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Austin MacCormick: A Champion for Texas Prisoners

Austin Harbutt MacCormick may be best known in Texas for conducting a comprehensive survey of the Texas Prison System in 1944. The sweeping reforms that followed his survey revitalized Texas penitentiaries and the manner in which convicts were supervised. The 1974 Carasco Siege of the Huntsville Unit and the Ruiz lawsuits in the 1980s often overshadow Austin MacCormick's story, but the results of his survey transformed the Texas prison system.

During the early 1940s, the Texas prison system was in turmoil. Death was often viewed as a better alternative to life in a Texas prison. The Texas Council of Methodist Women was a group that recognized the problems within the prison system. At their request, the Texas Prison Board contacted the Osborne Association of New York to address the turmoil within Texas prisons. Mr. MacCormick, as the head of the Osborne Association, visited Texas prison facilities and worked tirelessly as a champion for Texas prisoners.

Austin MacCormick was born April 20, 1893 in Georgetown, Ontario, Canada to the Reverend Donald MacCormick and Jean Green MacCormick.¹ Later that same year the family moved to the state of Maine. MacCormick attended public schools in Boothbay Harbor. He graduated from Bowdin College in 1915. In his graduation essay, MacCormick “focused on prison reform and [was] heavily influenced by eminent penologist Thomas Mott Osborne.”² During the summer months following graduation MacCormick, along with Paul H. Douglas, conducted a study of county jails and state prisons in Maine. As part of this study, MacCormick spent a week incognito as a prisoner in the state prison in Thomaston. Upon completion of this experience, he wrote an article for the *New York Herald Tribune* that brought national attention to prison conditions.³ MacCormick continued his studies at Columbia University where he received Master of Arts in 1916.

After Columbia, MacCormick taught at Bowdoin College and assisted Osborne in an investigation of the U.S. Naval Prison at Portsmouth, New Hampshire. The two men spent 10 days there as voluntary prisoners under the guise of deserters. Their investigation revealed inadequacies and brutality in the facility.⁴ From July 1917 to May 1921, MacCormick served active duty in the U.S. Naval Reserves. Most of this time period was spent as the Executive Officer of the United States Naval prison.

In 1921, MacCormick returned to Bowdoin College as Alumni Secretary and continued his work with prisons. He surveyed the Vermont State Prison at the request of its prison board.⁵ He and Osborne continued their collaboration and in 1925 the two investigated alleged brutality and mismanagement within the Colorado State Prison at the request of the Colorado governor.⁶

During his sabbatical from Bowdoin College, MacCormick joined Paul Garrett in surveying 110 of the 114 state and federal prisons and adult reformatories across the United States for the National Society of Penal Information.⁷ The results were published in the *Handbook of American Prisons and Reformatories* in 1929.⁸ This study led to the 1931 publication of MacCormick's book, *The Education of Adult Prisoners: A Survey and a Program*.⁹

MacCormick left Bowdoin in 1929 to become the Assistant Superintendent of Federal Prisons at the Department of Justice. He became Assistant Director in 1930. In this role, he oversaw Welfare and Education, which included medical services, academic and vocational education, libraries, social work, religion, food and discipline.¹⁰ As the Assistant Director in the 1930s, MacCormick was involved in the complete reorganization of the federal prison system.¹¹

MacCormick became Commissioner of the New York City Department of Corrections in 1934. In this capacity, he enforced rules, raised standards and implemented reforms that assisted in eliminating corruption in the 19 institutions within the Department of Corrections that had been controlled by gangsters and corrupt politicians.¹² He also served on numerous local, state, and national boards and committees concerning adult and juvenile offenders. In 1939, MacCormick became the president of the American Corrections Association.¹³

MacCormick was appointed as a consultant to the Secretary of War in correctional programs in 1942. He continued in this role until 1965.¹⁴ During World War II, MacCormick returned to the War Department and in 1944 became a Special Assistant under the Secretary of

War. In 1945, he led a special project to inspect the Army's confinement facilities and correctional programs in the Philippines and other overseas locations.¹⁵

