

12-2017

From a Whisper to a Rebellion: Examining Space, Race, Sexuality, and Resistance within the Confines of the Bedford Hills Correctional Facility

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**From a Whisper to a Rebellion:
Examining Space, Race, Sexuality, and Resistance within the Confines of the Bedford Hills
Correctional Facility**

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Submitted in partial completion of the Master of Arts Degree at Sarah Lawrence College,
December 2017

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Acknowledgments

This work began as a torrid love affair. And, as with any obsession, Bedford's history quite literally consumed my dreams and thoughts for over a year. So it is only natural that the first acknowledgment goes out to the individuals on whose lives I draw. As part voyeur, part advocate, part excavator, I have grown deeply connected to their stories and histories; the past remains stuck on these pages. This is not goodbye—we both know we will return to each other soon.

As for the living, I simply would not be here without a whole community of support and love. My deepest gratitude and admiration goes out to Lyde Cullen Sizer. She opened my eyes to the privilege and joy of writing history. Without her precise critiques and insight this work would not exist, and her constant refrain to “stitch” is some of the best advice I have ever received. I will take our walks with me into the future: thank you. I owe the emphasis on the history of science to Mary Dillard, who provided excellent encouragement and insight in the frantic months of this work. Her recommendations drove me to explore the impact of eugenics more deeply, and the pursuit exponentially expanded my analysis. Her kindness gave me comfort during the last exhausting weeks.

I would be remiss if I failed to mention the law professors who actively encouraged my interest in prisoners' rights and gender studies. Special thanks goes out to Michael B. Mushlin and Bridget Crawford. I am a more articulate person because of the wonderful teachers and mentors I have been blessed with in my life.

To all the fantastic archivists, particularly Jim Folts at the New York State Archives, thank you for your patience when I arrived without the slightest clue of what I was doing. I will be back soon.

To my colleagues from the 2017 and 2018 Women's History program, your collective advice supported me as I struggled through difficult concepts and difficult life circumstances.

Lastly, I would not have been able to pursue this work without the emotional and financial support of my family and friends. I do not know where I would be in this insane pursuit of a joint law and masters degree without you all. Brent Walker, we both know the extent of your support: I owe mountains of bills, hundreds of thank yous, and so much respect to you; Deborah Walker, thank you for nine months of maturation and hours of countless emotional support in the final stretches. To the rest of my family, particularly Karsten, Jessica, and Jasmine Walker, you have all provided so much love and encouragement. To Emma Jacobs, thank you for embarking on this crazy stupid life. You make my heart and mind do calisthenics. Thanks goes out to my support system at law school, all the countless restaurant staff who kept me fed as I frantically typed away, and perhaps the best copy editor I could ask for, Lily Jacobs.

I hope you all know this work is yours as much as it is mine.

Abstract

“From a Whisper to a Rebellion” examines the history of the Bedford Hills Correctional Facility in Bedford Hills, New York. It is not a chronological history. Instead this thesis is intended to wedge open spaces in the study of carceral institutions within the United States. Bedford’s past as a model reformatory cum maximum-security prison for women charts the expansion and transformation of the penal system within the United States during the twentieth century. I examine three specific themes in an attempt to situate the current discussion of mass incarceration within a broader history of penal institutions. These include: the spatial and temporal components of punishment; the phenomenon of interracial same-sex coupling; and riots, prison protests, and resistance. By contextualizing Bedford’s place in the annals of penology and penal practices, we begin to see the ways in which gender, race, and sexuality construct carceral spaces. In addition, by examining histories of rebellion within these spaces, we can attempt to map both the growth of the modern prisoners’ rights movement and its successes or failures. Most importantly, this work is intended to re-center the experiences of individuals forced to make a home out of a nightmare. Their voices and histories merit investigation.

**The Beginning:
“Penal Institutions Which Do Not Accomplish Good Must Inevitably Do Evil”¹**

“A bill has been introduced to provide for the establishment of a reformatory for women...at a cost of \$100,000,” began a New York State newspaper article penned in early 1892.² Readers would have been familiar with this terminology. Prison reform swept across the continental Northeast during the late half of the nineteenth century, with the reformatory as a correctional institution gaining popularity. Designed to provide rehabilitation and reform for those convicted of specific criminalized behavior, these types of institution were seen as a more humane alternative to the horrifically overcrowded prisons of the day. The purpose of the proposed reformatory continued the article, “is a good one and if effectively carried out the undertaking would be worth a good deal more than the money mentioned.” The article unequivocally supported the establishment of the institution—on the grounds it would not be located in Brooklyn, New York.

Noting that “[s]ome rural regions might contend for” the state’s proposed project, the editors at the *Brooklyn Eagle* remained entirely unconvinced that Kings’ County, with its “history of public charitable and kindred administration,” was the proper location for a state institution housing “undesirable” women. The reformatory remained an embryonic idea for ten years, failing twice to gain the support of New York State Governor David B. Hill.³ In 1901, the

¹ Katherine Bement Davis as cited in Edward Marshall, “New York’s First Woman Commissioner of Correction: Dr. Katherine Bement Davis Talks of Her Hopes for Bettering Conditions—The Tombs an Awful Problem,” *New York Times*, Jan. 11, 1914.

² “A Proposed Reformatory,” *Brooklyn Daily Eagle* (Brooklyn, NY), Jan. 28, 1892.

