. The original fort, a star-shaped earthwork covering an area of about an acre, was built in 1850 on a bluff some fifty feet above the Rio Grande. Within was a fine magazine of stone with an arched roof overlaid with earth. There were descending steps, iron doors, and secure locks. Another magazine was begun but never completed. In 1858 the post was abandoned and the stores removed to Fort Brown.<sup>qv</sup> The buildings reverted to the city of Laredo. The United States government obtained a ten-year lease on the old site with the understanding that it might take possession at any time. In 1859 two companies of the 1st Infantry took post there.

With Texas' secession from the Union, Confederate forces under Santos Benavides<sup>qv</sup> took possession of the evacuated fort and stores in April, 1861. United States troops reoccupied Fort McIntosh on October 23, 1865, after which a new post was built about half a mile below the old fort. In 1868 construction was begun on a hospital, guardhouse, and small adobe quarters. The city of Laredo conveyed the site to the United States on May 29, 1875, for a consideration of \$1,000. In 1877 additional buildings were provided at a cost of \$15,000, and in 1886 improvements costing \$36,000 were made.

Fort McIntosh was alerted because of a small uprising in Nuevo Laredo, Mexico, on May 9, 1920, when a few bullets fell on the American side of the Rio Grande. Just before the outbreak of World War II, Fort McIntosh was used as an engineer post. Commanding officers have included Colonels Walter B. Pyron, A. F. Bowen, William E. Lake, and Bertram Frankenberger. During World War II small units of mechanized cavalry trained there. Fort McIntosh was discontinued as an army post on May 31, 1946.

**Fort McKavett.** Fort McKavett, Menard County, was called Camp San Saba when it was established on March 14, 1852, by the United States War Department as a protection for frontier settlers. The reservation, covering about 2,373 acres, was later named for Captain Henry McKavett, 8th United States Infantry, who was killed at the battle of Monterrey on September 21, 1846. During the summer of 1852 men of the 8th Infantry were busy constructing buildings, and by July the hospital was completed. During the following winter the men were quartered in five stone buildings with walls ten feet high.

Abandoned on March 22, 1859, the post was reoccupied on April 1, 1868, when it was found to be a mass of ruins with only one habitable dwelling. General Ranald S. Mackenzie<sup>qv</sup> rebuilt the fort and made it his headquarters. By 1876 there were stone barracks for eight companies, twelve officers' quarters, a hospital, guardhouse, a magazine, bak-

ery, two storehouses, a post office, three stables, a headquarters building, and a forage house. Supplies of the quartermaster and commissary were hauled from the depot at San Antonio; a military telegraph ran to Denison.

After Mackenzie had subdued the Indians in the Panhandle in the fall of 1874, raids ceased, and the fort became less essential. It was abandoned on June 30, 1883.

**BIBLIOGRAPHY:** M. L. Crimmins, "Fort McKavett, Texas," *Southwestern Historical Quarterly*, XXXVIII (1934-1935); Arrie Barrett, *Federal Military Outposts in Texas, 1846-1861* (M.A. thesis, University of Texas, 1927); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

M. L. Crimmins

**Fort McKavett, Texas.** Fort McKavett, on the San Saba River in western Menard County, is housed largely in the former buildings of Fort McKavett.<sup>47</sup> The village had a consolidated school, a store, and a population of 136 in 1940.

**Fort Marcy.** Fort Marcy, named for William L. Marcy, secretary of war under John Buchanan, was probably established when Zachary Taylor<sup>48</sup> moved United States troops, infantry, dragoons, and an artillery unit to Corpus Christi from St. Joseph's Island on August 15, 1845. The engineers laid out Bay View Cemetery that month, and the first burials were probably those of eight soldiers killed en route from the island to the mainland. Taylor proposed the abandonment of the Corpus Christi area in February, 1846, and began moving his troops to the Rio Grande on March 11. There may have been no other federal troops in the area until June, 1849, when a part of a company of dragoons was stationed there. A depot for military supplies was set up at Corpus in August, 1849, and General Perciver Smith moved the army headquarters there in 1853 and may have used the designation of Fort Marcy. The supply depot was probably abandoned in 1857. Whether or not any actual defense works were ever erected at Corpus Christi is not certain, but Confederate troops, in 1863, were reported to be behind Taylor's old earthworks.

J. E. Conner

**Fort Martin Scott.** Fort Martin Scott, a United States Army fort established on December 5, 1848, was located about two miles from Fredericksburg on the old San Antonio-Fredericksburg road. Named for Lieutenant Colonel Martin Scott, who was killed in the battle of Molino del Rey on September 8, 1847, the post gave protection to travelers and settlers against Indian attacks. With the advance of the frontier, the fort was occupied only intermittently after 1852. Held by Confederate troops from 1861 to 1865, it was permanently abandoned on December 28, 1866.

**BIBLIOGRAPHY:** Arrie Barrett, *Federal Military Outposts in Texas, 1846-1861* (M.A. thesis, University of Texas, 1927); Joseph C. McConnell, *The West Texas Frontier, I* (1933); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939); Carolyn Nichols, "Fort Martin Scott," *Junior Historian*, VIII (1947-1948).

**Fort Mason.** Fort Mason was established on July 6, 1851, by Brevet Major H. W. Merrill and his command of United States Dragoons on Post Hill, a tract of land leased by the federal government. The post may have been named for Lieutenant George T. Mason of the 2nd United States Dragoons who was killed in the Mexican War on April 25, 1846. On the other hand, the fort may have been named for Brevet Brigadier General

Richard Barnes Mason, one-time colonel of the Dragoons, who died at Jefferson Barracks, Missouri, on July 25, 1850.

From the official records the dates of occupation of the fort are as follows: established on July 6, 1851, by Companies A and B, 2nd Dragoons; abandoned on July 23, 1854; reoccupied on March 8, 1855, by Company A, 1st Dragoons; abandoned on February 5, 1859; reoccupied on September 4, 1859, by Troop A, 2nd Cavalry; abandoned on March 29, 1861; reoccupied on December 24, 1866, by Troop G, 4th Cavalry, which was joined on December 30 by Troop A, 4th Cavalry; finally abandoned on March 23, 1869.

Numerous pursuits were made from Fort Mason to quell the raids and depredations of the Apache, Comanche, Kiowa, and Lipan-Apache Indians.<sup>49</sup> There is one account of a skirmish with Waco Indians.<sup>50</sup> By 1855 the fort was well established, and larger numbers of United States troops were ordered there. Companies B, C, D, G, H, and I were directed to Fort Mason under the command of Colonel Albert Sidney Johnston.<sup>51</sup>

A few of the distinguished officers in charge of the post were: Colonel Albert Sidney Johnston, Major George H. Thomas, Captain Earl Van Dorn, and Lieutenant Colonel Robert E. Lee.<sup>52</sup>

General David E. Twiggs<sup>53</sup> surrendered Fort Mason to the Knights of the Golden Circle,<sup>54</sup> a voluntary Confederate organization with headquarters in San Antonio, on March 29, 1861. The fort was closed as a government post during the Civil War; unfortunately some of the buildings were dismantled. Used as a United States outpost in 1866, it was abandoned completely by March 23, 1869. In 1936 the state of Texas erected a marker at the site, but none of the original buildings remained.

**BIBLIOGRAPHY:** George F. Price, *Across the Continent With The Fifth Cavalry* (1883); Katherine Eilers, *History of Mason County, Texas* (M.A. thesis, University of Texas, 1939); Margaret Bierschwale, "Mason County, Texas, 1845-1870," *Southwestern Historical Quarterly*, LII (1948-1949).

Margaret Bierschwale

**Fort Merrill.** Fort Merrill, on the right bank of the Nueces River in present Live Oak County at the point where the road from San Antonio to Corpus Christi crossed the river, was established in March, 1850, by Captain S. M. Plummer with companies H and K of the 1st Infantry from Fort Brown.<sup>55</sup> The post was named for Captain Hamilton W. Merrill of the 2nd United States Dragoons. The troops did most of the work of constructing the buildings which were about half log and the other half weatherboarded; the entire cost of the lumber, transported from New Orleans, did not exceed \$3,000. In 1851 supplies were furnished from Corpus Christi; water was hauled from the Nueces River. Companies I and E of the Rifle Regiment were the regular garrison until April 26, 1853, when they were transferred to Fort Ewell,<sup>56</sup> leaving only two non-commissioned officers and thirteen men at Fort Merrill. When W. G. Freeman inspected the fort on June 21, 1853, Lieutenant Alexander McRae was in command, but the garrison was so small that it could do no more than night sentinel duty. According to meteorological records, troops did not remain continuously at the post. It was vacated permanently on December 1, 1855.

**BIBLIOGRAPHY:** Arrie Barrett, *Federal Military Outposts in Texas, 1846-1861* (M.A. thesis, University of



Texas, 1927); M. L. Crimmins (ed.), "W. G. Freeman's Report on the Eighth Military Department," *Southwestern Historical Quarterly*, LI (1947-1948).

**Fort Milam.** Fort Milam, built at Sarahville de Viesca, the capital of Sterling C. Robertson's<sup>qv</sup> colony, in 1834, was originally named for the village but was renamed Fort Milam on December 27, 1835. A ranger company occupied the post to give protection to the colonists against Indian attack. In 1936 the Centennial Commission erected a marker at the site four miles southwest of present Marlin in western Falls County.

**BIBLIOGRAPHY:** *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Fort Moritas.** Fort Moritas or El Morita, near Shafter in Presidio County, was a private quadrangular adobe fortress built by Milton Favor<sup>qv</sup> in the 1850's for protection of his ranch against depredations by Apache Indians.<sup>qv</sup>

**BIBLIOGRAPHY:** *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939); Evelyn and Thomas Clement Davis, *Spirit of the Big Bend* (1948).

**Fort Parker.** Fort Parker, often designated as Parker's Fort, was established in 1834 by Silas M. and James W. Parker<sup>qv</sup> and other members of the family of Elder John Parker. The private fort, near the headwaters of the Navasota River in present Limestone County, protected a settlement of some eight or nine families. On May 19, 1836, the fort was attacked by several hundred Comanche and Caddo Indians,<sup>qv</sup> who killed Elder John Parker and his sons, Silas M. and Benjamin F., and Samuel M. Parker and his son, Robert Frost. Cynthia Ann Parker,<sup>qv</sup> aged nine, her little brother, John Parker,<sup>qv</sup> aged six, Mrs. Rachel Plummer and her son, James Platt Plummer, and Mrs. Elizabeth Kellogg were taken into captivity. A replica of the original fort was constructed in 1936.

**BIBLIOGRAPHY:** James T. DeShields, *Cynthia Ann Parker* (1886); James W. Parker, *The Rachel Plummer Narrative* (1926); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939); *Dictionary of American History*, IV (1942); *Texas Almanac* (1943).

*Fred R. Cotten*

**Fort Peña Colorado.** Fort Peña Colorado (Spanish for red rock) was established near Marathon, Brewster County, in 1880 as a means of preventing Indian raids into Mexico. It was abandoned in 1893 after West Texas had been cleared of Indians. The Texas Centennial Commission erected a marker at the site in 1936.

**BIBLIOGRAPHY:** Francis B. Heitman, *Historical Register and Dictionary of the United States Army*, II (1903); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Fort Phantom Hill.** Fort Phantom Hill, originally called Post on the Clear Fork of the Brazos, was established on November 14, 1851, about fourteen miles north of present Abilene, Texas, by Colonel J. J. Abercrombie with two companies of the 5th Infantry. The post served as a link in a chain of frontier defenses reaching from Red River to the Rio Grande. Abercrombie faced many handicaps; drinking water and building materials had to be hauled several miles; post gardens could not be depended on for vegetables, and Surgeon Alexander B. Hasson recommended the use of pickles in the soldier's rations to supply this deficiency. There were numerous desertions because of loneliness and monotony. The post was supplied from the Austin depot by wagon trains in which

twenty-four wagons, twelve horses, ninety-three mules, and twenty-six oxen were used.

Troops stationed there escorted supply trains, surveying parties, and occasionally the mail. Reconnoitering parties were frequently sent out to watch for marauding Indians, and occasionally others were dispatched in pursuit of the Indians. While scouting the men were issued rations of flour, coffee, sugar, and bacon. On his saddle each man carried a Dutch oven with a folding handle to cook his own bread.

Abercrombie remained as post commandant until April 27, 1852, when he was succeeded first by Colonel Carlos A. Waite<sup>qv</sup> and later by Major H. H. Sibley.<sup>qv</sup> Lieutenant Newton C. Givens, the last commandant, and his troops marched out from the post late on the afternoon of April 6, 1854; one of the men returned and set fire to the post buildings. The site was later used as a station on the Butterfield Overland Mail Route.<sup>qv</sup> After the Civil War it served as a sub-station to Fort Griffin,<sup>qv</sup> but it was never again occupied as a regular military post. In 1936 the state of Texas erected a marker at the site.

**BIBLIOGRAPHY:** C. C. Rister, *The Southwestern Frontier* (1928); C. C. Rister, "The Border Post of Phantom Hill," *West Texas Historical Association Year Book*, XIV (1938); John Mac Moore, "From a Mirage to a Fort," *Junior Historian*, X (1949-1950).

*C. C. Rister*

**Fort Picketville.** Fort Picketville, two miles north of Breckenridge, Stephens County, was probably established as early as 1854. The name may have honored Bill Pickett, an early settler, or may have resulted from the fact that most of the houses in the settlement were built of pickets. The site was probably the county seat of proposed Buchanan County in 1856, but with the organization of Stephens County in 1876, Breckenridge became county seat.

**Fort Polk.** Fort Polk, near Point Isabel, Cameron County, was established by General Zachary Taylor<sup>qv</sup> on March 26, 1846, as a military depot to supply the arsenal at Brazos de Santiago, long used as a Mexican summer resort and site of a customhouse. Named for President James K. Polk, the depot was occupied from 1848 to 1850 by one company of the 4th Artillery under Captain F. C. Hunt. By January, 1849, the buildings were being moved to different places on the Rio Grande, and the post was abandoned by February 9, 1850. The location was used as a transit depot for materials for Fort Brown<sup>qv</sup> in 1852 and during the Civil War, on February 21, 1861, was taken over by an artillery company from Galveston to prevent its capture by Federal troops.

**BIBLIOGRAPHY:** *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939); Frank C. Pierce, *A Brief History of the Lower Rio Grande Valley* (1917); Dr. J. O. Dyer, *The Old Artillery Company of Galveston* (1917).

**Fort Prairie, Texas.** Fort Prairie, in central Travis County, is a rural community about five miles from Austin. The community was settled in the 1880's; Ed Rogers established a cotton gin. The post office which was operated between 1900 and 1902 was named John for John Grove, in whose store it was located, but the community retained the original name. Population was ten in 1910.

**Fort Quitman.** Fort Quitman, on the Rio Grande in south central Hudspeth County, was established as a military post on September 28, 1858,

and named for General John Antony Quitman. The post was garrisoned by a company of the 8th Infantry Battalion; in June, 1859, three officers and eighty-one men were stationed there, but by June, 1860, the number was reduced to two officers and thirty-two men. On April 5, 1861, at the outbreak of the Civil War, the fort was evacuated. It was reoccupied in the spring of 1868, when three companies of cavalry and one of infantry were stationed there. The fort was permanently abandoned in 1877.

**Fort Quitman, Texas.** Fort Quitman, on the Rio Grande in south central Hudspeth County, is near the site of the military post, Fort Quitman,<sup>qv</sup> for which the town was named. The community which grew up around the fort had a post office, but it was discontinued in 1880, shortly after the abandonment of the military post. The modern Fort Quitman, several miles below the ruins of the old fort, was established sometime prior to 1925. The post office, established in 1926, was still in operation in 1940, when the population of the village was less than twenty-five.

**Fort Ramirez.** Fort Ramirez, probably on the Eduardo Ramirez patent on the west bank of the Nueces River in southern Live Oak County, was established at an unknown date by brothers named Ramirez and is supposedly the first structure built in the county. Owners of the combined ranch dwelling and fort were run off or killed by Indians in 1813. As late as 1920 there were at the site a few remains of the fort; many parts of it had been carried off because of legends of treasure connected with it. In 1936 a marker was erected at the site of the old fort by the state of Texas.

**BIBLIOGRAPHY:** J. Frank Dobie, *Coronado's Children* (1930); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Fort Richardson.** Fort Richardson, the most northerly of the line of Federal posts established in Texas after the Civil War, was located on Lost Creek about one-half mile south of Jacksboro. The fort originated when six companies of the 6th Cavalry under H. H. McConnell camped in Jacksboro on January 4, 1866. Fort Jacksboro was abandoned in April, but two companies were ordered back in July, and on November 26, 1867, the permanent establishment was located to protect the frontier and to guard the Butterfield Overland Mail Route.<sup>qv</sup> Named for Israel B. Richardson, who was fatally wounded at the battle of Antietam in 1862, the post was regimental headquarters and was the station of Generals James Oakes and Ranald S. Mackenzie.<sup>qv</sup> Expeditions detailed from Fort Richardson arrested the Indians responsible for the Salt Creek Massacre<sup>qv</sup> in 1871, went in search of Kicking Bird,<sup>qv</sup> and fought the Comanche<sup>qv</sup> in Palo Duro Canyon. The fort was ordered abandoned on May 23, 1878. For a short time afterwards the buildings were used for an Indian school. Several of the post buildings were partially reconstructed in 1936 and the grounds used as headquarters for the local unit of the Texas National Guard.<sup>qv</sup>

**BIBLIOGRAPHY:** J. C. McConnell, *West Texas Frontier*, I (1933); R. G. Carter, *Massacre of Salt Creek Prairie and the Cowboy's Verdict* (1919); R. G. Carter, *On the Border with Mackenzie* (1935).

**Fort Ringgold.** Fort Ringgold, a border cavalry post of the United States Army, was established on the Rio Grande in Starr County on October 26, 1848. Named for Major David Ringgold,

who was killed in the battle of Palo Alto, the first installation was called Camp Ringgold, but in 1849 the name was changed to Ringgold Barracks. The post was temporary until 1850, when despite many difficulties, such as a shortage of lumber and an epidemic of disease, a more permanent camp came into existence. In February, 1859, General D. E. Twiggs<sup>qv</sup> issued orders for abandonment. The raids of Juan N. Cortina,<sup>qv</sup> the Mexican bandit, hastened the return of troops in December, 1859. Early in 1861, the garrison was again withdrawn, and troops did not return until 1865. Construction of a new post was commenced in 1869, and most of the work was completed by 1875, when Texas Rangers<sup>qv</sup> under Captain Leander McNelly<sup>qv</sup> were stationed there. The name was changed in 1878 to Fort Ringgold. By 1886 frame and brick materials had replaced adobe in the buildings of the post. The garrison remained at the camp until 1907, when the majority of the troops were withdrawn. A small force was maintained until 1914. In 1912 the site was transferred from the War Department to the Department of the Interior. During 1914 two troops of the 3rd Cavalry arrived to augment the small force at the fort. The property was returned to the War Department in 1917, and the next year Congress appropriated \$250,000 for improvements. There were four hundred men at Fort Ringgold on March 1, 1941, but in August, 1944, the post was declared surplus and inactivated.

In 1949 portions of the post were being used as a camp for the Organized Reserve Corps and as a school by the Rio Grande Independent School District.

**BIBLIOGRAPHY:** Arrie Barrett, *Federal Military Outposts in Texas, 1846-1861* (M.A. thesis, University of Texas, 1927); McAllen *Valley Evening Monitor*, November 27, 1949.

**Fort Sabine.** Fort Sabine (also known as Fort Griffin) was a Confederate post which during the Civil War guarded the entrance to Sabine Pass. Located about a mile and a half east of Sabine City on high ground commanding both the Texas and Louisiana channels, the fort was actually an unfinished earthwork on the Texas side of the pass and was destitute of any outer defenses. During the battle of Sabine Pass<sup>qv</sup> the fort was defended by forty-two men of the Davis Guards<sup>qv</sup> under N. M. Smith and Richard W. (Dick) Dowling.<sup>qv</sup> The post surrendered to Federal troops on May 25, 1865.

**BIBLIOGRAPHY:** Jo Young, "The Battle of Sabine Pass," *Southwestern Historical Quarterly*, LII (1948-1949); J. Thomas Scharf, *History of the Confederate States Navy* (1894).

**Fort St. Louis.** Fort St. Louis was established by René Robert Cavelier, Sieur de la Salle,<sup>qv</sup> in February, 1685, in the Matagorda Bay area. The temporary fort, located probably on the north shore of Lavaca Bay, near the mouth of the Lavaca River, was moved in March, 1685, to a permanent site on the Lavaca River, about five miles above the bay. Some authorities place this fort on Garcitas Creek about five miles above its mouth. The Texas State Highway Department has erected a marker giving the approximate location of the fort thirteen miles south of Inez, Victoria County.

The fort was built of timber from the wrecked ship, the *Amiable*, and was armed with eight pieces of artillery. La Salle used the fort as a base for explorations in the area and as a possible defense against unfriendly Indians. Disease and famine re-

duced the ranks of the garrison, and in January, 1887, La Salle with seventeen men left the fort for the last time in an attempt to reach Canada. In January, 1889, the men remaining at the fort under Sieur Barbier were attacked by the Indians. A few survivors were rescued by the Alonso de León<sup>qv</sup> expedition, which reached the ruins of the fort on April 22, 1889.

**BIBLIOGRAPHY:** H. E. Bolton, "The Location of La Salle's Colony on the Gulf of Mexico," *Southwestern Historical Quarterly*, XXVII (1923-1924); E. W. Cole, "La Salle in Texas," *ibid.*, XLIX (1945-1946); C. E. Castañeda, *Our Catholic Heritage*, I (1936).

**Fort Sam Houston.** The first effort to establish a permanent military post at San Antonio was made by W. W. Belknap when he was secretary of war under U. S. Grant. Donations of land on which to establish the post were made by the city in 1870, 1871, and 1875. In 1873 General Philip Sheridan<sup>qv</sup> and Belknap studied the city's possibilities as a quartermaster depot. In 1876 construction was begun, and the Quadrangle at Fort Sam Houston, named in honor of General Sam Houston, was occupied on December 22, 1879. A hospital and officers' quarters begun in 1881 were completed in 1886.

On September 10, 1886, a detachment of the 4th Cavalry brought Geronimo and his Apache<sup>qv</sup> followers for a forty-day stay at the fort. By 1893 additional land had been purchased and an infantry post constructed. In 1898 General Leonard Wood arrived to prepare for the training and encampment of the Rough Riders.<sup>qv</sup>

More land was purchased in 1903, and the artillery post was completed and occupied in 1912. President William Howard Taft dedicated the post chapel in 1909. An airplane hangar was built in 1910, and the Aviation Section of the Signal Corps was established in 1914. More land was added for a Maneuver Division under General William H. Carter in 1911. General Frederick Funston was in charge of the National Guard which was mobilized at Camp Wilson, adjacent to the fort, in 1916. The area of Fort Sam Houston was further expanded with the addition of the Camp Travis<sup>qv</sup> territory during World War I. The officers' mess, the main post exchange, and the war department theater were completed in 1935 and Brooks General Hospital in 1937.

Tactical principles originated at Fort Sam Houston and employed during World War II included the "triangular" infantry division and the use of airborne infantry. The VIII Corps was organized at the fort, which for a long time also housed the headquarters of the Eighth Service Command. In addition, the fort was headquarters for the Southern Defense Command and was a station of the Southern Personnel Reassignment Center.

In 1949 Fort Sam Houston was comprised of approximately 1,500 buildings and occupied more than 3,300 acres of land. It was headquarters for the Fourth United States Army.

**BIBLIOGRAPHY:** Leo Turner, *The Story of Fort Sam Houston, 1876-1936* (1936); *Texas Almanac* (1949); Mary Olivia Handy, *A History of Fort Sam Houston* (M.A. thesis, University of Texas, 1949).

**Fort San Jacinto.** Fort San Jacinto, named for the Texan victory at the battle of San Jacinto and located on the eastern end of Galveston Island, was reserved for public purposes by an act of the Republic of Texas on December 9, 1835, and by a joint resolution of the United States Congress on March 1, 1845. Construction of the fort on the

reservation site began in 1898 and was completed in 1901. The first garrison arrived on April 20, 1898, when Battery G, 1st Artillery of the United States Coast Artillery, came in under command of Captain Clermont L. Best.

The hurricane of 1900 did considerable damage to the fortification, and it was not completely restored until 1906 and was not manned again by the Coast Artillery until 1911. The damages of the storm of 1915 were soon repaired. The reservation originally contained 419 acres, but it has grown by additions swept in by the Gulf of Mexico until it contained over 1,000 acres in 1944.

Fort San Jacinto preceded Fort Crockett<sup>qv</sup> as the original headquarters post of the Galveston harbor defenses. The guns of San Jacinto were again manned by the 265th Coast Artillery upon the outbreak of World War II. Guarded by the 20th Coast Artillery, the post was designated a part of the western Gulf-subsector of the southern coastal frontier on April 10, 1942. Fort San Jacinto and Fort Travis<sup>qv</sup> located on opposite sides of Bolivar Roads, guard the approach to Galveston Bay. In 1950 Fort San Jacinto was chiefly used as a United States radio compass station.

**BIBLIOGRAPHY:** *Galveston News*, August 15, 1939.

**Fort Smith.** Fort Smith, in Hill County, was one of a pioneer chain of fortifications extending from the Colorado River to Red River. Established about 1846 as a protection against Indians, it was named for Major Thomas I. Smith.<sup>qv</sup> In 1936 the Texas Centennial Commission placed a marker at the site of the fort.

**BIBLIOGRAPHY:** *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Fort Spunky, Texas.** Fort Spunky, in the southeastern corner of Hood County, was called Barnardville when it was the site of George Barnard's<sup>qv</sup> trading house in 1847. Its more belligerent name was bestowed after several fights occurred at the time of securing its post office. The first store opened about the middle 1870's. In 1940 the village had one store and a population of twenty-five.

**Fort Stockton.** Fort Stockton, named for Commodore Robert Field Stockton,<sup>qv</sup> was built by the federal government at the crossing of the Old San Antonio Road<sup>qv</sup> with Comanche Trail<sup>qv</sup> near Comanche Springs in present Pecos County. The post was opened on March 23, 1859, as a protection to the San Antonio-San Diego Mail Route.<sup>qv</sup> Evacuated by the Federal troops during the Civil War, the fort was reoccupied in July, 1867, and garrisoned by negro troops. It was permanently abandoned on June 30, 1886. The buildings were of adobe construction. Three of the officers' quarters were still used for residence purposes in the 1940's. The old guardhouse, constructed of stone, was used by the Boy Scouts.

In 1936 the state of Texas erected a marker on the courthouse grounds at Fort Stockton locating the site of the old fort.

**BIBLIOGRAPHY:** *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939); County Records, Pecos County, Texas.

R. B. Blake

**Fort Stockton, Texas.** Fort Stockton, county seat and principal town of Pecos County in the central part of the county, is served by the Santa Fe Railroad. Located on the Old San Antonio Road,<sup>qv</sup> Fort Stockton is 445 miles southwest of Fort

Worth, 250 miles southeast of El Paso, and 85 miles north of the Mexican border. Major industries include those associated with oil, ranching, hunting, and tourist trade. Chief points of interest are the ruins of the old fort and Comanche Spring, among the largest of Texas' springs. The population of Fort Stockton increased from 3,294 in 1940 to 4,444 by 1950.

Comanche Spring was long a camp site for Indians and was one of the first camps for white men in the Trans-Pecos region. The Chihuahua Trail<sup>qv</sup> through the area was traveled by wagon trains to California. The San Antonio-San Diego Mail Route<sup>qv</sup> had a stop at the spring. In 1859 old Fort Stockton,<sup>qv</sup> a military outpost named for Commodore Robert Field Stockton,<sup>qv</sup> was established. The fort was abandoned in 1861, reoccupied in 1867, and finally abandoned in 1886. Some of the old buildings of adobe brick and native hewn limestone are still standing. When Pecos County was organized in 1875, the little town adjacent to Fort Stockton became the county seat; the site owned in large part by Peter Gallagher,<sup>qv</sup> was originally called Fort Gall for Gallagher, who had the first store.

Fort Stockton was the scene of one of the earliest modern attempts at irrigation farming in Texas. In 1877, eight thousand acres were in cultivation; in 1945, 12,960 acres were under irrigation, devoted chiefly to alfalfa and truck products. Yates Oil Field,<sup>qv</sup> opened in 1926, made oil an important industry.

**BIBLIOGRAPHY:** *Texas Almanac* (1945); "Pecos County and Fort Stockton," *Naylor's Epic Century Magazine* (October, 1927).

**Fort Stockton Field.** Fort Stockton Field, a World War II installation at Fort Stockton, Texas, was established in 1942 by the Defense Plant Corporation and a civilian-contract school for teaching primary flying. The 1,200-acre field had a training capacity of six hundred. The field was closed as a military establishment in 1944, became the property of Pecos County, and in 1950 was an airport and flying field called Gibbs Field.

**Fort Sullivan.** Fort Sullivan, near Port Sullivan in Milam County, was established by Augustus W. Sullivan in 1835 as a trading post at the intersection of the Houston to Waco and the Austin to East Texas roads. In 1936, the Texas Centennial Commission placed a marker at the site.

**BIBLIOGRAPHY:** *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

**Fort Taylor.** See Fort Brown.

**Fort Tenoxtitlán.** Fort Tenoxtitlán, one of the chain of military garrisons designed to Mexicanize Texas and check immigration from the United States pursuant to the Law of April 6, 1830,<sup>qv</sup> was established by Lieutenant Colonel José Francisco Ruiz,<sup>qv</sup> The fort, given the Aztec name applied to Mexico City before the Spanish conquest, was located temporarily in July, 1830, a quarter of a league below the Old San Antonio Road<sup>qv</sup> on the east bank of the Brazos River; it was moved on October 17 to some springs on the west side of the Brazos in present Burleson County, just above where the Robertson-Brazos county line strikes the river. Garrisoned by the presidial company of Alamo de Parras, a body of one hundred cavalrmen, Fort Tenoxtitlán served as a halfway point in the escorting of funds from Bexar to Nacogdoches until the post was discontinued on August

22, 1832. The trading post and settlement of Tenoxtitlán remained until about 1860. In 1936 the state of Texas erected a marker near Caldwell locating the site of the old fort.

**BIBLIOGRAPHY:** Spanish Archives, Vol. 53 (MS., General Land Office); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939); Graham Horsley, "Fort Tenoxtitlán," *Junior Historian*, V (1944-1945).

*Malcolm D. McLean*

**Fort Terán.** Fort Terán, opposite the mouth of Shawnee Creek three miles west of Rockland, was the first white settlement in Tyler County. Work was begun on the fort about October 1, 1831, by Colonel Peter Ellis Bean,<sup>qv</sup> who was its only commandant. Completed in 1832 and named in honor of General Manuel de Mier y Terán,<sup>qv</sup> the fort was occupied by Mexican troops to carry out the Law of April 6, 1830.<sup>qv</sup> It was abandoned soon after the battle of Nacogdoches,<sup>qv</sup> on August 2, 1832, when Bean assumed command at Nacogdoches. For several years the spot was known as a "Camping Fort." In 1936 the state of Texas erected a marker at the site.

**BIBLIOGRAPHY:** Deed Records, Nacogdoches County, Texas; José de las Piedras to Antonio Elosúa, September 25, 1831 (MS., Bexar Archives, Archives Collection, University of Texas Library); *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

*R. B. Blake*

**Fort Terrett.** Fort Terrett, at Terrett Springs on the North Llano River halfway between present Junction and Sonora, Texas, was established by the United States Army on February 5, 1852, and named in honor of Lieutenant John C. Terrett, who fell at Monterrey on September 21, 1846. The post's purpose was to protect the frontier settlements on the Old San Antonio Road<sup>qv</sup> against the Comanche.<sup>qv</sup> The fort was abandoned by Federal troops on February 26, 1854. In 1936 the state of Texas erected a marker at the site.

**BIBLIOGRAPHY:** *Monuments Erected . . . to Commemorate the Centenary of Texas Independence* (1939).

*R. B. Blake*

**Fort Travis.** Fort Travis, built in 1836 as a defense for the Republic of Texas, was an octagonal structure on the east end of Galveston Island. Named for William B. Travis,<sup>qv</sup> the fort was mounted with six- and twelve-pound guns from the *Cayuga*<sup>qv</sup> and was commanded by James Morgan. The garrison was withdrawn in 1844.

In 1898-1899, with the beginning of federal development of the port of Galveston, a second Fort Travis was constructed in Galveston County, this time on Bolivar Point at a site where Francisco Xavier Mina<sup>qv</sup> had an earthwork in 1816 and where a Confederate fortification called Fort Green was located during the Civil War. Fort Travis and Fort San Jacinto,<sup>qv</sup> across Bolivar Roads on Galveston Island, are parts of the coastal defense guarding the entrance to Galveston Bay.

**BIBLIOGRAPHY:** *Galveston Daily News*, August 15, 1939.

**Fort Worth.** Fort Worth, originally Camp Worth, was established at the close of the Mexican War, when General Winfield Scott sent forty-two men of Company F of the 2nd Dragoons in command of Major Ripley A. Arnold<sup>qv</sup> to North Texas to establish a post to guard East Texas settlements from the Indians. Acting on the advice of scouts who had camped there during the winter of 1848, Arnold chose a position at the bluff on

the south side of the confluence of the Clear Fork and West Fork of the Trinity River on the site of the present city of Fort Worth. Established on June 6, 1849, the camp was named for Brigadier General William Jenkins Worth,<sup>qv</sup> the designation being changed from camp to fort on November 14, 1849.

The defense project was successful, for there were no Indian raids east of Parker County after the establishment of the camp. The only threat to the post was by a band of Taovaya <sup>qv</sup> warriors who were dispersed by a shot from a howitzer, the camp's only artillery. On June 17, 1851, Captain J. V. Bamford of Companies F and H of the 8th Infantry assumed command, relieving Arnold. The post was abandoned September 17, 1853, and troops who had been stationed there were sent to Fort Belknap.<sup>qv</sup> No permanent fort had been erected, and the abandoned barracks were used as early store buildings by the merchants of Fort Worth.

BIBLIOGRAPHY: B. B. Paddock (ed.), *History of Texas: Fort Worth and the Texas Northwest*, II (1922).

**Fort Worth, Texas.** Fort Worth, on the Clear Fork of the Trinity River in central Tarrant County, grew up around the United States military post established by Major Ripley A. Arnold <sup>qv</sup> in 1849 and named for General William Jenkins Worth,<sup>qv</sup> soldier in the Mexican War. Press Farmer, who erected a tent at the river crossing in 1849, was the first merchant in the village. A. C. Coleman also opened a store later in 1849; John Peter Smith taught a school in 1853; in 1856 Lawrence Steele opened a hotel, and Julian Field established a flour mill.

In 1860 Fort Worth won the county seat election over Birdville, but building of a courthouse was delayed by the Civil War. The building which was in process of construction after the war was destroyed by fire in 1873, and all documents were burned. Dr. W. P. Burts became mayor when the town was incorporated in 1873.

The Fort Worth to Yuma, Arizona, stage line began operation in 1850. The Texas and Pacific Railroad reached Eagle Ford, twenty-six miles from Fort Worth, in 1873, and Fort Worth was designated as the next terminus, but the Panic of 1873 delayed completion of the line until 1876. A trading and supply depot for cattlemen driving herds up the northern trails since the 1860's, Fort Worth immediately had stockyards organized and by 1878 had shipped 2,200 cars of cattle. The Gulf, Colorado, and Santa Fe reached Fort Worth in the early 1880's and was followed by the Missouri, Kansas, and Texas, the Missouri-Pacific, the Texas and New Orleans, and the Rock Island-Burlington lines. The Texas Electric Railway operated an interurban line between Fort Worth and Dallas between 1901 and 1934.

Public education began in Fort Worth in 1866, when the lower floor of the Masonic Hall was converted into a schoolroom. By 1885 the town had several private schools, a public high school, and the Academy of the Mount of St. Joseph. Other educational institutions include Our Lady of Victory College, Texas Christian University, Polytechnic College (later Texas Wesleyan College), and Southwestern Baptist Theological Seminary.<sup>qv</sup> Early newspapers were the *Whig Chief* (1871), the *Daily Democrat* (1876), the *Advance* (1880), the *Democrat-Advance* (1882 to 1885), and the *Gazette* (1885 to 1898). The Fort Worth *Star* and

Fort Worth *Telegram* united in 1919 to form the Fort Worth *Star-Telegram*.<sup>qv</sup> The *Livestock Reporter*, established in 1903, has been followed by several publications for cattlemen. Farm journals, oil gazettes, union organs, and various trade magazines also are published in the city.