During and immediately after World War II, MacCormick worked with the Army's Advisory Board of Parole and played an important role on the Army's program of screening men to be court martialed. Of the 84,000 prisoners screened, 42,000 returned to duty after special training equating to a 90% success rate.¹⁶ While serving on the Advisory Board, MacCormick reviewed the sentences of 35,000 general court martialed prisoners and recommended their fines be reduced.¹⁷ MacCormick received the Presidential Medal of Merit, the highest civilian award for war service, in 1947.¹⁸

Widely sought after by prisons officials and civic groups as an advisor on prison conditions and institutional concerns, MacCormick authored or coauthored several books including: *The Education of Adult Prisoners*, *Handbook of American Prisons*, *Handbook of American Prisons and Reformatories*, and *Handbook of American Institutions for Delinquent Juveniles*.

In 1940, MacCormick became the Executive Director of the Osborne Association of New York City, a non-profit organization founded by Thomas Mott Osborne and dedicated to the improvement of conditions in adult and juvenile correctional institutions.¹⁹ It was during this time that MacCormick began providing consultation in ways to improve prison conditions around the United States.²⁰

The Osborne Association was well known for thorough assessments of the nation's most notorious state prisons. From 1940 to 1944, MacCormick investigated hundreds of prisons throughout the United States.²¹ Due to MacCormick's extensive experience, he was "recognized as the nation's leading authority on prisons and prison reform."²²

In 1944, he was called on by the Texas Prison Board to investigate the Texas prisons for “serious and difficult problems” afflicting the prison system at that time.²³ So problematic were the conditions in Texas, that “reformers were comparing Texas prison farms to the atrocities of concentration and prisoner-of-war camps.”²⁴ Prior to contacting the Osborne Association, the Texas legislature received requests from the Texas Council of Methodist Women to investigate the prison system.²⁵ It was this organization that suggested the Texas Prison Board bring in a “nationally recognized penal organization” to evaluate the Texas prisons.²⁶ With the full cooperation of the Texas Prison Board, Austin MacCormick, traveled to Texas to conduct a thorough evaluation of Texas prison operations and inmate living conditions.

During the course of his investigation, he visited “every prison and prison farm in the Texas system.”²⁷ He was appalled by the conditions he observed. Prisoner dormitories, called “tanks” were reminiscent of slavery ships. “Crime-toughened men were thrown into dormitories called tanks where the moral level was lowered to that of the worst inmate. In many instances dope and liquor were smuggled in, and acts of sex perversion were common.”²⁸

In rebellion for the dismal quality of life in the tanks and being forced to work from sunrise to sundown, prisoners frequently (at a rate of nearly 100 incidences per year) mutilated themselves by slicing through their Achilles tendons or threading their arms through their cell bars to break their bones with a twist.²⁹ MacCormick met teenage boys who had cut off most of their fingers in despair. Others cut holes in their skin and poured lye into the wounds. Sometimes prisoners did the mutilating themselves; other times they forced fellow prisoners at knifepoint to do the deed.³⁰ MacCormick indicated that self-mutilation “has attacked Texas like a peculiar tropical disease; it is as contagious as it can be.”³¹ Sadly, Texas prison officials and legislators ignored the concerning

frequency of self-mutilation. In fact, “one administrator even told his staff, ‘as long as they want to...chop themselves, I say give them more axes.’”³²

MacCormick’s desire was to bring the Texas Prison System to the high standards he had observed in other prisons in the United States. Therefore, following his 1944 observations, MacCormick issued an internal Report advising the Texas Prison Board how disciplinary problems could be reduced or eliminated altogether. In this Report, MacCormick identified a number of factors that he believed contributed to the difficulties that Texas prisons were experiencing at that time: outmoded farming techniques, ineffectual administration, inadequately-trained personnel, terrible living conditions, vicious discipline, poor medical services, lack of industry, and a complete void of rehabilitative procedures.³³ The situation was so grave that MacCormick rated the Texas prison system as one of worst in the United States.³⁴