³ For a firsthand accounting of the two attempts made by the Women’s Prison Association to have this bill passed see Abby Hopper Gibbons, “Initial and Second Attempt for the Establishment of Bedford Reformatory” in *Documents Bearing on Police Matrons and The Bedford Reformatory for Women* (New York: Knickerbocker Press, 1905), 9-13 (noting that Gibbons made her final successful trip to Albany in 1902, when she was “in the ninety-first year of her age.”).

fledgling idea was finally realized with the opening of the Bedford Reformatory for Women in the sleepy town of Bedford, New York, approximately a two-hour train ride north of Brooklyn. This institution would later serve myriad of functions for New York State. By 1970, the reformatory had transformed into the Bedford Hills Correctional Facility for Women—New York State’s only maximum-security facility for women. Today, it houses prisoners from across the state who have been convicted of felony criminal charges.

Over the span of its lifetime, Bedford has been the home of queer rebellion, racial strife, and groundbreaking legal struggles. It is therefore puzzling that its history as a reformatory cum maximum-security facility remains overlooked and under-analyzed. The institution underwent a strange metamorphosis between its opening in 1901 and the large-scale rebellion—known as the August Rebellion—that occurred in August 1974. This uprising set in motion a lawsuit that ultimately provided legal protections for prisoners across New York State. Perplexingly, however, historians have not trained their eyes on the fascinating histories and stories of the people who lived there.

Perhaps this is because an analysis of this time period necessarily implicates a vast number of changes in American social, political, and intellectual schools of thought. Perhaps, too, Bedford’s current reimagining as a state-run prison has shielded it in a haze of legitimacy. In contemporary society, the United States has grown accustomed to the seemingly unstoppable growth of carceral institutions. These institutions have become monolithic, whether as a silent, almost imperceptible presence or one that reorders the very structure of American society. However, incarceration as punishment—and the United States’ peculiar love of its disciplinary use—is far from commonplace. Moreover, the history of prisons, once considered a

contradiction in terms, has now generated a large body of lively scholarship within the past thirty years.

It was not until the mid-1990s, however, that a history of Western penal practices was first published and regarded as definitive. Although sweeping in its exploration of over five hundred years of penal history, the *Oxford History of the Prison: The Practice of Punishment in Western Society* devotes less than fifty pages to the study of women across this wide swath of time.⁴ Indeed, up until the 1980s, the scholarship dedicated to penal history was surprisingly sparse; the attention paid to women in carceral institutions was practically nonexistent. Beginning in the early 1980s, however, historians began to chip away at the silent presence of women within these spaces. Two foundational texts, *Partial Justice: Women in State Prisons 1800-1935* by Nicole Hahn Rafter⁵ and *Their Sister's Keepers: Women's Prison Reform in America, 1830-1930* by Estelle B. Freedman,⁶ investigate both women in prisons as well as the reformatory movement of the late 1800s.

In *Partial Justice*, Rafter traces the growth of the reformatory movement alongside the continued use of custodial style prisons for female prisoners.⁷ Rafter distinguishes these prisons from reformatories, which drew support from social feminists, the temperance movement, and anti-prostitution camps alike. From the beginning, Rafter notes, the special institution of the reformatory was not reserved for all women offenders. This was due in part to the shifting image

⁴ Norval Morris and David J. Rothman, *The Oxford History of the Prison: The Practice of Punishment in Western Society* (Oxford: Oxford University Press, 1995).

⁵ Nicole Hahn Rafter, *Partial Justice: Women in State Prisons 1800-1935* (Boston: Northeastern University Press, 1985),

⁶ Estelle B. Freedman, *Their Sister's Keepers Women's Prison Reform in America, 1830-1930* (Ann Arbor: University of Michigan Press, 1981).

⁷ Rafter defines custodial type institutions as those institutions that more closely resembled the penitentiary style of prison architecture that became popularity after 1820. Rafter, *Partial Justice*, xi.

of this type of offender. When the reformatory movement began to take shape, the traditional image of the criminal woman as threatening to the fabric of society softened and was replaced by “a new concept of the female offender as childlike, wayward, and redeemable, a fallen woman who was more sinned against than sinner herself.”⁸ This young naïve female offender, according to first wave reformers, could indeed be brought back to the path of proper femininity and womanhood. In short, they possessed reformability.⁹

Perhaps most useful, and most frustratingly unexamined, is Rafter’s acknowledgment of the creation of a two-tier sentencing system. Rafter is quick to point out that reformatories could not exist without the continued use of custodial style prisons to house women deemed nonreformable—mostly women of color, immigrant women, and older white women. However, she fails to extend her analysis as to the implications this may have had on specific reformatory institutions. More precisely, Rafter never addresses the impact of separate penal systems on those caught up within the legal machinery of these spaces. In practice and effect, the early reformatory movement created a two-track system, and the disparate treatment afforded to repeat and felony offenders amplified racial and class divisions. Unfortunately, this illuminating insight

⁸ Rafter, *Partial Justice*, 49.