Floods on the Trinity River, particularly in 1908, resulted in the damming of the West Fork of the river to create Lake Worth in 1915. Discovery of oil in the Wichita County area in 1911 and later oil development in Erath, Stephens, and Eastland counties made Fort Worth an oil well supply center and headquarters for offices of oil companies. Major industries in addition to the stockyards were flour milling and oil processing. Population rose from 6,663 in 1880 to 26,668 in 1900. Population was 163,447 in 1930, increased to 177,662 in 1940 and to 277,047 by 1950.

During the Texas Centennial in 1936, Fort Worth's major attraction was the Texas Frontier Centennial,<sup>qv</sup> a part of the traditional rivalry between Fort Worth and Dallas, cities said to co-operate only on the project for securing navigation of the Trinity River. Fort Worth grew in population during World War I with the location of Camp Bowie.<sup>qv</sup> During World War II the city was the location of a military depot. The Southwest Exposition and Fat Stock Show, an annual observance, attracts visitors to the city known as "Cowtown" and "Out Where the West Begins." The Fort Worth Industrial Exposition is held annually in May. Pioneers' Rest, a cemetery dating back to 1850, contains the graves of General Ripley A. Arnold and Edward H. Tarrant.<sup>qv</sup> Trinity Park and Botanic Gardens feature plants of the Southwest region.

Clay Sandidge

**Fort Worth Army Air Field.** See Carswell Air Force Base.

**Fort Worth Belt Railway Company.** The Fort Worth Belt Railway Company, incorporated on November 26, 1895, as the Fort Worth Stockyards Belt Railway Company, was re-incorporated under the new name in January, 1903. Projected as a belt railway, it has been a plant facility for the packing, grain, and produce companies of north Fort Worth. The tracks were owned by the Fort Worth Stock Yards Company until 1932, when the Missouri Pacific Railroad purchased 40 per cent of the stock and the other 60 per cent was purchased by the Texas and Pacific Railroad, which operates the terminal.

**Fort Worth and Denver City Railway Company.** The Fort Worth and Denver City Railway Company was chartered in 1873 by citizens of Fort Worth, Texas, to build toward Denver, Colorado. Surveys as far as Wichita Falls were made, but the panic of 1873 delayed the project until 1881, when General Grenville M. Dodge, who had had charge of the building of the Union Pacific end of the first transcontinental railroad and who had just built the Texas and Pacific from Fort Worth to Sierra Blanca, offered to build the road at \$20,000 a mile in stock and \$20,000 a mile in bonds. At that time Wichita Falls had only 433 inhabitants, and the population of the ten counties north of Fort Worth was only 863, but Dodge was hired to build 110 miles to Wichita Falls, which soon became one of the largest cattle-shipping points in the state. The first president of the road was J. M. Eddy, who was succeeded by Morgan Jones.



**EXECUTION SCHEDULE**

TEXAS

July 30, 1997

Execution Date	NAME	TDCJ #	DOB	AGE-RACE	REC'D	TIME	COUNTY
08/14/97	Corwin, Daniel Lee	969	09/13/58	38 W	04/05/90	After 6:0 pm	Montgomery
08/28/97	Hicks, David	930	01/15/62	35 B	02/02/89	After 6:0 pm	Freestone
09/16/97	Medina, Javier Suarez	944	06/17/69	27 H	07/27/89	After 6:0 pm	Dallas
09/19/97	Hughes, Billy George Jr.	556	01/28/52	44 W	09/17/76	After 6:0 pm	Matagorda
09/22/97	Turner, Jessel	895	06/07/60	36 B	01/12/88	After 6:0 pm	Harris
10/08/97	Green, Ricky Lee	984	12/27/60	36 W	10/05/90	After 6:0 pm	Tarrant
10/15/97	Narvaiz, Leopoldo Jr.	923	03/13/68	28 H	11/22/88	After 6:0 pm	Bexar
10/28/97	Ransom, Kenneth Ray	772	05/15/63	34 B	09/13/84	After 6:0 pm	Harris

DEATH ROW			
RACE	MIEN	WOMEN	GRAND TOTAL
White	177	5	182
Black	172	2	174
Hispanic (72) (Mexican Nil 12)	84	0	84
Other	4	0	4
<b>Total</b>	<b>437</b>	<b>7</b>	<b>444</b>

## SCHEDULED EXECUTIONS

JULY 24, 1992

DATE	NAME	NUMBER	DOB	AGE	REC'D	COUNTY
07/31/92	CARL KELLY	#688	03/27/59	(33)	07/22/81	MCLENNAN
08/06/92	IRINEO MONTOYA	#847	07/03/67	(25)H	10/20/86	CAMERON
08/11/92	CURTIS JOHNSON	#761	04/22/54	(38)B	03/21/84	HARRIS
08/13/92	WARREN BRIDGE	#668	07/03/60	(32)W	10/01/80	GALVESTON
08/18/92	WILLIAM KITCHENS	#840	04/27/63	(29)W	09/02/86	TAYLOR
08/18/92	JEFFERY MOTLEY	#789	09/17/65	(26)W	04/17/85	HARRIS
08/20/92	JOHN MOODY	#933	10/17/52	(39)W	03/06/89	TAYLOR
08/21/92	JOSEPH FAULDER	#580	10/19/37	(54)W	12/09/77	GREGG
08/21/92	ROGELIO HERNANDEZ	#828	03/22/50	(42)H	05/09/86	ZAPATA
08/26/92	MAURICE ANDREWS	#725	04/22/61	(31)W	10/22/82	JEFFERSON
08/27/92	BERNARD AMOS	#926	12/22/61	(30)B	12/15/88	DALLAS
08/28/92	RICHARD FOSTER	#815	08/16/52	(39)W	01/07/86	PARKER
08/31/92	DELMA BANKS, JR.	#671	10/30/58	(33)B	10/15/80	BOWIE
09/10/92	TROY FARRIS	#831	02/26/62	(30)W	06/03/86	TARRANT
09/18/92	CORNELIUS GOSS	#912	05/25/61	(31)B	08/25/88	DALLAS
09/18/92	KARL HAMMOND	#865	07/04/64	(27)B	04/07/87	BEXAR
09/24/92	RICARDO GUERRA	#727	04/03/62	(30)H	12/02/82	HARRIS

DEATH ROW POPULATION: 363

(359 MEN &amp; 4 WOMEN)

SCHEDULED EXECUTIONS

MAY 11, 1992

DATE	NAME	NUMBER	DOB	AGE	REC'D	COUNTY
✓ 05/20/92	BERNARD AMOS	#926	12/22/61	(30)B	12/15/88	DALLAS
✓ 05/20/92	JESUS ROMERO, JR. *	#801	02/03/65	(27)H	07/24/85	CAMERON
✓ 05/21/92	ANDRE LEWIS	#877	09/22/66	(25)B	07/29/87	DALLAS
05/22/92	ROBERT BLACK, JR. *	#819	01/31/47	(45)W	02/26/86	BRAZOS
✓ 05/28/92	JERRY HOGUE	#660	09/26/50	(41)W	06/06/80	TARRANT
✓ 05/30/92	DELMA BANKS, JR.	#671	10/30/58	(33)B	10/15/80	BOWIE
✓ 06/02/92	DAVID GIBBS	#825	03/17/61	(31)W	03/21/86	MONIGOMERY
✓ 06/04/92	KENNETH GRANVIEL	#533	08/04/50	(41)B	11/21/75	TARRANT
✓ 06/10/92	TROY FARRIS	#831	02/26/62	(30)W	06/03/86	TARRANT
✓ 06/17/92	WAYNE EAST	#720	10/28/55	(36)B	09/02/82	TAYLOR
✓ 06/30/92	ALVIN GOODWIN	#879	12/27/63	(28)W	08/07/87	MONIGOMERY
✓ 08/06/92	KARL HAMMOND	#865	07/04/64	(27)B	04/07/87	BEXAR
✓ 09/24/92	RICARDO GUERRA	#727	04/03/62	(30)H	12/02/82	HARRIS

DEATH ROW POPULATION: 356

(352 MEN & 4 WOMEN)

\* Romero & Black  
executed  
Huntsville, TEXAS

X



SCHEDULED EXECUTIONS

MARCH 19, 1990

DATE	NAME	NUMBER	DOB	AGE	REC'D	COUNTY
✓ 03/27/90	EDWARD ELLIS	⊗ #749	06/15/53	(36)W	09/12/83	HARRIS
✓ 03/28/90	WAYNE EAST	#720	10/28/55	(34)B	09/02/82	TAYLOR
✓ 04/03/90	DAVID HARRIS	#827	10/19/60	(29)W	04/03/86	JEFFERSON
✓ 04/24/90	PATRICK ROGERS	#816	01/06/64	(26)B	01/20/86	COLLIN
✓ 05/02/90	MIKEL DERRICK	⊗ #701	02/10/57	(33)W	01/19/82	HARRIS
✓ 05/03/90	JESUS ROMERO, JR.	⊗ #801	02/03/65	(25)H	07/24/85	CAMERON
✓ 06/15/90	JOHN FEARANCE	#626	10/27/54	(35)B	01/05/79	DALLAS
✓ 06/21/90	DAVID CASTILLO	#770	08/11/64	(25)H	10/12/84	HIDALGO

DEATH ROW POPULATION: 322






(318 Men & 4 Women)

⊗ executed

WATP

SCHEDULED EXECUTIONS

APRIL 12, 1990

DATE	NAME	NUMBER	DOB	AGE	REC'D	COUNTY
04/17/90	JOHNNY ANDERSON 	#732	12/28/59	(30)W	02/15/83	JEFFERSON
04/21/90	JEROME BUTLER 	#852	04/07/36	(53)B	11/26/86	HARRIS
04/24/90	PATRICK ROGERS	#816	01/06/64	(26)B	01/20/86	COLLIN
05/02/90	MIKEL DERRICK 	#701	02/10/57	(33)W	01/19/82	HARRIS
05/03/90	JESUS ROMERO, JR. 	#801	02/03/65	(25)H	07/24/85	CAMERON
05/09/90	BRUCE CALLINS	#717	02/22/60	(30)B	07/05/82	TARRANT
06/15/90	JOHN FEARANCE	#626	10/27/54	(35)B	01/05/79	DALLAS
06/19/90	EDWARD ELLIS 	#749	06/15/53	(36)W	09/12/83	HARRIS
06/21/90	DAVID CASTILLO	#770	08/11/64	(25)H	10/12/84	HIDALGO
06/28/90	RICHARD FOSTER	#815	08/16/52	(37)W	01/07/86	PARKER

DEATH ROW POPULATION: 324

(320 Men & 4 Women)

 executed

WAT

# Public Executions Were Once Big B

*Amarillo Daily News, 6-14-1972*

By ROBERT E. FORD  
Associated Press Writer

Any person who likes western fiction, whether it is printed or on tape or film, knows that a public hanging was pretty much of a social event—except for the man who got hung.

This is not altogether fiction. Such legal affairs drew just about everyone who could get there.

Many persons today may not understand the attraction of such a legal process and in fact would do everything in their power to avoid attending either as a spectator or the hanged.

This desire to see an execution has nothing to do with the West particularly. It is a universal thing and has been going on a long time. You only have to read of the great crowds at the guillotins during the French Revolution to know this.

It appears that there will be no more court-ordered executions in the United States unless the Supreme Court justices change their viewpoint on the subject.

The last public hanging in Texas took place in Waco on July 30, 1923.

It was about that time that the state took over all executions with the installation of the electric chair at the main prison unit at Huntsville. Only a few witnesses, required by law, viewed the Huntsville executions.

Until that time, each county carried out the orders of its court. The advanced-thinking citizens of Baylor County apparently did not like the idea of

executions in public, so when the jail at Seymour was built it was equipped with a gallows in a cell-like room. The state took over before anyone ever met his fate there.

The last man executed in public in Texas was Roy Mitchell, specifically condemned for the slaying of Mrs. Ethel Denecamp. He confessed to a reign of terror during which he killed eight persons. A confederate was lynched a year earlier.

The execution was outside the jail and was witnessed by an estimated 5,000 persons who filled every window of the courthouse, perched on nearby buildings and filled the street.

A canvas screen had been erected to hide the proceedings from public view, but at the last minute someone cut the rope that held it up.

About 500 women were in the crowd, old newspaper clippings say.

The female may be the more deadly of the species, but the code of the West, which treated women as if they were goddesses, protected them from death sentences. Only four are known to have been assessed the ultimate penalty in Texas, for instance, and only one of them was executed.

The one execution of a female was almost 110 years ago and her death has caused a legend to grow.

The woman was Chepita Rodriguez who was hanged from a mesquite tree on Friday, the 13th of November, 1863, near San Patricio.

Her crime: the ax slaying of a Ranger, John Savage.

The legend is that the ghost of Chepita walks among the mesquite alongside the Nueces River in South Texas any time a woman is sentenced to death in Texas.

That means Chepita has had all the rest any ghost would want.

It was nearly 90 years after Chepita's hanging before another woman was sentenced to death in Texas.

This was Mrs. Emma Oliver, accused of slaying a San Antonio man. She was treated all right—her favorite rocking chair being brought to her cell. Her sentence was commuted to life in prison and it was in prison that she died of cancer.

Mrs. Maggie Morgan, a fortune teller, was convicted and

sentenced to death for her part in the 1960 murder-for-pay of Mrs. Joseph Selby of Houston. The sentence was commuted to life in prison.

Carolyn Ann Lima, then 20, was sentenced to die in 1963

along with her friend, Leslie Douglas Ashley, an impersonator of females.

Miss Lima and her friend were accused of a particularly nasty murder of Fred Tones whose nude body was doused

with gasoline near Houston.

But Miss Lima's sentence was commuted

on sentence

Thus Che



# Hangings Were Once Big Event for Texans

...crime: the ax slaying of Mayor John Savage. The legend is that the ghost of Chepita walks among the trees alongside the Nueces river in South Texas any time a man is sentenced to death in Texas.

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...Carolyn Ann Lima, then 20, was sentenced to die in 1963

...along with her friend, Leslie Douglas Ashley, an impersonator of females.

...Miss Lima and her friend were accused of a particularly nasty murder of Fred Tones whose nude body was doused

...with gasoline and burned in a drainage ditch Feb. 6, 1961, near Houston.

...But Miss Lima's death sentence was commuted to a prison sentence also.

...Thus Chepita still holds her

...spot in history.

...Records of her trial are scanty but she did plead innocent.

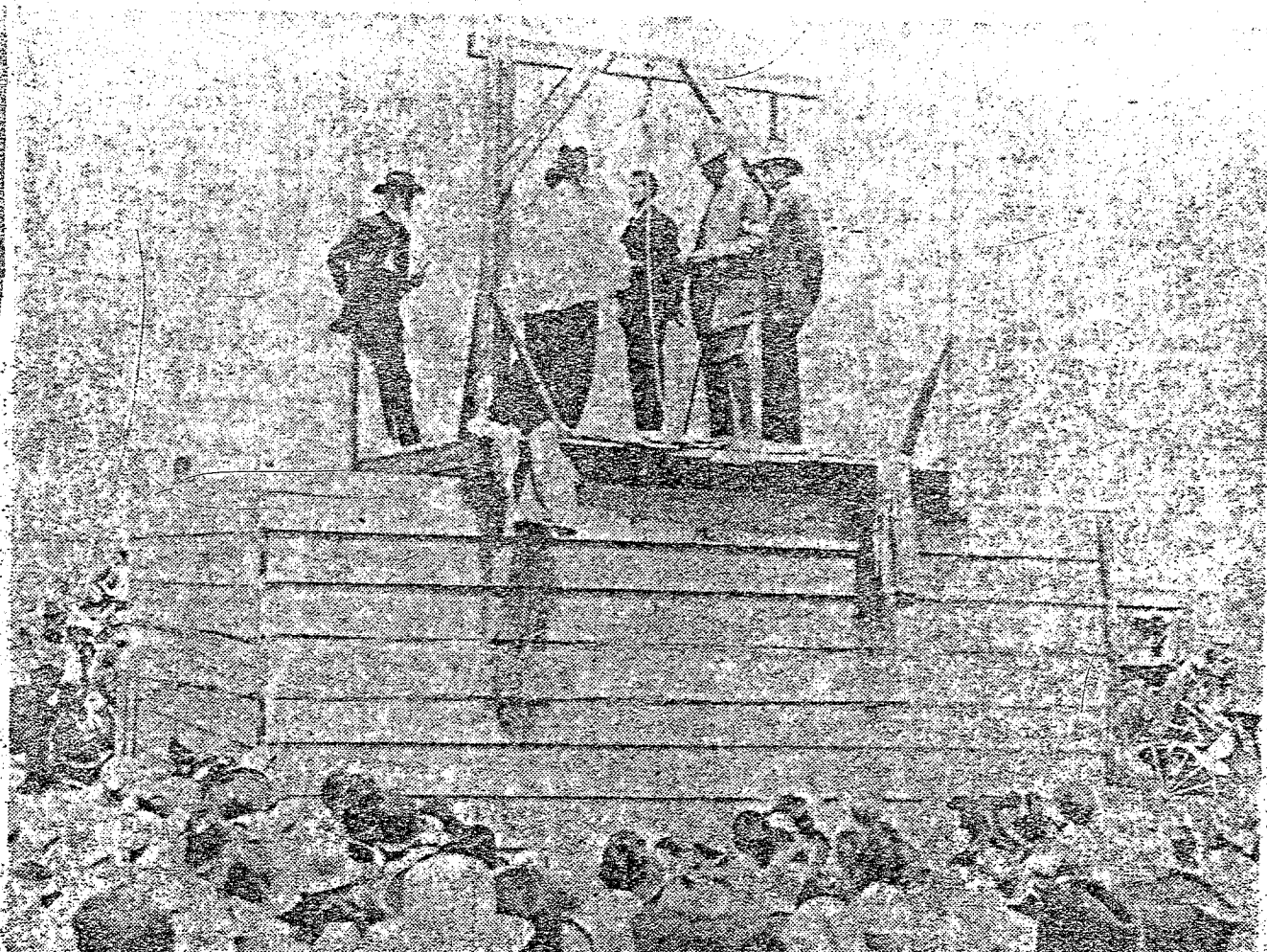
...Legend has it that Chepita, an old woman puffed on corn shuck cigarettes as Sheriff John Gilpin took her by oxcart

...to the river bank for the hanging.

...The oxcart also carried her coffin.

...Chepita was buried beneath the tree from which she was hanged.





Last of the public hangings . . . silhouetted against Clarendon's skies.

—Photo Copy by TOMMY SAYE

especially the sheriff and his deputies, the guards, the jailer and his wife. May God reward their charity.

"I forgive everybody from my heart as my Divine Master Jesus Christ forgave all on the cross with his dying breath saying 'Father forgive them for they know not what they do,' and May God grant me pardon, as I grant it to others.

"Lastly, I humbly and sincerely ask forgiveness for the scandal and bad example I have given by my past wicked life and I hope that none will follow my example, and I ask your prayers that God the Father of Mercy grant me forgiveness, through the merits of Jesus Christ our Lord and Savior. Amen."

Miller looked up and faced the crowd and said, "Good bye children and be good children."

He then turned to Patman and heartily shook his hand and thanked him, also the other five on the scaffold and said he was ready.

At a given signal, curtains were drawn and the crowd saw no more. Father Erasmus put the black cap over his face while the sheriff and deputies pinioned his hands and feet, all then stepped back to the edge of the platform, and Sheriff Patman at 11:06 pulled the lever. The trap worked perfectly and the body shot straight downward six feet and the physicians and witnesses below say that death came without a struggle.

The physicians pronounced him dead 15 minutes later and 12 minutes later the body was cut down and turned over to the undertaker P. A. Buntin who brought it immediately back to his establishment and prepared it for burial which will be today.

Beville himself wrote an editorial which was printed alongside the news account of the hanging. It read:

"While we exceedingly regret that it was necessary to have a legal execution in our county, yet the law is and must be supreme and like all who suffer the laws' penalties, it was the result of his (Miller's) own factions. The word of God says 'Be sure your sin will find you out,' and 'Whatsoever a man sows that shall he also reap.' We have not of the great and believing it would follow to witness the end of SUPREMACY."

cut down and turned over to the unfortunate criminal who paid for his crime with his life upon the gallows—"Oh, what a death of shame."

"We draw a mantle of forgetfulness about the horrors of the gallows, in fact we could have published columns of details if we had so desired, but we preferred not to do so.

"Oh how every heart should bleed for the old mother and sister in another Texas county. Think of his mother and her strong mother love who hoves on through wrongdoing and clings to her child even to the gallows.

"May this event have the warning effect upon others that the makers of our laws hoped and believed it would."

**IT IS OVER. THE LAW IS SUPREMACY.**

The young man in the body of a  
had fallen from his hand. The  
bed of Red River, near the  
At Hedley, the next stop, railroad bridge at Estelline. The  
Deputy W. W. Gammon came youth had been shot in the back.  
aboard to take custody of the News of the double murder  
two youths. A telephone call spread over Clarendon and the  
Clarendon notified the sheriff surrounding country and the  
(J. T. Patman) of the shooting. citizens were stirred to organ-  
izing a mob to storm the jail.  
Sheriff Patman and Deputy Only the quick thinking and  
Bugbee, F. A. White, J. H. calm action of Sheriff Patman,  
Hodges and Dr. T. W. Carroll who had Miller removed from  
were waiting when the freight the jailhouse at the time the  
pulled into Clarendon at 1 a.m. mob planned to lynch him,  
in the morning. The wounded prevented such hasty action.  
boy was taken to the hotel. The two youths who had  
where he died the next day. witnessed the shooting of their  
The youth who had told the friends on the night of March  
trainmen of the shooting 20, identified Miller as the  
repeated his story to the of-killer. He confessed when con-  
ficers. He described the fronted with the evidence.  
assailant as a tall, dark man The trials:  
wearing a dark blue or black Miller was first tried at  
suit and a white shirt. Childress for the murder of the  
Patman and Gammon, at the youth whom he had shot as  
scene of the crime after the train was nearing Red  
daybreak the next day, found River.  
tracks where Miller had jumped He was given a life sentence  
from the train. They took him and sent to the state prison at  
into custody on a siding near Huntsville. He was brought to  
Giles in a railroad car that was Clarendon from the state prison

### Old clippings tell legend of hanging an eye-witness.

Staff Photo  
Autrebus.

several months later to stand round the gallows. All was  
trial for the shooting of Autre ready and promptly Sheriff Pat-  
near Giles. man ascended the steps followed  
A jury of farmers and cat- by Miller, Bugbee, Gammons  
tlemen found Miller guilty of and V. R. Lane who was one  
first degree murder and gave of the death watchers. Then  
no recommendation for le- came Father Erasmus and  
niency. Brother Stanton, all of whom  
A number of Clarendon stood on the platform with the  
citizens did all they could to condemned man. Given the op-  
have the sentence commuted to portunity to make any state-  
life imprisonment, rather than ment he desired, Miller faced  
have Miller hanged at Clarend- the vast crowd and read the  
don. Perhaps some of the following statement:  
opposition was to capital punish- "I thank all of those who were  
ment, but the main feeling kind to me whilst in prison.seems to have been that a  
public hanging would be a blot  
on the town's reputation, and  
injurious to the growth of the  
Methodist college in the town  
(now the public Clarendon  
Junior College).

The hanging:  
It was impossible to have the  
execution in the jail, therefore  
it was made as private as possi-  
ble much to the disappointment  
of the curiously inclined, some  
of whom came as much as 50  
miles overland and some 400  
miles on the morning trains to  
witness the execution. All they  
saw (a curtain was raised  
around the gallows) was the  
condemned man when he stood  
up and read his short statement  
and said "goodbye" to the  
crowd.

The Clarendon News published  
the following account of the  
hanging:  
A crowd estimated at 1,000  
gathered around the gallows  
situated about one-half mile  
north of the depot to see what  
they could of the execution of  
G. R. Miller yesterday morning.  
At about 10:45 a.m. Sheriff  
Patman, deputies Gammon and  
Bugbee, Constable White,  
Marshall, Hodges, Father  
Erasmus, priest of the Catholic  
Church, and Rev. J. J. Stanton  
went to the jail where the death  
warrant was read and then took  
the condemned man from his  
place of confinement and placed  
him in the cab and at once  
drove to the gallows arriving  
there just at 11 o'clock and  
without delay alighted and went  
inside of the enclosure sur-

AUSTIN COUNTY, TEXAS.

HISTORY OF THE AUSTIN COUNTY JAIL BUILDING

by Mrs. Diana Noviskie Morris & Mrs. B. T. Noviskie

The area known today as Austin County was part of the colonization enterprise contracted between Stephen Fuller Austin and the Government of the State of Coahuila and Texas on June 4, 1825.<sup>1</sup> Those families who followed Austin and settled on the west bank of the Brazos River above the mouth of Mill Creek became the first Anglo-American settlement in Texas. Among those first 300 settlers were John Nichols, James Bell, and Thomas Bell.<sup>2</sup>

The Austin County jail is situated on land that Commissioner Miguel Arciniega, of the Mexican government, granted to John Nichols on October 20, 1832.<sup>3</sup> John Nichols sold half of this league (2,214.2 acres) on April 5, 1834, to James and Thomas Bell for \$200.<sup>4</sup> He sold an additional 1,384 acres to Thomas Bell on April 8, 1837, for \$3,000;<sup>5</sup> on the same date, Thomas Bell sold 697 of these acres to James Bell, his brother, for \$2,000.<sup>6</sup> On March 25, 1846, Thomas Bell sold 108 acres to Austin County for \$1,<sup>7</sup> and James Bell sold 37½ acres to the county for \$1 on the same date.<sup>8</sup>

Austin County was created in 1836 and named for its founder.<sup>9</sup> On December 23, 1846, a majority of the county residents voted to move the county seat from San Felipe to Bellville, the Anglo-American settlement named after Thomas Bell.<sup>10</sup> In March 1848, Bellville was surveyed and laid out by D. Charles C. Ampthor, and the county seat was officially moved.<sup>11</sup>

The first Austin County jail was erected in 1850 by Captain Reed.<sup>12</sup> The present jail was erected in 1896, according to the cornerstone on the building and the Austin County commissioners' court records.<sup>13</sup> The jail stands on lot 6 of the original plot surveyed by Charles Ampthor.<sup>14</sup>

According to the commissioners' court minutes for February 14, 1896, the court found the first jail "... unsafe and unfit and inadequate for the confinement and proper care of the number of prisoners usually confined in the jail of this county."<sup>15</sup> The court therefore resolved to erect "... a new jail on the lot on which the present one stands."<sup>16</sup> The four county commissioners responsible for the building of a new jail were F. W. Kaechele, J. A. Malechek, H. Vornkahl and Emil Rinn; and the county judge was S. R. Blake.<sup>17</sup>

The county judge was directed at the February 14, 1896, meeting of the commissioners' court to advertise in the *Galveston Daily News* for written proposals and specifications for the construction of a new jail at a cost between \$17,000 and \$23,000.<sup>18</sup>

On March 19, 1896, two bids were opened at the commissioners' court meeting. Pauly Jail Building Company of St. Louis, Missouri, won with a bid of \$19,970. The other bid was from the Diebold Safe and Lock Company of Canton, Ohio, for \$19,840.<sup>19</sup> The actual construction was done by F. B. and W. S. Hull Builders of Dallas, Texas, general contractors for Pauly Jail Building Company. Sam Ewing was superintendent of construction, and P. Harding was building commissioner.<sup>20</sup>

The commissioners' court minutes of the February 14, 1896, meeting stated that "... the structure (would) be of brick, with capacity for comfortably confining 32 prisoners, approximately allowing 4 prisoners to the cell and so constructed that additional cages may be put in without further cost on the building. The material in the old brick jail to be utilized in the construction of the new one as far as judicious and practicable."<sup>21</sup>

The structure was originally cruciform and has remained so to the present day. Red brick was primarily used with accents of white stone. The building consists of three complete stories plus a fourth, smaller area known as the "gallows." The gallows were used only once. On March 14, 1901, at 2:14 p.m., Gus Davis was hanged for the murder of Herman Schlunz.<sup>22</sup> The gallows have since been removed, and access to that part of the building is no longer allowed. The windows on the bottom floor are horseshoe shaped arches with a white stone arch above each. The remaining windows have a white stone keystone design above them. There are two porches with arched passageways and crenellated battlements. The roof also has battlements, and each corner of the roof and gallows has turrets. Each turret has a base of white stone scrollwork and is topped with a white conical roof. The building was heated by steam until 1972. There is one fireplace in the living quarters. The other chimneys were used for wood stoves. The overall effect is that of a Moorish castle.

Records of the plans and specifications were destroyed in the courthouse fire of 1960, but apparently the materials used were common enough for the locality and time not to have been considered hard to acquire.

There have been no structural changes made to the building's exterior since its erection in 1896. In 1910, repairs were made to certain cells;<sup>23</sup> in 1918, the commissioners' court authorized Sheriff Palm to have the waterworks repaired and to make other repairs necessary in the jail.<sup>24</sup> Sheriff Remmert was the first sheriff to live in the jail, and he had \$14,000 in repairs and improvements made to the inside of the structure. The work was done by Southern Steel Company.<sup>25</sup> This work consisted of adding two bedrooms and a staircase to the living quarters and eliminating some of the cells.



The Austin County commissioners appropriate money to keep the jail in its fine condition, and the actual upkeep is the responsibility of the sheriff or deputy who resides there. The structure will continue to serve as a jail for prisoners of the county.

Sheriff W. B. Glenn was in his last year of office when the structure was built. He was followed in office by William Palm, who served from 1897 to October 5, 1918, when he died of the flu during an epidemic. His son, J. D. Palm, was appointed to fill his father's term of office on October 8, 1918, but he died 3 days later of the same illness. On November 12, 1918, L. L. Johnson, the only sheriff to come from Wallis, was appointed to fill the remaining 2 years of the term. A. J. Remmert, the first sheriff to live in the jail, was elected in 1921 and served until he resigned in 1932. George Koy served from 1932 until he died in the jail's living quarters in March 1937. For 11 years E. E. Reinecker, better known as "Bounce," served as sheriff. He was defeated in 1948 by M. W. Steck, who served until 1953 when he decided not to seek reelection. The present sheriff, T. A. Maddox, was elected in 1953 and has served 22 years, the longest of any sheriff of the county. Sheriff Maddox has had two deputies to live in the jail during his term: Chief Deputy Ervin Brast and the current chief deputy, B. T. Noviskie.<sup>26</sup>

Since its dedication in 1896, this structure has served solely as the Austin County jail and living quarters for the sheriff or his chief deputy.

We are seeking this Official Texas Historical Marker because of the buildings historic value to both the city of Bellville and Austin County. Since the county courthouse burned in 1960, the jail is the oldest county owned building left in the city. The jail is also noted for its unique architecture, a style which is representative of a certain period in Texas history. The citizens of the county take an interest in their county's role in Texas history and would like to have a visual reminder for future generations.

## FOOTNOTES

- <sup>1</sup> Austin County Deed Records, Deed Book 88, pp. 283-285.
- <sup>2</sup> Dinkins, Julia Lange, "The Early History of Austin County," (Master's Thesis, Southwest Texas State Teacher's College, 1940), p. 8.
- <sup>3</sup> Austin County Deed Records, Deed Book 88, pp. 283-285.
- <sup>4</sup> *Ibid.*, Deed Book A, pp. 1-3.
- <sup>5</sup> *Ibid.*, pp. 6-7.
- <sup>6</sup> *Ibid.*, pp. 12-13.
- <sup>7</sup> *Ibid.*, Deed Book C, pp. 317-318.
- <sup>8</sup> *Ibid.*, Deed Book 4, pp. 436-437.
- <sup>9</sup> Texas State Historical Association, *The Handbook of Texas*, 2 vols. (Chicago: Lakeside Press, 1952), I:86.
- <sup>10</sup> Dinkins, p. 49.
- <sup>11</sup> Dinkins, p. 50.
- <sup>12</sup> Haskew, Carrie Pattison, *Historical Records of Austin and Waller Counties*, (Houston: Premier Printing and Letter Service, Inc., 1969), p. 75.
- <sup>13</sup> Austin County Commissioners Court, Minutes Book K, p. 141.
- <sup>14</sup> Bellville Abstract Office, Survey of the city of Bellville.
- <sup>15</sup> Austin County Commissioners Court, Minutes Book K, pp. 135-136.
- <sup>16</sup> *Ibid.*
- <sup>17</sup> Cornerstone of jail building.
- <sup>18</sup> Austin County Commissioners Court, Minutes Book K, pp. 135-136.
- <sup>19</sup> *Ibid.*, p. 141.
- <sup>20</sup> Cornerstone of jail building.
- <sup>21</sup> Austin County Commissioners Court, Minutes Book K, pp. 135-136.
- <sup>22</sup> 155th District of Austin County Court, District Clerk Case No. 2562, State of Texas vs. Gus Davis.
- <sup>23</sup> Austin County Commissioners Court, Minutes Book M, p. 250.
- <sup>24</sup> *Ibid.*, Minutes Book N, p. 372.
- <sup>25</sup> *Ibid.*, Minutes Book O, p. 439.
- <sup>26</sup> *Ibid.*, Minutes Books K thru R.

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Billy McCune

with my death sentence, this is the end for me and now I must prepare to die and I must do so without hope. And in that moment I dedicated the remainder of my life to love of life and love of God and love of time to put my love in words. Would there be some way to express how I felt? Would there be time to express my loss of hope? But the fact remained, I had only a fifth grade education so how could this, this miraculous feat, become a reality? How could a man who did not even know adequately how to read and write express what was in his heart? And that life and hope meant to him, as even professors often stumble at this task? Yet, there I was, a moron, who felt he had something to offer life before he made his last leap into outer darkness.

I remember very well that night after I received the penalty by electrocution. My attorney George Trenary was quite jubilant. He made a direct approach to me by words for me to wash my face and comb my hair and he would ask the reporters to take a photograph of us, meaning him and his convicted rapist. He wanted the Fort Worth people who read the paper to see himself with a man he represented who was now condemned to die in the chair. What I looked like failed to save my life during the trial and since I've given up hope I might as well not count on sympathy from newspaper readers. Most of them in Fort Worth already have seen my picture in it anyway. So I didn't really care to have my mug photographed by the bug who worked for the *Star-Telegram* of Fort Worth, Texas.

When I write to you readers the motto, long live the intellectual, I mean long live thought. And thought is the property of the thinkers—not as groups but as individuals. So since I regard my own quest for survival and individual enterprise, I therefore endorse life as an individual

*The Fort Worth Memoirs*

aspect of reality. Death is an individual problem and the aspects of humanism, must cope with it, not only a problem but as a puzzle and yet more, a maze. Yet an adversary. The intellect perhaps must enter its submerged into shadows but it may prove a shoot-

Whether we love or hate we must concentrate right to the end, so we think according to the law of the intellect and what is that law and how may general readers understand it? Well, Darwin put it this way, only the fittest, certainly not the animals, but the intellectuals survive and I have already told you who I think intellectuals are. The majority don't like the intellectuals. Most writers on the subject wind up by defining intellectuals as fools. I have read it and some of you worms have also. The intellectuals are not necessarily by my interpretation geniuses. They are the individuals who use their heads for something besides a rack. So I repeat, long live the thought of the intellectuals and long live the hope and prayer of the birth of a new book—this one.

I was not returned to the criminal ward on the fifth floor but the sixth, which was the highest floor in the jail so I guess I could go no further up. The county jail cell was on this floor and here is where I would live for a while. There was two death cells next to each other and to my left as I looked out my death cell was the personal property room where the prisoners' things were under lock and key.

About two or three steps from the two death cells was a door which was usually kept locked. It had a little pannel toward the upper region, and just outside this door was where the county jailer prowled. Also in front of this locked door was the upper ceiling

GAILOR'S IN FORT WORTH, TEXAS, JAIL.

Billy McCune

and a hanging piece of metal where a rope could be installed and below it was what remained of a trap door. It was still there, and if a man was standing there with a rope around his neck and the trap chute suddenly opened, he would fall down on the fifth floor but he would also fall into eternity as there would be no more life or thought.

My belt was confiscated so I would not hurt myself but I made no threat or gesture that I would do away with my life. Maximum security had to be taken as I was a maximum case. The *Star-Telegram* reporter came to my cell and briefly asked me how it felt to have to face the electric chair. But it was written all over his young face. He was very bored with this assignment and didn't really give a damn. He was looking right at me but he perceived nothing. He interpreted me as a rabid dog that must be exterminated as conveniently as possible, as those reporters have seen come and go by the hundreds. So you see, I was just another one of the parade of so-called criminals that appear for a time & then are gone & forgotten forever. So he thought. But time has a way of healing the wounded dog or the stranger.