First, MacCormick found that many disciplinary concerns, particularly the high rate of self-mutilation occurring among Texas prisoners, was partially due to far too many prisoners being required to live in tanks and work on prison farms.³⁵ Work on the farms was physically demanding. Prisoners were required to labor long, hard, hours “wearing shoes that barely [hung] on their feet”.³⁶ Such conditions resulted in much despair. Some of the men were not physically able to keep up with the demands of the work; others lacked the moral stamina.³⁷ Already “weighted down and depressed by their sentences...they gradually become depleted mentally, physically, and are in the state of mind where they will do anything to get off the farm even temporarily.”³⁸

In addition, living conditions in the tanks were inhumane.³⁹ Men slept “like animals on the floor.”⁴⁰ Living in these shared spaces according to MacCormick, not only led to, but encouraged what he termed “perversion.”⁴¹ In his view, perversion encapsulated both rape and consensual homosexual relations between men, both of which he felt was hazardous to the

wellbeing of the inmates.⁴² Furthermore, the communal living environment allowed men to freely move from bunk to bunk without being detected by the guards making it easy for some of the inmates to victimize other inmates.⁴³ All of these factors created deep despair in the men that caused large numbers of them resort to self-mutilation or attempt escape.

To solve the problem of excessive farm labor, MacCormick indicated: “the prison system should diversify its employment program and should very substantially reduce the proportion of men on the farms by establishing a variety of productive industries, particularly those having a direct or indirect vocational training value.”⁴⁴ MacCormick reasoned that diversification would provide three benefits for the men: it would provide valuable vocational training to those eventually transitioning back into society thereby increasing the likelihood of successful reintegration, it would allow those who possess industrial and other skills to utilize their talents for the benefit of the prison system, and it would encourage others to seek training in those areas in which they have either interest or aptitude.⁴⁵

Additionally, MacCormick argued that diversification would address a number of both disciplinary and mental health concerns. First, it would remove bad influencers and those posing the highest risk of escape from the open farm dormitories and place them in more isolated, secure, and structured environments. Second, it would provide prisoners who did not possess the physical or moral stamina to work on the farms the opportunity to focus their efforts in more productive areas.⁴⁶ Third, it would permit those prisoners who were mentally downtrodden the opportunity to focus their attention on vocational efforts of interest to them. Finally, as prisoners were assigned to industrial units, they would be removed from the tanks into individual cells allowing them to possess a few personal belongings and encouraging quiet recreational activities such as reading or writing letters separate from the bulk of the prison population.⁴⁷

While he felt that it was important that Texas prison administrators take measures to stimulate optimism and separate bad influencers from the prison population to reduce disorder and escape attempts, MacCormick stressed that such endeavors as well as other necessary improvements would require significant expenditures.⁴⁸ First, diversification and the introduction of industry and vocational training would require hiring experts to provide guidance.⁴⁹ Second, the construction of new industrial facilities as well as an adequate number of individual cells to house prisoners both on the existing farms and in the new units would be costly. Furthermore, administrative and support personnel would be needed to support these new industrial units.⁵⁰ Finally, prison grounds needed cyclone fencing, lighting, and more guards to increase security, maintain order, and prevent escapes.⁵¹

The need for additional guards contributed heavily to the plethora of problems surrounding the Texas prison system at that time. However, having too few employees was not the only issue. The quality of the employees themselves were as much to blame as their diminutive numbers.⁵² In fact, MacCormick found that the entire Texas Prison System and particularly the farms were “very seriously undermanned.”⁵³ In addition, he stated that “the quality of many of the guards is far below a satisfactory standard.”⁵⁴ Due to a lack of qualified men, prison managers were relegated to hiring guards and other lower-level personnel who were “inexperienced or incompetent,” or who later proved to be alcoholics or have other alarming issues of their own. Not surprisingly, many were unreliable or would quit without warning.⁵⁵ “Drunk and prone to violence,” such unqualified guards utilized brutal punishment techniques.⁵⁶ Guards were known to whip prisoners, beat them with a “bat” consisting of a four inch wide by twenty-four inch long leather strap connected to a wooden handle,⁵⁷ and even shoot inmates for infractions.⁵⁸