⁹ I use the term “reformability” to underscore the process by which someone is deemed worthy of social intervention. Reformability is influenced by a number of factors such as race, gender, class, disability, sexual orientation, etc. Michel Foucault describes it slightly differently, “[T]he body is also directly involved in a political field; power relations have an immediate hold upon it; they invest it, mark it, train it, torture it, force it to carry out tasks, to perform ceremonies, to emit signs. This political investment of the body is bound up in accordance with complex reciprocal relations, with its economic use.” Michel Foucault, *Discipline and Punish: The Birth of the Prison*, Alan Sheridan trans. (New York: Vintage Books, 1977), 25-26.

is only briefly mentioned, and its resonance with our current criminal legal system is left unexplored.¹⁰

Moreover, Rafter appears a bit premature in her declaration that the reformatory movement was successful in creating more humane carceral spaces. Despite the fact that custodial prisons still existed, conditions within those prisons did not change during the early period of the women's reformatory movement, and reformatories themselves were not immune to allegations and investigations of abuse, Rafter nonetheless champions the opening of reformatories, noting that "[w]omen who had spearheaded the reformatory campaign had learned by 1900 how to organize legislative lobbies and gain leverage within prison supervisory boards. Then too, with four successful institutions behind them, they had proved to the public that women could indeed manage prisons."¹¹ Rafter concludes that the women's reformatory movement came to a close in the 1930s because it "had achieved its goal."¹² If the goal was permanent and humane reform of female offenders, Rafter's conclusion is grossly mistaken, as a deeper look into the history of Bedford, a model reformatory, unequivocally contradicts this assertion. Rafter's analysis, in short, is helpful in providing a barebones analysis of women in penal institutions during the late 1800s. Estelle B. Freedman's history of the reformatory movement provides further contextualization.

In *Their Sister's Keepers*, Freedman provides a useful framework to understand the specific changes that occurred within the reformatory movement between 1860 and 1910. She breaks down the movement into distinct waves or phases. The first, according to Freedman,

¹⁰ I use the term criminal legal system to challenge the unconscious and misplaced employment of "justice" terminology in discussions of the criminal legal system's function in the United States.

¹¹ Rafter, *Partial Justice*, xxiii.

¹² *Ibid.*

constituted reformers influenced by the abolitionist and post-Civil War social welfare movements. This generation drew upon the dominant discourse of woman's inherent civilizing and morally superior nature to advance its case.¹³ As Freedman explains, "Underlying both the women's entry into prison reform and their reinterpretation of the fallen women was the...belief that women constituted a separate sexual class. Despite their social analysis of women's crimes, reformers accepted biological categories that separated them from men but bound them to their sisters in prison."¹⁴ In a sense, women's inherent moral superiority necessitated a separate sphere, one in which young female offenders were protected from the contaminating influence of hardened criminals. Much like how women's moralizing nature required that they remain within the domestic sphere of motherhood, the separate institution of the reformatory was a fundamental component of gender reconditioning.

Freedman also addresses the phenomenon of interracial coupling that occurred in many reformatories across the Northeast. According to Freedman, officials reacted to interracial coupling in a way that "echoed the sexual fears...underlay[ing] Jim Crow institutions in the South." Freedman's theory raises important questions regarding the motivation behind officials' fear of interracial relationships. However, an attempt to understand the racialized distinction between white and black women is complicated by the fact that race itself is a category continually in flux.¹⁵ For instance, eugenics historian Daniel J. Kevles notes that in the era of the

¹³ Freedman, *Their Sister's Keepers*, 42-43.

¹⁴ *Ibid.*, 45.

¹⁵ For an extended discussion of the ways in which racial categories shifted during the turn of the twentieth century see Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge: Harvard University Press, 1998), 224-225. Jacobson argues that whiteness as a social category did not become fixed until the 1930s, noting that specific immigration cases in the 1920s "demonstrate[d] the ultimate function of race as an ideological tool and whiteness as property whose value was to be protected." *Ibid.*, 236. For an analysis of racial construction before 1900 see Winthrop D. Jordan, *The White Man's Burden:*

early twentieth century “racial differences [were] identified with variations not only in skin color but in ethnic identity....”¹⁶ Bedford’s own records make it difficult, if not impossible, to ascertain what the racial breakdown of inmates would be in modern language.

Although officials at Bedford documented a woman’s race and place of birth upon commitment, the label black and white was not used consistently, or in keeping with our own understandings of those terms today. Puerto Rican women made up a small minority of the inmate population, but their classification sheets list them as either black, Negro, colored, or negress. Jewish women were identified by their religion and ethnicity, not by their race. Women of Italian descent were similarly racialized in a way that women labeled white evaded. Bedford’s first superintendent Katherine B. Davis’ own statement regarding inmates of Italian descent proves illuminating as to why:

Sicilians bring with them their own primitive ideas of vengeance when they migrate to this country.

Now, I shall say something which may really astonish you. I have had several girls at Bedford who had committed murder, and I found them to be nice girls. Some of the Italians were victims of the racial custom of revenge. For example, one girl’s husband had been murdered and the police could not run down the murderer. She ran him down and killed him. She was not conscious of a criminal action; she believed she had been in the right. So did her countrywomen. The point of view must be considered in our dealings with such people.¹⁷

Historical Origins of Racism in the United States (Oxford: Oxford University Press, 1974); Winthrop D. Jordan, *White Over Black: American Attitudes toward the Negro: 1550-1812* (University of North Carolina Press, 1968).

¹⁶ Daniel J. Kevles, *In the Name of Eugenics: Genetics and the Uses of Human Heredity* (Cambridge: Harvard University Press, 1995), 74.

¹⁷ Edward Marshall, “New York’s First Woman Commissioner Of Corrections: Dr. Katherine Bement Davis Talks of Her Hopes for Bettering Conditions—The Tombs an Awful Problem to Face” *New York Times*, Jan. 11, 1914.