Let me assure you that a man condemned to death gets no favors or special treatment, whatsoever. He gets the same treatment, the same low ration of food as the other prisoners. I did not get one bean or one piece of bread more than the drunks who were coming in and out every day.

Every other morning we received a half bowl of meal with a little box of dry cereal and the next morning we got a little cinnamon roll. On one day we get red beans on another slung beans. We got only one type of food at each meal. And it was always a small dab. I'm not sure but I think we did receive a little cup of weak coffee

The Fort Worth Memoirs

you know, all institutions serve weak coffee. Mostly cold water, I might add.

So I got about the same amount of food in the county jail as I was getting on the streets of Fort Worth. And it's a wonder I didn't dry up and blow away as I survived on less than a poor man feeds his dog. But I was still alive and I guess I should be thankful for what the taxpayers of Fort Worth were giving me to eat. And you can bet away your sweet balls, that the people who paid taxes in the Cow Town were apprehensive that every day I sat in their jail I was costing them money so I was also a financial burden. The sooner they got rid of me, the better it would be for them. Actually, they were charged for more food than I really got, but this racket is practiced in every jail.

And now Stonewall Jackson is singing how so many nights his Momma cried and prayed for better days. Better days for Momma, better days. It reminds me of my own Momma as she now lies buried at Waco's Greenwood Cemetery. I was locked up in a cell at the Walls in a place called Isolation when she died. I'll tell you something very sad but true. She had wrote me she was saving clothes for people, taking in washing, saving every penny so she could come down to Huntsville to see me by Christmas which was about three or four months away. You can believe this or not but it's true. She did write me that she was very anxious to see me again after the years, as she had not seen me since I came to Fort Worth about a month after I was sentenced to death and now she was planning to be with me for a few minutes. And she died wanting to visit me in prison. I was in prison and now I guess no one can make possible her trip to Huntsville. Daddy could have made it possible if he was alive. I know she would be



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The *American-Statesman* will select letters on the basis of readership interest and relevance to current events. Letters should be 200 or fewer words. 'Open' or third-party letters will not be published. Letters must carry a name, complete mailing address and daytime telephone number. Letter writers may appear once per 30 days. Due to volume, letters will not be acknowledged. We reserve the right to edit letters. Send letters to Letters to the Editor, *American-Statesman*, P.O. Box 670, Austin, Texas 78767.

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**OPINION**

**Question of execution isn't so final as deed itself**



Capitol review  
Tom Barry

There probably is no question that most Texans support capital punishment. A lot of people think heinous murderers deserve the same fate as their victims; simple, eye-for-an-eye, justice. Still, there are those who speak up against the concept and will continue to do so despite all the polls showing they are, and are likely to remain for some time, a vocal minority.

All of which is to introduce some extremely thought-provoking testimony given when House Bill 390 came up for a hearing before the Criminal Jurisprudence Committee of the House back in April. The bill would require all executions in Texas to be carried out at noon on the steps of the courthouse in the county in which the crime was committed.

The only person to testify on the bill

was Jude Filler, executive director of the Texas Alliance for Human Needs, and a member of several organizations opposed to capital punishment.

Filler says she was asked by the bill's sponsor, Rep. Larry Evans, to testify. Here's some of what she had to say:

"This bill begins at the premise that if we are so dedicated to killing, we should do so publicly. Some people feel that this would be more degrading to the executed. Others say that the experience would be so horrific to the onlookers

that we would finally cease to call for more killing to show that killing is wrong. In fact, this bill, this call for public killing, is a call for you to look at what we are doing in the full light. . . ."

"... I will remind you that our beautiful, bounteous state has among the very worst records on education, mental health care, teen-age pregnancy, childhood hunger and illness and death. . . . The same child who is abused, the same one who suffers malnutrition, the same one whose education fails to guide him away from the dangers of the madness of addiction, is the man we may choose to kill tomorrow. Our job is to care for one another, to protect ourselves from ourselves, to improve our world for our children.

"... I ask you, is our system good enough, can it ever be good enough to

guarantee no error? Three men, after long years of agonizing struggle, went free from Death Row since I last spoke to this committee in the last session. How many others have been and will be executed who were innocent?

"... At a time when our people are at odds over the high costs of valuable things like schools and hospitals, we spend literally billions of dollars to seek a revenge that keeps on costing.

"Virtually anyone who can afford a good attorney goes free. It is the mentally retarded, the insane, and the poor and disenfranchised who take the fall, often for smarter, richer, whiter people who were responsible for the deed in question. . . ."

"This subject is a difficult and confusing one for us all. I ask this committee to commit itself to extensive self-educat-

tion about state executions, because experience has shown me that, like me, those who learn the facts decide against it. . . ."

Certainly, neither Filler nor any other death penalty opponent wants executions, let alone the spectacle of executions in the public square. Too many people would, frankly, enjoy the show. But the measure was a good vehicle to get us to ponder about what we are really doing. We're killing people, however quietly and scientifically, and we ought to think about whether that is the right thing to do.

Barry is senior editor of the *Austin American-Statesman*. He monitors legislation pending in the Capitol. Suggestions and comments are welcome.

Saturday, May 25, 1991

## The 72nd Legislature

# Senate slaps death penalty on child killers

By Bruce Hight  
American-Statesman Capitol Staff

The Senate on Friday approved a bill expanding the death penalty to child killers and providing an alternative punishment of life without parole. The bill also would prohibit other states from paroling capital felons to Texas.

The Senate put those provisions in a House bill that would require capital felons to serve at least 30 years in prison.

Instead of getting the death penalty, many people convicted of capital crimes are sentenced to life in prison — and are released after serving about 15 years, according

to recent news reports. That disclosure prompted legislators to consider requiring capital felons to serve longer minimum sentences.

Sen. Ted Lyon, D-Rockwall, said some people should never be released from prison.

"A man who takes a woman and murders her while raping her and slashing her with a knife, I think those people deserve to stay in prison until they die," Lyon said in pushing the life-without-parole option.

But, he said, "If the House rejects my amendments, then we may have to go with the 30 years."

The Senate also approved two other amendments:

■ A proposal by Sen. Buster Brown, R-Lake Jackson, would expand capital crimes to include murdering children under the age of 6.

Sen. Gonzalo Barrientos, D-Austin, asked: "Is the life of a 6-year-old less valuable than the life of a 7-year-old, or are we just throwing this out there for publicity?"

But Brown said children age 6 and younger are the most vulnera-

ble to abuse. He said older children are in school, where potential abuse is more likely to be detected.

■ An amendment by Sen. John Leedom, R-Dallas, would prohibit other states from paroling their capital felony convicts to Texas. The amendment also bans Texas from sending capital felony parolees to other states.

The Senate approved the bill on voice vote and returned it to the House.

*Austin, Texas*

*American Statesman*

# Legislation fails to clear House

1960 SUN  
5 June 1991

Continued from page 1

By CHERYL DORSETT  
Reporter

A bill to make murder of a child a capital offense punishable by death has failed to gain approval from the Texas House — for the fourth time.

However, north Harris County resident Terri Jeffers isn't giving up the battle.

"I've got my whole life to think about this, and it's the fire that keeps me going," says Jeffers who has fought for the proposed legislation since 1988.

Jeffers became an advocate of the bill after her child was murdered by her ex-husband, James Ward, 43, of Humble.

In the midst of the divorced couple's telephone quarrel, her ex-husband shot her 3-year-old son as Jeffers listened to the murder while pleading with him to leave the boy alone.

Jeffers says the Senate passed the bill, sponsored by Sen. J.E. "Buster" Brown, each time it has come up for vote. However, opposition in the House has been "incredible."

Under Texas law the death penalty can be applied in only certain circumstances: murder of a peace officer, murder for hire or murder in the course of certain other crimes.

Jeffers says at first the opposition thought the bill was another abortion bill.

"That argument was ruled out when we re-worded the bill to read any individual under the age of 6 years old, making the child separate from its mother," says Jeffers.

Other organizations opposing the bill were adamant about passing new legislation favoring the death penalty in Texas, says Jeffers.

During the 72nd Legislature, Jeffers says the bill made it to the House calendars committee which is the committee responsible for

placing legislation on the House floor for votes.

"This committee is the most powerful committee because it determines what bills are allowed to be voted on," says Jeffers.

She says the bill was placed in the calendars committee four weeks before the legislative session ended, giving it plenty of time to reach the House floor for a vote.

Jeffers says while her bill didn't make it out of the calendars committee in time to be voted, the ones that did made her angry.

"I want people to know that bills supporting conjugal visits for inmates were more important than the rights of children," says Jeffers. "The average citizen has no idea what's going on in Austin."

As a last-minute effort, Jeffers says an attempt was made to attach the bill as an amendment to House Bill 9 which related to the waiving of a jury trial for a person charged with a capital offense and parole of a person charged with a capital offense.

While House Bill 9 passed, Jeffers says House Speaker Gib Lewis ruled that her bill was not germane and the entire bill would be vetoed had it not been removed as an amendment.

See BILL, page 2A

# Court's Penry decision causes mistrial in separate murder trial

By Anne Belli

Staff Writer of The Dallas Morning News

A capital murder trial in which jury selection had been under way for four months ended Tuesday in a mistrial.

Visiting state District Judge Gary Stephens granted the motion for mistrial in the case of 38-year-old Richy Eugene Morrow, who was being tried for the second time in the killing of a bank employee during a robbery.

Mr. Morrow was convicted of capital murder in 1983, but an appeals court overturned the conviction last year.

Defense attorneys Keith Jagmin and Dan Solis asked for the mistrial on grounds of a June 26 U.S. Supreme Court ruling concerning jurors in capital murder cases.

They argued that the 11 jurors already selected — as well as 280 prospective jurors who were excused — were not aware of the high court's opinion in the case of Penry vs. Lynaugh and could not accurately follow the law.

The Supreme Court ruled that jurors should be able to consider mitigating evidence regarding the defendant — for example, troubled family background or psychological problems — in deciding whether to impose a sentence of life in prison or death.

Previously, the death penalty was assessed in Texas if jurors found that the defendant committed the offense deliberately and would be a threat to society in the future.

In essence, the Supreme Court opinion allows jurors a vehicle to grant more leniency in capital murder trials, defense attorneys say.

Judge Stephens would not comment on the case, except to say that jury selection would begin again Aug. 14.

Mr. Jagmin and Mr. Solis, as well as prosecutors Marshall Gandy, Toby Shook and Dan Hagood, were under a gag order and were not able to answer questions.

But other defense attorneys said they expected the mistrial to be the first of several in capital murder cases in the wake of the Penry deci-

sion.

"I'm predicting that every capital murder case now going on in the state is going to stop dead," said defense attorney Mike Byck. "I'm also predicting that about two-thirds to three-fourths of those on death row probably have valid appeals under Penry."

"What we're looking at is the floodgates opening up on death row," he said.

Mr. Morrow has been on death row for nearly six years for the slaying of Mark A. Frazier, an employee of Metropolitan Savings & Loan Association of Dallas, during a robbery of the S&L.

In June 1988 the Texas Court of Criminal Appeals found that during jury selection, prosecutors used an erroneous hypothetical example in attempting to explain the difference between "intentional" and "deliberate."

Because of the prosecutors' remarks, the appeals court found, Mr. Morrow was denied due course of law.

WED. JULY 12, 1989

DALLAS MORNING NEWS

# Court ruling disrupts Dallas murder trial procedures

**ANNE BELLI**  
COUNTY COURTS

A recent U.S. Supreme Court ruling has changed the way Dallas County is trying capital

murder cases.

The high court's opinion in the case *Penry vs. Lynaugh* states that jurors should be allowed to consider mitigating evidence such as troubled home life and chemical dependency when determining whether convicted murderers are sent to prison for life or put to death.

Since the *Penry* decision was handed down June 26, two capital murder cases in Dallas County have ended in mistrials. Both trials — in Judge Richard Mays' and Judge Mike Keasler's courts — ended abruptly during jury selection when defense attorneys argued that they were not able to question prospective jurors about their feelings on mitigating evidence as allowed under the

*Penry* decision.

Indeed, the decision has cast a cloud of doubt over the way capital murder cases should be tried.

On the one hand, the decision clearly finds fault with Texas law and allows juries the opportunity to be more lenient, giving them a chance to consider a troubled home life reason to sentence someone to life in prison instead of death. Before *Penry*, sentencing those convicted of capital murder was cut and dried: The defendant was put to death if the jury decided he or she murdered deliberately and would be a future threat to society.

On the other hand, the *Penry* decision, while it criticizes Texas law, does not give any suggestions of how to fix it.

The resulting confusion has "brought capital murder cases in Dallas County to a screeching halt," said Brad Lollar, who has tried three capital murder cases in the last

three years.

"We've been going along for years telling juries they have to follow the law," said First Assistant District Attorney Norman Kinne. "And now the Supreme Court says you don't have to follow the law if you don't want to."

But Mr. Kinne said the state doesn't plan to let up on bringing capital cases to trial.

"We're going to go ahead and do the best we can to conform to that opinion," Mr. Kinne said. "We're going to continue prosecuting capital cases."

A dozen capital murder cases were pending in Dallas County as of late Monday, and more indictments are expected this week.

"I think we have more capital murder cases pending now than we ever have before," Mr. Kinne said.

Jury selection began Monday in one of those cases — that of Jackie Barron Wilson, a 22-year-old Irving man who is charged with the rape and murder of a 5-year-old Ar-

lington girl last November.

Mr. Kinne and others have said the case, in some ways, is experimental because it is the first capital case to go to trial in Dallas County since the *Penry* decision.

He said that even though Texas statutes have not changed, the state will adhere to the *Penry* decision to avoid appeals and mistrials in the future.

"I think until there is either an opinion by an appellate court with regards to our procedures or the Legislature creates some sort of law, we're just going to make an effort to follow what we think the *Penry* decision says," Mr. Kinne said.

But doing that likely will have some negative side effects, he added.

"I think you'll see longer trials but I don't think you'll see less death sentences," Mr. Kinne said.

He also predicted that defense attorneys

would introduce "everything including the kitchen sink," as mitigating evidence in order to win life sentences for their clients.

Presiding state District Judge Pat McDowell, who had predicted the *Penry* ruling for months, has been urging judges to instruct their juries to consider mitigating evidence during their deliberations on sentencing.

But he said that, in the long run, if a jury really believes a defendant acted deliberately and is indeed a threat to society, it likely will sentence the defendant to death anyway.

"Death penalty jurors are prepared to give it and they're going to in the proper case."

Staff writer Anne Belli covers Dallas County criminal and civil courts for The Dallas Morning News.

## It's sad

What a sad commentary that the House failed to pass the bill that would have allowed the death penalty to be imposed on those who cause the death of young children and the elderly.

I feel Texas should have the death penalty without age stipulation. Surely we are all defenseless when confronted with weapons.

To serve a five-year term for the cause of death of a 19-month-old child is a crime in itself. Who, serving time in our overcrowded prisons at this time, could have committed a crime more unthinkable?

JANE CRAFFIUS,  
Euless

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# House fails to pass death penalty bill

## Measure targeted killers of children

By Anne Marie Kilday

*Austin Bureau of The Dallas Morning News*

AUSTIN — A bill that would have allowed the death penalty to be imposed for the murder of a young child or elderly person failed late Wednesday in the House.

The bill, which would have made the slaying of a child under age 7 or of a person 65 or older a capital murder, failed by one vote to win final House approval.

Rep. Jim Tallas, R-Sugar Land, House sponsor of the bill, gave up hope Wednesday evening.

"Right now, I'm announcing it dead," Mr. Tallas said.

The bill won preliminary House approval earlier Wednesday. But it fell one vote short of the necessary four-fifths margin needed to suspend a procedural rule to allow final passage on the same legislative day. The motion to suspend that rule failed on a 99-25 vote.

The Senate earlier had approved measure.

The measure prompted an emotional House debate over the death penalty.

Mr. Tallas urged his colleagues to approve the measure, saying that young children are "defenseless" against abuse. He cited the recent death of a 19-month-old Austin toddler who was the victim of abuse.

The toddler was buried "in a Little League cap," Mr. Tallas said.

"He obviously was too young to play Little League baseball. He also was too young to die," Mr. Tallas said. "The cap was put on his head to hide the scar of where his murderer bashed his skull in."

Mr. Tallas said the little boy's murderer would probably serve a five-year prison term because of the state's overcrowded prisons and good-conduct time laws. The crime is punishable by a prison term of five years to life and a fine of up to \$10,000.

Rep. Harold Dutton, D-Houston, who opposed the bill, succeeded in adding an amendment that would make it capital murder to murder a person older than 65. Mr. Dutton argued that the elderly also need special protection.

**DALLAS MORNING NEWS**

**THURS. JULY 20, 1989**

# Couple fights for mentally ill son on death row

By KATE JEFFREY  
Daily Texan Staff

When Larry started acting strangely at age 12, Ken and Lois Robinson weren't sure what was wrong with their son.

But now they know — he's a paranoid schizophrenic sentenced to die.

During the Tuesday night forum sponsored by UT Amnesty International to discuss the death penalty, Lois Robinson described her son as bright and happy as a child — every mother's dream. However, as he grew older, he began to change.

After years of doctors and frustration, at age 21, Larry was finally diagnosed as having paranoid schizophrenia, an inherited disease. The doctors said Larry needed a \$200 to \$300 treatment a day — for years.

That left the Robinsons with a big problem. Because Larry had just turned 21, he had been taken off their insurance policy and was completely uninsured.

"At that point, we sold everything we had," Lois Robinson said. As schoolteachers, the Robinsons had only enough money to last for a few weeks of treatment.

Larry's illness progressed so much, the Robinsons said, that their son believed the treatments

and people were plots against his life.

After the money ran out, the Robinsons looked to other public institutions for help. Although his case was considered extremely severe, no hospital would take Larry for more than 30 days because of his non-violent past.

"They said they needed the beds," Lois said.

The third and last hospital to release Larry neglected to send his medical records. So while the Robinsons were trying to find another place to help their son, he went without medication for more than a month because of the delayed sending of his records.

Then Larry got on a bus and proved he wouldn't be non-violent forever.

"The very first and last violent thing he did was kill five people," Lois Robinson said.

At Larry's trial, the Robinsons presented evidence that he had been diagnosed by 12 doctors as mentally ill and had been rejected by three hospitals because he had never committed a crime.

"I wish I had told them he was violent," she said.

Larry was found sane and guilty and sentenced to death.

"At that point, I collapsed and was hospitalized for a week," Lois Robinson said. "Then I got up kicking and screaming."

Ken Robinson said that before the incident, "like the majority of people in the United States, I never had to face the problem" and didn't think about the death penalty.

The Robinsons, who are from Burleson, founded a support group for death row inmates and their families, Help Our Prisoners Exist or HOPE.

They travel around the country and tell their story with hopes to change attitudes — and eventually laws — about capital punishment.

It is more expensive to execute prisoners than to keep them in prison for life, according to figures from Amnesty International.

The Robinsons would like to see the death penalty abolished and the money used for executions — which some have estimated to be \$600 million — used to help those who need treatment.

"I know from experience how difficult it is to get treatment unless you're rich enough to pay \$200 to \$300 a day," Lois said.

"Can our society exterminate all of its people because they can't afford to treat them?" Lois said. "That sounds like Nazi Germany."

Larry will probably be executed, the Robinsons believe. Yet they said if they can help even one person get treatment instead of the death sentence, their fight will have been worth it.

BOTH ARTICLES FROM DAILY TEXAN APR. 26, 1989

# Candidate offers 2 drug bills

## Attorney general hopeful joins in call for tougher laws

By Christy Hoppe

*Austin Bureau of The Dallas Morning News*

AUSTIN — Rep. Dan Morales, joining other statewide candidates in calling for a crackdown on illegal narcotics, Monday asked Gov. Bill Clements to add two tough-on-drugs bills to the agenda of the Nov. 14 special session.

Mr. Morales, a San Antonio lawyer who is seeking the Democratic nomination for attorney general, fell in step with other candidates — such as GOP gubernatorial hopefuls Kent Hance, Jack Rains and Clayton Williams — who are making drugs a leading issue in their campaigns.

The bills sponsored by Mr. Morales would extend the death penalty for murders committed during drug deals and create the state's first life sentence without parole for repeat hard drug dealers.

As chairman of the House Criminal Justice Committee, Mr. Morales introduced both bills in a larger anti-crime package during the regu-

lar legislative session. The two bills failed to gain consideration by the full House and Senate, although they had the backing of the Governor's Criminal Justice Task Force and House Speaker Gib Lewis.

"Certainly, Rep. Morales' request will be considered," by Mr. Clements, who controls the agenda of the special session, said the governor's press secretary, Rossanna Salazar.

Currently, workers' compensation reform is the only issue on the agenda. Legislators have requested consideration for about a dozen other proposals, including one sponsored by Sen. J.E. "Buster" Brown of Lake Jackson, a Republican attorney general candidate, to make drivers' licenses reflect drug-related convictions.

Mr. Morales said he is confident that Mr. Clements will add his two bills to the agenda.

He said life without parole is a fitting penalty for incorrigible drug

dealers, even if the penalty might not apply to other priorities, such as repeat rapists or murderers.

"When a judge and jury sees fit to impose life without parole, the message is that that particular individual has lost his right to walk amongst us as a free human being," Mr. Morales said.

Other legislators have not supported the measure because of costs associated with the overcrowded prison system and the prospect of housing thousands of drug dealers for life.

Mr. Morales said that the law could be applied to between 50 and 100 offenders annually.

He said the cost, which he described as very small, and penalty fit the crime because offenders who "have shown the ability and capacity to indiscriminately deal drugs . . . are responsible for scores, hundreds and perhaps thousands of human tragedies."

**DALLAS  
MORNING  
NEWS**

**TUES.  
9-19-89**

**TEXAS & SOUTHWEST**

More Texas &amp; Southwest news, Pages 23A, 28A

# Appeals court affirms murder conviction of Adams case figure

Associated Press

AUSTIN — The Texas Court of Criminal Appeals on Wednesday affirmed the Beaumont capital murder conviction of David Ray Harris, who received national attention after implicating Randall Dale Adams in a separate murder in Dallas.

Mr. Harris was one of five men convicted of capital murder whose appeals were turned down by the court.

He was given the death penalty in the fatal shooting of Mark Mays in 1985. According to testimony cited in the court opinion, Mr. Harris forced a woman Mr. Mays was dating from Mr. Mays' apartment. When Mr. Mays followed him with a gun, Mr. Harris shot and killed him. Mr. Harris later said that Mr. Mays shot him first.

As part of his appeal, Mr. Harris said it was wrong for the trial judge to admit into evidence the punishment assessed Mr. Adams in the 1976 murder of Dallas police Officer Robert Wood.

Mr. Harris, 16 at the time, initially told friends that he killed Officer Wood. However, he implicated Mr. Adams when questioned by authorities and was not charged in the case.

Mr. Adams was given a death sentence that later was commuted to life. The case was the subject of Errol Morris' 1988 documentary *The Thin Blue Line*, which suggested that Mr. Adams was wrongly convicted.

Mr. Adams was freed this year, when the Court of Criminal Appeals upheld a ruling that he had been denied a fair trial. Mr. Harris recanted his trial testimony in the case and attested to Mr. Adams' innocence.

In a Harris County case, the court refused to order the release of William Prince Davis, who contended that he received ineffective assistance of counsel during jury se-



**David Ray Harris . . . implicated Randall Dale Adams in a police officer's murder but later recanted his testimony.**

lection.

Mr. Davis was given the death penalty in the 1978 fatal shooting of Richard Walter Lang during the robbery of the Red Wing Ice Cream Co. in Houston. The Court of Criminal Appeals affirmed the conviction in 1980.

The court also affirmed the capital murder convictions and death sentences of:

■ Anthony Leroy Pierce in the 1977 shooting death of Fred Eugene Johnson during the robbery of a Church's Fried Chicken restaurant in Harris County.

■ James Carl Lee Davis in the 1984 beating death and aggravated sexual assault of Yvette Johnson in Travis County.

■ Ricky Don Blackmon in the 1987 Shelby County robbery and murder of Carl J. Rinkel, who died from being struck and stabbed with a homemade sword.

# Confession, judge's plea fail to win Adams parole

By David Pasztor  
OF THE TIMES HERALD STAFF



The Texas Board of Pardons and Paroles on Friday denied parole to Randall Dale Adams, even though another man has confessed to the murder of a Dallas policeman for which Adams has been imprisoned 12 years, and a judge has found that Adams did not receive a fair trial.

The decision dealt a stunning blow to those working to free Adams, who is serving a life sentence. Hardest hit was his 65-year-old mother, who was longing for her son's homecoming, perhaps as early as next week.

"Where do we go, where do we go from

here?" Mildred Adams asked from her home in Ohio after hearing the news. "I can't believe they did this."

Adams

The parole board had agreed last month to conduct a special review of the Adams case, based on new evidence and a judge's ruling, all but establishing his innocence. The Texas Court of Criminal Appeals also is reviewing the case to decide if Adams' conviction should be thrown out.

Because the appeals court's decision could be months or years away, Adams'

Please see ADAMS, A-14

## ADAMS

From A-1

attorney and family had hoped that the parole board, which does not have the power to reverse his conviction, would at least free him on parole while awaiting the court's decision.

Adams has been in prison since his December 1976 arrest for the slaying of Dallas police officer Robert Wood. Wood had been fatally gunned down 23 days earlier during a routine traffic stop on a West Dallas street.

But citing the seriousness of the crime and the fact that a weapon was involved, the three-member parole panel decided by a 2-1 vote Friday to keep Adams in prison, according to spokeswoman Karen Armstrong. Barring special circumstances, he will not be eligible for parole again until December 1990, she said.

The question of his probable innocence, one board member said, was not a factor in deciding Adams' case.

"I was not reviewing the case for whether the man was innocent or guilty, I was reviewing it for parole consideration," said board member Ruben M. Torres, who voted to deny Adams' parole. "I had to presume that the man is guilty."

Torres, a Democrat, was Republican Gov. Bill Clements' hand-picked choice for the vice chairmanship of the board last year, to replace a Republican member Clements felt was too liberal.

Randy Schaffer, Adams' Houston attorney, was outraged by the ruling, and called Torres' reasoning "a bunch of crap."

**I** take my life one day at a time. Every day that I wake up at Eastham, I figure I will sleep at Eastham.'

Randall Dale Adams

"It's illogical to say they gave him a special review because there was new evidence of his innocence, and then deny him parole because you can't consider new evidence of his innocence," Schaffer said. "These are just a bunch of idiots."

John Escobedo, a parole commissioner from Huntsville who cast the second vote against Adams, could not be reached for comment. Winona Miles, the third panel member, voted to tentatively approve the parole.

Dallas County District Attorney John Vance, who last month reluctantly conceded that Adams did not receive a fair trial because a key witness in the case had committed perjury, said he agreed with the panel's ruling.

Vance said it is up to the Court of Criminal Appeals to decide if Adams deserves a new trial, and that Adams should stay in jail until they rule. "If they're going to reverse the case, let them reverse it, and then we'll try it again," Vance said. "He's not entitled to parole."

Schaffer said the panel's decision "defied all logic."

"We've just come to the collision of intellectual dishonesty and total stupidity," Schaffer said. "I'm not speaking out of hurt, but there's no question why the Texas Parole Board is the most disrespected and disgraced parole board in the country." Every day, Schaffer said, the board

agrees to release convicted murderers and other felons who have served only fractions of their sentences to relieve prison overcrowding. "I guess their logic is they only parole the admitted criminals, not the ones where there's some question," he said.

Adams, imprisoned at the Eastham maximum security unit near Lovelady, could not be asked about the board's decision, because inmates in the Texas Department of Corrections are not allowed to make or receive phone calls. But in a prison interview almost two weeks ago, Adams had been buoyed by the prospect that he might be released soon.

He talked of going back to Ohio to live with his mother and family, finding a job and starting life over again at age 40.

Still, he refused to give in fully to the belief that his freedom was imminent.

"I take my life one day at a time," he said. "Every day that I wake up at Eastham, I figure I will sleep at Eastham. If I wake up one morning and they tell me I'm going to be released, then I will worry as to the future. As of now nothing's changed. I'm still here."

Major questions about Adams' guilt have lingered since his conviction, and were refueled last year by the release of the documentary film "The Thin Blue Line," which raised serious ques-

tions about the methods used by former Assistant Dallas County District Attorney Douglas Mulder in trying the case.

Of the five witnesses who placed Adams at the murder scene and formed the crux of the government's case, three have been shown to have committed perjury and one has conceded her story changed after she was hypnotized prior to the trial.

The fifth, David Harris, has since confessed to the killing, and acknowledged that he fingered Adams to save himself. Harris is now on Death Row for an unrelated killing.

In late November, Adams received a hearing before State District Judge Larry Baraka in Dallas to air new evidence in the case, including that unearthed by filmmaker Errol Morris.

After three days of listening to testimony, Baraka concluded that Mulder had withheld crucial evidence from the defense, that key witnesses had lied, that Adams did not have effective counsel and that Adams most likely is innocent.

Baraka recommended that the conviction be reversed, and his ruling is the issue now awaiting action by the Court of Criminal Appeals.

Last month, Vance's office had notified the appeals court that, because of perjury during the first trial, it did not object to a new one.

Baraka sent a letter to the parole board endorsing Adams' release, Schaffer said, and the board also was aware of Vance's concurrence that Adams was unjustly tried.

But Torres said those factors did not count in considering the case. "It's not my responsibility to adjudicate the case," Torres said.

SUN. FEB. 26, 1989

DALLAS TIMES HERALD



# Four condemned women share life on death row

By Christy Hoppe

Austin Bureau of The Dallas Morning News

GATESVILLE, Texas — When the three women learned in February that Frances Newton would be joining them, they solemnly set about their preparations.

The day before she arrived, they cleaned, made her bed and went to the commissary to buy little things she might need. It was what little welcome they could offer to their new cellmate on death

row.

"This is upsetting for us for someone else to come here," said Betty Beets, who was sentenced to death in 1985. "Not because we didn't want her here personally; we just didn't want anyone else to get a sentence like this. It really hurt."

In the past two weeks, the U.S. Supreme Court has declined to hear the cases brought by three of the state's four condemned women. By shutting down their

first line of appeal, the court has opened the possibility that Texas will execute a woman for the first time since pre-Civil War days.

Only one woman — North Carolinian Velma Barfield in 1984 — has been executed in the United States since the Supreme Court allowed reinstatement of the death penalty in 1976 after a four-year suspension. She was the first woman to be executed in this country in 22 years.

Criminal justice experts say women are unlikely to commit the kind of murder that carries the death penalty, and prosecutors seem less likely to seek death for those women who do.

Of the 2,186 inmates awaiting execution nationwide, only 25 are women, according to March figures collected by the NAACP's Legal Defense and Education Fund.

The appeals process for the four Texas Please see **FOUR** on Page 10A.

10 A The Dallas Morning News Sunday, July 9, 1989 H

## Four condemned women share life on death row

Continued from Page 1A.

women continues, and it could be years before the legal maneuvers are over. But when they are, and if the verdicts stand, state officials will have no qualms about punishing a woman the same way they have 392 men.

"The women who are there, I have no problems with their receiving the death penalty," said Assistant Attorney General Robert Walt, who oversees capital punishment cases for the state. "There's no reluctance from this office."

The four on death row have been convicted of gruesome crimes. Two of Ms. Beets' husbands were found buried behind her trailer home in Henderson County. She was convicted of killing one of them to collect insurance benefits. Pam Perillo helped her boyfriend strangle two men during a robbery. Karla Tucker slaughtered two people with a pickax during a robbery. And Ms. Newton was convicted of killing her husband and two children with her boyfriend's gun to collect insurance money.

Of the women, Ms. Beets is the oldest at 52. Ms. Newton is 23. Ms. Tucker 29 and Ms. Perillo 32.

Though women commit 12 percent to 15 percent of the murders nationwide each year, they make up only 1 percent of those who receive the death penalty. "There is a gender bias in this system, and women are getting the benefit of it," said Cleveland State University law Professor Victor Streib, who is two years into a nationwide study on women and the death penalty.

However, Mr. Streib said, "The chivalry factor is overcome in some extraordinary cases.

"It's mostly women who have killed their husbands, or a woman who commits a murder like men, which is to say, a particularly violent one," Mr. Streib said.

The reluctance to execute women also might affect district attorneys, who are mindful of public opinion, Mr. Streib said.

"Maybe going after a woman doesn't make you a hero," he said. But if the murder is brutal, then "a prosecutor cannot only dehumanize them, but defeminize them, too," he said.

Ms. Beets, who appeared sullen and haggard in pictures taken at the

### WOMEN ON TEXAS' DEATH ROW



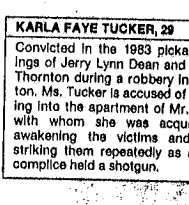
**BETTY LOU BEETS, 52**

Convicted of the 1983 shooting death of her fourth husband, former Dallas fire Capt. Jimmy Don Beets, to collect insurance benefits. His body was discovered in the back yard of Ms. Beets' trailer home in Henderson County. The back yard also contained the body of her third husband, Doyle Wayne Barker, who was fatally shot in 1981. Charges against Ms. Beets in that killing are pending.



**PAMELA PERILLO, 32**

Convicted of the 1980 strangulations of Robert Banks and Bob Skeens in Houston during a robbery at Mr. Banks' home. Ms. Perillo was an accomplice of her boyfriend, who was also convicted of capital murder and sentenced to death. He also is on death row.



**KARLA FAYE TUCKER, 29**

Convicted in the 1983 pickax slayings of Jerry Lynn Dean and Debby Thornton during a robbery in Houston. Ms. Tucker is accused of breaking into the apartment of Mr. Dean, with whom she was acquainted, awakening the victims and then striking them repeatedly as an accomplice held a shotgun.



**FRANCES ELAINE NEWTON, 23**

Convicted in Harris County of the 1987 shooting deaths of her husband and two children to collect insurance benefits. Adrian Newton, 23, was shot once in the head as he slept on the couch. Her 7-year-old son and 21-month-old daughter were shot in their hearts. Police claim she used her boyfriend's gun.



time of her arrest, displayed a much softer look in a recent interview. Her graying hair was neatly coiffed. Dark pink lip gloss matched her nail polish. Her prison whites were improved by a red Garfield-the-cat scarf, held in place by a simple gold brooch. Eye shadow highlighted her blue eyes.

She granted the interview to maintain her innocence. The three other women have declined interview requests.

In the course of two hours, Ms. Beets cried several times when talking about her children — especially her son and daughter, who testified against her at her trial. She also

spoke of numbing fear that swallows her each time she thinks about execution.

"When I think about what (state officials) want to do and I think of all those people and how they're treated, having to suffer, well, it gives you a kind of deep, aching feeling," she said. "And it's just not right. And I know I haven't done anything to deserve this."

She is spending much of her time now writing letters and raising issues for her appeal. Soon, she knows, a judge will set a date for her execution, but she said she remains buoyed by her belief in the justice system.

is afraid that there "is a conspiracy to profit on my execution."

"She got real good representation," Mr. Andrews said. "I went overboard to help this lady. But if I were on death row, I might be grabbing at anything I could, too."

He also said that Ms. Beets signed over the book and movie rights "freely and voluntarily." He had hoped the rights might help him recover some of the cost of her defense, but it "will probably never amount to flip," he said.

Ms. Beets doesn't talk to Mr. Andrews anymore. Her legal help is coming from other inmates and a legal resource center sponsored by the University of Texas School of Law.

She also does work on her own defense now, although a large part of her day is spent with the other women making dolls for sale through the state prison industry.

The work program was begun several years ago by Warden Catherine Craig, who wanted to match the inmates' skills with a project. "All were interested in craft-type items," Ms. Craig said. "This just seemed like a real good project."

Ms. Beets appears to enjoy the work, which she must do five hours daily. "They're real pretty dolls. They're cloth, and we sculpt the faces and the hands and the knees and all over their bodies, and make them like real little babies," she said.

The four women do the work — and almost everything else — together.

They live in an isolated cellblock designed to hold eight people in the Mountain View prison unit in Gatesville. They do not mingle with the general population of female inmates. The block includes its own work area and day room, with an adjoining outdoor recreation area. Except after 10:30 p.m. on weekdays and midnight on weekends — when they're locked within their single cells — they are free to wander within the area.

Unlike the women, the 299 men on death row face strict confinement because of their larger numbers, and they are allowed few personal possessions.

But perhaps the main difference between the two death rows is that the women tend to bind themselves

together more.

"We're moral support for each other," Ms. Beets said. "We've all got Christ in our lives. Every night before we go to bed, we hold hands and pray and give each other a hug."

"And we just thank God for the position we're in, because it could be a lot worse," she said. "Our sympathy goes out to (the men) because it has to be depressing to live the way they do."