Unfortunately, prisoners had no recourse but to endure such brutalities because no formal remonstrations existed. “Prisoners’ grievances were essentially unheard because of the censorship of prison authorities and...the few complaints that were smuggled out fell on unreceptive ears.”⁵⁹

Cyclically, the intolerable conditions prompted widespread disciplinary issues and escapes resulting in “a new round of ineffective but grim punishments.”⁶⁰ The violence and brutality compounded the despair many inmates experienced as a result of working on the farms and living in the tanks. MacCormick stressed that hiring additional and higher quality guard was absolutely critical.

The Texas system did not just have too few guards. Due to the impact of World War II, the armed services and war industries had taken many people away from the prisons to work elsewhere. This left many prison departments operating with staff who did not possess the proper “ability, training, or experience required in a prison system as large, complex, or difficult as that of Texas.”⁶¹ The quality of officers also declined due to the War. “The Texas Prison System had no choice except to hire guards that previously would have been rejected.”⁶² MacCormick perceptively noted that a general manager must have “capable assistants to head the various administrative departments” in order for the prison system to operate at a high standard. Unfortunately, even in those areas where employees had some degree of expertise, there was no time or funding for additional professional development or the study of “advanced prison methods” to improve operations.⁶³

Moreover, MacCormick was concerned that there were virtually no staff devoted to prisoner rehabilitative services.⁶⁴ MacCormick reasoned that because rehabilitation was positively correlated to successful reintegration, it was important that staff be dedicated to such initiatives.⁶⁵

Accordingly, he suggested Texas create prisoner programs concerning “morale and discipline, education, vocational training, [and] religion.”⁶⁶ While he understood that the professional staff necessary for these programs would likely not become available until the conclusion of the War, he suggested Texas take immediate measures to obtain authorization for “the establishment of a sound personnel” by seeking “necessary legislation” for hiring and instituting these programs so that when such personnel became available, the prison system would be prepared to begin recruitment processes as soon as possible.⁶⁷

MacCormick informed the Texas Prison Board that to attract a qualified, reliable workforce, they would need to offer satisfactory working conditions, “adequate salaries, provisions for promotion on merit, [and] security of tenure.”⁶⁸ While making improvements in the number and quality of personnel would likely be a long-range project for Texas, especially given the impact of World War II on the workforce, MacCormick emphasized that “the state must be prepared...to spend more money than it is spending now on personnel unless the present deplorable and dangerous situation is to continue.”⁶⁹

He also suggested instituting a merit-based system of “standard qualifications” for the selection of each employee to ensure staff possess appropriate credentials for each position in the system, and that all employees be provided proper training including both orientation instruction for new employees and professional development courses for experienced personnel.⁷⁰ Finally, MacCormick suggested that a Director of Personnel position be established “on a salary level high enough to attract a man capable of taking full charge of the recruitment and training of personnel” given that this would be a “highly specialized” position requiring “expert knowledge.”⁷¹ His conclusion was that Texas needed a system that would ensure “well-selected, well-trained, and

well-managed” personnel at all levels to achieve the high standards he had observed in other prison systems.

Since MacCormick’s report was not initially made public, he visited Texas as frequently as possible to ensure that improvements were made.⁷² MacCormick maintained constant communication with various Prison officials and concerned reformists during and after his investigation of the Texas Prison System. One of his closest contacts was Mittie Watters of San Antonio, Texas. Ms. Waters was a recognized social worker who, along with her Methodist guild, worked within the Texas Prisons. She was involved with Texas prison reform for much of her life and often served as a counselor and religious leader to those incarcerated. For many years, Watters served as a direct link for MacCormick on Texas prison conditions.⁷³