Davis, like many of her contemporaries, simply did not view “such people” as belonging to the same racial category as herself.¹⁸ It remains unclear how, if given the opportunity to speak for themselves, these women would self-identify. Freedman’s analysis of officials’ reactions to interracial coupling, therefore, inadvertently oversimplifies the archive.

Moreover, there exists a plausible argument that Bedford was created, in part, to fulfill eugenicist goals, rather than preserve white women’s reproductive ability. By targeting immigrant women, working-class nonimmigrant white women, and black women, a calculated form of birth control was implemented.¹⁹ According to Dutch penologist Eugenia C. Lekkerkerker, who authored a 600-page treatise on American reformatories in the 1920s, women at Bedford were “frequently detained until after the child-bearing period, both for their own protection and for eugenic reasons as her [sic] feeble-mindedness often makes them particularly easy victims of sexual abuse and a eugenic danger.”²⁰ When viewed in conjunction with Bedford’s jurisdictional claim to women between the ages of sixteen and thirty, such argument

¹⁸ A complete biographical portrait of Davis is beyond the scope of this work. In short, Davis came to Bedford having completed her Ph.D. at the University of Chicago. Lacking any training in prison management, Davis nonetheless steered Bedford during its early years. In 1914, Davis left Bedford to accept the appointment as New York City’s commissioner of corrections, a position she held until she went to work for one of John D. Rockefeller, Jr.’s social improvement organizations. For a more detailed sketch of Davis see Ellen Fitzpatrick, *Endless Crusade: Women Social Scientists and Progressive Reform* (New York: Oxford University Press, 1994).

¹⁹ For a more detailed discussion of eugenics during this period see Erica J. Ryan, *Red War on the Family: Sex, Gender, and Americanism in the First Red Scare* (Philadelphia: Temple University Press, 2015), 118-19. Ryan charts the change in the eugenics movement during the 1910s-1920s, noting a definite shift from negative to positive eugenics: “Believers in the notion of ‘inferior’ genetic stock maintained that when immigrants failed in adjustment attempts and contributed to crime and squalor, their shortcomings stemmed from inherent racial inequalities. Liberal Americanizers grounded in the social sciences counteracted these theories of racial degeneration, as they counteracted coercive measures, with increasing confidence in the power of culture in determining behavior and development.” *Ibid.*, 118.

²⁰ Eugenia C Lekkerkerker, *Reformatories For Women In The United States* (The Hague, Batavia: J.B. Wolters, 1931), 79.

gains strength. Although Freedman's analysis usefully injects race into an analysis of same-gender relationships, such analysis requires complication.

Further, although Freedman does not extend her analysis to state as much, the failure on the part of the reformers to recognize their own class and race position vis-a-vis those they sought to reform may have severely hampered their willingness to agitate for changes that women housed in reformatories may have desired. Their myopic form of activism, unexamined by Freedman, had a significant impact on the relationship between reformers and their charges, leading to unwarranted support for legislation that disparately targeted and punished female offenders.²¹ Again, Freedman's scholarship provides an opportunity on which to build: she opens up a space to add questions and explore more deeply the intricate histories of carceral institutions.

What is most striking about both Rafter and Freedman, however, is that they fail to adequately address two complex questions facing historians writing about this topic: (1) who was reformable; and (2) how did the valuation of reformability impact women's experiences of incarceration? Neither Rafter's nor Freedman's initial analyses of the fallen woman provide satisfactory answers. For one, fallen women only included young, white, first-time offenders of petty crimes and excluded nonreformable women, those who were felony or repeat offenders. Despite the clear racialized and classed nature of these labels, Rafter and Freedman miss the opportunity to delve into the interlocking ways in which criminality, race, gender, and sexuality

²¹ As explored further in Chapter One, reformers encouraged state legislatures to create indeterminate sentencing laws for specific crimes, crimes for which most women offenders would be convicted. Indeterminate sentencing is the imposition of a sentence with no definite period of time set during sentencing. The length of the sentence depends on the inmate's conduct while incarcerated. Thus, these sentencing reforms gave reformatories the power to determine when the specific inmate was successfully reformed. For a discussion of indeterminate sentencing and its impact on character training of inmates see Freedman, *My Sister's Keepers*, 98.

are constructed. This fact complicates Rafter's statement that all female offenders received equal benefits from society's benevolent change of heart regarding perceptions of female criminality. In practice, the reformatory served to deepen the divisions between good women and bad women; retaining the distinction between the reformable wayward woman and the hardened nonreformable female criminal was critical to the success of the reformatory. Later scholars have similarly taken up the criticisms presented here, applying Rafter's and Freedman's analyses to Bedford's early history as a reformatory.

Recent scholarship on Bedford has focused nearly exclusively on Bedford's early period from 1901 to the mid-1920s, presumably because the annual reports and archive present a chronologically stable narrative of the institution's formative years.²² Perhaps more compelling, however, is the policing of same-gender interracial couplings at Bedford that drew intense publicity during this time. The current historical scholarship presents valuable insights into the ways in which race, class, and sexuality informed Bedford's policies during these years, and has indeed opened up a space for further exploration.²³ It is here, working off scholars before me,

²² I use the term "stable" loosely as it applies to Bedford's archival records. Due to mishandling, faulty storage, and age many of Bedford's records between 1930 and 1974 have been lost to us. Such disarray is by no means attributable to the wonderful work the New York State Archives has done to restore and preserve this incredibly necessary history. I remain indebted to their generous knowledge and helpful recommendations. The fact that the record is sparse and inconsistent by no means indicates the subjects contained therein are unworthy of study.