Ms. Beets is generally up by 5 a.m., and the door of her cell is unlocked by 6:30. There's breakfast and coffee before work begins at 8, when the women set about producing almost half the dolls sold by the prison industries.

By 10:30 a.m., the women break for lunch and their favorite soap opera, *The Young and the Restless*. They work again from 1 until 3:30 p.m., and dinner is served around 4:30.

Afterward, "We watch TV, crochet, knit — you know, what most people would do if they were staying home," Ms. Beets said.

She also does some studying for correspondence courses in business and accounting. Two years ago, on the day before her 50th birthday, she received her general equivalency diploma. She'd dropped out of school to get married when she was 15.

"They more or less look out for me, and we all look out for each other," Ms. Beets said.

The women discuss their appeals with one another, but rarely details of their cases, Ms. Beets said. They might commiserate on failures of the criminal justice system, but she says she doesn't believe the system treated her differently because of her sex.

But then, little from the past really makes any difference now, she said.

"It's like I told them one time when we were talking: It doesn't matter what background we came from, because we're all here together and right now is what counts. Because we can't change any of . . . (the past), and right now, this is where we're at.

"And we just have to make the best of it. And Lord knows, we try."

The Dallas Morning News

# Museum is prisoners' grim legacy



**KENT BIFFLE'S TEXANA**

**HUNTSVILLE** — Folks still talk about the hot Sunday afternoon in July 1934 when Dallas gunman Raymond Hamilton and two others broke out of the death house at the Walls prison unit. They escaped in a

roaring gunfight.

During a crowded baseball game, Mr. Hamilton — followed by death-house inmates Joe Palmer and Blackie Thompson — darted up a ladder and over a 25-foot wall while guards in gun towers blazed away.

Guards shot two lifers off the ladder, Roy Johnson and Charlie Frazier. A third, Whitey Walker, was killed. One guard was slightly wounded.

A couple of waiting cars sped away with the three condemned men. Mr. Hamilton and Mr. Palmer faced capital punishment for the death of a guard shot a few months earlier when Clyde Barrow rescued the pair from Eastham prison farm.

Mr. Thompson had been convicted of an Oklahoma murder, but he drew his Texas death sentence for the armed robbery of a Marlin bank.

Bandit Charlie Frazier engineered the sensational escape. After bribing a guard to smuggle three pistols into the prison, he got the drop on a death house guard and forced him to open the three men's cages.

The bribed guard ended up behind bars, sentenced to 15 years.

Mr. Thompson was killed by cops in an Amarillo shootout.

Mr. Hamilton and Mr. Palmer were recaptured and executed in the electric chair.

Some people who knew Raymond Hamilton, a West Dallas punk who became a busy bank robber, argue that he never killed anyone.

The question crossed my mind one day last week in Huntsville as I studied the most uncomfortable chair in Texas — the electric one.

The chair had been crated in 1964 and stored until last year, when Dr. Robert Pierce, the energetic archivist of the Texas Department of Corrections, found it, dusted it off and announced that the public has a right to see the historic piece of Texas furniture.

Upshot was birth of the Texas Prison Museum, a collection of eye-catching prison memorabilia highlighted by the Hot Seat. Dr. Pierce, a Conroe High School English teacher, presides over the prison museum's board of trustees.

A ticket's a buck (half that for half-pints).

So, if you're driving to the palmy Gulf Please see MUSEUM on Page 43A.

# Museum is grim legacy of prisoners

Continued from Page 41A.

Coast or to balmy Houston, you may wish to exit Interstate 35 at woody Huntsville for a close-up look at the Hot Seat.

The electric chair is publicly displayed for the first time. The museum on the Walker County Courthouse square provides a peek behind the infamous green door of the old death house.

Theatricaly, lights dim at intervals above the chair, known as Old Sparky or the Thunderbolt.

The chair was fashioned from hardwood by inmates, who must have approached their shop project with mixed feelings.

A lethal injection nowadays may be more humane than a ride on the Thunderbolt, but it's far less spectacular. Two thousand volts can smoke up a room. In four decades, 1924 to 1964, the electric chair killed 361 men.

In this century, Texas hasn't executed a woman, unless you count Bonnie Parker. With her sweetie Clyde Barrow, she was terminated in a Louisiana ambush by a firing squad of selected Texas lawmen.

And museumgoers can see mementos of those star-crossed lovers. Rare photos and a pair of .351-caliber Winchester semiautomatic rifles found in their fatally bullet-riddled car in 1934 are on display.

A nearby exhibit shows other weapons and crude armor, relics of a 1974 prison siege. Imprisoned Fred Gomez Carrasco, killer and drug kingpin, staged a war for 11 days that took three lives before he was blown away.

One must admire the candor of a prison museum that doesn't pull punches. On public exhibit for the first time is a rare, genuine prison "bat."

Today, we're only a generation or so removed from regulations that permitted the beating of prisoners with a leather strap — the bat. The bat in the museum is of regulation size, although many weren't. It's 2½ inches wide, 2 feet long and attached to a wooden handle.

Convicts have testified about the use of larger bats. One was a trace chain wrapped in rubber. Prisoners were stripped and flogged for offenses that ranged from violent assault to "picking dirty cotton."

At least three women prisoners at the Goree Farm near Huntsville were whipped for "laziness" and "impudence."

The bat is outlawed today.

Antique handcuffs and leg irons are among the exhibits, along with hobbles, belly chains and an authentic ball and chain. The ball is heavier than a guilty conscience.

The Texas Prison Rodeo has disappeared into the sunset, but the once wildly popular wild event is recalled in photos and souvenirs.

A prisoner who became a folklorist's delight, guitar-picking Leadbelly (Huddie Ledbetter), is fondly remembered. And several exhibits are devoted to inmate arts and crafts.

The dark underside of inmate arts are dozens of weapons cunningly crafted from spoons, forks, toothbrushes, almost anything. Plumbing fixtures are transformed into firearms.

"I gathered those weapons from wardens after a sweep. We have so many that we're not asking for



The Dallas Morning News: Kent Biffle

**Dr. Robert Pierce, archivist of the Texas Department of Corrections, displays rifles found in Bonnie Parker and Clyde Barrow's bullet-riddled car in 1934.**

more," said Dr. Pierce.

He's working on several prison books, one about the electric chair. A couple of years ago, his prison film *Lions, Parakeets, and Other Prisoners*, made with Dr. Thom Murray, won six national awards.

Dr. Pierce, 46, a member of the Huntsville school board, is fascinated by creative impulses of prisoners. He hopes to expand the museum's space devoted to artists, poets and musicians.

Doing time in Huntsville, a builder of architectural models for Exxon constructed a scale model of the Walls, detailed with pigeons and clothes hung out to dry. The guy spent 1,200 hours hard time on it.

Like 95 percent of the museum's holdings, the model is on loan from the Texas Department of Corrections.

The museum's carpet was discarded by Sam Houston State University. The displays were built by volunteers, who staff the museum. The museum gets no state money, but businesses have donated a few thousand bucks.

Only one of the museum's 10,000 visitors has faulted the place. A woman called the electric chair's exhibition "gross commercialism."

Dr. Pierce smiled. Gross commercialism, indeed. The museum is a not-for-profit operation. Ticket sales barely pay the light bill, even with the electric chair unplugged.

**DALLAS MORNING NEWS**  
**SUNDAY, JULY 1, 1990**

plenty."

11-7-1895  
THE DEAD ALIVE

**An Executed Murderer Revives and Kills  
His Hangman.**

"Everybody remembers when the great Texas murderer, Dick Masters, was hanged," said E. M. Cary of Waco to a Kansas City Times man, "but the strange death of Sheriff Winters, who sprung the trap, has been kept out of the papers. After Masters' body was cut down the county physician pronouncing the murderer dead, the sheriff ordered four deputies to carry the body to his private laboratory, where the sheriff used to pursue his medical experiments alone. He was bound to dissect the powerful, well-developed body of Masters, so he shut himself up with the corpse and went to work.

"The sheriff moved about briskly, making a great clatter with his instruments. Several times he went to the windows and peered out, but the neighborhood was deserted. He soon discovered that the drop on the scaffold had not broken Masters' neck and the sheriff thought that was fortunate, as he always had experimented on the restoration of life whenever opportunity afforded. He laid down his instruments and began to try and restore life. The evening shadows drifted into night. It was a noisy town and the shouts and laughter of revelers could be heard everywhere. Several times the crowds passing the sheriff's room thought they heard the sounds of scuffling and more than once a muffled shout was heard. But the pleasure-seekers on the streets passed along without giving a thought to this.

"On the following day Sheriff Winters failed to appear at his office. Nobody had seen him since he locked himself in the laboratory with Masters' body. Finally the mayor of the town and several deputy sheriffs went to the laboratory, but rapping at the door nor shouts would bring any answer. Then they broke open the door. The sight before them nearly turned their hair gray. The room was a total wreck. The furniture was strewn about the room, smashed to pieces and everything bore evidence of a terrible struggle. Sheriff Winters lay on the floor dead and the marks about his throat showed that he had been strangled. A few feet away lay the dead body of the murderer, Masters. The faces and the garments of both men bore evidence of a hard fight. The only conclusion that could be arrived at was that Masters had revived and on regaining consciousness and strength he had attacked the sheriff and succeeded in killing him before he died himself. All this happened in the jail of Rio Grande county."

Daily News

Chicago

11-7-1895

## TEXAS EXECUTIONS MOUNT, Taking Life Becomes Routine

By SAM HOWE VERHOVEK

HUNTSVILLE, Tex., May 22.—When the time came for Texas to kill Richard Gerry Drinkard on Monday, he was strapped to a gurney and wheeled into the execution chamber. The prison chaplain, Jim Brazzil, rested a hand on the condemned man's knee. He kept it there as Mr. Drinkard was asked for any last words.

"No, sir," came the response, and the man convicted of killing two women and a man with a claw hammer was promptly put to death.

Tuesday, Wednesday and Thursday, the minister spent his early evenings by a man on a gurney in the chamber.

With Texas in the midst of a spate of executions whose pace has no parallel in the modern era of the death penalty, Mr. Brazzil said this week that he found the best way to minister to a man facing lethal injection was to view execution as he would any other calamity.

"It's like I'm seeing a man dying of cancer or a heart attack, or maybe I've come upon an accident in the road and I know, this

### DEATH ON A SCHEDULE

A special report.

man is going to die," Mr. Brazzil said. "I'm not interested in his past. I'm interested in what's in his heart at the moment of his death."

If the executions of convicted murderers go as scheduled, and so far this month they have, Texas will have executed eight men in May, a record monthly high for any state since the United States Supreme Court reinstated the death penalty in 1976. This record will probably not last long: Texas has scheduled 11 executions for June, which would be another milestone.

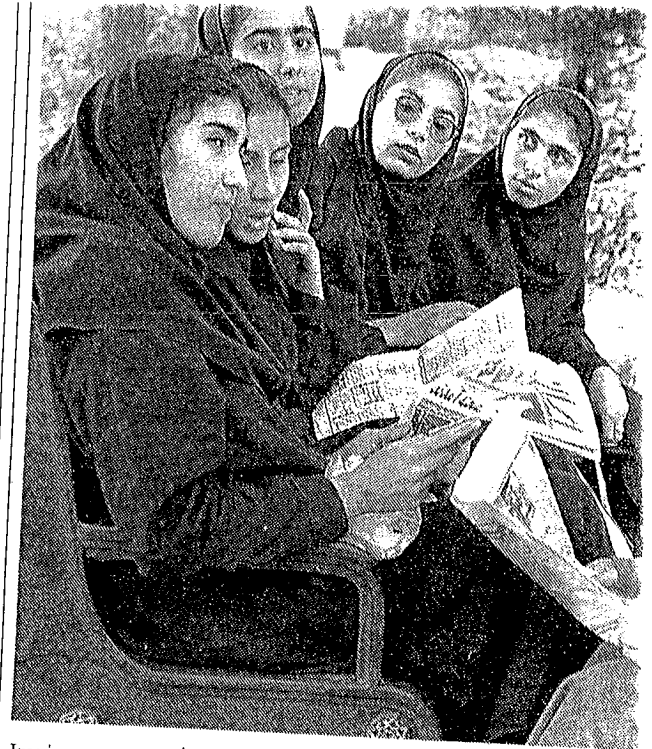
Since 1920, the greatest number of people that any state has put to death in a month is 10, by North Carolina in October 1947, according to the Capital Punishment Research Project in Headland, Ala.

By sometime in June, Texas will have shattered the yearly high of 19 executions by a state since the death penalty was reinstated. Texas also set that record, in 1995, and it has accounted for nearly a third of all executions in the country since 1976.

But if all those statistics are newsworthy, they also suggest something mundane. In Texas, the death penalty is becoming a matter of routine.

So routine that even the dwindling number of death-penalty opponents who come for vigils at the prison here occasionally lose count. When Bruce Edwin Callins was put to death on Wednesday, and the protesters said the Lord's Prayer and sought forgiveness for the executioners, a woman with a portable microphone announced he was the 120th man executed here since 1982. Actually, he was the 121st.

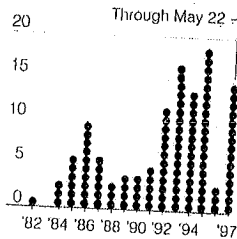
So routine that people who live



Iranian women read about the victory of Mohammed Khatami in the Presidential election yesterday. Mr. Khatami won strong support from young people, who

### A Record Rate

Texas is expected to execute more people in 1997 than any other state in any year since 1976.



Source: Death Penalty Information Center

## UNSEASONAL TREAT FOR U.S. MOTORISTS

Gasoline Prices Remain Low  
for the Holiday Weekend

By AGIS SALPUKAS

With the needle pointing to empty on his Chevrolet Blazer, Mark Rilley slowed at the Amoco station in Tenafly, N.J., and considered filling up on regular unleaded for \$1.149 a gallon. Cheap as that was, Mr. Rilley was

## Chirac Forewarns But Finds He Ca

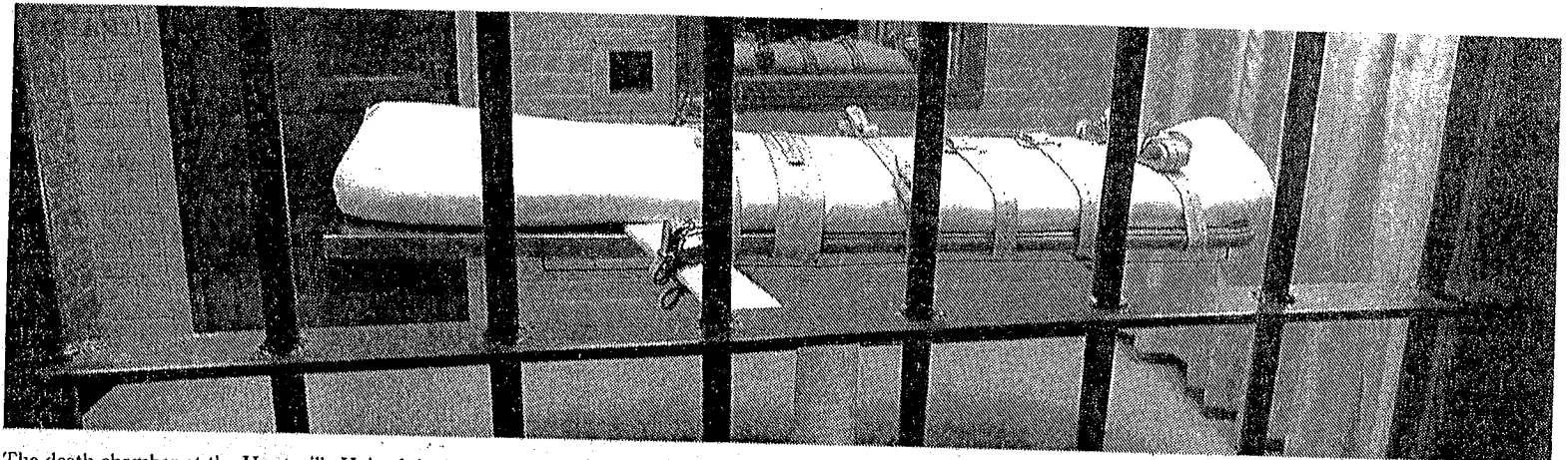
By CRAIG R

PARIS, May 24.—The French vote Sunday in a sullen mood, unhappy with themselves and the economy, envious but wary of American economic success and unsure that even a more closely united Europe can solve their economic problems.

"France will fulfill its European obligations," President Jacques Chirac told voters this week, referring to the economic demands that France must meet to join its European part-

New York Times

5/25/1997



The death chamber at the Huntsville Unit of the Texas state prison system is the busiest in the country. The condemned are strapped down in this room for lethal injections. F. Carter Smith for The New York Times

# As Texas Executions Mount, They Become Routine

Continued From Page 1

and work near the prison take little notice. A block away, at the Dairy Queen on 11th Street, Marc Strickland, 18, who works at a nearby body shop, was eating a Heath Crunch Blizzard at the moment Mr. Callins was executed.

"It just doesn't bother me," he said, gesturing out the window with his plastic spoon at the huge red-brick Huntsville Unit prison, which everyone here calls the Walls. "A guy kills somebody, he pays with his life. That's it."

Even the time for executions in Texas has been reset to fit workaday schedules. They used to take place in the hours just after midnight, when the authorities believed there would be less chance for the spectacles of screaming pro- and anti-death-penalty forces massed outside the prison gates.

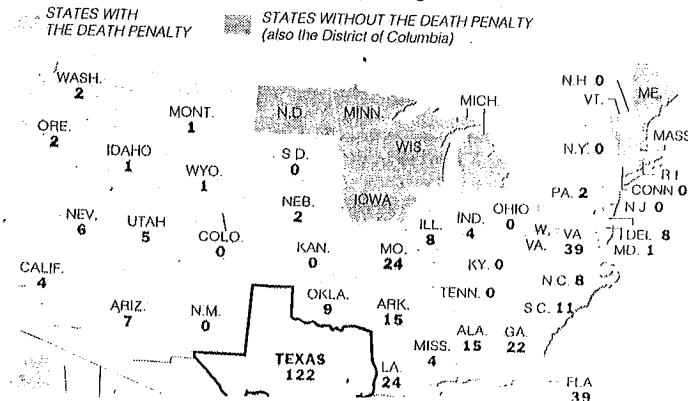
Now, such commotion is rare. And under a 1995 act of the Legislature intended to "make it easier on everyone involved," in the words of a state prison official, executions are carried out in the early evening.

"I don't know too many people who like to

## OVERVIEW

### Leading the Nation in Executions

Since the Supreme Court allowed the death penalty to be reinstated in 1976, Texas has lead the nation in executions by a large margin.



and reporters converged on Huntsville. For a while, executions drew raucous crowds.

But on Tuesday, under a gentle rain that quickly gave way to a beautiful spring evening, there were only eight protesters from the Texas Coalition to Abolish the Death Penalty gathered at the corner of Avenue 1 and 12th Street. As Mr. Lackey was executed, they paced with their hand-painted signs.

"Murder in Progress," said one sign. "Texas — Killing Capitol of the World," said another.

They chanted, "An eye for an eye makes the whole world blind."

Joanne Gavin, 64, wearing a pink blouse, blue stretch pants and sandals, said she knew there was nothing she could do to stop Mr. Lackey's death.

"But I just feel compelled to be here," said Ms. Gavin, who has stood outside the prison for nearly every execution in the last five years. "It's that old saying, 'If you're not a part of the solution, you're a part of the problem.'"

Ms. Gavin described those assembled as



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Now, such commotion is rare. And under a 1995 act of the Legislature intended to "make it easier on everyone involved," in the words of a state prison official, executions are carried out in the early evening.

"I don't know too many people who like to stay up after midnight," said an appreciative assistant warden on death row, R. J. Parker. "People have to get up and work the next day."

Why Texas regularly executes so many more people than other states is a matter of some debate; one provocative thesis suggests that the state's heritage of frontier justice has mixed with modern urban problems (Texas has 3 of the 10 biggest cities in the country) to make Texans more culturally suited to demand the death penalty. On the other hand, while polls 20 years ago showed that Texans supported executions at rates much higher than Americans at large, the support today for the death penalty nationally mirrors that in Texas. So it may be that other states just need time to catch up.

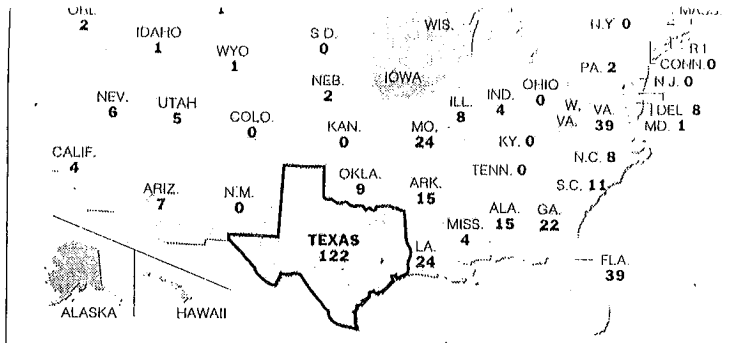
One major reason for the increase here is that convicts have now exhausted all their challenges to a two-year-old state law intended to limit the appeals process and cut the average stay on death row from nine years to half that or less. And as the legal environment has changed, so, too, has the mood on death row.

"Everybody is talking about it," said 33-year-old Earl Russell Behringer, convicted of repeatedly shooting a couple on a lover's lane near Fort Worth 10½ years ago. "It's becoming inevitable. The public and the media and the politicians are all saying, speed up the appeals, get these guys executed. So I would say, yes, chances are good that I will be executed."

Mr. Behringer, who has had three execution dates stayed, is scheduled to be put to death on June 11.

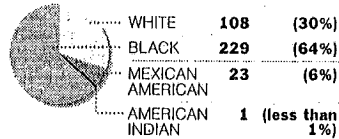
Several states, including New York, have reimposed the death penalty but have yet to execute anybody and, if they do, surely it will be a tumultuous event.

In California, where 476 people are on death row, executions are still major news: because of numerous appeals and battles over the very constitutionality of the death penalty, just four people have been executed in California since the death penalty was



### Race and Ethnic Breakdown of Executions in Texas

From 1924 to 1964, Texas executed 361 men\*, all by electrocution.



From 1982 through Thursday, Texas executed 122 men\*, all by injection.

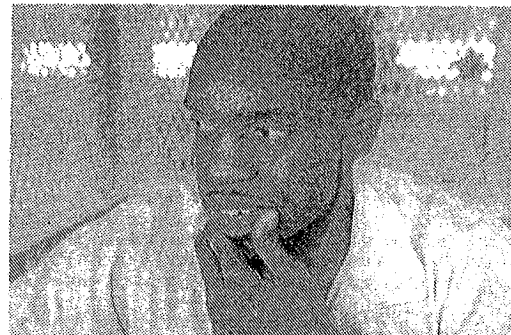


\*Texas has never executed a woman.

Sources: Death Penalty Information Center; National Coalition to Abolish the Death Penalty

"I've had an opportunity to change. I have changed. I've come into contact with religion."

**Dorsie Lee Johnson Jr.**, who shot a convenience store clerk in the head during a robbery and is scheduled for execution on June.



F. Carter Smith for The New York Times

executed, there were only two or three protesters outside, said Larry Fitzgerald, manager of public information for the Texas Department of Criminal Justice.

"Of course, that was a Friday," Mr. Fitzgerald said. "I don't know. Maybe it was Miller Time for everybody. But there was hardly anybody there."

### The Execution

Mr. Drinkard. "3:15-3:45 A.M. — Sitting on bunk writing."

Many men ask for final meals that sound like the comfort food a small boy might ask for from his mother. Mr. Drinkard had a cheeseburger, french fries, Coca-Cola and strawberry ice cream. Some men request cigarettes, liquor or bubble gum, all refused because the substances are not permitted under prison policy. In 1990, James Smith asked for dirt. That was refused; he ate

the whole world blind."

Joanne Gavin, 64, wearing a pink blouse, blue stretch pants and sandals, said she knew there was nothing she could do to stop Mr. Lackey's death.

"But I just feel compelled to be here," said Ms. Gavin, who has stood outside the prison for nearly every execution in the last five years. "It's that old saying, 'If you're not a part of the solution, you're a part of the problem.'"

Ms. Gavin described those assembled as "mainly retired, self-employed, whatever."

"When they changed it to 6 o'clock," Ms. Gavin said, "they made it virtually impossible for working people in Houston to get here."

When the announcement came that Mr. Lackey was dead, the protesters took up their chant, using the initials for what was once called the Texas Department of Corrections. "T.D.C., you can't hide, we charge you with homicide," they said.

A few moments later, they loaded up the van, and after stopping at the Golden Corral restaurant for dinner, drove back to Houston.

### The Condemned

## Looking Back, Certain of Death

Dorsie Lee Johnson Jr. is scheduled to be executed on June 4.

As he recently sat in the caged visitors' area of death row, he discussed the night of March 23, 1986, when Jack Huddleston, a clerk at Allsup's convenience store in Snyder, Tex., was shot once in the head with a .25-caliber pistol in a robbery that netted \$161.92.

"Yes, sir, I did do that," said Mr. Johnson, who was 19 at the time.

He had received two stays of execution, but this time, like many on death row, Mr. Johnson believed that execution stays were no longer the general rule. And so he felt certain that he would die this time.

"It's a case," he said, "of waiting for the ink to dry, so to speak."

If he killed, a visitor asks him, should society kill him?

Mr. Johnson, who is 5 feet 2 inches and looks much younger than his 30 years, paused for several moments.

"Executing the person of 1986?" he said. "Yes. The person of 1997? No. I've had an opportunity to change. I have changed. I've

will be a tumultuous event.

In California, where 476 people are on death row, executions are still major news: because of numerous appeals and battles over the very constitutionality of the death penalty, just four people have been executed in California since the death penalty was reinstated.

But here in Huntsville, a prison town of about 34,000 people 70 miles north of Houston, death has become a way of life.

"Huntsville has become a kind of laboratory for the bureaucratization of capital punishment," said Timothy J. Flanagan, dean of the college of criminal justice at Sam Houston State University. "An execution is not a disruptive and monumental event here."

So many men — and nine women, none executed — have been sent to death row that in June 1991 the state ran out of the three-digit numbers to identify them, and started assigning six-digit numbers.

Big-city newspapers in Texas have stopped sending reporters to cover executions; in Houston, for instance, the executions merit only a brief wire-service report in *The Houston Chronicle*, even if the crime was carried out in that city. Many papers rely on accounts by Michael Graczyk, an Associated Press reporter who estimates that he has witnessed 90 executions in Texas.

"It's important to realize," Mr. Graczyk said the other evening before witnessing Mr. Drinkard's execution, "this is the state taking someone's life here. The act of taking a life is significant.

"It is still news."

But it is not big news. As a Houston television reporter outside the prison lamented the other day, there are "no visuals" to sustain more than a brief mention.

The death penalty's deterrent effect remains debatable; while slayings in Texas have dropped in recent years, as they have nationwide, the state's murder rate is consistently above the national average, according to F.B.I. statistics.

In any event, executions here are now "part of the fabric of the community," Mr. Flanagan said. Rarely do death-penalty supporters turn out at all. While a group of steadfast opponents typically show up, in the last several nights no more than 8 to 12 have assembled.

Last week, when Clifton E. Belyeu was

"Of course, that was a Friday," Mr. Fitzgerald said. "I don't know. Maybe it was Miller Time for everybody. But there was hardly anybody there."

## The Execution

### Contrasting Views As a Man Dies

Shortly before 6 P.M., the call came to an office across the street from the Walls. It was time for the witnesses to come over and watch Mr. Drinkard be put to death for using a hammer to beat and kill LaDean Hendrix, her sister Lou Ann Anthony and Jerry Mullens in Houston 11 years ago.

Walking through a small grassy courtyard, the husband, son and daughter of Mrs. Hendrix filed into a closet-size room. The sister of Mr. Mullens joined them. Through a glass partition, they could see the inmate on the gurney, dressed in prison whites and white tennis shoes, four feet away.

Into another room walked the condemned man's mother, his former wife, two of his sisters and a family friend.

At 6:11 P.M., Mr. Drinkard said he had no final words, and Morris Jones, the warden, gave the order for the lethal injection.

Mr. Drinkard, 39, a muscular man with a reddish mustache and beard, closed his eyes as he prepared for death. He was surrounded by brick walls painted just a shade darker than baby blue.

In Texas, the modern equivalent of the black hood is the one-way window; from behind that window, an unidentified executioner, with the press of a button, sent a lethal blend of chemicals into Mr. Drinkard's arm. The man gasped twice, and then it was as if those assembled were intently watching him take a nap. Except that soon there was no breathing.

His relatives, clutching tissues, cried, Doris Percell, Mr. Mullens's sister, also began to cry. "This was all so uncalled for," she murmured as she stared at Mr. Drinkard, "so uncalled for."

On the day a man is executed, the State of Texas keeps a remarkably detailed account of his final movements. "2:45 A.M. — accepted breakfast tray of pancakes, grits, prunes, peanut butter and milk," reads the log for

for from his mother. Mr. Drinkard had a cheeseburger, french fries, Coca-Cola and strawberry ice cream. Some men request cigarettes, liquor or bubble gum, all refused because the substances are not permitted under prison policy. In 1990, James Smith asked for dirt. That was refused; he ate yogurt instead.

The state also diligently documents every executed man's last words. Many, like Mr. Drinkard, shake their head and say little or nothing. But most have someone to thank.

Clarence A. Lackey, executed on Tuesday for the 1977 abduction, rape and slashing death of 20-year-old Toni Dianne Kumpf of Lubbock, thanked Jesus Christ, friends, pen pals and his lawyers and concluded, "I love you, Mom."

One person who wanted to hear from Mr. Lackey that day was Julie Kumpf Mixon. "For 20 years, there have been so many questions I wanted to ask," she wrote in a letter faxed to the prison on Tuesday afternoon. But she settled for one: Why did you kill my sister? Mr. Lackey never saw the letter; prison officials declined to give it to him in the hours before his death.

On Thursday, Larry Wayne White, a convicted double murderer, prayed for forgiveness and begged any teen-agers or military veterans with drug problems to seek help.

On Dec. 12, 1994, Raymond Carl Kinnamon, convicted of shooting a Houston lounge customer, sought to filibuster his way out of his own death. He read out lists of his friends, thanked the reporters there and said at one point: "I just wish I had a Shakespearean vocabulary and maybe I could express myself better. Wherever I'm buried, I'd like it to say: 'Here lies a man who loved women.' I've always been that way."

After 30 minutes, officials went ahead and executed him as he spoke. His last words were: "Warden, you didn't let me finish."

## The Protests

### Like Executions, Part of Routine

When Charlie Brooks was put to death on Dec. 7, 1982, 18 years after the last execution in Texas, there was bedlam outside the prison gates. Hundreds of protesters, spectators

Mr. Johnson, who is 5 feet 2 inches and looks much younger than his 30 years, paused for several moments.

"Executing the person of 1986?" he said. "Yes. The person of 1997? No. I've had an opportunity to change. I have changed. I've come into contact with religion."

But Mr. Johnson, reared a Baptist and now a Muslim, added that he thought the question was moot. And so he spends much of his time writing, and rewriting, the final statement he plans to give.

"I figure it will be about two, two and a half pages," Mr. Johnson said. He wants to apologize to his victim's family, but he also wants to say that the death penalty is wrong and unfair because it is so randomly applied. He wants to thank his own family, and he wants to say a few words about Allah.

Mr. Behringer, who is scheduled for execution on June 11 in the lover's lane slayings, let out a cheerful-sounding, "Oh, fair to middle!" when a recent visitor offered an introductory how are you? When Mr. Behringer was arrested in the fatal shootings of a 22-year-old Army lieutenant and the man's fiancée in September 1986, the Fort Worth area was stunned. Mr. Behringer was a business management major at the University of Texas at Arlington then, with no prior criminal record.

Still professing his innocence, Mr. Behringer likens his prospective execution to the injustices that randomly strike many human beings. "Life's unfair," he said with a shrug. "It's not fair to little kids who get run over by a car."

Mr. Johnson, Mr. Behringer and nine other men are to spend their final hours next month with Mr. Brazzil, 47, the prison chaplain, who has been with every man executed by Texas since September 1995.

The minister said he did not proselytize for the Christian faith. Still, he noted with evident pride that he had served holy communion to at least 4 of the 24 condemned men in the hours before their death, and that 7 or 8 had recited the Lord's Prayer.

"You can talk about marriage, or the day a man sees his first child born, his career, his graduation, but there is nothing like talking to a man on the day of his death," Mr. Brazzil said. "That's when he's really standing there before the face of God, and nothing else matters but his relationship with God, whatever it may be."



F. Carter Smith for The New York Times

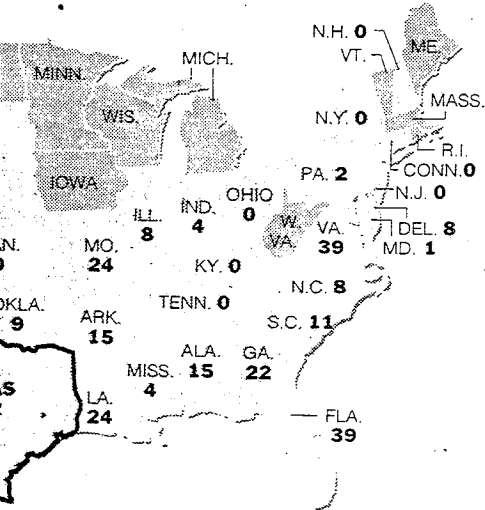
busiest in the country. The condemned are strapped down in this room for lethal injections.

# unt, They Become Routine

## n Executions

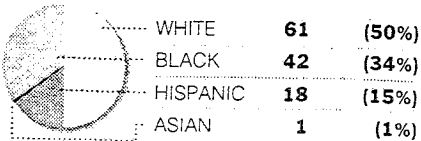
the death penalty to be reinstated in 1976, Texas has a large margin.

WITHOUT THE DEATH PENALTY  
(District of Columbia)



### Executions in Texas

From 1982 through Thursday, Texas executed 122 men\*, all by injection.



\*Texas has never executed a woman.

al Coalition to Abolish the Death Penalty

and reporters converged on Huntsville. For a while, executions drew raucous crowds.

But on Tuesday, under a gentle rain that quickly gave way to a beautiful spring evening, there were only eight protesters from the Texas Coalition to Abolish the Death Penalty gathered at the corner of Avenue I and 12th Street. As Mr. Lackey was executed, they paced with their hand-painted signs.

"Murder in Progress," said one sign. "Texas — Killing Capitol of the World," said another.

They chanted, "An eye for an eye makes the whole world blind."

Joanne Gavin, 64, wearing a pink blouse, blue stretch pants and sandals, said she knew there was nothing she could do to stop Mr. Lackey's death.

"But I just feel compelled to be here," said Ms. Gavin, who has stood outside the prison for nearly every execution in the last five years. "It's that old saying, 'If you're not a part of the solution, you're a part of the problem.'"

Ms. Gavin described those assembled as "mainly retired, self-employed, whatever."

"When they changed it to 6 o'clock," Ms. Gavin said, "they made it virtually impossible for working people in Houston to get here."

When the announcement came that Mr. Lackey was dead, the protesters took up their chant, using the initials for what was once called the Texas Department of Corrections. "T.D.C., you can't hide, we charge you with homicide," they said.

A few moments later, they loaded up the van, and after stopping at the Golden Corral restaurant for dinner, drove back to Houston.

## The Condemned

### Looking Back

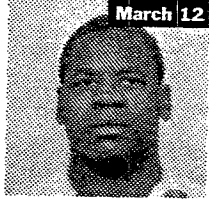
## 15 Executed This Year

February 10



Richard Brimage Jr., 42. Abducted and killed a woman.

March 12



John K. Barefield, 32. Raped and killed a female college student.

April 2



David Lee Herman, 39. Killed a woman, 21, during a robbery.

April 3



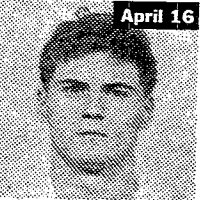
David W. Spence, 40. Stabbed to death three teen-agers.

April 14



Billy Joe Woods, 50. Beat and strangled disabled woman, 62.

April 16



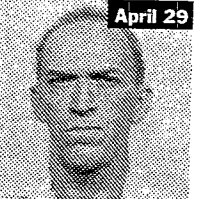
Kenneth E. Gentry, 36. As an escaped convict, killed a man, 23.

April 21



Benjamin H. Boyle, 53. Raped and strangled woman, 20.

April 29



Ernest Baldree, 55. Killed a man and his wife.