In the three years following the issuance of the Report, virtually nothing had been done to correct the conditions noted in the 1944 investigation. It became apparent to MacCormick that without public outcry or other external pressure Texas would do nothing to change the miserable circumstances existing in the prisons.⁷⁴ In a letter dated May 23, 1945, Dallas civic leader Charles V. Compton informed MacCormick “a few weeks ago the conclusion was reached that little or no consideration would be given your recommendations and some of the overseers of our prisons became more brutal than before you came.”⁷⁵ Preston P. Reynolds, Chairman of the Texas Ministerial Advisory Prison Council wrote MacCormick on October 4, 1945 questioning the Texas Prison System’s response to the report. He asked, “What has happened to what we thought was the dawn of a new day of progress, rehabilitation and hope for our prison population and our citizenry?” Reynolds fiery letter went on to cite the continuation of cruelty, inhumanity, and savagery befalling the incarcerated of Texas.⁷⁶ It was at this time that MacCormick decided to make his report public.⁷⁷

Then in 1947, when 45 prisoners escaped (more escapees than the Federal Prisons had experienced in a year), MacCormick wired Governor Beauford Jester in anger.⁷⁸ He emphasized the primary concerns he cited in his investigative report and made Jester aware that in three years Texas had done virtually nothing to correct them. MacCormick told Jester that due to the appalling situation occurring in Texas prisons “heel-string cuttings that ran close to a hundred a year.”⁷⁹

Jester contacted the Texas Prison Board which denied the observations that MacCormick made in his report.⁸⁰ MacCormick and Jester did not waiver. They continued to place the burden on the Prison Board for action. With the press and public also aware of the deplorable conditions, Jester and MacCormick gained widespread support. One of MacCormick’s earliest and most notable contacts with the Texas Prison System was the General Manager, Major D. W. Stakes. MacCormick often sympathized with Stake’s eagerness to change the conditions in the Texas Prisons but ultimately felt that Stakes was incapable of following through with necessary reforms. In an abrasive letter to Stakes dated December 6, 1946, MacCormick stated “I have no doubt a great many other disciplinary abuses are still in existence on the farms and I think you must face your conscience squarely and decide whether you have done everything that you possibly can to eliminate them.” The letter concluded with MacCormick suggesting that Stakes resign as General Manager of the Texas Prison System.⁸¹ As a result of MacCormick’s and Jester’s unrelenting pressure to address prison conditions, General Manager D. W. Stakes was dismissed and it was requested that three Board Members resign their positions as well.⁸²

Meanwhile, Jester lobbied for change.⁸³ This resulted in a \$4,000,000 appropriation from the Texas Legislature for prison reforms.⁸⁴ Then, on January 1, 1948, O. B. Ellis, who was well-known for his expertise with Tennessee agricultural programs, became General Manager of the Texas System.⁸⁵ A five-point agenda which later became known as the Ellis Plan⁸⁶ was initiated

by the Prison Board. The Plan was intended to establish rehabilitation programs specifically incorporating vocational training and religion, create a prisoner classification system, focus on improving living conditions by moving inmates to individual cells, increase salaries and better conditions for prison guards, modernize farming procedures, and create for-profit industries.⁸⁷ Considered one of the finest penologists in America by Governor Jester, Ellis brought to Texas both professional experience and a dedication to the furtherance of inmate welfare and rehabilitation.⁸⁸

MacCormick continued to visit Texas prisons over the next several years and he and Ellis became close personal friends. During this time, Ellis frequently consulted with MacCormick regarding prison issues.⁸⁹ In November 1954 following one of his visits, he wrote a letter to Ellis in which he stated: “I wish to record in this letter how impressed I was by the tremendous improvements that have been made since you became General Manager on January 1, 1948. You and the present members of the Prison Board, together with other members who have served on the Board since the change from the old to the new era in Texas Penology took place, are to be congratulated on a most notable achievement.”⁹⁰

MacCormick went on to commend the Ellis and the Board on improvements in prison business management, the significant reduction in inmate escapes (1/7th of the 1947 level), the elimination of prisoner self-mutilation, and the success of medical services, rehabilitative activities, and religious programs. He was equally impressed with the increase in the prison system’s operational budget which in 1954 “averaged more than \$2,000,000 a year, in contrast with an average of less than \$500,000...prior to 1948.”⁹¹