²³ For a discussion of this topic see Ellen Fitzpatrick, *Endless Crusade: Women Social Scientists And Progressive Reform* (New York: Oxford University Press, 1994); Estelle Freedman, *Their Sisters' Keepers: Women's Prison Reform In America, 1830-1930* (Ann Arbor: University Of Michigan Press, 1981); Cheryl D. Hicks, "'Bright And Good Looking Colored Girl': Black Women's Sexuality And 'Harmful Intimacy' In Early-Twentieth-Century New York" in *Journal Of History And Sexuality* 18:3 (2009): 418-456; Sarah Potter, "'Undesirable Relations': Same-Sex Relationships And The Meaning Of Sexual Desire At A Women's Reformatory During The Progressive Era" in *Feminist Studies*, 30:2 (The Prison Issue, Summer, 2004), 394-415.; and Nicole Rafter, *Partial Justice: Women In State Prisons, 1800-1935* (Boston: Northeastern University Press, 1985).

that I situate my work. My own research has raised doubts as to the current interpretations of Bedford's history. I have found that much of the archival record of this period has been interpreted ahistorically or misconstrued altogether, leading to underdeveloped, and unfounded, conclusions about the women caught up in Bedford's regulation of same-gender interracial coupling. Before delving into specific arguments presented by historians, a brief review of how same-gender relationships in the twentieth century have been documented is necessary.

Historian Lillian Faderman charts the transformation of female coupling from the romantic friendships of the late 1800s to the existence of a lesbian subculture in the twentieth century. According to Faderman, "Although romantic friendships were not yet uncommon outside of women's colleges, such passions were encouraged even more strongly in an academic setting, since females could meet each other there in large numbers and the colleges afforded them the leisure necessary to cultivate those relationships."²⁴ These relationships explicitly involved "lovemaking," as Faderman states, "both in the sense of the nineteenth-century sentimental usage of that term and the way we use that term today."²⁵ Although she explicitly acknowledges that "[f]or some working-class females of [the late nineteenth century,] women's prisons fostered the same kinds of romantic relationships that were found in women's colleges,"²⁶ Faderman seemingly denies the possibility that women in prisons and other carceral institutions also engaged in "love-making," insisting that segregation and lack of privacy within penal institutions automatically prevented any form of physical contact. Faderman's reliance on early twentieth century sexologist Dr. Margaret Otis reinforces her mistaken belief that white middle-class women were the only same-gender couplings engaging in physical relationships.

²⁴ Lillian Faderman, *Odd Girls and Twilight Lovers: A History of Lesbian Life in 20th Century America* (New York: Columbia University Press, 1991), 20.

²⁵ *Ibid.*, 20.

²⁶ *Ibid.*, 20 n.14.

Otis, writing in 1913, observed “a perversion not commonly noted”—a wonderful title for her accompanying article—found in many reform schools in the United States.²⁷ To explain the interracial aspect of these relationships, Otis hypothesized that “the difference in color...[took] the place of difference in sex.” Black women were viewed as fulfilling the “male” half of the romantic equation; white women escaped analysis with both their gender and race intact. According to Otis, same-gender interracial coupling, when it occurred, was largely nonsexual. Otis studied only segregated institutions, and, as Faderman speculates, “Had the women not been segregated, however, the nature of the relationships might have been quite different.”²⁸ Fortunately, because Bedford was racially integrated, we need not merely *speculate* as to whether women at Bedford engaged in sexual exploits. Bedford’s archive is full of intruded upon intimate moments between inmates. For instance, one white inmate, Frances Tolski, penned in 1917 a sex-filled letter in which she expresses her longing to her black female lover to “grab you and make you warm me up and fuck me.”²⁹ Another black inmate, Lynette Murphy, wrote in her word an “uninteresting missive” to her white friend. In this poem, as explored more deeply in Chapter Two, Murphy laid bare her desire to spend time with the note’s receiver. Writing, “Sweetheart, in my dreams I’m calling you/Your all of my heart/so don’t let us part/ Sweetheart

²⁷ The label of reform schools was applied to what we would now consider juvenile detention centers.

²⁸ Faderman, *Odd Girls*, 38.

²⁹ Frances Tolski, file 2516, letter, series W0010-77B Bedford Hills Correctional Facility Inmate Case Files, 1915-1930, 1955-1964, Records of the Department of Correctional Services, New York State Archives and Records Administration, State Education Department, Albany, N.Y. Pursuant to state law, which protects the identity of individuals relating to their time in a state institution, I have assigned each inmate a pseudonym. In order to maintain accountability to my readers, I have, however, left the case numbers assigned to each woman intact. It is my belief that in order to create a sustainable narrative of histories within isolated institutions, we must leave some link for future historians to expand on our work.

I'm calling you,"³⁰ Murphy similarly engaged in intimate physical conduct with, presumably, the same white inmate.³¹ Importantly, these events are only recorded because wardens intruded upon these moments; it begs to be known how many hidden encounters took place outside the watchful eyes of reformatory officials.