May 6



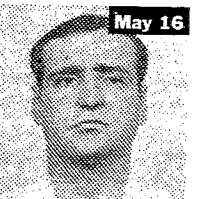
Terry Washington, 33. Killed woman, 29, during robbery.

May 13



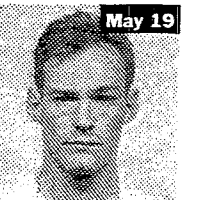
Anthony R. Westley, 36. Killed a man, 39, during robbery.

May 16



Clifton E. Belyeu, 38. Killed a woman during a burglary.

May 19



Richard Drinkard, 39

May 20



Clarence A. Lackey



F. Carter Smith for The New York Times

Mr. Drinkard. "3:15-3:45 A.M. — Sitting on bunk writing."

Many men ask for final meals that sound like the comfort food a small boy might ask for from his mother. Mr. Drinkard had a cheeseburger, french fries, Coca-Cola and strawberry ice cream. Some men request cigarettes, liquor or bubble gum, all refused because the substances are not permitted under prison policy. In 1990, James Smith asked for dirt. That was refused; he ate yogurt instead.

The state also diligently documents every executed man's last words. Many, like Mr. Drinkard, shake their head and say little or nothing. But most have someone to thank.

Clarence A. Lackey, executed on Tuesday for the 1977 abduction, rape and slashing death of 20-year-old Toni Dianne Kumpf of Lubbock, thanked Jesus Christ, friends, pen pals and his lawyers and concluded, "I love you, Mom."

One person who wanted to hear from Mr. Lackey that day was Julie Kumpf Mixon. "For 20 years, there have been so many questions I wanted to ask," she wrote in a letter faxed to the prison on Tuesday afternoon. But she settled for one: Why did you kill my sister? Mr. Lackey never saw the letter; prison officials declined to give it to him in the hours before his death.

On Thursday, Larry Wayne White, a convicted double murderer, prayed for forgiveness and begged any teen-agers or military veterans with drug problems to seek help.

On Dec. 12, 1994, Raymond Carl Kinnam, convicted of shooting a Houston lounge customer, sought to filibuster his way out of his own death. He read out lists of his friends, thanked the reporters there and said at one point: "I just wish I had a Shakespearean vocabulary and maybe I could express myself better. Wherever I'm buried, I'd like it to say: 'Here lies a man who loved women.' I've always been that way."

After 30 minutes, officials went ahead and executed him as he spoke. His last words were: "Warden, you didn't let me finish."

## The Protests

# Like Executions, Part of Routine

When Charlie Brooks was put to death on Dec. 7, 1982, 18 years after the last execution in Texas, there was bedlam outside the prison gates. Hundreds of protesters, spectators

is scheduled to be executed on June 4.

As he recently sat in the caged visitors' area of death row, he discussed the night of March 23, 1986, when Jack Huddleston, a clerk at Allsup's convenience store in Snyder, Tex., was shot once in the head with a .25-caliber pistol in a robbery that netted \$161.92.

"Yes, sir, I did do that," said Mr. Johnson, who was 19 at the time.

He had received two stays of execution, but this time, like many on death row, Mr. Johnson believed that execution stays were no longer the general rule. And so he felt certain that he would die this time.

"It's a case," he said, "of waiting for the ink to dry, so to speak."

If he killed, a visitor asks him, should society kill him?

Mr. Johnson, who is 5 feet 2 inches and looks much younger than his 30 years, paused for several moments.

"Executing the person of 1986?" he said. "Yes. The person of 1997? No. I've had an opportunity to change. I have changed. I've come into contact with religion."

But Mr. Johnson, reared a Baptist and now a Muslim, added that he thought the question was moot. And so he spends much of his time writing, and rewriting, the final statement he plans to give.

"I figure it will be about two, two and a half pages," Mr. Johnson said. He wants to apologize to his victim's family, but he also wants to say that the death penalty is wrong and unfair because it is so randomly applied. He wants to thank his own family, and he wants to say a few words about Allah.

Mr. Behringer, who is scheduled for execution on June 11 in the lover's lane slayings, let out a cheerful-sounding, "Oh, fair to middlin'," when a recent visitor offered an introductory how are you? When Mr. Behringer was arrested in the fatal shootings of a 22-year-old Army lieutenant and the man's fiancée in September 1986, the Fort Worth area was stunned. Mr. Behringer was a business management major at the University of Texas at Arlington then, with no prior criminal record.

Still professing his innocence, Mr. Behringer likens his prospective execution to the injustices that randomly strike many human beings. "Life's unfair," he said with a shrug. "It's not fair to little kids who get run over by a car."

Mr. Johnson, Mr. Behringer and nine other men are to spend their final hours next month with Mr. Brazzil, 47, the prison chaplain, who has been with every man executed by Texas since September 1995.

The minister said he did not proselytize for the Christian faith. Still, he noted with evident pride that he had served holy communion to at least 4 of the 24 condemned men in the hours before their death, and that 7 or 8 had recited the Lord's Prayer.

"You can talk about marriage, or the day a man sees his first child born, his career, his graduation, but there is nothing like talking to a man on the day of his death," Mr. Brazzil said. "That's when he's really standing there before the face of God, and nothing else matters but his relationship with God, whatever it may be."



Bruce E. Callins, 37. Killed a man in a bar robbery.



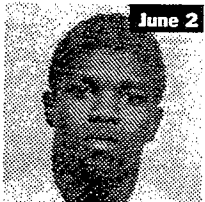
Larry W. White, 47. Killed an elderly woman.

## Scheduled Through June

Late last week, Texas added another execution to its schedule for June, bringing the total to 11 for the month.



Robert A. Madden, 33. Killed a father, 56, and son, 22.



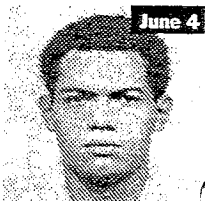
Patrick F. Rogers, 33. Killed a police officer, 23.



Kenneth B. Harris, 34. Raped and killed a woman, 28.



Dorsie L. Johnson Jr., 30. Killed a male clerk, 56, during a robbery.



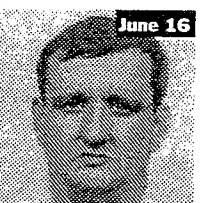
Davis Losada, 32. Raped and killed a girl, 15.



Earl R. Behringer, 33. Killed a couple parked in a car.



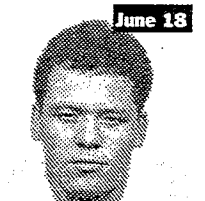
Joseph S. Faulder, 59. Stabbed to death a woman, 75.



David W. Stoker, 38. Killed a clerk, 50, during a robbery.



Eddie J. Johnson, 44. Killed three including girl, 10.



Irineo Montoya, 29. Robbed and stabbed man to death.



Brian K. Robertson, 33. Stabbed 79-year-old man to death.

From: Rick Halperin, Amnesty International, SM Dallas in envelope of materials  
postmarked 4/10/1992

Company

Drug

Abbott Pharmaceuticals  
Pharmaceutical Product Division  
North Chicago, IL 60064

Sodium Thiopental: stops brain functioning

Organon Pharmaceuticals  
357 Mount Pleasant Avenue  
West Orange, NJ 07052

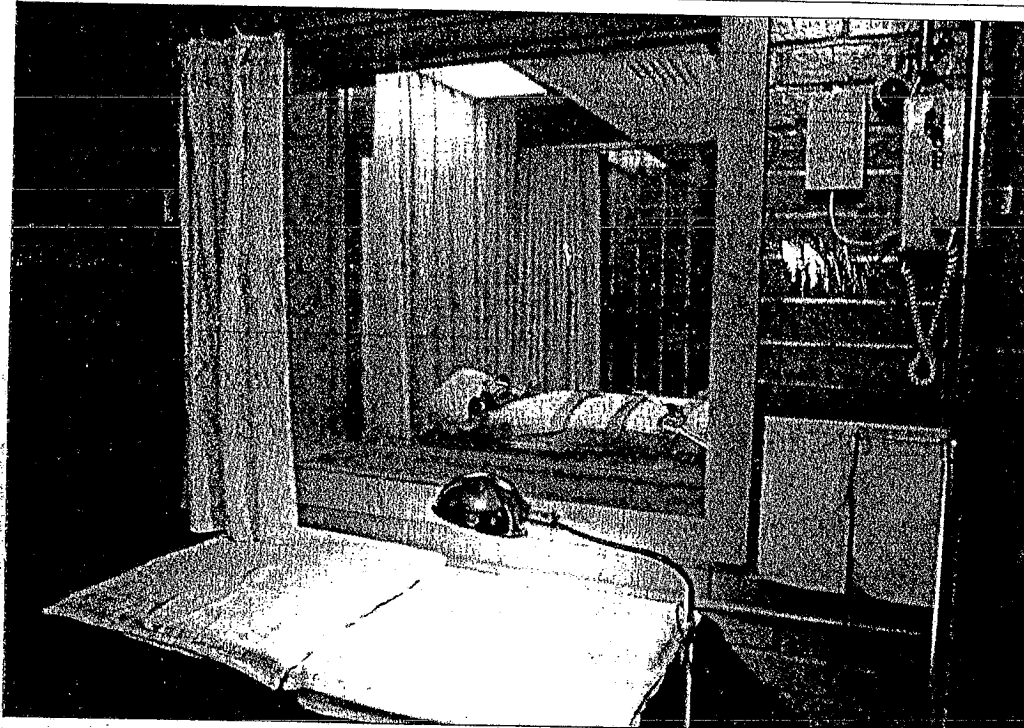
Pavulon: muscle relaxant

Roxane Laboratories, Inc.  
P.O. Box 16532  
Columbus, OH 43216

Potassium Chloride: stops lung functioning

**THESE ARE THE DRUGS USED IN LETHAL  
INJECTION BY THE TEXAS DEPARTMENT  
OF CORRECTIONS, AS WELL AS THE  
ADDRESSES OF THEIR PARENT  
COMPANIES.**

# 10-1-95 TEXAS' DEADLY RITUAL



The Dallas Morning News: David Woo

Left: In the room with the lamp, a lethal solution of chemicals is mixed for the condemned prisoner, who lies on the gurney seen through the window. At rear, behind the bars, is the room for witnesses to the execution. Above: Warden M.B. Thaler, whose prison unit houses death row, says his opinion on the death penalty is irrelevant. "It doesn't matter whether I agree with it or not. It's the law."

The Dallas Morning News: David Woo

INSIDE	
■ A chronology of Texas' death row.	32A
■ The wait to die for inmate Carl Johnson, who was executed on Sept. 19.	32A
■ Statistics on Texas executions since 1982.	32A
■ The stories of seven people involved with death row.	33A

## As 100th execution since '82 nears, spotlight shines on state's practice

By Bruce Tomaso  
Staff Writer of The Dallas Morning News

**H**UNTSVILLE, Texas — The world barely notices now when Texas kills one of its

own.  
Gone are the candlelight vigils, the jostling camera crews, the circuslike spectacle that surrounded executions for years after they resumed, after a long court-ordered hiatus, in 1982.

Though the death chamber at the prison here is as busy as ever, it has become a quietly efficient machine. (This year alone it has claimed 14 men, while no other state has executed more than four, and is approaching its 100th execution since resumption of the death penalty.)

What was once sensational, in part because it was so unusual, has become almost commonplace.

But not, says Warden M.B. Thaler, routine.

"There is nothing routine about killing a man. 'Routine' is a terrible word to use," said the warden, who presides over the Ellis prison unit, which houses death row.

"The procedure, in essence, is routine. There are processes you go through that are the same each time. But what occurs is not routine."

As Texas approaches the 100th-execution mark, the spotlight once again is focused on the state and those, such as the warden, who play pivotal roles in administering the punishment.

Texas vastly leads all other states in its exercise of that punishment, for reasons that experts say are numerous, varied, and complicated. Please see SPOTLIGHT on Page 32A.



# Spotlight shines on Texas' use of death penalty

Continued from Page 1A. Some point to the state's frontier tradition of range-land justice. Others, to the ready availability of handguns, which contributes to crime, or to the dearth of qualified lawyers for the poor, which contributes to convictions.

Still others say that's simply the way Texans want it. "I respect the views of opponents of the death penalty. I've never seen one who wasn't absolutely sincere and zealous in trying to promote their position," said Harris County District Attorney Johnny Holmes, a staunch advocate of capital punishment. "But their views simply don't reflect the views of the vast majority of Texans."

Texas' closest rival in executions is Florida, with 34 since capital punishment was reinstated in the wake of Furman vs. Georgia, the 1972 U.S. Supreme Court case that struck down existing death statutes as unconstitutional. As of last week, there have been 300 executions across the nation since the death penalty was revived.

In the past few months, journalists and film crews have come from the East Coast and the West, from as far away as Denmark, Australia and Great Britain to tour Texas' death row, where some 400 inmates await execution; and to visit the 12-foot-by-16-foot cinderblock room where 99 men have died by lethal injection.

## A macabre milestone

No. 100, the macabre milestone, could be reached as soon as Wednesday. That's when, barring a last-minute stay, Harold Lane of Mesquite is scheduled to die for the 1982 murder of 17-year-old Tammy Davis, a student at Lake Highlands High School.

According to court records, Mr. Lane had just robbed the cashier's office at a Winn-Dixie supermarket in North Dallas when Tammy, a part-time employee, saw him trying to leave through the entrance-only door, which of course wouldn't open. Unaware of the robbery, the teenager tried to help him and was shot in the head.

Mr. Lane, a 50-year-old career criminal with prior convictions for robbery, assault and manslaughter, declined to be interviewed by *The Dallas Morning News*.

"I've never said this," Warden Thaler said, "but I've heard others say it. Once you read the details surrounding the crime that put an inmate on death row in the first place, it changes your perspective about the execution. I think there's some truth to that."

Like many other corrections officials, he declined to share his personal views on capital punishment.

"It doesn't matter whether I agree with it or not. It's the law," he said. "And in the state of Texas, it's a law that is generally not open to much criticism."

Opinion surveys strongly support his observation. For all the emotional rhetoric surrounding the death penalty, the fact is that on few public

## HISTORY OF TEXAS' DEATH ROW

■ **June 4, 1923** - Concerned that lynchings had become a spectacle, the Legislature orders that all executions occur at the state prison in Huntsville. The same law establishes electrocution as the method of execution.  
 ■ **Feb. 6, 1924** - Mack Matthews, 26, from Tyler County, becomes the first to die in the chair.  
 ■ **June 29, 1972** - Capital punishment is declared unconstitutional by the U.S. Supreme Court.  
 ■ **July 2, 1976** - The Supreme

Court upholds the new Texas death statute.  
 ■ **Aug. 29, 1977** - Lethal injection replaces electrocution as Texas' method of execution.  
 ■ **Dec. 7, 1982** - Charlie Brooks, from Dallas, becomes the first person executed in Texas since 1964. He's also the first in the United States to die by injection.  
 ■ **Sept. 19, 1995** - Carl Johnson, convicted of shooting a 75-year-old security guard in a Houston holdup, becomes the 99th inmate executed in Texas since reinstatement of the death penalty.  
 SOURCES: Texas Department of Criminal Justice, *The Dallas Morning News* archives.

*The Dallas Morning News*

issues is the populace more solidly united.

Roughly 75 percent of Americans favor capital punishment — up from 42 percent in the mid-1960s, said Tom W. Smith of the National Opinion Research Center, a nonprofit, nonpartisan survey organization affiliated with the University of Chicago.

The increased support for the death penalty coincides almost precisely with a rise in the nation's homicide rates, he said.

"A majority of Americans do think that capital punishment is a deterrent to murder. And they think, secondly, that it's an appropriate punishment for murder," Mr. Smith said.

He said that support for the death penalty is much less pronounced — 45 to 50 percent — among African-Americans, who continue to be incarcerated and executed in numbers disproportionate to their share of the population.

"Capital punishment is still viewed in many quarters as a black-white issue," he said. "That remains true, even though much of what's been done by the states since the Supreme Court abolished the death penalty has been an attempt to remedy past patterns of discrimination."

Other researchers have noted pointedly that the vast majority — more than 80 percent — of executions nationwide occur in Southern states.

## Public support

In Texas, overall support for the death penalty is even greater than that nationally, as indicated by polls. Eighty-seven percent of Texans agree that the state should have capital punishment, according to a Texas Poll released last November. Nearly 60 percent of those surveyed said they wouldn't mind seeing the penalty extended to include major drug dealers. (Currently, only certain kinds of murders — such as murder of a peace officer, murder for hire, murder in connection with another major felony or murder while escaping from prison — are capital offenses.)

That poll has a margin of error of plus or minus 3 percentage points, meaning that the results could vary that much in either direction.

Popular support translates to political clout, and that helps explain how Texas has become the execution

king, said Richard Dieter, executive director of the Death Penalty Information Center, a Washington-based, anti-death penalty research group.

In other states, he said, the issue may divide politicians along party lines. But he said that most candidates of both parties in Texas — including those who fill the judiciary — strongly support capital punishment.

"The death penalty is a convenient tool for politicians to use," he said. "It translates into toughness at a time when people want toughness."

"People want solutions to the terrible crime problems that we have. Those problems are much bigger and more complex than anything that 100 executions can resolve. They have to do with the economy, with jobs, with the quality of schools, with race, with gangs, the availability of guns and

drugs, all kinds of things. "But the death penalty seems to offer a quick solution."

Mr. Dieter said there's little evidence that the solution works — in Texas or anywhere else.

"So you execute 100 people in 13 years. You're still only managing to kill off a few of the most marginal people in society," he said. "It eliminates them, but it doesn't even dent the real crime problem. You can see that in Texas by the fact that you've had to keep building more prisons than ever."

Boloney, says Mr. Holmes, the Harris County district attorney. "I think it most certainly is a deterrent," he said. "I think it has a motivating effect on those who would plan or consider or contemplate violent acts."

Already, there have been 43 executions nationwide this year, according to the Death Penalty Information Center — more than in any year since the return of the death penalty.

"Texas, it appears, might have been ahead of a wave," Mr. Dieter said. "Whether that's a good wave is another question."

It's not a question that keeps Warden Thaler up at night.

"The people of Texas overwhelmingly support the view that people convicted of certain heinous crimes should be executed for their crimes," he said. "As long as that's the law, what I think or what anyone else down here thinks is completely irrelevant."

At least, it doesn't keep him up most nights.

"I'm not going to say that after witnessing an execution, when I'm lying down in my bed, I don't ponder what took place," he said.

"Some of them, you ponder for several years."

will join Virginia, Washington, Louisiana and California as states that allow relatives to view executions.

Mr. Dieter concedes that national sentiment seems to be moving in Texas' direction.

"In recent years, a lot of gubernatorial races have been won by the tougher, more law-and-order candidate," he said. "You saw that clearly in New York last year," where incumbent Democrat Mario Cuomo, a fervent opponent of the death penalty, was defeated by Republican George Pataki, who promptly signed into law a capital punishment bill.

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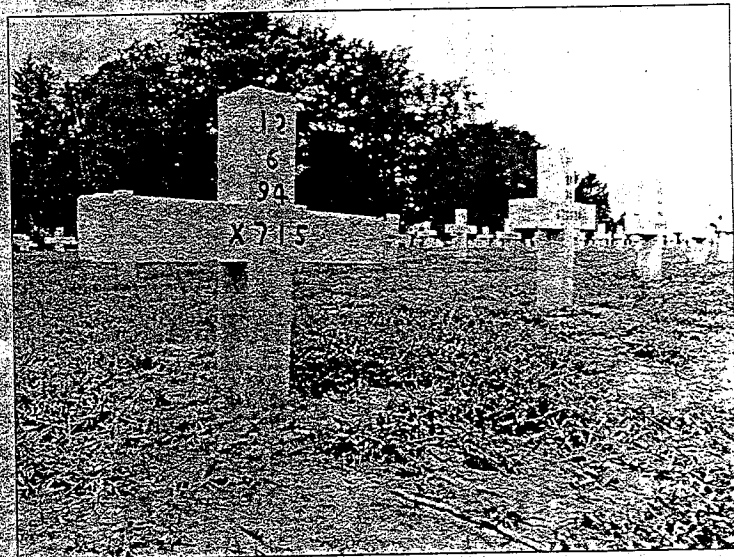
## Retribution

Whether it reduces crime or not, the death penalty gives the loved ones of murder victims, and society as a whole, a needed sense of retribution, its proponents say.

That's why the Texas Board of Criminal Justice voted last month unanimously to allow victims' relatives to start witnessing executions. The policy will take effect once the witness room, which looks into the death chamber, is modified so victims' relatives can be kept apart from relatives of the condemned man.

"To have that final closure, we need to look in the eyes of the man who did it," said Thomas H. Dillon Sr. of Portland, Texas, whose 20-year-old stepson was killed in a 1993 convenience store robbery.

In adopting the new policy, Texas



*The Dallas Morning News: David Woo*

The "X" on a cross in Huntsville's Joe Byrd Cemetery designates a prisoner who was executed. Prisoners are buried in the cemetery if no other arrangements are made.

# DEATH ROW FROM DIFFERENT PERSPECTIVES

## THE ADVERSARIES

By Christy Hoppe

Austin Bureau of The Dallas Morning News

**A**USTIN — Peggy Griffey and Mandy Welch have squared off every month for years. They have argued the law and struggled over nothing less than a man's life.

Ms. Griffey, 46, heads an eight-lawyer division of the state attorney general's office in Austin. Her job is to keep the legal path clear for the death penalty during federal appeals.

Ms. Welch, 51, was executive director of the Texas Resource Center, which worked to overturn the verdicts that placed inmates on death row. Congress ended funding for the resource center effective Sunday.

As she packed her files last week, Ms. Welch reflected on her four years at the center and the dozens of cases she handled.

"It is incredibly difficult to see, a person you've gotten to know as a whole human being killed, I mean deliberately and intentionally. And to go through the agony their family experiences," she said.

Ms. Welch said in handling a case file, she has gotten much more than she generally bargained for. She has dug through a client's life looking for clues and answers, anything that might lead to a better understanding or a legally mitigating circumstance.

"You get to know that person in a way you don't



Special to The Dallas Morning News: Associated Press

**Mandy Welch**

know many of your best friends," she said.

"That doesn't mean you see that person through rose-colored glasses. You see a complete person, both good and bad.

"In many instances, you have a person who has suffered in unspeakable ways. He may be tragically flawed. He may be just unlucky . . . and with all that knowledge, you develop a compassionate feeling for that person," she said.

Ms. Welch got into death appeals work in 1985. She worked as a volunteer on a capital murder case in Oklahoma. She won. She enjoyed the work and the intellectual challenges and moved to Texas in 1991 to join the resource center.

She said she intends to continue in capital

defense law as a private attorney.

Though she seeks balance in her life, she said, she's found it impossible to leave her work at the office.

She said many of her friends and much of her social life are intertwined with her practice.

"You don't stop thinking and working on the cases I've been involved in," she said.

Ms. Griffey agrees. She said working on death penalty cases "sometimes means you don't leave it at the office."

Contrary to what some say, "the people on death row are guilty," she said, and the questions raised by their attorneys rarely involve innocence.

"I don't have any problems or doubts about what I do," she said.

"We are playing with legal technicalities, and we are playing to win," Ms. Griffey said.

She said she does the work because it involves important constitutional issues and because it demands an urgency and high standard of quality.

"There have been times when I've felt that it was ironic to enjoy the intellectual issues in an area that has involved so much angst," she said.

In her work, she said she is no zealot and is confident that she and her staff, as officers of the court, could work to set a defendant free if newly found evidence warranted it.

Ms. Griffey said she does not see her role as to carrying out vengeance for society, but arguing the law and seeing that a jury's will is done.

"I don't live with this concept that I'm righting the world's wrongs," she said. "I focus on each case."

## THE CONDEMNED

**H**UNTSVILLE, Texas — If and when the state of Texas kills him, Thomas Miller-EI says, it will be a brutal means to a futile end.

"Executions, in my view, accomplish nothing," he said. "Mark my word on this: Every time someone is put to death, just watch the news, read the newspapers for a week afterward. You'll see one, two, three comparable crimes committed in that time.

"The death penalty doesn't reduce crime. All it does is make politicians popular."

It's a thesis that Mr. Miller-EI, 44, could be testing very soon. On Oct. 17, he's scheduled to be executed for the November 1985 murder of an Irving hotel clerk.

Not that he's planning his last meal. Mr. Miller-EI has been told that his lawyers have yet to exhaust the quiver of motions and writs, stays and appeals that protect a condemned man.

"But any time you've got an execution date, it's a possibility," he said. "Hey, my lawyer might make a mistake, forget something, and then I die."

If, as author David Von Drehle wrote, death row is a place where the mind quickly runs out of ideas, "where the men are mostly stupid and time is very long," then Mr. Miller-EI is an exception.

Better educated than most convicts — he claims to hold a junior college

degree — he speaks in thoughtful, rolling sentences punctuated by an occasional low laugh.

"We're not all animals here, inhuman, barbarian, uncivilized and so forth," he said, his thin voice barely audible through the glass-and-steel mesh panel separating inmate and guest in the death row visiting room.

Like many, perhaps most, on death row, he steadfastly claims he is innocent — all evidence to the contrary notwithstanding.

He was convicted of killing a night clerk at a Holiday Inn near D/FW International Airport during a \$3,000 robbery in which his wife took part. The clerk, 25-year-old Douglas Walker, was shot in the back as he lay bound and gagged on the floor of a closet.

A second clerk, Donald Ray Hall, 29, was wounded and permanently paralyzed from the chest down. He identified Mr. Miller-EI as his assailant at trial.

His wife, Dorothy Miller-EI, was sentenced to 15 years and released in November 1992.

"As far as the crime I was sent here for, I didn't commit that," he said, declining on the advice of his attorneys to discuss details.

"But I do acknowledge that there were things about my lifestyle up to that point, things I did that put me in the situation where this could happen

to me. And, yes, I regret that."

Before his murder conviction, Mr. Miller-EI was a taxi driver. Also, a drug dealer, a burglar and a bank robber.

Now, he says, his full-time job is maintaining his sanity.

"Being in an environment where death is a daily thing, where so many people have serious psychological, emotional, mental and spiritual problems, is depressing and draining," he said.

"You're cut off from so much. You never see a child. You can't hold a baby. You can't touch the hands of the people who come to visit you. You can't have a fish and watch it grow. You can't have a dog and take it for walks. After a while, it's dehumanizing."

One of the worst things about death row is the unrelenting attrition, he said.

"It's a real sad experience to get to know some of the individuals here — them — and then one day they're just gone," Mr. Miller-EI said.

He gets by, he said, by studying his Koran, reading about American his-



The Dallas Morning News: David Woo

**Thomas Miller-EI**

tory and African culture and counseling younger inmates who need "moral support and spiritual guidance."

He keeps up with current events through television as well as the newspapers and magazines that inmates pass from cell to cell. (He's predicting a hung jury in the O.J. Simpson trial.)

He's aware, too, that the state plans to start letting relatives of murder victims view executions.

He disapproves. "It just shows that the death penalty wasn't designed as a form of deterrence. It's a form of revenge," he said.

"But all revenge does is breed more hate. When you keep taking a tooth for a tooth and an eye for an eye, eventually the world winds up toothless and blind."

— Bruce Tomaso

## THE GUARDS

**H**UNTSVILLE, Texas — In the death-row cell-blocks where the worst of the worst are housed, a guard's best friend is the rolling shield: a tall sheet of thick, clear plastic mounted on a metal rail that runs along the fronts of the steel-and-concrete cages.

As the guards make their rounds, they push the shield along, keeping the plastic barrier between them and those locked inside.

That way, explains Sgt. Jeffrey Pockuba, a convict can't throw "beverages and what-not" on the passing officer.

"The staff gets thrown on all the time," said Sgt. Pockuba. "It happens on a regular basis."

So do the vulgar taunts and insults, the nonstop tough-guy jive, the icy threats against one's person or family, he said.

It's all in a day's work, according to the sergeant, who supervises a daytime shift of 42 officers on death row in Huntsville's Ellis prison unit.

"I've been called every name imaginable," he said. "It goes in one ear and out the other. They talk about my mother, whatever. It doesn't bother me a bit. I don't let it."

Like a callus that both hardens and protects, Sgt. Pockuba's decade as a prison guard has left him with a clear-eyed, uncomplicated view of his role:

"For the eight hours I'm here," he said, "my job is to keep things safe and quiet. The way I do that is to make sure everyone understands: If I tell you to do something, you're going to do it."

Most of the time, that simple approach works. Those weaned on pulp fiction and B movies may imagine death row as an endlessly violent pit. In fact, Sgt. Pockuba points out, the vast majority of its 400 or so inhabitants learn to coexist —



The Dallas Morning News: David Wood

Sgt. Jeffrey Pockuba

— unlike the rest of the prison —

Those who don't qualify for "work-capable" status are kept in "segregation," confined to their solo cells 21 hours a day. Any time they're let out, they're handcuffed and watched by two guards. Except for medical appointments and visits, they never leave their cellblock.

The really hard cases — the type, say, who might splatter a rolling shield with urine and feces — face even further restrictions: up to and including solitary confinement.

Over the years, Sgt. Pockuba has gotten to know many of those on death row fairly well. He's seen quite a few off on their final trip from the cellblock — the 16-mile, one-way ride to the death chamber in downtown Huntsville.

"Some of them," he said, "shake my hand on their way out."

Bruce Tomaso

more readily, in many cases, than those in the general prison population.

"The little bit of privileges that they do have are important to them," Sgt. Pockuba said. "They don't want to lose them, so they'll generally follow the rules."

"In the general population, you've got a lot more contact between prisoners, more gang activity, more contraband that can get in."

Death-row inmates who behave well are classified as "work-capable," meaning they're given greater freedom than the others: more time for daily recreation outside their cells, fewer restraints when they move about the cellblock and so forth.

Perhaps best of all, they get to work in the prison garment factory. Because the sewing machines jam in hot, sticky weather, the factory is air-conditioned.

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## THE CHAPLAIN

**H**UNTSVILLE, Texas — Three times in his 15 years as a prison chaplain, Carroll Pickett was unable to attend an execution.

Each time he had to find a fellow minister to fill in — someone to comfort the condemned man in his final hours, walk with him into the harshly lit death chamber and stand with him as he was put to death.

"All three said afterward they'd never do it again," Mr. Pickett said.

Ministering to killers about to be killed clearly isn't for everyone. At first, Mr. Pickett — who retired on Sept. 1, at age 61 — wasn't sure it was for him.

He was hired in 1980 as chaplain of the Walls unit, the downtown Huntsville prison that houses the death chamber as well as about 1,600 general-population inmates.

At that time, Texas hadn't executed anyone in years. The U.S. Supreme Court had struck down the death penalty in 1972 and a new Texas law, passed in response to that decision, had yet to be reviewed.

"I had no idea it would be part of my duties when I accepted the job," said Mr. Pickett. "But once I got here, I had made a commitment. There was never any question in my mind about sticking to that commitment."

Mr. Pickett, an ordained Presbyterian minister, shies away from theological debate about the morality of state-sanctioned killing.

"I don't get into discussions about the rights and wrongs of it," he said. "I didn't make the law. I wasn't the jury. I didn't set the punish-

ment."

His job, he said, was to help dying men. How they came to be dying was irrelevant.

"I believe that God calls people to do certain things for certain reasons," he said. "I was called to minister to people. And it's not for me to judge how they came to me."

On the day of an execution, the condemned inmate is brought to the Huntsville prison from death row, at the Ellis unit 16 miles away.

The inmate, in shackles, is escorted into a small waiting area with a holding cell, where he'll spend his last hours.

The first person he sees when he walks in is the chaplain.

The meeting, Mr. Pickett said, isn't always cordial.

"There's a lot of anger sometimes. A lot of anger," he said. "I sometimes find myself on the receiving end of that, because I'm the representative of the system. So I let them vent their feelings."

Mr. Pickett's approach was to listen patiently.

"I never did a whole lot of sermonizing," he said. "I just let them know I was there if they wanted to talk."

Sometimes, it might take an hour. Sometimes, three or four. "There's only been one man, in all my years here, who didn't eventually want to talk," he said, declining to identify the inmate.

Usually, it's small talk at first: sports and hometowns, hobbies and family. Sooner or later, though, the questions come around to what's about to take place.

"The people on death row have heard so many misconceptions about what the process is like," Mr. Pickett said. "I try to dispel those



Special to The Dallas Morning News: Associated Press

Carroll Pickett

misconceptions and prepare the inmate and his family for the truth.

"The truth is that in four hours, or five hours, or one hour, the door is going to open. The execution is going to take place."

When the door does open, the inmate is escorted into the 12-foot-by-16-foot death chamber by five guards. He climbs onto a metal gurney and is strapped down. Needles are attached to both arms.

Once the lethal chemicals flow, the one man in the inmate's direct line of sight, standing silently at his feet, is the prison chaplain.



The Dallas Morning News: David Woo

## Johnny Holmes THE DISTRICT ATTORNEY

By Bruce Tomaso  
Staff Writer of The Dallas Morning News

**H** OUSTON — Calling Johnny Holmes a supporter of the death penalty is like calling a cow leathery.

The Harris County district attorney embraces most every argument ever advanced in favor of executing criminals.

It's a deterrent, he says. "The will to live is the greatest motivator of conduct there is."

And even if it doesn't deter, it gives us a sense of evening the score. "It scratches the retribution itch of society."

And besides, "there are just some people who engage in conduct that they ought to die for."

Yet though his office seeks the death penalty more often than any other jurisdiction in America — and is responsible for almost 40 percent of the executions in Texas — Mr. Holmes refuses to become what he calls a "poster boy" for capital punishment.

He routinely turns down interview requests from the national news media — *Nightline*, CBS, *The New York Times* and others — because, as he explains it, "I don't give a . . . [expletive] what other states think about it. It's none of their . . . [expletive] business. This is a Texas matter, for Texans to decide."

His personal views, he says, do not motivate his office to pursue capital punishment with a vigor that adversaries call zeal.

"What I think doesn't make a . . . bit of difference," he said. "Prosecutors don't have the right to pick and choose which laws they'll enforce."

"I hated licensing Texans to carry guns. I thought it was stupid, and I still do. But in a democracy, the people have the right to be wrong."

"I hate all this Common Cause crap about campaign finance disclosure. I think it deters good citizens from seeking public office. But I'm the only prosecutor in the state who's ever put someone in jail for violating it."

Of the 99 men executed in Texas since the death penalty was reinstated, 38 were from Harris County; by comparison, seven of those executed were sent to death row by Dallas County. By itself, Harris County accounts for more executions than any other state (Florida, with 34, is second to Texas.)

"If you just had a different prosecutor in Houston, the Texas picture would be quite different," said Richard Dieter, executive director of the Death Penalty Information Center, an anti-death penalty research group in Washington.

In other counties, Dallas included, prosecutors make liberal use of their discretion to choose whether to seek prison or death in murder cases.

Norman Kinne, chief assistant to Dallas County District Attorney John Vance, has said his office only seeks the death penalty when there's a 99 percent chance that's what a jury would render.

Poor, rural counties may opt for lengthy prison sentences to avoid the multimillion-dollar costs of a death sentence, with its automatic rounds of appeal.

Mr. Holmes' policy, on the other hand, is to start out seeking death in every single case that could qualify as a capital murder. Later, he decides which ones to pursue as death cases, guided by his sense of what "an average cross section" of Harris County residents would have him do. (These same residents, he's quick to note, have overwhelmingly returned him to office three times.)

If his approach means Houston puts more men on death row — and more six feet under — than anyplace else, so be it. "There's never been one that I've personally tried where I couldn't pull the plug on him myself," he said.

Nor does he worry about the ultimate, irreversible error: that an innocent man could die.

"I don't worry about that for the same reason I don't have a lightning rod on my tractor," he said.

"I know it's possible that I'll get hit by lightning. But the possibility is so remote that I just don't give it much thought."

## The Dallas Morning News



Special to The Dallas Morning News: Associated Press

Michael Graczyk

## THE REPORTER

**H** OUSTON — Texas' penchant for exercising the death penalty has been well-chronicled. No one has done more chronicling than Michael Graczyk.

As Houston bureau chief for The Associated Press, Mr. Graczyk has witnessed almost 70 executions, making him by far the most experienced journalist in America at covering the grim events.

His dispatches from Huntsville appear in newspapers worldwide.

"There's a lot of interest overseas in Texas execution stories, especially in Europe," he said.

"But mainly, I'm there for the people in Amarillo, the people in Borger, the people in Bay City. These executions might not be big news anymore in Houston or Dallas, but they're big news in the towns where the crimes occurred, or where the families of the victims live, or where the trial might have taken place."