The reforms set into motion by MacCormick had a massive impact on the Texas prison system. He visited Texas time and time again advocating for improvements long after his duties

as a consultant had come to an end. While recognized as an expert in prison reform, many of his greatest personal achievements were accomplished out of public purview within the prisons themselves.⁹² His determined efforts, which evidence his deep compassion for and unique perception of the plight of prisoners, sought to give Texas inmates a better life. His abilities were no doubt forged by the countless hours he devoted to talking to the prisoners themselves. In fact, “he was said to have talked to more prisoners than any other single person in the country, and he could talk to prisoners in a personal way without ever losing his authority.”⁹³ In 1951 he stated that he wanted it to be “understood that he is primarily a reformer and humanitarian.”⁹⁴ With this description no one could disagree. Austin Harbutt MacCormick truly was a champion for Texas prisoners.

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² W. Wesley Johnson, “Austin Harbutt MacCormick (1893-1979),” in *Encyclopedia of American Prisons*, eds. Marilyn D. McShane and Frank P. Williams (New York: Garland Publishing, 1996), 502.

³ Ibid.

⁴ Ibid.

⁵ Biographical Data on Austin H. MacCormick, Box 1, Folder 3, Austin H. MacCormick Papers, 1923-1978. Newton Gresham Library, Sam Houston State University, Huntsville, TX.

⁶ Ibid.

⁷ Thom Gehring, “Correctional Education Historical Vignettes,” *Journal of Correctional Education* 57, no. 1 (2006), 12.

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⁹ Johnson, “Austin Harbutt MacCormick,” 503.

¹⁰ Biographical Data on Austin H. MacCormick, Box 1, Folder 3, Austin H. MacCormick Papers, 1923-1978. Newton Gresham Library, Sam Houston State University, Huntsville, TX.

¹¹ Introduction of Austin MacCormick, Box 1, Folder 3, Austin H. MacCormick Papers, 1923-1978, Newton Gresham Library, Sam Houston State University, Huntsville, TX.

¹² Johnson, “Austin Harbutt MacCormick,” 503.

¹³ Ibid.

¹⁴ Biographical Data on Austin H. MacCormick, Box 1, Folder 3, Austin H. MacCormick Papers, 1923-1978. Newton Gresham Library, Sam Houston State University, Huntsville, TX.

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¹⁶ Ibid.

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- ²¹ Ibid., 164.
- ²² Texas Department of Criminal Justice, *Texas Department of Criminal Justice* (Paducah, KY: Turner Publishing, 2004), 35.
- ²³ Austin H. MacCormick, "Preliminary Report on the Texas Prison System," 1944, Box 6, Folder 17, Austin H. MacCormick Papers, 1923-1978, Newton Gresham Library, Sam Houston State University, Huntsville, TX.
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- ²⁶ TDCJ, *TDCJ*, 35.
- ²⁷ Ibid.
- ²⁸ Crow Lee Herman, *A Political History of the Texas Prison System, 1829-1951* (Austin: University of Texas, 1964), 287.
- ²⁹ Yoder, "Trouble Shooter," 164.
- ³⁰ Ibid.
- ³¹ Price and Coleman, "Texas Prison Farms," 3.
- ³² Ibid.
- ³³ Texas Department of Corrections, *Texas Department of Corrections: 30 Years of Progress*, (1977) National Criminal Justice Reference Service <https://www.ncjrs.gov/pdffiles1/Digitization/44533NCJRS.pdf>, 9.
- ³⁴ Ibid.
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- ³⁷ MacCormick, "Preliminary Report," 5.
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- ³⁹ Price and Coleman, "Texas Prison Farms," 3.
- ⁴⁰ TDCJ, *TDCJ*, 35.
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- ⁴⁷ Ibid., 5.
- ⁴⁸ Ibid., 6.
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- ⁸⁴ Yoder, “Trouble Shooter,” 166.
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- ⁸⁶ Price and Susan, “Narrative of Neglect,” 54.
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⁹² Johnson, "Austin Harbutt MacCormick," 503.

⁹³ Ibid., 504.

⁹⁴ Yoder, "Trouble Shooter," 166.