Given Bedford's record, Faderman's brief analysis of interracial coupling works to desexualize working-class and incarcerated women. Furthermore, her analysis is also hampered by a failure to critique precisely why black women were perceived as overrepresented in carceral institutions. Faderman hypothesizes that "one root" of black lesbian subculture in Harlem during the 1920s "might have been the demiworld. Black women who had been to jail learned there not only about lesbian sexuality but also about 'mama' and 'papa' sexual roles that had developed in institutionalized situations in America by the beginning of [the twentieth] century."³² The historical record at Bedford simply does not support the theory that black lesbian subculture spread from carceral institutions, as the majority population at Bedford, until the 1960s, was white. Faderman also appears to implicitly conflate "masculinity" with the gender nonconforming behavior of some inmates, summarizing the primary source material as follows, "[T]he black woman generally play[ed] the 'man's role[.]" and that there "were many more masculine-looking women of the working class..."³³ Such analysis ignores the ways in which masculinity and race were reinforcing identities in the early twentieth century. By associating

³⁰ Lynette Murphy, file 2503, disciplinary file, series W0010-77B Bedford Hills Correctional Facility Inmate Case Files, 1915-1930, 1955-1964, Records of the Department of Correctional Services, New York State Archives and Records Administration, State Education Department, Albany, N.Y.

³¹ Ibid., letter.

³² Faderman, *Odd Girls*, 72.

³³ Ibid., 38-45. Faderman also analyzed sexologists of the period, stating, "They could not recognize a woman's wish to be masculine and even to pass as a man as a desire for more economic and social freedom." Ibid., 45.

“masculinity” with black women during this period, Faderman’s analysis of same-gender relationships is fundamentally flawed. Historian Gail Bederman’s analysis of masculinity and manhood during this period proves instructive in thinking through the conflation of masculinity and variations of gender performativity.

Bederman interrogates the identity of “manhood,” noting that “historians of American manhood have based their analyses on very disparate assumptions about the meaning of manhood, which has led to confusion and misunderstanding.”³⁴ According to Bederman, prior to the 1900s, the social identity of masculinity, as applied to white middle-class men, had yet to gain traction within American society. Instead, the label of manly or manliness as descriptors connoting a sense of moral superiority was applied nearly exclusively to white men. Masculine, on the other hand, was used to describe a carnal nature all men shared. By the turn of the century, however, white middle-class men increasingly co-opted the label of masculinity as a way to reassert their racial authority. Acting as a racial delineation, masculinity permitted white middle-class men the freedom to pursue primitive desires, such as hunting, prize fighting, and engaging in illicit relationships with nonwhite women, while clinging to a morally superior social identity. In short, masculinity provided white men the fluidity to possess both the sexual prowess associated with black men while, at the same time, maintaining their racial and moral superiority.³⁵

³⁴ Gail Bederman, *Manliness and Civilization: A Cultural History of Gender and Race in the United States 1880-1917* (Chicago: University of Chicago, 1995), 5-6.

³⁵ It must be noted that “sexual prowess” was associated not only with black men, but also working-class and immigrant men as well. Bederman disputes the idea that late nineteenth century middle-class white men experienced a “crisis” regarding their male identity. Instead, she argues, “Gender, which we have defined as an ongoing ideological process, implies constant contradiction, change, and renegotiation. Thus, change in the gender system—even extensive change—doesn’t necessarily imply a ‘crisis.’” *Ibid.*, 11. Bederman instead attributes class issues to changes in white middle-class men’s identity.

When thus framed, Faderman's unquestioning use of masculinity to describe black women at Bedford appears at best to perpetuate flawed ahistorical analyses and at worst perpetuate harmful ideas of black women's gender and sexuality.³⁶ More precisely, conflation of masculinity with certain gendered characteristics muddies explorations of the ways in which gender shifts across time. Bederman provides guidance here, stating,

As middle-class men worked to add new shades of meaning and new powers to that masculine "quality or state," the words "masculine" and "masculinity" took on increasingly definite shades of meaning. By 1930, "masculinity" had developed into the mix of "masculine" ideals more familiar to twentieth-century Americans—ideals like aggressiveness, physical force, and male sexuality.³⁷

It appears doubtful, therefore, that black women in 1915, whether or not they identified or presented themselves in gender nonconforming ways, would use the term masculine to define themselves or their gender presentation. It should be noted that this critique of Faderman is perhaps overly harsh, as Faderman's analysis of lesbianism predates Bederman's study of masculinity. However, as evidenced by more recent scholarship, Faderman's linkage between masculinity and black women forms the basis of many historians' understandings of interracial same-gender coupling. Such recent scholarship merits interrogation. Two key works are critical to this discussion: "'Undesirable Relations': Same-Sex Relationships and the Meaning of Sexual

³⁶ For an intriguing discussion of black women and the carceral system see Sarah Haley, "'Like I was a Man': Chain Gangs, Gender, and the Domestic Carceral Sphere in Jim Crow Georgia" in *Signs: Journal of Women in Culture and Society*, 39 no.1 (2013): 53-77. Haley writes, "The black female subject was defined by the unbearable flexibility of nonbeing. The dual mandate of hard road labor and domestic labor in Georgia penal regime reveals...black women's subject position as a paradox of 'non-being' reflecting...what a human being was not." *Ibid.*, 55. Haley is also instructive in writing about the expansive category of women, a category that has historically only referred to white middle-class women. She rejects the problematic grouping that women's historians too frequently fall into: "This analysis of black women's exclusion from normative gender categorization is not an argument for the inclusion of a greater number of women into the normative category 'women,' but rather is intended to review the centrality of capitalist violence in the process of gender construction." *Ibid.*, 53 n.1.