It's a job that few would relish. According to a study published in the September 1994 issue of the *American Journal of Psychiatry*, some journalists who cover executions later exhibit at least temporary psychological trauma, ranging from listlessness and lack of concentration to flashbacks and bad dreams.

Mr. Graczyk (pronounced GRAH-check) said that is hard to fathom.

"As reporters, we've all seen far more upsetting and physically revolting things on other stories," he said.

By comparison, he said, "to watch someone essentially get strapped onto a table and go to sleep just isn't that unsettling or shocking."

The 45-year-old Michigan native came from the AP's Detroit bureau to Houston in 1983. He missed Texas' first execution by lethal injection, that of career criminal Charlie Brooks, on Dec. 7, 1982, but he was present for the second. He hasn't missed many since.

His reporting on any given execution actually begins years before the final night. He maintains detailed files on every one of the more than 400 people on death row. He keeps track of the painstakingly labyrinthine appellate process. (State officials have been known to check with him in the hours leading up to an execution to see if he's heard anything about a stay.)

He frequently makes the 100-mile round trip between his north Houston office and Huntsville to interview those on death row. By his estimate, he's talked to maybe half of the 500-plus convicts who've been put to death or are awaiting execution.

Often, he's the only reporter to whom a condemned man will have granted an interview. More than one convict has included a greeting to Mr. Graczyk in his final words.

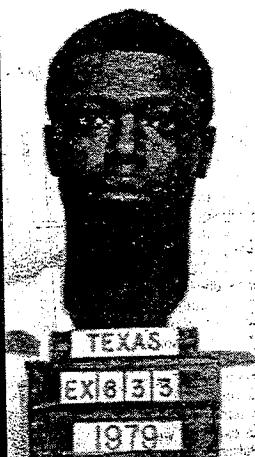
None of which much impresses the veteran journalist — who steadfastly refuses to divulge his personal views on the death penalty.

"There are people up there that I kind of enjoy talking to," he said, "although I don't know if 'enjoy' is exactly the right word. Some of them are actually very pleasant, engaging, even thoughtful."

"But that's not to say that I feel any sympathy toward them. My sympathies lie with the victims and their survivors."

— Bruce Tomaso

## THE WAIT TO DIE



In the early minutes of Sept. 19, Carl Johnson, 40, above, convicted of shooting a 75-year-old security guard in a Houston holdup, became the 99th inmate executed in Texas since the reinstatement of the death penalty. The following is an account of his final hours:

### Sept. 18

- **Midnight-2:45 a.m.** — Sleeps.
- **3:15 a.m.** — Eats breakfast of pancakes, grits, applesauce, coffee and milk.
- **3:45 a.m.-5:30 a.m.** — Sleeps.
- **5:45 a.m.-6:45 a.m.** — Lies, sits on bunk.
- **7 a.m.-7:30 a.m.** — Talks with wing officers.
- **7:45 a.m.** — Showers.
- **8:30 a.m.-8:45 a.m.** — Reads the Bible.
- **9 a.m.** — Is escorted to visitation room to meet with his wife, Barbara Johnson, and a friend, Jochen Plessman.
- **10:50 a.m.** — Accepts an afternoon meal tray of barbecued chicken thighs, whole-kernel corn, beans, macaroni salad, rolls and applesauce. He eats only the chicken pieces.
- **11:15 a.m.** — Visits with his wife and a sister, Iola Holcomb.
- **1 p.m.** — Visits with Ms. Holcomb; Peggy Smith, an aunt; and Louis Phillips, an uncle.
- **4:15 p.m.** — Visitation ends.
- **4:30 p.m.** — Leaves Ellis Unit en route to Walls Unit in Huntsville.

■ **5 p.m.** — Arrives at Walls Unit, is met by the prison chaplain and is taken to a holding cell just off the death chamber. He declines to use the telephone for last calls to friends or family. He declines to meet with lawyers.

■ **6:30 p.m. (approx.)** — Learns that the U.S. Supreme Court has rejected his final appeal.

■ **7 p.m. to midnight** — Eats a last meal of T-bone steak, green salad, baked potato, banana nut ice cream, Coke. He showers and changes into clean clothes: a light blue shirt, navy pants, gray socks and black slip-on sneakers.

### Sept. 19

■ **12:02 a.m.** — Is taken from the holding cell into the death chamber.

■ **12:03 a.m.** — Is strapped to gurney, and injection apparatus is attached to his arms.

■ **12:06 a.m.** — Flow of saline solution begins.

■ **12:16 a.m.** — Gives last statement: "I want the world to know that I'm innocent and that I've found peace. Let's ride." The flow of lethal chemicals begins.

■ **12:17 a.m.** — Gasps three times as his lungs cease functioning.

■ **12:18 a.m.** — Flow of lethal chemicals ends.

■ **12:21 a.m.** — A physician enters the death chamber to check his vital signs.

■ **12:24 a.m.** — Carl Johnson is pronounced dead.

## THE EXECUTED

A statistical look at the 99 executions performed by Texas since 1982:

- **Average time on death row** 8.1 years
- **Longest time on death row** 16.75 years
- **Shortest time on death row** 1.51 years
- **Average age of executed inmates** 37 years
- **Oldest** 59 years
- **Youngest** 24 years
- **Ethnic breakdown**

White	Hispanic	Black
77	17	36

SOURCE: Texas Department of Criminal Justice

Monday, November 13, 1994

# Women don't often meet the executioner



**KENT BIFFLE'S TEXANA**

**NACOGDOCHES** — Some history books will tell you that just one woman has been legally executed in Texas. But I say three.

Historian W.T. Block of Nederland in Jefferson County upped my count from two to three when I talked with him the other day at the Freedonia Hotel in Nacogdoches.

By all counts the cases were few. And don't bet the rent that any of four women now on death row will get the needle soon.

The state's 388 condemned men should live so long.

Agreed, women aren't society's big problem. Men are. But it's odd that the executioner so rarely meets a woman.

## Out for blood

I was driving on Interstate 30 the day Susan Smith of Union, S.C., confessed she had slain her two toddlers. You should have heard the enraged Texans calling radio talk shows.

They sounded like a lynch mob. They were volunteering to tie the noose, throw the switch or put a needle in Mrs. Smith — and the blunter the better.

Even KLIF's genial emcee Kevin McCarthy, author of zany *Gorilla Warfare and Other Childhood Misconceptions*, argued for resumption of public executions.

Until they strap me on the gurney, I'll probably favor the death penalty. But public executions are an idea whose time has come and gone. Pay-for-view, anyone?

It was all talk anyway. Just talk. Texans haven't formally killed a woman in more than a century.

I'm open to arguments that Bonnie Parker, in a manner of speaking, was executed with Clyde Barrow by Texas Ranger Frank Hamer's ambush in 1934. But she was never convicted of anything. Besides, that was in Louisiana.

## Taken from death row

Even convicted killer Emma Oliver, a San Antonio prostitute who'd been arrested four times for murder and once for attempted murder, was plucked from death row in 1951 by Gov. Alan Shivers. She died of cancer in prison 12 years later.

Someone should have commuted Chipita Rodriguez's sentence. The Handbook of Texas and other histories name her as the only woman legally hanged in Texas.

Convicted of murdering a horse trader in San Patricio County, she was launched into legend from a South Texas tree limb on Nov. 13, 1863.

If it wasn't a bum rap, it was a bum trial.

The sheriff who arrested her also served as foreman of the grand jury that indicted her. And apparently three members of that grand jury also served on her trial jury.

Several grand jurors were county employees. Others had lawsuits pending before the trial judge. Four grand jurors and trial jurors had faced felony indictments. Two indictments against the prosecutor were dropped before the trial.

If it wasn't exactly justice, it was at least swift.

Two days after her indictment, she was convicted. The next day she was sentenced to die 34 days later — on Friday the 13th. Her lawyer withdrew a motion for a new trial. And when the jurors recommended mercy, the judge ignored them.

Adios, Chipita.

In 1987, I learned of a woman legally hanged by Texans in 1853, a decade before the San Patricio case. A slave named just plain Jane or Jane Elkins was executed in Dallas County.

Forgotten outside Dallas County, Jane's a dim, distant figure. In an 1892 Memorial and Biographical History of Dallas County, Please see ONLY on Page 50A.

*Morning News  
Dallas  
TX*

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# Only three women executed in Texas, none this century

Continued from Page 41A.

Texas, W.P. Overton, 71, who'd come to Dallas in 1844, recalled:

"The first legal hanging was in 1853. . . . (She) was executed for knocking a man in the head with an ax at Cedar Springs. He had hired her and she murdered him while he was asleep. I can't recall their names."

The case is recorded in a volume of district court records preserved in the Texas-Dallas History and Archives Division of the J. Erik Jonsson Central Library.

*The State of Texas vs. Jane, a Slave* is dated May 16, 1853:

"We the jury find the defendant

"It was in 1853 that the first legal execution took place in the county. This was the hanging of Jane Elkins, a slave who had murdered a man named Wisdom at Farmers Branch."

— Dallas Guide and History, 1940

guilty of murder in the first degree. We further find that the defendant is a slave of the value of \$700 and that the owner of the defendant has done nothing to evade or defeat the execution of the law upon said defendant."

On May 17:

"And it being demanded of said Jane if she had anything to say why judgment and sentence of death should not there be passed upon her and the said Jane saying nothing thereto:

"It is therefore ordered adjudged and decreed by the court that the

sheriff of Dallas County keep the said Jane in close confinement in the common jail of Dallas County until Friday the 27th of the present month of May, and that . . . between the hours of 11 o'clock a.m. and 3 o'clock p.m. the sheriff . . . take said Jane from the common jail of said county and convey her to a gallows erected for that purpose and there . . . hang the said Jane by the neck until she is dead."

In a 1940 Dallas Guide and History manuscript by the Texas Writers' Project of the Works Projects Administration:

"It was in 1853 that the first legal execution took place in the county. This was the hanging of Jane Elkins, a slave who had murdered a man named Wisdom at Farmers Branch. After a trial before Judge John H. Reagan, most notable jurist of his times, the woman was hanged May 27, 1853."

(The WPA Guide quoted was later published by the University of North Texas Press. UNT recently issued *A Month of Sundays*, a selection from a decade of "Texana" pieces. One was on Jane Elkins. Today's column will update the book.)

Five years after Jane Elkins was hanged, another female slave was legally executed on Galveston Island, historian Block (*East Texas Mill-Towns & Ghost Towns*) told me. She was known only as Lucy.

In 1857, he said, Lucy, age 39, was living in Galveston's ramshackle Columbia Hotel, run by her owner, Maria Dougherty.

"In December 1857, Lucy was punished for some minor infraction. In retaliation, she set fire to the hotel. The small blaze was quickly extinguished, but this time she was punished more severely. She swore vengeance.

"On Jan. 8, (1857) Lucy was indicted for murder. She went to trial four days later. . . . Her plea was 'not guilty.' But evidence persuaded the jurors to convict her."

— W.T. Block, historian

"On Jan. 3, 1858, Maria Dougherty disappeared. Her body was soon found, floating in an underground brick cistern. Her head had been crushed by blows from a club. Shown the corpse, Lucy cried out, 'Yes, I killed her and I would do it again.'

"On Jan. 8, Lucy was indicted for murder. She went to trial four days later before Judge Peter Gray, who appointed a lawyer, Major R.H. Howard, to defend her. Her plea was 'not guilty.' But evidence persuaded the jurors to convict her."

Before taking the scaffold on March 5, 1858, she told a priest she'd found religion. She expressed her willingness to die and her hope for forgiveness in the afterworld.

Sheriff J.H. Westerlage triggered the trap, swinging into eternity the only woman ever hanged in Galveston County.

# FRONT PAGE DETECTIVE

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HUGH LAYNE, Editor Cover by Albert Fisher

## DETECTIVE SHORT STORIES

### BETTY KLEMPA SENTENCED

JUSTICE came to Betty Klempa, nineteen-year-old housemaid who killed her employer, Mrs. Leah Rubin, on October 15th, when Judge James M. Barrett imposed the mandatory sentence of twenty years to life. The girl had originally been indicted on a first degree murder charge, but was later allowed to enter a plea of guilty to murder in the second degree. Her term in prison could be reduced to thirteen years and six months should good behavior merit it.

Dr. Eli H. Rubin, chief of the tuberculosis division of a New York hospital, husband of the slain woman, had expressed himself as being opposed to a death sentence for the girl. However, it was said that the doctor felt that Betty Klempa should have been incarcerated for life. A report of the Probation Bureau quoted him as saying that there was a possibility that the girl might repeat the act if released.

The story of the Betty Klempa case appeared in the February issue of FRONT PAGE DETECTIVE under the title, "Murder In the Afternoon."

### TEXAN SLAYS DEFENDANT

TWICE convicted of attacking a white woman and each time saved from the electric chair by a higher court, Bob White, 31-year-old Negro was about to go on trial for a third time when W. S. Cochran, husband of the accuser, jumped to his feet and sent a bullet through the colored man's head.

White had been charged with attacking Mrs. Cochran at her ranch home, ten miles from Livingston, Texas, in August, 1937. His first trial brought about a verdict of guilty, but was reversed by the Texas Court of Criminal Appeals. His second conviction was reversed by the Supreme Court of the United States.

Cochran strode to within a pace of the prisoner before drawing his .38 calibre pistol and firing straight at White's head. He then calmly stepped up to Special Prosecutor Zimmie Foreman and handed the gun to him. He surrendered to Deputy Sheriff Hershall Surrat and a charge of murder was lodged against him. Cochran, a large land owner, posted \$500 bond. District Attorney W. C. McClain said the case would be referred to the grand jury, then in session.

# 86% of polled Texans favor the death penalty

By KATHY FAIR  
Houston Chronicle

## Texas Poll

An overwhelming majority of Texans favor the death penalty, but a large majority oppose executing mentally retarded people, the fall Texas Poll shows.

The issue of whether mentally retarded killers should face the ultimate sentence for their offenses is pending before the U.S. Supreme Court. The matter also is likely to surface during the next session of the Texas Legislature, when a bill proposing a ban on such executions is expected to be introduced.

The statewide poll, conducted Oct. 19-Nov. 2 by the Public Policy Resources Laboratory of Texas A&M University, found that 86 percent of the 1,008 people polled said Texas should have capital punishment. But 73 percent of the respondents said capital punishment should not be used "in cases where the person is mentally retarded."

Compared with previous polls, the fall Texas Poll also indicates a growing support for the death penalty in Texas, which has executed 28 killers in the past six years — more than any other state.

Capital punishment foes like Lisa Haberman, death penalty coordinator for Amnesty International, say they're not surprised by the poll's results because they parallel findings of national surveys on the topic.

"The polls I've seen indicate a growing support for the death penalty," Haberman said. But she said such support is on a philosophical level and that "when you get into specific issues — like executing the mentally retarded — that support wanes."

Bob Walt, who handles many of the death row inmate appeals for the attorney general's office, takes a more cynical view. "I think the poll is possibly misleading," he said.

The outcome could be affected by how questions were posed by researchers, Walt said.

Without putting the question of executing a mentally retarded killer in the context of his or her crime,

Walt said, the question suggests that the individual's only crime is mental deficiency.

The Supreme Court is to hear arguments Jan. 11 in the case of Texas killer Johnny Paul Penry, whose attorneys argue that it is cruel and unusual punishment to execute a retarded person and that Texas law does not permit juries to consider all mitigating evidence — such as retardation — during the punishment phase of a trial.

Penry, 32, was sentenced to die for raping and slaying Pamela Moseley Carpenter, a Livingston housewife. Penry, whose has the mental capabilities of a 7-year-old, stabbed the 22-year-old woman with a pair of scissors he took from her kitchen.

A Texas Poll conducted in April 1985 showed 75 percent favored capital punishment — 11 percentage points lower than support in the fall poll. In a 1965 statewide poll, 57 percent said they would oppose the death penalty if the alternative were a life sentence in prison, while 32 percent favored the death penalty.

In the fall poll, minorities gave less support to the death penalty than Anglos. Capital punishment was supported among Anglos by 89 percent to 7 percent, among Hispanics by 79 percent to 17 percent and among blacks by 59 to 32 percent.

Results of the Texas Poll show that the death penalty also has wider support among different groups than in 1985.

Among those who earn less than \$20,000 a year, support for capital punishment jumped from 64 percent to 81 percent in the past three years. Support among women polled increased from 70 percent to 80 percent. Democrats also showed more acceptance of the penalty, with the proportion supporting it increasing from 64 percent to 76 percent.

Texas Poll results may vary by as many as 3 percentage points for the entire sample and up to 10 points for small subgroups.

HOUSTON  
CHRONICLE

WEO. 11-10-88

## Capital punishment increases murder

A state that has capital punishment is a state that approves of killing.

When the state uses the death penalty, it says to its citizens, "There are some circumstances in which it is right for us to kill another human being."

Whether that human being is a murderer, a rapist or anything else is irrelevant with respect to this message. The state is saying, "If what you do is repugnant enough, we'll kill you."

And some of the citizens who get that message say the same thing: "If someone does something bad enough to me, I'll kill the xyz." Therefore, the state, by its own violent actions, creates an atmosphere of violence in which killing is condoned. The result is that the states with the highest capital punishment rates also have the highest murder rates.

It was said long ago: Do unto others as you would have them do unto you.

Eyler Coates  
El Paso

Nov. 16, 1988

## 'No' to death penalty

**EDITOR:** Fundamental to a viable concept of human rights is the belief that there are certain rights to which everyone, without exception, is entitled. Conversely, there are certain indignities to which no one should be subjected, not even those who deny those rights to others. These rights are not something one must earn from the state. They are obligations the state has to its citizens, merely because of the intrinsic dignity of the human person.

Amnesty International includes the right not to be executed among other human rights. Obviously not everyone subscribes to this view. Those of us who do could not help but be disappointed by your editorial of Oct. 26, praising Congress for extending the federal death penalty to those who commit murder while dealing in drugs.

A mistaken impression of the death penalty exists. This impression is that if we could just overcome our picky moral scruples, we would have a neat, inexpensive, effective and appropriate method for dealing with the terrible crimes which are committed in our society.

The death penalty is not neat. It is not an infallible system, selecting perpetrators of the most hateful deeds for the ultimate punishment. Among those convicted of capital crimes, it tends to be the poorest and weakest who are

executed. A recent study of the Texas judicial system found that three out of four convicted murderers with court-appointed lawyers were sentenced to death, as opposed to one out of three with private attorneys.

The death penalty is not inexpensive. It costs much more to execute a person than it does to keep him or her in prison for life.

The death penalty is not effective. There is no conclusive evidence that those who would commit murders are dissuaded by the fear of execution. Drug dealers routinely face death in their line of business. If this has not deterred them from dealing in drugs, it is extremely unlikely that a federal death penalty will do so.

The death penalty is not appropriate. It does nothing for the victim of the crime. It merely creates one more victim of a violent act. The United States is the only Western industrialized nation in which the death penalty is used.

Your statement is correct that all of us will have to do more to bring drugs under control. That does not imply that anything we do is fitting. To a desperate society, "Death to drug dealers" has a nice ring to it. But the death penalty is completely inappropriate. — Gary M. Ivory, El Paso.

*The Herald-Post welcomes all letters. Those of 150 words or less will be edited least. Letters should be neatly written or typed. All letters must include your signature, address and phone number. Letters remain the property of the Herald-Post. Send letters to Editor, El Paso Herald-Post, P.O. Box 20, El Paso, Texas 79999.*

## No death penalty

**EDITOR:** It's amazing to me that at a time of such super communication possibilities, disinformation can run rampant. In a recent letter to the editor by Mr. Burgett concerning the death penalty, he gave the economic argument, "We can imprison them for life, which burdens the government and society, or we can remove them from society by the death penalty." This does not hold water.

According to an article in Omni magazine on a study called "The cost of taking a life: dollars and sense of the death penalty," by attorney Margot Garey of Sacramento, Calif., the opposite is true.

The U.S. Supreme Court, Garey says, has stated that death is different, and thus accords capital defendants "super due process," so that capital cases — "murder of police officers, murder for money, murder in a particularly heinous fashion, to name a few" — take 3.5 times longer to try than non-capital cases. Such cases cost \$600,000 to \$2 million, compared with roughly \$425,000 to house an inmate for 30 years.

This "removal from society of those individuals who seriously threaten mankind" statement by Burgett is to me in itself heinous. It's legal murder, plain as day.

Burgett even says in his letter that the "death penalty threat is not a deterrent for some criminals." I know what would be — life imprisonment, no chance for parole, for crimes such as child molestation, rape and murder. No chance for the death penalty. No one knows what kind of deterrent-to-crime statistic a society like this might yield, but it would be at least humane to try it. — D.G.



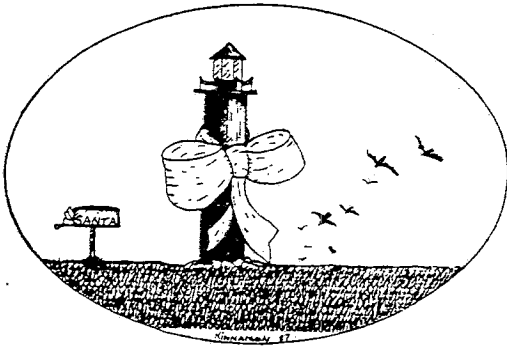
*Jolly Old Elf*



*Christmas on Death Row*



*Fragrance of Love*

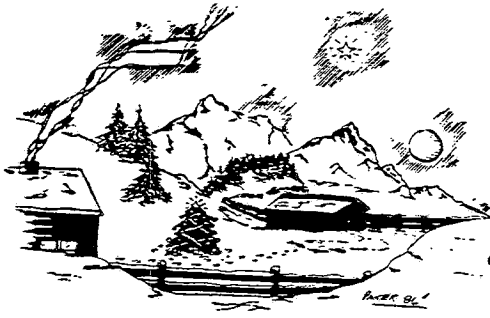


*The Gift of Light*

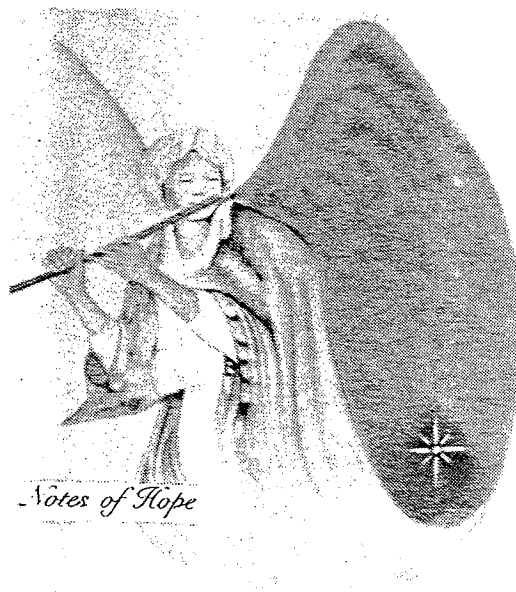
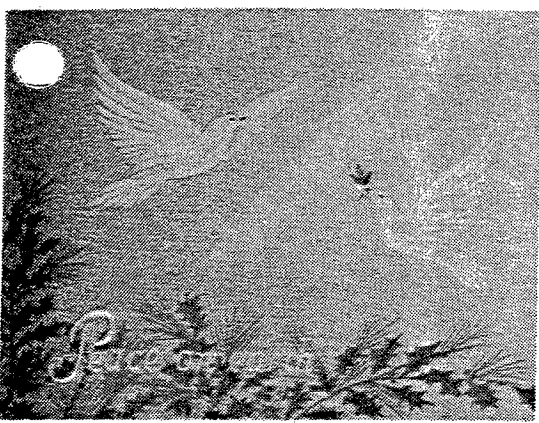
# HOLIDAY NOTES

FROM **HOPE**

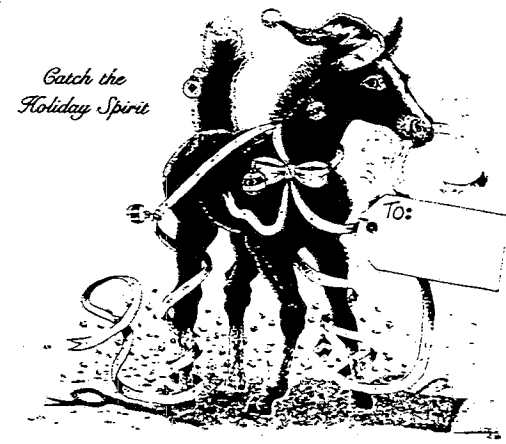
An Issue Chapter of Texas C.U.R.E., a Non-Profit Org.



*Peace in the Valley*



*Notes of Hope*



*Catch the Holiday Spirit*

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## TEXAS DEATH PENALTY FACT SHEET

**Background:** In 1972, the U.S. Supreme Court banned the death penalty nationwide because of its "freakish and arbitrary" application. States rewrote their guidelines, and in 1976, Texas' revised death penalty statute was accepted by the Court (Jurek v. Texas). In 1982, Charles Brooks became the first Texan to be executed under the new statute.

**Death Row:** Texas' death row population currently stands at 298, second in size only to Florida. Of the 37 states which currently have death penalty statutes, only three (Texas, Florida, and California) have death rows larger than 200 people. The majority of death penalty states (25) have death rows under 50.

**Executions:** Texas stands out not only in number on death row, but also in number executed. Texas alone accounts for over one-fourth (28%) of the nation's executions (30 out of 107) since 1976. Less than 1% of the nation's executions (6) have taken place outside of the South.

**Racial Factors:** Of the 298 on Texas' death row, 48% are white, 38% black, 13% Hispanic, 1% Asian or Arab. Almost 90% were convicted of the murder of white victims.

A November 1985 study by the Dallas Times-Herald showed that in Texas, killers of whites are five times more likely to be charged with capital murder than killers of blacks. Blacks who kill whites are 13 times more likely to face capital charges than whites who kill blacks.

**Legal Representation:** Most of those on death row are poor, did not have money for legal representation at their trials and had to be appointed attorneys by the court. A study by the Texas Judicial Council showed that defendants with court-appointed attorneys in capital trials were twice as likely to receive death as those with the resources to retain private counsel. Those on death row are forced to rely on volunteer attorneys to represent them on appeal, and many are currently without lawyers.

**Special Issues:** Two of the 30 people executed in Texas were juveniles (under 18 at the time of their crime). From 1982-88, juvenile executions occurred in only five countries: Rwanda, Barbados, Bangladesh, Pakistan, and the U.S.

Texas' death row population also includes the mentally retarded. A Texas case currently before the U.S. Supreme Court (Penry v. Lynaugh) challenges the constitutionality of executing the retarded.

The innocent are also among those on Texas death row. In March 1989, Randall Dale Adams was released after serving 12 years for a crime he did not commit. In September 1987, a Texas judge ruled that Clarence Brandley's 1980 conviction was wrongful and had been motivated by racism. Brandley still sits on death row awaiting a decision from the appeals courts. In recent investigative articles by the Dallas Morning News, questions have also been raised as to the guilt of death-row inmate Kerry Max Cook.

**Crime Rate:** The death penalty has never proven effective in deterring crime. To the contrary, states that have reinstated the death penalty have shown an increased rate of criminal homicide. Texas not only leads the nation in executions, but since 1983 has had the highest per capita homicide rate in the country (FBI Uniform Crime Reports).

**Cost:** Extensive legal process in a capital case drives the cost of execution to far beyond that of life imprisonment. In 1987, it was estimated that the death penalty had already cost the state \$183.2 million, \$80 million more than the cost of non-capital trials with extended life sentences.

## The 71st Legislature

# Lawyer faults Clements' staff for capital murder law stance

By Mike Hailey

American-Statesman Capitol Staff

A former prison board member sharply criticized Gov. Bill Clements' office Monday for contending that the capital murder law has enough safeguards to protect mentally retarded defendants from being treated unfairly.

During a hearing on a bill to require that jurors in capital cases consider a defendant's retardation, Austin lawyer Harry Whittington was angered by testimony from Knox Fitzpatrick, associate director for Clements' Criminal Justice Division.

After Fitzpatrick said the measure was unnecessary because the death penalty law has safeguards for defendants who are judged insane or incompetent to stand trial, Whittington, who had testified earlier, rose and demanded to make a response.

"I'm afraid that Knox is suffering from the same experience that most state officials had about eight years ago," said Whittington, who pushed for reforms while serving on the Texas Department of Corrections Board from 1979 to 1985. "They don't know the difference between insanity and mental retardation.

"And I'm sorry to see that our governor's office has come here with such an uninformed position," Whittington said, drawing applause from advocates of the bill in a House Criminal Jurisprudence Committee hearing. "Insanity and mental retardation are entirely two different things."

Whittington, whose daughter is mentally retarded, argued that it is not "decent to execute people who have the minds of 12-year-olds."

The legislation by Rep. Bob Melton, D-Gatesville, comes on the heels of arguments in January before the U.S. Supreme Court in the appeals of John Paul Penry, a 32-year-old Death Row inmate. Penry's attorneys have asked the court to throw out the death sentence because Texas law does not specifically permit juries to consider retardation during the punishment phase of capital murder trials.

Melton said his bill would add a fourth question — whether mental retardation should be viewed as a mitigating factor in the crime — to

those that juries must answer before sentencing a defendant to death.

Fitzpatrick and several other witnesses advised the committee to wait until a decision comes down in the Penry case before "tinkering" with the death penalty statute.

Rusty Hardin, an assistant prosecutor in Harris County, said it would be the "height of absurdity" to approve the legislation before the U.S. Supreme Court issues its ruling in the Penry case.

"It would be awfully premature and not a wise expenditure of legislative time to try to crystal-ball the Supreme Court," said Tom Krampitz, executive director of the Texas District and County Attorneys

Association.

Krampitz said he was unaware of any capital murder case involving a mentally retarded defendant in which the jury did not hear evidence at some point about the defendant's mental ability.

However, Austin lawyer Steve Martin, chairman of the legislative committee for the Interagency Council for the Mentally Impaired, said evidence of mental retardation sometimes leads jurors to think the defendant would continue to commit violent crime. "Mental impairment should be a mitigating factor," Martin said in support of the legislation.

The bill was sent to a subcommittee.



# Dallas Times Herald

Five sections  
The best newspaper in Texas.  
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25 CENTS

## Death sentences give county a hard time

By Lori Montgomery  
OF THE TIMES HERALD STAFF

If the man Javier Suarez Medina sprayed with bullets last December had been just another drug dealer, Suarez likely would be heading for parole in 15 years instead of Death Row, defense attorneys say. Suarez, 20, had never been in serious trouble, and prosecutors concede they had little proof he is an incorrigible killer who should be executed.

But the apparent drug dealer turned out to be undercover Dallas narcotics officer Larry Cadena, and Suarez became the fifth person in eight

months to be condemned by Dallas County juries. Suarez's trial, which concluded earlier this month, is the latest in what promises to be a record-breaking year for local death warrants. Prosecutors say they are seeking death sentences more often because more capital crimes are being committed. But defense attorneys point to cases such as Suarez's and ask if the state's most awesome power — lawful execution — is being misused.

"The courts keep saying we've got to make a distinction" between killers who can pay their debt to society peaceably in prison and those so murderous that even prison bars cannot assure

the public's safety, defense lawyer Mike Byck said. "If there is a distinction, the DA's office in this town certainly isn't making it."

From 1980 through 1988, Dallas County sentenced nine men to die; in the past 2½ years, it has condemned 14. This year, local juries have sent three men to Texas' Death Row, now the nation's largest. Another case is in jury selection, and seven more are awaiting trial.

According to county budget analysts, who review convictions during the October-to-October fiscal year, local courts will try at least seven men and retry an eighth in the current budget cycle, the highest number since Dallas County resumed

capital murder prosecutions in the early 1970s. The record number of capital trials has caused county costs to soar. Spending for defense lawyers appointed to represent capital defendants is up 170 percent from last year, according to budget officials, while appeals costs have risen 80 percent. In addition, the increased need for jurors and extra judges has virtually depleted available funds, forcing county commissioners this month to appropriate \$110,000 more.

"It's no secret that we're doing more capital murder cases than we've had in the past," said

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### TRIALS

From A-1

county budget analyst Jake Gallerano, saying studies estimating the total cost of a capital trial at more than \$400,000 are "probably accurate."

"Our death penalty costs have never been as high as they are right now," Gallerano said.

The budget office predicts the costs of seeking execution will continue to climb throughout the next fiscal year. County executives, not usually reluctant to demand penny-pinching, say they have little choice but to pick up the tab.

"Once the decision is made to try these cases, there really are no discretionary costs," said County Judge Lee Jackson, noting that state laws and federal court decisions prohibit scrimping when a defendant's life is at stake. "So, really, you either have to be in favor of allowing these cases to be prosecuted or you have to be opposed to trying them."

"The commissioners court certainly is not opposed to seeking the death penalty for these most serious crimes."

Lately, far more crimes have fallen into the "most serious" category. First Assistant District Attorney Norman Kinne, who oversees capital murder prosecution, says there are simply more crimes to categorize.

"We have an ever-increasing

crime rate, the dope problem. Even [prison] overcrowding affects capital murders," Kinne said. "If people have less fear of going to [prison] because they're not going to be there long, they have less respect for the criminal justice system in general."

"People just have very little reluctance to kill," Kinne said. "There were more [capital murder cases] filed this year [by police] than I've ever seen in the past."

But those in the small pool of local defense lawyers willing to represent capital murder defendants say prosecutors are seeking death warrants indiscriminately, heedless of the spirit of the law that reserves execution for the most heinous few.

"There's no more capital murders being committed than ever before. People get killed in the course of robbery all the time," defense lawyer Paul Brauchle said. "They're just trying too many of them."

Under Texas law, a person may be sentenced to death if he kills a peace officer, kills during the commission of another felony (kidnapping, burglary, robbery, rape or arson), kills for money, kills more than one person or kills while in prison. The killing must not have been accidental or provoked, and the killer must constitute a continuing threat to society.

The last provision sparks the most controversy. Defense lawyers say a man should not be condemned unless he's Attila the Hun. Prosecutors say death is ap-

### Dallas County capital murder trials

Budget year <sup>1</sup>	Original trials	Retrials	Total	Budget year <sup>1</sup>	Original trials	Retrials	Total
1988-89	7 <sup>2</sup>	1	8	1980-81	1	1	2
1987-88	3	1	4	1979-80	1	0	1
1986-87	6	0	6	1978-79	1	0	1
1985-86	1	1	2	1977-78	6	1	7
1984-85	0	0	0	1976-77	1	2	3
1983-84	2	0	2	1975-76	0	0	0
1982-83	3	1	4	1974-75	3	0	3
1981-82	2	2	4	1973-74 <sup>3</sup>	7	0	7

<sup>1</sup>Oct. 1 to Oct. 1

<sup>2</sup>One original trial is scheduled for next month

<sup>3</sup>The death penalty was reinstated in 1973

SOURCE: Dallas County district attorney

Dallas Times Herald

appropriate for a man with no record of violence if the crime is bad enough.

Suarez, for example, had never before been convicted of a crime, but he unwittingly killed a police officer. In final arguments to the jury, Assistant District Attorney Hugh Lucas said Suarez deserved to die if only because he took aim at Cadena and very deliberately pulled the trigger on his semiautomatic pistol seven times.

"Most of these people, we get to know their worst, most horrible side: We don't find he was an altar boy at the church; we find he was breaking into cars at the church," Lucas said. Even when the defendant's previous infrac-

tions are minor, Lucas said, "you come to the conclusion that, really, society would be better off without this person."

Some defense lawyers say prosecutors are too quick to reach that conclusion.

"If you got a John Wayne Gacy, fine. The guy's an absolute menace," Byck said, referring to a Chicago-area man convicted of raping and killing young boys. "Leave guys like him alone and they'll build an M-1 [machine gun] out of toothpicks and kill you with it."

"But most of these guys don't do violent things [when they get to the penitentiary]. If they get out, they don't do it, either."

# Texas' death row is nation's most populous

By Michael Graczyk

Associated Press

HUNTSVILLE, Texas — When the barred door covered with a heavy mesh screen slammed shut behind convicted killer Martin Vega, his introduction to the steamy row of identical cells known simply as J-23 gave Texas the distinction of having the largest death row in the nation.



Martin Vega, whose white prison suit bears an orange tag with his name and the number DR 932, is the 300th person presently calling death row home, Texas Department of Corrections statistics released this week show.

Florida, which in recent years has held the largest number of convicted killers awaiting execution, this week had 299 death row inmates, according to Paula Tully of the Florida Department of Corrections.

"It's a pretty good indication that the people of Texas support the death penalty if they keep sending people there," said Ron Dusek, a spokesman for Texas Attorney General Jim Mattox.

Texas also leads the nation in the number of people put to death since the U.S. Supreme Court in 1976 allowed resumption of capital punishment. Thirty men have been given lethal injection at the Walls Unit in Huntsville, starting with Charlie Brooks in late 1982.