³⁷ Bederman, *Manliness and Civilization*, 19.

Desire at a Women's Reformatory during the Progressive Era"³⁸ by Sarah Potter and "'Bright and Good Looking Colored Girl': Black Women's Sexuality and 'Harmful Intimacy' in Early-Twentieth Century New York,"³⁹ by Cheryl D. Hicks.

Following in the footsteps of Faderman's reliance on the masculinization of black women in interracial relationships, historian Sarah Potter frames her analysis of Bedford through a focus on class. Potter argues that studying the controversy of interracial coupling "highlights the very different sexual cultures of middle- and working-class women that came into conflict during the first decades of the twentieth century...[I]t provides a glimpse into a sexual world that is only rarely revealed—that of love and desire between poor women."⁴⁰ Potter's contribution to the study of working-class women's sexuality complicates our understanding of sexuality and gender in the early twentieth century. However, she hesitates in her use of precise language to write about black women's gender and sexuality.

Potter's analysis fails to account for the ways in which race and masculinity fundamentally altered how administrators viewed white and black women. This oversight acts to perpetuate the harmful historization of black women as inherently "Other." For instance, Potter notes that "[i]n relationships at Bedford Hills, as well as those documented by Otis and Ford, black women consistently assumed masculine personas and were referred to as 'daddy' or 'husband' by white partners." It is quite clear from Bederman's work that black women during this time, even when using "male" identified labels, would not consider themselves masculine, at least not in the sense we understand that term today. Potter's analysis of reformatory officials'

³⁸ Potter, "'Undesirable Relations.'"

³⁹ Hicks "'Bright and Good Looking Colored Girl.'"

⁴⁰ Potter, "'Undesirable Relations,'" 394.

perceptions of the interracial relationships further indicates her imprecise critique of race and gender.

Potter states, “[Assistant Superintendent of Discipline Julia Jessie] Taft's depiction of black women as being ‘extremely attractive to certain white girls’ suggests that black women were objects of desire for white women.”⁴¹ She then proceeds to assert that white women were the aggressors in these relationships, all the while maintaining a feminine—read “properly” gendered—position within the relationship. No mention is made as to how the record at Bedford supports this seemingly contradictory statement. Potter’s lack of elaboration as to how white women refrained from becoming “masculinized” in the process of pursuit is telling. White women remain feminine, regardless of whether they viewed themselves, or were viewed, as masculinized. Again, white women escape Potter’s full scrutiny, evading analysis of their own possible attempts to rupture gender roles.

Moreover, just as Faderman desexualizes the experiences of institutionalized women, Potter arguably overemphasizes genital sex in her analysis of the recorded relationships between black and white inmates. To her credit, Potter relies on confiscated letters and notes, like the one written by Tolski Murphy, to support her argument that “[t]he letters suggest that the most salient aspect of the relationships for both groups of women was their sexual passion, rather than their same-sex character.”⁴² However, Potter fails to articulate why she presents these two ideas as dichotomous, and appears to ignore the complexities inherent within interracial relationships.

Potter opens her article with Tolski’s note, who she calls “Lena Lebofsky.” Potter attempts to humanize the women at Bedford, stating,

⁴¹ Potter, “‘Undesirable Relations,’” 408.

⁴² *Ibid.*, 401.

Like many of their peers, these women engaged in passionate relationships with one another while confined within the walls of Bedford Hills. Mostly young, poor, and convicted of sex-related crimes, reformatory inmates often refused to restrain their sexual desires while in prison, and their actions evoked considerable concern on the part of prison authorities.⁴³

However, Potter's analysis of Tolski/Lebofsky's four-page letter is surprisingly short and avoids discussions of gender that permeate her interpretation of Murphy's letter. Specifically, even though Tolski/Lebofsky uses similar language as Murphy—such as referring to others as “pussies”—Tolski/Lebofsky, unlike Murphy, is not masculinized by Potter, working a disservice to both Tolski/Lebofsky's and Murphy's stories.

Recognition of sexual contact between inmates is critical, as too often these women are desexualized and stripped of a certain degree of their personhood. The tightrope between portraying same-gender couplings as wholly driven by sexual desire and refraining from romanticizing the romantic is difficult, as Potter's analysis of Murphy's poem highlights. Hardly conveying the same message of Tolski/Lebofsky's sexual desire, Potter overlooks the romantic overtones of Murphy's note, concluding that it contains “unabashed expressions of longing for emotional and physical closeness.”⁴⁴ Potter appears fixated on the idea that these women only desired physical connections, connections that would presumably end once released. Murphy, on the other hand, emphasized her lover's face, writing “in in winking star/your face I can see./You'r all of my heart/so don't let us part/Sweetheart I'm calling you.”⁴⁵ This message conveys a deep yearning for unstructured time with her friend that Potter fails to address. Cheryl Hicks provides a more complex interpretation of interracial coupling, centering her analysis on race.

⁴³ Potter, “Undesirable Relations,” 401.

⁴⁴ *Ibid.*, 403.

⁴⁵ Murphy, 2503, letter.