By the time Mr. Brooks became

## Overcrowding shuts prisons again

Associated Press

HUNTSVILLE, Texas — State prisons were forced to close their doors to incoming prisoners for the fifth time this year when the inmate population reached court-mandated limits, officials said.

Texas Department of Corrections officials halted admissions effective 5 p.m. Thursday as a result of a count of 39,889 inmates, or 95.24 percent of capacity. The total at midnight Wednesday was 102 inmates over the limit.

Under federal court orders, Texas prisons are not allowed to exceed 95 percent of capacity.

Corrections Department spokesman David Nunnelee said the system is expected to remain closed to additional prisoners at least through Monday.

The closure is the fifth this year and the first since Gov. Bill Clements invoked the Prison Management Act to ease crowding after a shutdown March 28-29. The act allows early release of certain inmates.

Thursday marked the 31st time since January 1987 that the prisons have been closed because of overcrowding, Mr. Nunnelee said.

### ■ New prison proposals. 15B

the first inmate executed by injection in December 1982, Texas had 130 others awaiting the same fate.

The population growth on death row has been remarkably steady since Excell White, convicted of a grocer's slaying, on Aug. 26, 1974, reopened the exclusive section of the Ellis I Unit about 90 miles north of Houston.

During the early 1980s, death row grew by about two per month. As the pace of executions quickened, so did the number of people awaiting death. In 1986, 43 inmates joined the ranks as 10 were executed. Another 36 came the next year, and the three-per-month average continues today.

As death row has grown — it incorporates five prison wings — the number of executions has fallen.

Only three were put to death last year in Texas and just one so far in 1989 as attorneys for inmates have won Supreme Court review of their cases.

"The way it's growing, they can dedicate half the farm to death row in the next five years, unless they do away with the death penalty," said Jim Beathard, awaiting execution for the murders of three family members in Trinity County in 1984.

Jim Vanderbilt, who has been on death row since 1976 and is among the most senior inmates, fears a legal breakthrough will trigger many executions.

"The water is building up behind the dam," Mr. Vanderbilt said. "And if they let the dam overflow or if they remove the dam, then there's going to be a flood."

For Mr. Vega, 42, the move to death row marked his fourth trip to

the Texas prison system. Included among his terms was a two-year stint for robbery that kept him behind bars for just one week before he was released. Mr. Vega, a self-described jack-of-all-trades, was convicted in February of murdering his wife's ex-husband in 1985 in what authorities called an attempt to collect the man's insurance.

Death row, he said, is different.

"It's a title we have and under that title we're supposed to be dangerous," Mr. Vega said in an interview this week. "But Lord knows a lot of people here are not dangerous. I'm not saying all — but some."

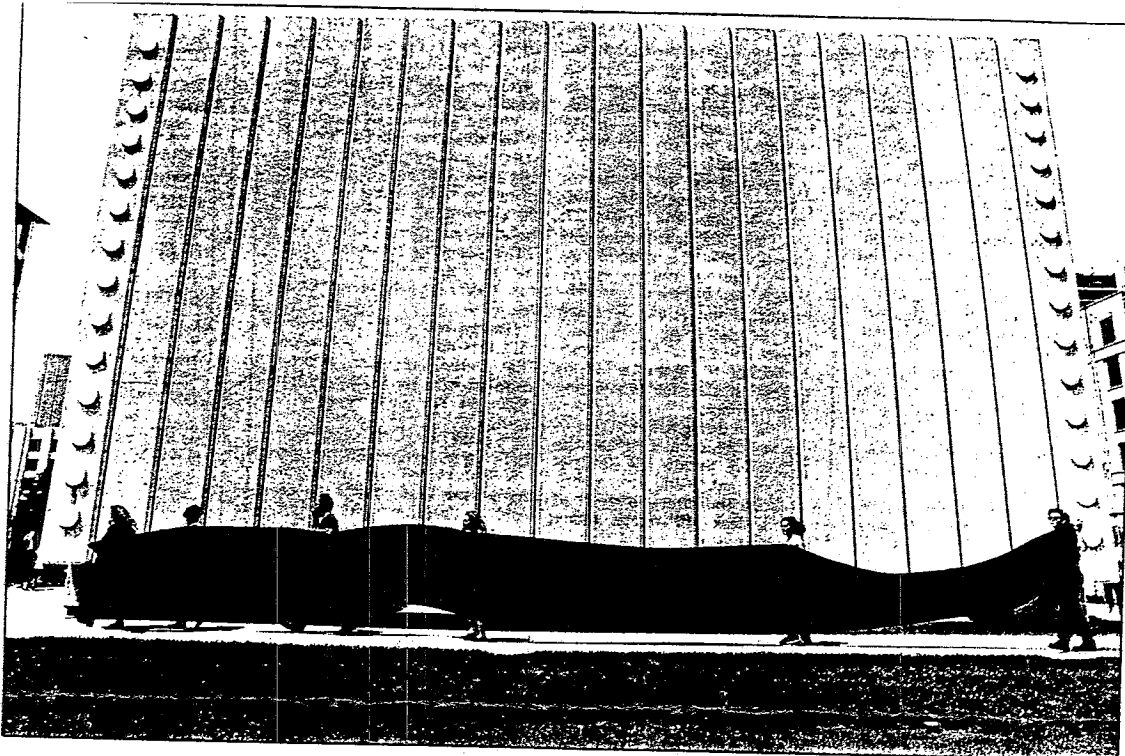
"It's like two different worlds," he said, asked to compare the general population with death row. "We're segregated. Everywhere we go, we're handcuffed."

Mr. Vega, from Luling, said he misses "freedom, my family, women, money, breathing the fresh air and just being able to raise my hands and say, 'I'm free!'"

But the Texas corrections system, mandated by federal court orders to clean up its act in areas of prison conditions and inmate rights, is a much better place now, Mr. Vega said.

He noted that when inmate building tenders ran the prison wings, he had to worry about someone beating him with a lead pipe. In one attack, Mr. Vega said, suffered a severed tendon that left the little finger of his left hand immobile.

"Most officials I have encountered have been nice so far," he said. "If you have a question, they will answer. Since the time I've been back here, TDC has not bothered me at all. It's good."



Joe Patronite/Dallas Times Herald

## A circle of protest

With a piece of cloth nearly 200 feet long used to symbolize death, members of the Dallas chapter of Amnesty Interna-

tional protest the state's death penalty laws. The demonstration took place Tuesday at the Kennedy Memorial in Dallas.

## PENALTY

From B-1

defend themselves and they have bulletproof vests and they have big old guns. But these little kiddos are helpless, defenseless, at the mercy of who they live with.

"I tried a guy that took a 13-month-old baby by the feet and slung its head against the wall until he killed it. I tried a case

where the stepfather starved a baby to death. I had a case where a kid was beaten so bad from his head to his toes that the pathologist said, 'I've never seen more bruises on a body in my life than on this 3-year-old.'

"I have no sympathy for someone who kills kiddos," he said.

Sen. Chet Brooks, D-Pasadena, chairman of the Senate Health and Human Services Committee, said a legislative task force received testimony that more than

100 Texas children had been "brutally murdered, viciously murdered, tortured in all sorts of different ways."

Those brutal deaths led Sen. J.E. "Buster" Brown, R-Lake Jackson, to sponsor the bill extending the death penalty to people convicted of killing children 6 years old and younger. The measure was amended on the Senate floor to raise the age to 14, which conforms with the definition of a child in the state pe-

nal code.

Sen. Craig Washington, D-Houston, said he believed that if the state was going to provide a death penalty, it should be applied first to those who murder children. However, he said, he was voting against the bill because of longstanding philosophic and moral opposition to capital punishment.

"Every once in awhile, we read about somebody like Randall Dale Adams who came within

# Senate OKs death for killing child

## Sponsors say kids need protection

By Dale Rice

TIMES HERALD AUSTIN BUREAU

AUSTIN — In an emotionally charged expansion of capital punishment, the Texas Senate voted Tuesday to extend the death penalty to people convicted of murdering children.

Under the bill, which now goes to the pro-death penalty House for consideration, anyone deliberately killing a child who is 14 years old or younger could be given the ultimate punishment that can be assessed by Texas judges and juries.

The death penalty, reserved for those who commit the most heinous crimes against society, currently can be imposed on individuals convicted of multiple murders, killing a law enforcement officer or prison guard or murdering a person while committing another felony such as rape or armed robbery.

Senators, even the lone opponent of the bill, agreed that children deserved to have the same safeguards as several categories of adults covered by the state's death penalty statute.

"There is no one that should be more protected in our society than a young child," said Sen. Ted Lyon, D-Rockwall. Lyon, a former police officer, said nothing in his law enforcement career had affected him so deeply as seeing the young victims of terrible abuse.

Sen. Bob Glasgow, D-Stephenville, a former prosecutor, agreed it is more important to apply the sanction to those who kill children than it is to those who kill officers.

"Those police officers," Glasgow said, "are big and they can

Please see PENALTY, B-3

three days of being executed," Washington said, referring to the man who was recently freed from prison after evidence came to light that another person committed the crime and the Court of Criminal Appeals concluded Adams had not received a fair trial from Dallas County prosecutors.

"As long as mistakes are possible, and I think they are, I have to vote against the death penalty," Washington said.

DALLAS TIMES HERALD

WED., APR. 26, 1989



# Mock execution staged at Capitol

## 50 supporters of death row inmate Brandley demonstrate for retrial

By Patrice Gravino

Associated Press

AUSTIN — About 50 people staged a mock execution Wednesday at the Capitol, calling for the Texas Court of Criminal Appeals to grant a new trial for Clarence Brandley, who has been on death row for nine years.

The group, called the Coalition to Free Clarence Brandley, said the



Clarence Brandley

black Conroe High School janitor was wrongly convicted in 1980 of capital murder in the rape and slaying of a white teen-ager.

The group, including Mr. Brandley's brother, Ozell Brandley, also called for a pardon by Gov. Bill Clements.

"It's incredible ... all the evidence in this case that substantiates Clarence is innocent," said Ozell Brandley, who distributed what he said was a woman's statement about the case that authorities ignored.

He said the woman had been told by a man that he and others committed the crime but that Brandley was "going to hang for it."

During the mock execution, a figure dressed as Uncle Sam with red-stained hands appeared to adminis-

ter an intravenous solution to a mannequin on a gurney dressed in Mr. Brandley's military uniform.

Chanting "Free Clarence Brandley," the group chased away the Uncle Sam figure.

"What you have seen is what we intend to do," said the Rev. J. Don Boney Jr. "Clarence Brandley is an innocent man, and for nine long years this state has slowly murdered him.

"There will be no more cover-up in the Clarence Brandley case," Mr. Boney said. "We will have justice in the Court of Criminal Appeals, or we will expose them for the hypocrites and racists they are."

The appellate court, which heard arguments in Mr. Brandley's case Jan. 18, is to begin a reduced summer schedule. Mr. Brandley had hoped for a quick decision by the court.

The court also is considering the findings of a 1987 evidentiary hearing that led retired state District Judge Perry Pickett to recommend a new trial for Mr. Brandley.

"We're asking ourselves why Clarence is still in prison, why he is not yet free," Ozell Brandley told the group. He said his brother told him in a letter that the court "has had enough time to make a decision."

"I'm hoping that the court will

rule before they move out for the summer, because I would like for this to end," Clarence Brandley said last week. "Not only for the sake of myself, my family and my friends, but also for Cheryl Fergeson's family."

The 16-year-old Fergeson girl of Bellville was attending a volleyball tournament in Conroe when she was killed.

Defense attorney Paul Nugent of Houston told the appellate court in January that investigations and judicial proceedings in Mr. Brandley's case were tainted by racial discrimination.

Mr. Brandley's attorneys have offered evidence that police and Montgomery County prosecutors set out to prove that Mr. Brandley, the only black janitor at the school, was guilty, instead of seeking the real killer.

Mr. Brandley was convicted by an all-white jury after his first trial ended in a hung jury.

Prosecutors have maintained that Mr. Brandley is guilty and have denied claims of discrimination.

The crowd gathered Wednesday, which also rallied outside the appellate courtroom, included members of the Texas State Conference of the National Association for the Advancement of Colored People, who pledged the group's support.

DALLAS MORNING NEWS

THURS. JUNE 15, 1989

# JOURNAL

THE LAWYER'S MAGAZINE / JULY 1989

1989

## WIN AT ANY COST? Dallas DA Under Siege



BY RICHARD L. FRICKER

The spring thunderstorms have passed, the Trinity River floodwaters have abated, and Dallas has settled in for the 100-degree days of summer. But unlike the torrents of spring, the cloud over the Dallas district attorney's office refuses to dissipate. The storms created by cases involving defendants with names such as Adams, Geter, Gardner and Brown still linger.

For 36 years, until he departed the scene in 1986, the man at the top of the Dallas DA's office was Henry Wade (the "Wade" of *Roe v. Wade*). He was a mighty figure who brooked no dissent and made no apologies. He judged his prosecutors, it is said, on their won-lost records: They were given raises and promotions according to their success in obtaining criminal convictions. According to those who worked under Wade, the DA never questioned their methods in obtaining guilty verdicts.

One of those convicted during Wade's tenure was Randall Dale Adams, the man who in 1977 was found guilty and sentenced to death for the murder of Dallas police officer Robert Wood. Adams became the subject of a 1988 movie, "The Thin Blue Line." In Errol Morris' film, it not only becomes obvious that Adams did not commit the murder, it suggests that prosecutors *knew* he didn't.

But they went after him anyway, presumably on the ground that it would be easier to get a death sentence against him than against one David Ray Harris. The man who virtually confesses to the murder in the movie, Harris was only 16 at the time, and therefore ineligible for the death penalty.

The Adams case is sensational by any standard, and has gotten national press play even beyond the bounds of the movie. But the case is only one piece of the disturbing mosaic that is the district attorney's office of Dallas County, Texas—a place where "law and order" means law and order and where prosecutors don't lose.

Wade's "win at any cost" philosophy survives in the DA's office, and his successor, John Vance, appears to



# Crime and Punishment in Dallas

*Richard L. Fricker is a freelance writer in Dallas.*

lack the stature and public-relations dexterity to dampen the flames of discontent.

Judges are openly critical of weak cases filed by Vance's office. Defense attorneys claim he has squelched his prosecutors' ability to negotiate plea agreements by requiring unreasonably high minimum sentences. Judges and attorneys claim Vance's office is overcharging cases and overworking the "habitual criminal" provisions of state statutes.

And, at the core of the criticism is the claim by judges, defense attorneys and former prosecutors alike that the current DA has not abandoned his predecessor's bankrupt philosophy of winning by any available means.

On March 1, 1989, the Texas Court of Criminal Appeals unanimously set aside Adams' conviction, and had some sharp words for Vance's office, which made noises about retrying Adams even though some of the prosecution's key witnesses had been caught lying.

Emily Miller, for instance, had testified at Adam's trial that she and her husband were driving past as Wood approached the car from which the fatal shots were fired. She identified Adams in a police lineup as the driver of the stopped car. But, said the Court of Criminal Appeals, Miller pointed to Adams only after a police officer told her that she had picked the wrong man and gave her Adams' number in the lineup.

The court found that the prosecutor, Douglas Mulder, knew this. It also said Mulder failed to turn over to the defense until after Miller's testimony her statement to police that the suspect was "either a Mexican or a very light-skinned black man." It concluded that Mulder lied to the trial court about Miller's whereabouts, claiming she was unavailable for cross-examination when he knew she was staying in a Dallas motel.

"Mulder advised the trial court that Miller had already left Dallas for Belleville, Illinois, and that he had gone to her apartment that morning and discovered she had moved," said the Court of Criminal Appeals. "Responding to such assurances, the defense then sought to have [Miller's conflicting description] admitted into evidence as impeachment. Mulder



John Vance

objected to this as being unfair because Miller would not have a chance to explain the differences between the two statements. ...

"While this was occurring Miller was still in Dallas at the Alamo Plaza Motel. After she completed her testimony she told Mulder that she would be at the Alamo Plaza Motel if he needed her any further. And, significantly, [the trial court concluded] 'Mr. Mulder's statement to the court that Mrs. Miller was en route to Belleville, Illinois, was incorrect.' Further, the presence of Miller's motel telephone bill in the State's file, along with Mulder's notations in it, was corroborative of the State's knowledge of Miller's whereabouts."

Armed with the appeals-court reversal, Adams' attorneys, Randy Schaffer and George Preston, went



Randall Dale Adams

before Criminal District Judge Larry Baraka. Baraka, who all but proclaimed Adams innocent, recommended that the Texas Department of Corrections grant parole as quickly as possible. The TDC declined. Adams went back to court with a bond request. Assistant District Attorney Winfield Scott fought the request vigorously, calling Judge Rusty Duncan, who authored the opinion for the state's highest criminal appeals court, "as liberal as they come."

When Baraka ruled that Adams could go free on his own recognizance, Scott said, "We'd be a fool to try this case before Judge Baraka without a jury," and went on a forum-shopping spree that ended in Judge Ron Chapman's court. Chapman overruled Baraka and set a cash bond.

Outside Chapman's courtroom, Scott, unhappy that Adams would be allowed to make bond at all, threw another tirade in front of reporters, television cameras and anyone who would listen.

Scott never seemed to understand that no one believed Adams was guilty. It was never clear if *he* actually believed Adams was guilty or was just trying to keep faith with the long-held Dallas axiom that if a police officer is killed, someone must be killed in exchange.

Vance, who tried to remain neutral, at least publicly, about a trial and conviction that occurred under the Wade administration, finally announced on March 24 all charges against Adams were being dropped on the ground that no reliable witnesses could be found for a new trial.

But Vance's damage control efforts were too little, too late.

Scott, who had been with the office for 17 years, was fired on April 5. Vance cited a lack of harmony and Scott's unwillingness to adapt to new policies as reasons for the departure.

The state's appellate attorneys in the Adams case, Leslie McFarlane and John C. Creuzot, quit the same day. McFarlane had been ordered to file a writ for a new trial on Adams. When the press discovered that Vance actually might want a new trial, Vance ordered her to withdraw the writ and disavowed any knowledge of the writ. McFarlane said she was leaving simply to move on to other things, but she confided to friends that she had lost faith in Vance and his office.

Adams' lawyer Schaffer also blasts Vance. "I sent Vance a letter detailing the circumstances and asking for a pardon," he says. "My pitch to Vance was that this happened in a former administration, you can come out looking like a good guy, there's no need to defend Mulder. He had his chance to take a leadership role; he never gave me the courtesy of a phone call.

"Misconduct permeated the case," Schaffer adds. "There was never an attempt at justice." The Dallas DA's office, he says, "is morally bankrupt, it's an attitude that reached its apex in Dallas. It's the attitude from the top."

More than giving the office a black eye, the Adams affair opened it up to criticism, something unheard of in the Wade administration. Wade maintained strict control over public opinion and subordinates. During his tenure Wade is said to have been able to hand-pick judges and dethrone those who failed to comply with his standards. Those usually receiving his blessing for public office were attorneys who had served in his office. If defense attorneys questioned his methods too closely, their court appointments dried up.

**V**ance took office in 1987 and initially received good reviews. Three months into his term the president of the Dallas Criminal Bar Association, Bradley Lollar, told the *Dallas Times Herald* that his bar was pleased with the Vance approach.

Almost a year to the day later, however, Lollar was at Vance's heels, saying the office was trying to chill "legitimate criticism" of newly enacted policies.

The criticism stemmed from a Vance-ordered policy that an accused person with two prior prison terms would be declared a habitual criminal and, if convicted, given a minimum of 25 years in prison, regardless of the offense or the time span between offenses.

When defense attorney Balon Bradley publicly called the rule "stupid," Vance and First Assistant Norman Kinne instructed prosecutors to bring all of Bradley's cases to them for review. Lollar and the defense bar sprang to Bradley's aid, but the rule remains in effect.

Bradley refuses to back down.



Larry Baraka

despite the DA's pressure. "I don't believe he [Vance] ever actually reviewed any of my cases," he says. "My chief criticism is, why waste time and energy and space to prosecute nickel-and-dime people? Why fill up the pen with petty thieves when there are people committing aggravated robbery and dealing dope?"

Judge Baraka agrees, citing a recent case in which the prosecutor attempted to "habitualize" a man for stealing two cartons of cigarettes. "We [the bench] are not going to participate in the stupidity," he says. "Each case is different and the policy is making a hard job even harder." The criticism from Baraka and Lollar is especially stinging as both men worked as prosecutors under Wade.

The director of the Public Defender's office, Carl Hays, cites a case in which a "street person" attempted to take a pair of sunglasses from a car. The district attorney sought a life sentence for the man.

Other attorneys have similar stories, but the overriding complaint is that the policy has jammed the system. The inflexibility in plea agreements and Texas' overcrowded prisons combine to leave defendants with little choice but to opt for trial.

Currently the Texas prison system grants one-year reductions in sentence for every month served awaiting trial. As a result, defendants are willing to wait for trial because even if they are convicted, each month spent awaiting trial translates

to credit for a year in prison. Jailed defendants today wait about five months before going to trial. Lollar expects the gap to widen to as much as seven months in the near future if the current trend continues.

Vance concedes there may be flaws in the "habitual offender" rule, but he defends the policy itself. "The criminal element does not fear the criminal justice system," he says. "I don't feel you can rehabilitate one in 100 adults."

**A** greater source of public opprobrium has been the "win at any cost" philosophy that Wade bequeathed to the office.

The Adams case swept through the media just as the ripples from the Lenell Geter case were beginning to settle. Geter, a black electronics engineer at E-Systems, a defense contractor in Greenville, about 60 miles northeast of Dallas, was convicted of an armed robbery in the Dallas suburb of Balch Springs in 1982. The prosecution relied on testimony from a Greenville police officer and a photo identification by a victim, and ignored testimony from Geter's co-workers at E-Systems that he was at work the entire time the robbery was taking place.

Geter was convicted primarily on the photo identification and statements from the Greenville police officer that Geter and other black engineers hired by E-Systems were known as "bad characters" in Orangeburg, S.C., where Geter attended South Carolina State. The officer claimed to have talked with a police officer in Orangeburg, but the South Carolina officer denied having such a conversation and said that Geter and his co-workers were unknown to his department.

Outraged at Geter's conviction, his fellow workers launched a public campaign to win his release. Geter came to national attention following a CBS-TV "60 Minutes" segment that established the guilt of another man and the likelihood that prosecutors knew Geter was innocent. Geter was released in 1984. Then-District Attorney Wade was asked if the state owed Geter an apology. Wade said he saw no reason to apologize for any actions taken by his office.

These bungled prosecutions have given rise to the perception that the



Dallas district attorney's office will—as the Court of Criminal Appeals observed in Adams' case—use any means to obtain a conviction.

"In the old days it was at any cost, that was always policy and the individual prosecutor dealt with it in his own way," says Lollar. "The word on the street was that you didn't want to be the prosecutor that followed Henry Wade. Anyone who followed would have to un-teach that policy of 36 years."

Baraka is harsher. "Getting a conviction suffers no consequences, no matter how it's done," he says. "Conviction is the main line rather than truth and justice." The investigation of cases, he says, "is done toward conviction, not in seeking truth."

The state's problems in this area may not be over.

Keith Jagmin is appellate attorney for Billy Conn Gardner, sentenced to death in 1983 for the slaying of a school-cafeteria worker during an armed robbery. Gardner's appeals in state court have been exhausted and are now in federal court.

Jagmin suggests that the state has gone overboard in its efforts to prevent Gardner from obtaining a new trial. He points to inconsistencies in statements by prosecutor Gerald Banks.

At the time of Gardner's trial, Banks told the court the state was not in possession of a confession. During a pretrial hearing, prosecutor Banks, in response to a question from the court, said, "There's no written confession of the defendant. There's no oral confession of the defendant, whether recorded or not."

But at a hearing on a motion for a new trial on Dec. 12, 1988, Banks testified there was a confession he had planned to use if Gardner had testified.

Joyce Ann Brown was convicted of murder in the 1980 death of a fur-store operator in a robbery. Her attorney, former prosecutor Kerry FitzGerald, and private investigator Jim McCloskey contend she is innocent and that the DA's office and the police used faulty evidence to convict her. McCloskey claims that the state's key witness testified in exchange for favors from the prosecution. The person who actually committed the crime, McCloskey says, is in a Colo-



Lenell Geter

rado prison. And he claims to have evidence that the district attorney's office ignored because it would have aided in Brown's acquittal.

McCloskey notes that the victim's wife identified Brown from a photo shown her just five minutes after being told her husband had died. The state's prime witness, Martha Jean Bruce, previously had served a jail sentence for filing a false police report. Following her testimony against Brown, Bruce was released from prison on a felony charge which prosecutor Norman Kinne said the state had discovered she did not commit—even though she had entered a guilty plea. The witness later recanted her testimony against Brown to investigators, and then recanted her recantation. Prosecutor Kinne has denied knowledge of Bruce's prior conviction for perjury five months before she testified against Brown.

Brown was convicted of being one of two women who committed the robbery. Her co-defendant, Rene Taylor, pleaded guilty to shooting the store owner and has passed a polygraph test during which she denied knowing Joyce Ann Brown. A second woman, Loran Germany, is a known associate of Taylor's and is serving a sentence in Colorado for another armed robbery.

As with Geter, Brown's co-workers testified that she was at work at the time of the robbery.

Since 1974 the DA's office has not lost a death-penalty case—including

those of Adams and Gardner. Vance's office expects to seek the death penalty 10 to 14 times this year, double the cases from 1988. As to the possibility of convicting innocent people, Vance says, "We're pretty careful."

While capital crimes capture the public's attention, the day-to-day operation of the DA's office is of great concern to defense attorneys and judges. Much of the discretion previously enjoyed by prosecutors in plea agreements has been removed and replaced by absolute minimums. The DA's office also is said to have boosted theft charges to robbery and to have sought indictments in weak cases that previously would have been no-billed by grand juries.

"Wade had a policy in the grand jury to no-bill bad or weak cases so the cases that wound up in court were good cases," says Lollar. "Vance has a problem in that he asks for a true bill with every case that has prima facie [evidence] regardless of problems. Now we're getting a bunch of weak cases—it raises my acquittal rate and lowers their convictions."

But Dallas juries are considered extremely conservative and, according to Lollar, "will convict on weak cases." The Adams case is important, he says, because "it brings home the point that some of these people really are innocent."

Adams' attorney, Schaffer, says that "juries came to trust Henry Wade," referring to what he sees as the prevailing attitude among prosecutors in Dallas: "The juries trust us and give us our way."

Others claim Wade, Vance and the Dallas Police Department have preyed on public fear, promoting the belief that even if defendants did not commit the crimes they were charged with, they had committed some other crime or were likely to commit a crime.

Baraka sees a need for "radical reform" in the district attorney's office. "The office needs a new spirit of dedication and to view itself in the light of the '90s," he says.

"The DA's office is going to have to move out into the community because we are filling prisons with people that need to be in some other program. Most of the people who come before this court are guilty, but which ones? That is the key to justice." ■

## Convicts in Texas back death penalty

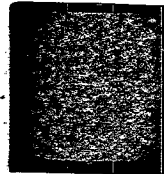
Associated Press

HOUSTON, Tex. — Texas Department of Corrections convicts overwhelmingly support the death penalty even though most of them believe the executions don't deter crime, according to a survey by an inmate newspaper, the *Echo*.

The *Echo* reported that 63 percent of the 1,000 prisoners who answered the survey favor capital punishment. Thirty-seven percent are against it. However, 74 percent believe that these executions will not deter others from a criminal life.

The inmates are also in favor of the death penalty for a convict who has killed another convict.

17-6-86



## HOW THE CLEMENCY PROCESS WORKS IN TEXAS

- 1) A death warrant is signed by a state court judge setting down an execution date.
- 2) A clemency petition is filed on behalf of death row prisoner.
- 3) Members of the Texas Board of Pardons and Paroles review the petition and cast a vote on whether to recommend a commutation, conditional pardon or a reprieve. They also decide whether or not a hearing will be held on the clemency petition to hear testimony from witnesses.
- 4) If a majority of the Board votes for a commutation, the Board recommends to the governor that clemency be granted.
- 5) The governor has full discretion to either accept or reject the Board's recommendation on clemency.
- 6) The Board has no independent power to grant relief, but can only make recommendations to the governor.

### GOVERNOR'S POWER

\*\* If the Board votes against a grant of clemency, the governor has no independent power to commute. The governor can only commute a death sentence upon the recommendation of the Board of Pardons and Paroles.

\*\* Under Texas law, the governor has the power to grant a death row prisoner one 30 day stay of execution. No recommendation from the Board is necessary for the governor to take this action. For any further reprieves, it is necessary for the Board to vote yes to such an action and then make such a recommendation to the governor.

### OTHER SOURCES OF A STAY

\*\* Aside from the one-time stay which can be granted by the governor, the Board and a court can issue a stay at any time and for any duration of time.

[OVER]

WHY THE CLEMENCY PROCESS IN TEXAS DOES NOT WORK  
DUE PROCESS DOES NOT EXIST

In the disturbing decision handed down by the U.S. Supreme Court in the Herrera decision in January 1993, the Court closed its doors to death row prisoners who presented evidence of their actual innocence of the crimes for which they had been sentenced to death. The Court explicitly directed prisoners to take such claims to state clemency bodies.

*There is no meaningful clemency process in Texas, however.*

\*\* The 18 member Texas Board of Pardons and Paroles has not made a recommendation of clemency in any case since before 1976 when executions were resumed in the U.S.

\*\* The Board does not even hold a clemency hearing to review all of the evidence presented in the clemency petition and therefore does not have the opportunity to observe the demeanor of witnesses or to collectively observe and hear the same evidence.

\*\* The single time since 1976 that the Board did hold a clemency hearing (in the case of Johnny Garrett in December 1991), the prisoner was not allowed to attend.

\*\* The Board does not convene (even in a closed meeting) to discuss the case and hear the views and opinions of fellow Board members. Instead, Board members often communicate with each other by fax.

\*\* The Board does not allow the lawyers for the death row prisoner to review the papers presented by the prosecutor in opposition to the prisoner's clemency petition. Therefore, the lawyers never have an opportunity to rebut any allegations made by the prosecutor. If the prosecutor exaggerates or outright fabricates damaging evidence in order to persuade the Board to deny clemency, the prisoner and his or her legal team may never find out.

\*\* The 18 members of the Board are shielded from public scrutiny and accountability as a result of their "behind the scenes" positions. They are appointed by the governor and are state public officials. They make decisions not only in death penalty cases but also in all pardon and parole cases. They are tremendously overworked, with over 20,000 parole and pardon cases per year coming through their office.

# Report: Death row in Texas in 'crisis'

→ Inmate representation  
called worst in U.S.

By David Elliot  
American-Statesman Capitol Staff

Could the State of Texas execute an innocent person?

Yes — and soon — say an increasing number of critics of the state's justice system.

As many of the state's 371 death row inmates exhaust their appeals, what has been a trickle of executions is about to become a torrent.

At the same time, the U.S. Supreme Court has placed an unprecedented burden on Texas and other states to thoroughly examine a condemned prisoner's new claims of innocence through executive clemency proceedings. But in Texas, clemency is largely uncharted legal territory because it has been used so rarely.

Add to this a study's findings that Texas has the weakest indigent defense system of the 50 states, and the result can be summed up in one word: crisis.

"We believe, in the strongest terms possible, that Texas has already reached the crisis stage in capital representation and that the problem is substantially worse than that faced by any other state with the death penalty," said the report by the Spangenberg Group of Massachusetts, a consulting firm that has conducted similar studies in other death-penalty states.

→ "The situation in Texas can only be described as desperate. The volume of cases is overwhelming."

The issue, said Bill Whitehurst, former president of the State Bar of Texas, is not whether the death penalty should be the law of the land, but how certain the state should be that a condemned inmate is guilty before it executes him or her.

"We are a system of laws and procedures," Whitehurst said. "Whether any of our citizens feel capital punishment is appropriate

See Capital, A11

Statesman

Austin, TX American

May 9, 1993

(OVER)



# Capital punishment situation in Texas in crisis, study says

Continued from A1

or not, I think we all agree that we need to have a system that is fair and just and that allows for a thorough airing and a thorough and proper decision on any case — especially where life is at stake.”

Last week, Whitehurst and other prominent Texas attorneys and jurists urged Gov. Ann Richards to establish executive clemency guidelines that would give condemned inmates with “substantial claims of innocence” clear guidelines on how to present their cases.

And the attorneys urged haste in those reforms, saying Texas soon could execute an innocent man.

“It could happen next week,” says Jordan Steiker, an assistant professor at the University of Texas School of Law. “This is not an idle concern about the possibility of executing innocent people. There are people who have substantial claims of innocence that have never been addressed. . . . And if these procedures are not adopted, we could likely have innocent men executed in Texas, before the end of this year.”

Steiker cited the cases of Leonel Herrera, who is scheduled to be executed Wednesday, and Gary Graham, whose execution date is June 3.

It was Herrera's appeal to the U.S. Supreme Court that removed the federal courts as a venue for death row inmates to pursue new claims of innocence.

Herrera, sentenced to death for shooting a police officer who stopped him for speeding, argued that his brother — now dead — actually pulled the trigger. He asked the U.S. Supreme Court to overturn his conviction.

But the high court, in one of its most important rulings since it allowed executions to resume in the 1970s, said condemned prisoners like Herrera must rely on executive clemency for relief.

“Clemency is deeply rooted in our Anglo-American tradition of law, and is the historic remedy for preventing miscarriages of justice where judicial process has been exhausted,” the court said in the January ruling. “Executive clemency has provided the ‘fail safe’ in our criminal justice system.”

But executive clemency has not been proved fail-safe in Texas. Consider the cases of Clarence Lee Brandley and Randall Dale Adams. Adams came within three days of execution and Brandley five hours before their lives were spared — by the courts.

By tradition, clemency proceedings in Texas do not begin until all legal appeals have been exhausted. Because the U.S. Supreme Court has closed off avenues to federal appeals, Texas' clemency process is expected to come into play more often. It consists of two elements:

■ The governor may grant a 30-day stay of execution. This has

happened twice since the state resumed executions in 1982 — last year, in the case of Johnny Frank Garrett, who was executed 35 days after his reprieve, and in the case of Graham, who received a reprieve late last month.

The governor can take no more formal action in Graham's case without a recommendation from the Texas Board of Pardons and Paroles.

■ The parole board has the option of granting a death row inmate a new hearing, recommending that the death sentence be commuted to life in prison or recommending that a conditional pardon be granted if the inmate is willing to stand trial again. Since 1982, none of those things has occurred as a result of new claims of innocence.

The board has no formal process for considering death row appeals. Critics say such procedures should be spelled out so that defendants can be certain about when and how to present their evidence to the board.

But Bill Zapalac, an assistant attorney general, said Texas' clemency process is adequate for its intended purpose: providing an avenue for defendants to pursue legitimate claims of innocence once all judicial remedies have failed. Attorney General Dan Morales and his staff are charged with defending capital murder convictions.

“There are all kinds of avenues the Board of Pardons and Paroles can take, and there's the governor's independent authority with the 30-day reprieve,” he said. “That affords anyone who has a legitimate claim that clemency is appropriate a review of their allegations.”

Bill Cryer, a spokesman for the governor, said the clemency process will never be perfect.

“I cannot tell you that the system is perfect — it's not,” he said. “That is why death-penalty cases are so time-consuming. The fact is, we rely heavily on the review of the appellate system as well as the jury system to work. . . . These cases go through so many reviews, by the time they get to this stage, they have been reviewed at least a dozen times.”

But some critics believe the process, particularly the gubernatorial review, is too easily influenced by partisan politics. Some opponents of the death penalty believe Richards is under considerable pressure not to halt executions. Indeed, the death penalty has widespread political support in Texas, and Richards is expected to begin gearing up her 1994 re-election campaign soon.

In addition to hurdles posed by the Herrera decision and Texas' ill-developed clemency system, condemned prisoners face an inadequate system of legal represent-

## State Bar of Texas study

The bar studied the state's system of representing inmates facing the death penalty and found:

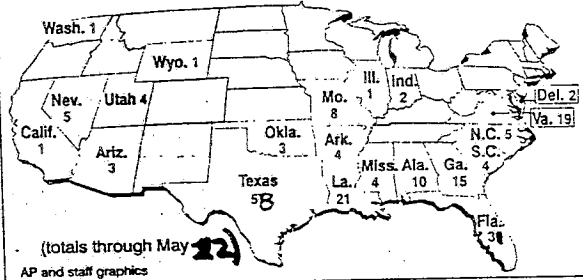
- Texas is one of only seven states that do not fund indigent defense. Instead, it is the counties' responsibility. The degree to which counties pay for defense costs vary widely across the state.
- Texas is the only state in the United States that does not have full-time public defenders who specialize in capital cases.
- Texas is the only death penalty state in which representation in capital cases is provided almost exclusively by private counsel, not by public defenders.
- Most counties in Texas are violating a section of the Code of Criminal Procedure that requires them to adopt a formal schedule of fees for court-appointed counsel.
- State district judges have the authority to pay attorneys during habeas corpus proceedings and to compensate them for experts and expenses. However, this almost never happens. Only three of 33 attorneys interviewed for the survey who have done habeas corpus work in capital cases had been compensated for their time.

## United States death row inmates

California: 349	Louisiana: 40	New Mexico: 1	Tennessee: 105
Colorado: 3	Maryland: 15	North Carolina: 104	Texas: 371
Connecticut: 4	Mississippi: 47	Ohio: 127	Utah: 11
Delaware: 7	Missouri: 84	Oklahoma: 120	Virginia: 48
Florida: 324	Montana: 8	Oregon: 12	Washington: 11
Georgia: 109	Nebraska: 11	Pennsylvania: 145	U.S. military: 5
Idaho: 23	Nevada: 60	South Carolina: 44	U.S. government: 1
Illinois: 154	New Jersey: 7	South Dakota: 1	

## Execution state by state

Death sentences carried out since the 1976 U.S. Supreme Court ruling allowing states to resume use of capital punishment.



Source: State Bar of Texas and the National Association for the Advancement of Colored People

ation, critics say.

Texas is the only death-penalty state in which condemned defendants who cannot afford lawyers are not guaranteed the right to legal counsel beyond their initial state appeals.

The Spangenberg study, commissioned by the State Bar of Texas, all but compares the state's capital defense system to that of a Third World nation. The study found that many Texas death row inmates are unaware of their rapidly approaching execution dates because their court-appointed lawyers stopped working on their cases without notifying them.

“It is difficult to articulate just how serious the problem of representation seems to be,” the study said. “Our view, having just completed this study and numerous others throughout the country, is that no other state even comes close to the level of urgency of the problems in Texas.”

The study recommends a state-funded public defender program for death row inmates.

Gabrielle McDonald, a former U.S. district judge who is urging clemency reforms, said she has reviewed evidence that indicates Graham may be innocent of the Houston murder that put him on death row.

That case, she said, is a perfect example of why clemency reform is needed.

“Our legal system gives no assurances to guilt or innocence,” McDonald said. “We do the best that we can in trial. It is not a scientific matter of determining guilt or innocence.”

Whitehurst, the former State Bar president, said that in light of the Herrera decision, time is of the essence.

“Facts come up, witnesses come forward and evidence is uncovered at a later date — and there has got to be a procedure for dealing with that,” Whitehurst said.

“Up until recently we had that procedure — in the courts, not in the clemency process. We don't have that fail-safe system now. And the Supreme Court says we are the fail-safe system. We know we don't have it. We've got to change it.”

Finally, Steve Martin, a criminal justice expert and former lawyer for the Texas Department of Corrections, agrees that without reform, Texas is headed for the ultimate tragedy: the execution of an innocent person. And, he adds, it could happen legally.

“The legal terrain has changed,” he said. “That change, if we don't react to it, can result in the state executing, under the cover of law, without offending any current principle, an innocent person.”

# TEXAS DEPARTMENT OF CORRECTIONS

## PROCEDURES FOR THE EXECUTION OF INMATES SENTENCED TO DEATH

Male inmates sentenced to death will be housed at the Ellis Unit of the Texas Department of Corrections located approximately 16-miles northeast of Huntsville, Texas. Female inmates sentenced to death will be housed at the Mountain View Unit located in Gatesville, Texas.

### Visitors at the Ellis/Mountain View Units:

Persons provided for in Vernon's Ann. C.C.P., Article 43.17

Media - Press interviews of condemned prisoners shall be scheduled by the Public Information Office and conducted at the Ellis Unit and Mountain View Unit each Wednesday during the hours of 9 - 11 a.m. Any media requesting an interview with death row inmates at Ellis or Mountain View should submit names to the Public Information Office prior to the Wednesday interview date. Request will not be accepted at the Ellis/Mountain View Units on the day of the interview. The number of inmates requested to be interviewed should be kept within reason.

An inmate scheduled for execution shall be transported from the Ellis/Mountain View Unit to the Huntsville Unit prior to the scheduled execution. Transportation arrangements shall be known only to the unit Wardens involved, and no public announcement to either the exact time, method, or route of transfer shall be made. The Director's office and the Public Information Office will be notified immediately after the inmate arrives at the Huntsville Unit.

During transportation and after arrival at the Huntsville Unit, the inmates shall be constantly observed and supervised by security personnel.

The inmate may have the following visitors at the Huntsville Unit:

- Department of Corrections Chaplain(s)
- Minister(s)
- Attorney(s)
- Family member(s) and friend(s) on a list of approved visitors

All visits must be approved by the Warden. With the exception of Chaplains' visits, all visits will be terminated by 6 p.m., on the day immediately prior to the execution date. No media visits will be allowed at the Huntsville Unit.

The last meal will be served at approximately 6:30 - 7 p.m.

Prior to midnight, the inmate will shower and dress in clean clothes.

The Huntsville Unit Warden's Office will serve as the communications command post and only operations personnel will be allowed entry to this area. All other individuals, including witnesses to the execution, will assemble at approximately 11:45 p.m. in the lounge adjacent to the unit visiting room.

All necessary arrangements to carry out the execution shall be completed at a predetermined time. Shortly after midnight, the door will be unlocked, and the inmate will be removed from the holding cell.

The inmate will be taken from the cell area into the Death House and secured to a hospital gurney. A medically trained individual (not to be identified) shall insert an intravenous catheter into the condemned person's arm and cause a neutral saline solution to flow.

At a predetermined time, the witnesses shall be escorted to the Death House. Witnesses shall include:

Persons provided for in Vernon's Ann.C.C.P., Article 43.20.

Media - One Texas bureau representative designated by the Associated Press, one Texas bureau representative designated by the United Press International, one representative of the Huntsville Item, and one representative each from established separate rosters of the Texas print and broadcast media will be admitted to the execution chamber as witnesses, provided those designated agree to act as pool reporters for the remainder of the media present and to meet with all media representatives present immediately subsequent to the execution. No recording or transmitting devices, either audio or video, shall be permitted either in the unit or the execution chamber.

The Warden shall then allow the condemned person to make a last statement. Upon completion of the statement, if any, the Warden shall state, "We are ready."

At this time, the designee(s) of the Director, shall induce by syringe substance and/or substances necessary to cause death. This individual(s) shall be visually separated from the execution chamber by a wall and locked door, and shall also not be identified.

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The Inmate will be pronounced dead. An inquest will be held by a Walker County Justice of the Peace. The physician, as well as any chaplain accompanying the inmate into the Death House, shall stand with any other witnesses present.

After the inmate is pronounced dead and the J.P.'s inquest is finished, the body shall be immediately removed from the Death House, taken to an awaiting ambulance, and delivered to a local funeral home. Arrangements for the body, to be concluded prior to the execution, shall be made per Vernon's Ann.C.C.P., Article 43.25.

The Director of the Department of Corrections in accordance with Article 42.23 shall return the death warrant and certificate with a statement of any such act and his proceedings endorsed thereon, together with a statement showing what disposition was made of the dead body of the convict, to the Clerk of the court in which the sentenced was passed.

## TEXAS DEPARTMENT OF CORRECTIONS DEATH ROW INFORMATION

Death Row is a regular cell block on the Ellis Unit of the Texas Department of Corrections. It was moved from the Huntsville Unit in 1965. Each cell on Death Row is 5 ft X 9 ft. Death Row inmates remain in their cell except for a daily shower and an exercise period. Death Row inmates receive a regular diet, have access to television, magazines, books and legal materials. The same mail rules apply to them as to the general population. Inmates on Death Row do not have regular TDC numbers, but have special Death Row numbers.

Death Row was located in the East Building of the Huntsville Unit from 1928 to 1952. The Chair was located behind the chapel.

From 1952 until 1965, Death Row and the electric chair were located in a special building by the East Wall of the Huntsville Unit.

Three men have escaped from Death Row, the last one was Jessie Charles in December of 1938.

One of the most notorious inmates who was executed was Raymond Hamilton. He was sentenced from Walker county and executed on May 10, 1935 for murder. He was a member of the "Bonnie and Clyde" gang.

In 1974 the State of Texas amended its Criminal code, adopting death by lethal injection as the new method of execution. On December 7, 1982, the first inmate in Texas was executed using the lethal injection method. (Charlie Brooks)

There has never been a woman executed in the Texas Department of Corrections.

### Lethal injection consist of:

Sodium Thiopental (lethal dose)  
Pavulon (muscle relaxant)  
Potassium Chloride (stops the heart beat)

\*On August 1, 1987 there were 1911 inmates on death row across the nation.

Black	782	40.92%
White	974	50.97%
Hispanic	111	5.81%
Nat. Amer.	26	1.36%
Asian	8	.47%
Unknown	10	.58%

Male	1,890	98.90%
Female	21	1.10%

States with the largest number of prisoners on death row are Florida, Texas and California.

14 States do not have Capital Punishment, they are: Alaska, District of Columbia, Hawaii, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, New York, North Dakota, Rhode Island, West Virginia, Wisconsin.

\*Source: "Death Row U.S.A." published by the NAACP

DRUGS USED IN LETHAL INJECTION

SODIUM THIOPENTAL	\$13.90 per kit (use approximately 2 kits per execution)
PAVULON	\$8.32/amp (approx. 5 amps/execution)
POTASSIUM CHLORIDE	\$ .21/amp (approx. 10 amps/execution)

TOTAL APPROXIMATELY \$71.50



TEXAS PENAL CODE, HB 8, An Act, Section 19.03(a) amended, effective September 1, 1985:

"Art. 1257. Punishment for Murder"

(b) The punishment for murder with malice aforethought shall be death or imprisonment for life if:

"(1) the person murdered a peace officer or fireman who was acting in the lawful discharge of an official duty and who the defendant knew as a peace officer or fireman;

(2) the person intentionally committed the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, forcible rape, or arson;

(3) the person committed the murder for remuneration or the promise of remuneration or employed another to commit the murder for remuneration or promise of remuneration;

(4) the person committed the murder while escaping or attempting to escape from a penal institution;

(5) the person, while incarcerated in a penal institution, murdered another who was employed in the operation of the penal institution;

(6) the person murders more than one person: (A) during the same or different criminal transactions but the murders are committed pursuant to the same scheme or course of conduct."

Under the present law, a person convicted of capital murder may be sentenced to one of two sentences - death or life imprisonment.

If the jury answers three questions with yes the sentence is death. The questions are:

(1) Did the defendant act intentionally and should he have known someone might be killed?

(2) Is there a probability that the defendant would in the future commit criminal acts of violence that would constitute a menace to society.

(3) Was the conduct of the defendant in killing the deceased unreasonable in response to the provocation, if any, of the deceased?

## CODE OF CRIMINAL PROCEDURE

### Art 43.14 - Execution of Convict

Whenever the sentence of death is pronounced against a convict, the sentence shall be executed at any time before the hour of sunrise on the day set for the execution not less than thirty days from the day of sentence, as the court may adjudge, by intravenous injection of a substance or substances in a lethal quantity sufficient to cause death and until such convict is dead, such execution procedure to be determined and supervised by the Director of the Department of Corrections: Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

### Art. 43.15 - Warrant of Execution

Whenever any person is sentenced to death, the clerk of the court in which the sentence is pronounced, shall within ten days after sentence has been pronounced, issue a warrant under the seal of the court for the execution of the sentence of death, which shall recite the fact of conviction, setting forth specifically the offense, the judgment of the court, the time fixed for his execution, and directed to the Director of the Department of Corrections at Huntsville, Texas, commanding him to proceed, at the time and place named in the sentence, to carry the same into execution, as provided in the preceding Article, and shall deliver such warrant to the sheriff of the county in which such judgment of conviction was had, to be by him delivered to the said Director of the Department of Corrections, together with the condemned person. Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

### Art. 43.16 - Taken to Department of Corrections

Immediately upon the receipt of such warrant, the sheriff shall transport such condemned person to the Director of the Department of Corrections and shall deliver him and the warrant aforesaid into the hands of the Director of the Department of Corrections and shall take from the Director of the Department of Corrections his receipt for such person and such warrant, which receipt the sheriff shall return to the office of the clerk of the court where the judgment of death was rendered. For his services, the sheriff shall be entitled to the same compensation as is now allowed by law to sheriffs for removing or conveying prisoners under the provisions of Section 4 of Article 1029 or 1030 of the Code of Criminal Procedure of 1925, as amended. Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

### Art. 43.17 - Visitors

Upon the receipt of such condemned person by the Director of the Department of Corrections, he shall be confined therein until the time for his execution arrives, and while so confined, all persons outside of said prison shall be denied access to him, except his physician and lawyer, who shall be admitted to see him when necessary to his health or for the transaction of business, and the relatives, friends and spiritual advisors of the condemned person, who shall be admitted to see and converse with him at all proper times, under such reasonable rules and regulations as may be made by the Board of Directors of the Department of Corrections. Acts 1965, 59th Leg., vol 2, p. 317, ch. 722.

Art. 43.18 - Executioner

The Director of the Texas Department of Corrections shall designate an executioner to carry out the death penalty provided by law. Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Art. 43.19 - Place of Execution

The execution shall take place at the Department of Corrections at Huntsville, Texas, in a room arranged for that purpose. Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Art. 43.20 - Present At Execution

The following persons may be present at the execution: the executioner, and such persons as may be necessary to assist him in conducting the execution; the Board of Directors of the Department of Corrections, two physicians, including the prison physician; the spiritual advisor of the condemned, the chaplains of the Department of Corrections, the county judge and sheriff of the county in which the Department of Corrections is situated, and any of the relatives or friends of the condemned person that he may request, not exceeding five in number, shall be admitted. No convict shall be permitted by the prison authorities to witness the execution. Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Art. 43.21 - Escape After Sentence

If the condemned escapes after sentence and before his delivery to the Director of the Department of Corrections, and be not rearrested until after the time fixed for execution, any person may arrest and commit him to the jail of the county in which he was sentenced; and thereupon the court by whom the condemned was sentenced; either in term-time or vacation, on notice of such arrest being given by the sheriff; shall again appoint a time for the execution, not less than thirty days from such appointment, which appointment shall be by the clerk of said court immediately certified to the Director of the Department of Corrections and such clerk shall place such certificate in the hands of the sheriff, who shall deliver the same, together with the warrant aforesaid and the condemned person to the Director of the Department of Corrections, who shall receipt to the sheriff for the same and proceed at the appointed time to carry the sentence of death into execution as hereinabove provided. Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Art. 43.22 - Escape from Department of Corrections

If the condemned person escapes after his delivery to the Director of the Department of Corrections, and is not retaken before the time appointed for his execution, any person may arrest and commit him to the Director of the Department of Corrections whereupon the Director of the Department of Corrections shall certify the fact of his escape and recapture to the court in which sentence was passed; and the court, either in term-time or vacation, shall again appoint a time

for the execution which shall not be less than thirty days from the date of such appointment; and thereupon the clerk of such court shall certify such appointment to the Director of the Department of Corrections, who shall proceed at the time so appointed to execute the condemned, as hereinafter provided. The sheriff or other officer or other person performing any service under this and the preceding Article shall receive the same compensation as is provided for similar services under the provisions of Articles 1029 or 1030 of the Code of Criminal Procedure of 1925, as amended. If for any reason execution is delayed beyond the date set, then the court which originally sentenced the defendant may set a later date for execution. Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

#### Art. 43.23 - Return of Director

When the execution of sentence is suspended or respited to another date, same shall be noted on the warrant and on the arrival of such date, the Director of the department of Corrections shall proceed with such execution; and in case of death of any condemned person before the time for his execution arrives, or if he should be pardoned or his sentence commuted by the Governor, no execution shall be had; but in such cases, as well as when the sentence is executed, the Director of the Department of Corrections shall return the warrant and certificate with a statement of any such act and his proceedings endorsed thereon, together with a statement showing what disposition was made of the dead body of the convict, to the clerk of the court in which the sentence was passed, who shall record the ~~warrant and return in the minutes of the court.~~ Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

#### Art. 43.24 - Treatment of Condemned

No torture, or ill treatment, or unnecessary pain, shall be inflicted upon a prisoner to be executed under the sentence of the law. Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

#### Art. 43.25 - Body of Convict

The body of a convict who has been legally executed shall be embalmed immediately and so directed by the Director of the Department of Corrections. If the body is not demanded or requested by a relative or bona fide friend within forty-eight hours after execution then it shall be delivered to the Anatomical Board of the State of Texas, if requested by the Board. If the body is requested by a relative, bona fide friend, or the Anatomical Board of the State of Texas, such recipient shall pay a fee of not to exceed twenty-five dollars to the mortician for his services in embalming the body for which the mortician shall issue to the recipient a written receipt. When such receipt is delivered to the Director of the Department of Corrections, the body of the deceased shall be delivered to the party named in the receipt or his authorized agent. If the body is not delivered to a relative, bona fide friend, or the Anatomical Board of the State of Texas, the Director of the Department of Corrections shall cause the body to be decently buried, and the fee for embalming shall be paid by the county in which the indictment which resulted in the conviction was found. Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

Art. 43.26 - Preventing rescue

The sheriff may, when he supposes there will be a necessity, order such number of citizens of his county, or request any military or militia company, to aid in preventing the rescue of a prisoner. Acts 1965, 59th Leg., vol. 2, p. 317, ch. 722.

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METHODS OF EXECUTION

<u>STATE</u>	<u>METHOD(S)</u>
1 Alabama	Electrocution
2 Alaska	N/A
3 Arizona	Gas Chamber
4 Arkansas	Electrocution or Lethal Injection
5 California	Gas Chamber
6 Colorado	Gas Chamber
7 Connecticut	***
8 Delaware	Hanging or Lethal Injection
9 District of Columbia	N/A
10 Florida	Electrocution
11 Georgia	Electrocution
12 Hawaii	N/A
13 Idaho	Lethal Injection or Firing Squad
14 Illinois	Lethal Injection
15 Indiana	Electrocution
16 Iowa	N/A
17 Kansas	N/A
18 Kentucky	Electrocution
19 Louisiana	Electrocution
20 Maine	N/A
21 Maryland	Gas Chamber
22 Massachusetts	N/A
23 Michigan	N/A
24 Minnesota	N/A
25 Mississippi	Gas Chamber or Lethal Injection
26 Missouri	Gas Chamber
27 Montana	Hanging or Lethal Injection
28 Nebraska	Electrocution
29 Nevada	Lethal Injection
30 New Hampshire	***
31 New Jersey	Lethal Injection
32 New Mexico	Lethal Injection
33 New York	N/A
34 North Carolina	Gas Chamber or Lethal Injection
35 North Dakota	N/A
36 Ohio	Electrocution
37 Oklahoma	Lethal Injection or Firing Squad or hanging
38 Oregon	Lethal Injection
39 Pennsylvania	Electrocution
40 Rhode Island	N/A
41 South Carolina	Electrocution
42 South Dakota	***
43 Tennessee	Electrocution
44 Texas	Lethal Injection
45 Utah	Lethal Injection or Firing Squad
46 Vermont	***
47 Virginia	Electrocution
48 Washington	Lethal Injection or Hanging
49 West Virginia	N/A
50 Wisconsin	N/A
51 Wyoming	Lethal Injection
52 U.S. Military	Hanging



## WOMEN ON DEATH ROW

Before capital punishment was declared "cruel and unusual punishment" by the U.S. Supreme Court on June 29, 1972, there were three women on death row:

- #340 - Emma Oliver (B/F) DOB: 09/23/10 Rec'd: 04/01/51  
Bexar County - Murder  
Commuted to Life: 06/29/51 (deceased 02/06/53)
- #427 - Maggie Morgan (B/F) DOB: 09/14/12 Rec'd: 06/01/61  
Harris County - Murder  
Commuted to Life: 07/25/63 (deceased 09/12/70)
- #443 - Carolyn Lima (W/F) DOB: 02/23/42 Rec'd: 01/16/61  
Harris County - Murder  
Retried and received again 03/13/64 with a  
sentence of 5-years for murder without malice.  
Discharged 04/03/65.
- 

Velma Barfield was the last woman legally executed in the United States. She died by lethal injection November 2, 1984 in North Carolina's execution chamber.

----- There has never been a woman executed in the Texas Department of Corrections.

From 1930 to 1962, 30 women were put to death for committing murders, one for kidnapping and one for espionage.

The following women were sentenced to death after capital punishment was reinstated in 1974, three (3) are still on death row in Texas:

ANDERSON, Mary Lou (W/F) DOB: 09/16/43 Rec'd: 09/06/78  
Commutd to Life: 10/31/78 Wharton County

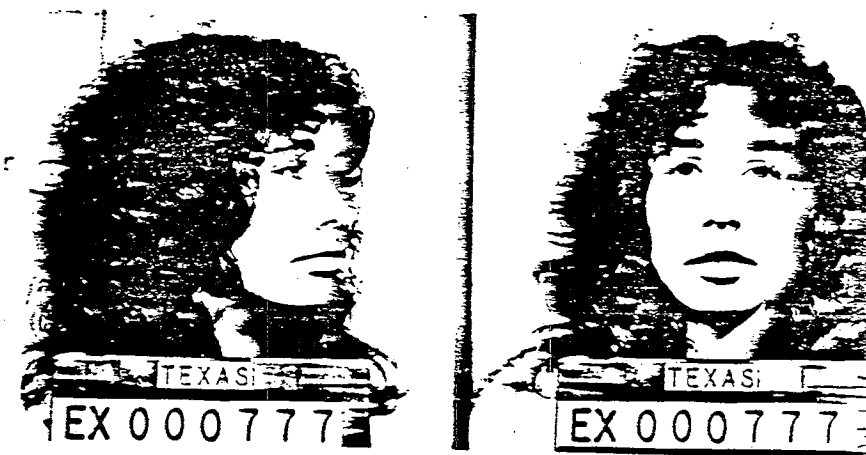
BURNETT, Linda Mae (W/F) DOB: 02/03/48 Rec'd: 03/23/79  
Commutd to Life 8/83 Jefferson County

(on death row...)

Pamela Lynn Perillo (W/F)  
DOB: 12/03/55 (31)  
Rec'd: 09/11/80 - Harris County  
Sentenced to death for robbing  
and strangling to death Bob Skeens  
of Houma, La.



Karla Fave Tucker (W/F)  
DOB: 11/13/59 (27)  
Rec'd: 12/18/84 Harris County  
Convicted of capital murder in  
the June 13, 1983 pickax murder  
of Jerry Lynn Dean, 26.



Betty Lou Beets (W/F)  
DOB: 03/12/37 (49) Rec'd: 01/23/86  
Henderson County  
Sentenced to death for killing  
her fifth husband, Dallas fire  
Capt. Jimmy Don Beets, as part  
of a scheme to collect as much  
as \$100,000 in life insurance  
and pension benefits.



The electric chair which was used in Texas from 1924 through 1977 was the original chair built from oak in 1923-24.

The electric chair was first used on February 9, 1924. Five men died on that date in the following order:

Mack Matthews	Black	Tyler County	Murder
George Washington	Black	Newton County	Murder
Melvin Johnson	Black	Liberty County	Murder
Ewell Morris	Black	Liberty County	Murder
Charles Reynolds	Black	Red River County	Murder

Between February, 1924 and July, 1964, a total of 506 men and women were placed on Death Row in Texas; of those 361 died in the electric chair.

Black	229	Murder	259
White	108	Rape	97
Mexican American	23	Armed Robbery	5
Native American	1		
<hr/>		<hr/>	
TOTAL	361	TOTAL	361

The last man to die in the electric chair in Texas was Joseph Johnson (Black male, Harris County, Murder) on July 30, 1964.

When capital punishment was declared "cruel and unusual punishment" by the U. S. Supreme Court on June 29, 1972, there were 45 men on Death Row in Texas and 7 in county jails with a death sentence. All of the sentences were commuted to life sentences by the Governor of Texas, and Death Row was clear by March, 1973.

The Texas Legislature revised the Texas Penal Code effective January 1, 1974, and once again, Texas courts began assessing the death penalty. The first man placed on Death Row under the new statute in February, 1974 committed suicide on July 1, 1974.

On August 29, 1977, the method of execution in Texas was changed from the electric chair to death by lethal injection. Charlie Brooks, Jr. was the first man to be executed using this method on December 7, 1982.

P R I O R   E X E C U T I O N S

<u>AME</u>	<u>EX#</u>	<u>AGE</u>	<u>EX DATE</u>	<u>RACE</u>	<u>COUNTY</u>	<u>DATE REC'D</u>	<u>TIME/DAYS</u>
1. CHARLIE BROOKS	#592	(40)	12/07/82	BLACK	TARRANT COUNTY	04/25/78	1687
2. JAMES DAVID AUTRY	#670	(29)	03/14/84	WHITE	JEFFERSON COUNTY	10/10/80	1251
3. RONALD CLARK O'BRYAN	#529	(39)	03/31/84	WHITE	HARRIS COUNTY	07/14/75	3183
4. THOMAS ANDY BAREFOOT	#521	(39)	10/30/84	WHITE	BELL COUNTY	11/28/78	2163
5. DOYLE SKILLERN	#518	(49)	01/16/85	WHITE	LUBBOCK COUNTY	03/03/75	3607
6. STEPHEN PETER MORIN	#712	(34)	03/13/85	WHITE	JEFFERSON/NUECES	04/16/82	1062
7. JESSE DE LA ROSA	#713	(24)	05/15/85	HISPANIC	BEXAR COUNTY	05/18/82	1093
8. CHARLES MILTON	#628	(34)	06/25/85	BLACK	TARRANT COUNTY	01/18/79	2350
9. HENRY MARTINEZ PORTER	#551	(43)	07/09/85	HISPANIC	TARRANT COUNTY	07/28/76	3268
0. CHARLES RUMBAUGH	#555	(28)	09/11/85	WHITE	POTTER COUNTY	08/25/76	3304
1. CHARLES WILLIAM BASS	#662	(30)	03/12/86	WHITE	HARRIS COUNTY	07/09/80	2072
2. JEFFERY ALLEN BARNEY	#714	(28)	04/16/86	WHITE	HARRIS COUNTY	06/17/82	1399
3. JAY KELLY PINKERTON	#686	(24)	05/15/86	WHITE	NUECES/POTTER	06/29/81	1781
4. RUDY RAMOS ESQUIVEL	#606	(50)	06/09/86	HISPANIC	HARRIS COUNTY	08/30/78	2840
5. KENNETH BROCK *	#522	(37)	06/19/86	WHITE	HARRIS COUNTY	03/27/75	4102
6. RANDY L. WOOLLS	#646	(36)	08/20/86	WHITE	TOM GREEN COUNTY	11/15/79	2470
7. LARRY SMITH	#643	(30)	08/22/86	BLACK	DALLAS COUNTY	09/19/79	2529
8. CHESTER WICKER	#678	(37)	08/26/86	WHITE	GALVESTON COUNTY	03/06/81	1999
9. MICHAEL WAYNE EVANS	#608	(30)	12/04/86	BLACK	DALLAS COUNTY	09/08/78	3009
0. RICHARD ANDRADE **	#774	(25)	12/18/86	HISPANIC	NUECES COUNTY	11/09/84	769
1. RAMON HERNANDEZ	#667	(44)	01/30/87	HISPANIC	EL PASO COUNTY	09/30/80	2313
2. ELISEO H. MORENO	#759	(27)	03/04/87	HISPANIC	FT. BEND COUNTY	02/14/84	1114
3. ANTHONY C. WILLIAMS	#619	(27)	05/28/87	BLACK	HARRIS COUNTY	11/08/78	3123
4. ELLIOTT R. JOINSON	#739	(28)	06/24/87	BLACK	JEFFERSON COUNTY	05/27/83	1489
5. JOHN R. THOMPSON	#610	(32)	07/08/87	WHITE	BEXAR COUNTY	09/25/78	3208
6. JOSEPH B. STARVAGGI	#586	(34)	09/10/87	WHITE	MONTGOMERY COUNTY	03/17/78	3464
7. ROBERT STREETMAN	#746	(27)	01/07/88	WHITE	HARDIN COUNTY	08/11/83	1610

AVERAGE TIME ON DEATH ROW: 6.31 YEARS  
 \* LONGEST TIME ON DEATH ROW: 11.23 YEARS  
 \*\* SHORTEST TIME ON DEATH ROW: 2.10 YEARS

FINAL MEALS REQUESTED BY INMATES EXECUTED IN TEXAS

<u>NAME</u>	<u>EX #</u>	<u>EX DATE</u>	<u>LAST MEAL REQUESTED</u>
1. CHARLIE BROOKS	592	12/07/82	T-bone steak, french fries, catsup, worchestershire sauce, rolls, peach cobbler, iced tea.
2. JAMES DAVID AUTRY	670	03/14/84	Hamburger, french fries, Dr. Pepper
3. RONALD C. O'BRYAN	529	03/31/84	T-bone steak (medium well to well done) french fries and catsup, whole kernal corn, sweet peas, lettuce and tomato salad with egg and french dressing, iced tea with sweetener, saltines, ice cream boston cream pie, rolls.
4. THOMAS A. BAREFOOT	521	10/30/84	Chef soup w/crackers, chili with beans steamed rice, seasoned pinto beans, corn O'Brien, seasoned mustard greens, hot spiced beets, iced tea.
5. DOYLE SKILLERN	518	01/16/85	T-bone steak, baked potato. butter, sweet green peas, rolls. banana pudding coffee.
6. STEPHEN P. MORIN	712	03/13/85	Bread w/o yeast (unleavened bread).
7. JESSE DE LA ROSA	713	05/15/85	Spanish rice, refried beans, flour tortillas, T-bone steak, tea. chocolate cake, jalapeno peppers.
8. CHARLES MILTON	628	06/25/85	T-bone steak, french fries, tossed green salad, french dressing, catsup, hot rolls chocolate cake.
9. HENRY M. PORTER	551	07/09/85	Flour tortillas, T-bone steak, refried beans, tossed salad, jalapeno peppers, ice cream, chocolate cake.
10. CHARLES RUMBAUGH	555	09/11/85	1 flour tortilla, water.
11. CHARLES BASS	662	03/12/86	Plain cheese sandwich.
12. JEFFERY A. BARNEY	714	04/16/86	2 boxes of frosted flakes and 1 pint of milk.
13. JAY K. PINKERTON	686	05/15/86	Fish sandwich, french fries, milk.
14. RUDY R. ESQUIVEL	606	06/09/86	Fried breast of chicken, corn on the cob, french fries, jalapeno pepper, pecan pie.

15. KENNETH BROCK	522	06/19/86	Large double-meat cheeseburger with mustard, french fries, Dr. Pepper.
16. RANDY L. WOOLLS	646	08/20/86	Cheeseburger, french fries, chocolate cake, iced tea.
17. LARRY SMITH	643	08/22/86	Smothered steak and gravy, french fries, lemon pie and a Coke.
18. CHESTER WICKER	678	08/26/86	Lettuce and tomatoes.
19. MICHAEL EVANS	608	12/04/86	No last meal requested.
20. RICHARD ANDRADE	774	12/18/86	Pizza, pinto beans, spanish rice, cake.
21. RAYMOND HERNANDEZ	667	01/30/87	Beef tacos, beef enchiladas, jalapeno peppers, salad, onion rings, chopped onions, hot sauce, shredded cheese and coffee.
22. ELISEO H. MORENO	759	03/04/87	4 cheese enchiladas, 2 fish patties, french fries, milk, catsup, lemon pie.
23. ANTHONY WILLIAMS	619	05/28/87	Fish, tartar sauce, french fries, catsup, light bread, milk.
24. ELLIOTT R. JOHNSON	739	06/24/87	Cheeseburger and french fries.
25. JOHN THOMPSON	610	07/08/87	Freshly squeezed orange juice.
26. JOSEPH STARVAGGI	586	09/10/87	No last meal requested.
27. ROBERT STREETMAN	746	01/07/88	1/2 dozen scrambled eggs, flour tortillas, french fries, catsup, iced tea.



# Bill seeks death for killer cops

## Police, civil liberty groups oppose new capital penalty

By Bennett Roth

TIMES HERALD AUSTIN BUREAU

AUSTIN — A Houston lawmaker wants to turn the tables on some law enforcement officials by allowing the death penalty against police officers and jailers who slay prisoners in their custody.

Citing two publicized cases of alleged police brutality in East Texas, Rep. Ron Wilson, D-Houston, on Monday told the House Criminal Jurisprudence Committee that the threat of the death penalty might curb the use of violence by some law officers.

"We are experiencing an alarming rate of deaths caused by law enforcement officials while prisoners are in their custody," Wilson said. "It is a blight upon our state."

Currently, killing a police officer is capital offense punishable by death.

"What is good for the goose is good for the gander," Wilson said. (Other capital offenses include committing murder in the process of another felony and multiple murders.)

The law would apply to any peace officer, guard or jailer at a county or state facility who kills a person in his custody.

In an unusual coalition, law enforcement leaders and civil libertarians oppose the measure.

Law enforcement groups say a police officer should not be singled out and charged with a capital offense because a slaying has been committed.

"It would be like picking on preachers and saying if a preacher committed a murder, they should be tried for a capital offense," said Tom Krampitz, executive director of the Texas District Attorney's Association.

"I don't believe we ought to be judged by different standards," said Monica Smith, president of the Dallas Police Association.

Representatives of the Texas Civil Liberties Union and Amnesty International told lawmakers they are opposed to the death penalty for

## POLICE

From B-1

any individual, arguing that it is inhumane and often is meted out unfairly to minorities and poor people who can't afford expert defense.

While he commended most police officers, Wilson said "there are a few who oftentimes take the law in their own hands. This will give those few individuals cause to pause."

Wilson cited two recent cases in which prisoners, who allegedly had been abused by police, died in jail. In December 1987, Loyal Garner, 34, a black man from Louisiana, was beaten and died in the Sabine County jail in Hemphill.

The Hemphill police chief and two sheriff's deputies were charged with murder and violation of Garner's civil rights. A jury acquitted the officers of the civil rights charges. The murder

charges subsequently were dropped.

In the other case, Kenneth Earl Simpson, 30, a black man, was found fatally choked in the Cleveland jail in February 1988, five hours after he was arrested for disorderly conduct. A grand jury decided not to indict any of the officers allegedly involved in the case.

After Wilson recited those cases, committee Chairman Dan Morales, D-San Antonio, asked if Wilson would call any witnesses to testify in support of the bill.

Wilson replied, "No sir, they are all dead."

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DALLAS TIMES HERALD

TUES. 2-21-89

**LEGISLATURE '89****Bill on retarded murder defendants advances**

By Anne Marie Kilday

Austin Bureau of The Dallas Morning News

AUSTIN — The House on Friday approved a bill that would require Texas judges to instruct juries that they may consider defendants' mental retardation in capital murder cases.

The bill, by Rep. Larry Warner, D-Victoria, was prompted by the recent U.S. Supreme Court decision that vacated the death penalty sentence of Johnny Paul Penry, who was convicted for the 1979 rape and fatal stabbing of a Livingston woman.

In a 5-4 decision, the Supreme Court ruled that the trial judge improperly refused a defense attorney's request to instruct the jury that Mr. Penry is retarded. Mr. Penry, 33, has the mental capacity of a 7-year-old.

In the Penry case, the Supreme Court narrowly upheld the constitutionality of the death penalty for the mentally retarded.

Rep. Tony Polumbo, D-Houston, said the bill would provide a uniform law for all judges to follow in instructing juries about "mitigating circumstances" raised by evidence during the trial, including mental retardation.

"Currently a judge can do that, but they don't have to," Mr. Polumbo said. "Because some judges do not give the instructions, something like this is necessary."

The bill now goes to the Senate for consideration.

**Man gets death penalty**

HOUSTON — A 31-year-old Houston man whose trouble with the law began when he was 14 is headed for death row for killing a police officer during the robbery of an adult bookstore.

Robert Mitchell Jennings was sentenced to death Thursday by the same jury that earlier convicted him of killing vice officer Elston Howard a year ago.

Jennings displayed little reaction to the death penalty. His criminal history dates to 1972, when he was declared delinquent. His first prison stint came in 1975 at age 17 when he was convicted of robbery. Three years later, he got 30 years for another robbery and was paroled in 1988.

On July 19, 1988, he and another parolee, David Harvell, decided to rob the Empire Book Store, according to testimony.

Howard, 24, was inside arresting the clerk for showing movies without a city permit when he was fatally shot in the arm and neck. Witnesses said Howard struggled with Jennings and was shot two more times in the head.