In her work, Hicks points out that “white inmates, whether aggressors in the affairs or not, maintained a normative and heterosexual status.... Black women's sexuality on its own terms, as a crush, heterosexual or homosexual, was ignored.”⁴⁶ Her scholarship on black women’s sexuality in Harlem analyzes how black women navigated the newly liberated 1920s with hesitation and resistance. When these women encountered the criminal legal system, primarily through arrests for sexual misconduct, they took their complicated sexualities with them inside carceral institutions. Relying on Bedford’s records, Hicks argues that “black women’s responses [to admission questions]...offer a window into how they remembered past sexual encounters or, rather, how they chose to characterize them.”⁴⁷ Recognizing that women’s responses were always mediated through prison administrators’ racialized characterizations of black women’s sexuality, Hicks nonetheless contends that, by studying the case files of black women incarcerated at Bedford, “we get a sense of language that ordinary black women used to express heterosexual and same-sex desire.”⁴⁸ Hicks’ reading of the record takes aim at the conflation of black women with masculinity; in doing so, Hicks highlights Potter’s, as well as other historians’, lack of clear analyses of race, gender, and sexuality. Both Potter and Hicks, however, fundamentally misinterpret the primary source material contained in Bedford’s archive. More troubling, neither analysis attempts to place Bedford’s history within the broader history of carceral institutions.

A more precise examination of Bedford’s history traces the ways in which the carceral state has expanded in the United States during the twentieth century. In its early years, the building blocks of modern criminality are made visible: sexual deviancy, eugenics, and racism.

⁴⁶ Hicks, “Bright and Good Looking,” 448.

⁴⁷ Ibid.

⁴⁸ Ibid., 456. Problematically, Hicks never questions what she means by “ordinary” in this sense.

In its later years, we see the solidification of our modern penal system. The gap in-between provides us the opportunity to examine that reification at work, allowing us to see the carceral state unfold. By delving deeply into this history, we can begin to make out the shapes of the women who were forced to make a home out of Bedford. These women—their relationships with each other and to Bedford—provide a useful framework in which to think through issues compounded by prison life. Sexuality, race, and resistance become illuminated as we see those concepts play out in a bounded physical space.

The long arc of prison reform culminated in the hopeful promise of Bedford's power to guide wayward women back to the path of proper womanhood.⁴⁹ From its incarnation, threads of penology's history were woven into the fabric of Bedford. Specifically, the idea that (1) rehabilitation should be a goal of incarceration; (2) certain architectural designs facilitate rehabilitation more easily than others; (3) classification and separation of offenders is necessary to prevent corruption of reformable offenders by nonreformable offenders; and, above all (4) constant surveillance is required.⁵⁰ In the following chapters, I will demonstrate the ways in which space, time, race, and sexuality impacted women's experiences of incarceration. In the end, despite the best attempts by officials to exert control, individuals at Bedford found ways to resist and grow.

In Chapter One, I focus my attention on punishment's spatial and temporal dimensions. Relying on the idea of "rival geographies," I argue that women found ways of existing, indeed ways of thriving, in this restrictive space. In Chapter Two, I investigate the conditions at Bedford during its early years, from 1901 to the late 1920s, paying specific attention to the phenomenon

⁴⁹ These words resemble Martin Luther King, Jr.'s teleological pronouncement that "the arc of the moral universe is long, but it bends towards justice." Like racial justice, so too has prison reform remained strangely elusive.

⁵⁰ For a discussion of these concepts see Chapter One.

of interracial same-gender coupling occurring at this time. Chapter Three takes a broad look at three periods of unrest and rebellion at Bedford. In this chapter, I explore the uprisings in 1919, 1958, and 1974, arguing that Bedford has a long and undocumented history of resistance and rebellion.

My research is guided by the following questions: How are the physical spaces of carceral institutions shaped by fears of “deviant” sexualities? How do we map change as we move through the geography of time? How do race and gender impact the temporal and spatial experiences of confined individuals? What can we learn about our current over-criminalization and reliance on incarceration when placed in dialogue with past penal practices? It is important to note what this work is not: a chronologically stable narrative. Because my focus encompasses a broad swath of time, and because Bedford’s records are in various states of incompleteness, a full chronology is not feasible within the time constraints of my work. Instead, this thesis is intended to open up discussions of the twisting history of Bedford. Together, we can attempt to unweave its carceral tendrils.

My methodology is grounded in the unabashed political nature of historical research—history is not a stable construction. As historians, we actively shape and reshape how the past is viewed and whose stories become known. Michel Foucault speaks for me when he writes:

This work done at the limits of ourselves must, on the one hand, open up a realm of historical enquiry, and, on the other, put itself to the test of reality, of contemporary reality, both to grasp the points where change is possible and desirable, and to determine the precise form this change should take.⁵¹

⁵¹ Michel Foucault, “What is Enlightenment?” in *The Foucault Reader*, Catherine Porter trans. (London: Penguin Books, 1984), 46 as cited in David Harvey, *Justice, Nature, and the Geography of Difference* (Malden, MA: Blackwell Publishing, 1996), 108.

As an emergent queer scholar, I feel it my duty to investigate unexamined histories—the commonalities and differences between now and the past—in an attempt to discover those forms of change most desirable in our present moment.

Individuals caught in the murky past of carceral institutions rarely have their own narratives examined and placed in the context of the institutions in which they live. This oversight not only elides stories and lives, but also erases the history of carceral systems. In so doing, our understanding of the current crisis of mass incarceration in this country becomes decontextualized. We drift along, uncritical and unaware of how we came to our current situation. By revisiting the narrative of Bedford and the individuals who shaped it, we can truly reimagine the past. In turn, we can begin to understand our own place in the annals of penal history. To engage in this work constitutes a critical, and crucial, form of activism.

A note on vocabulary is needed. Our language about race, gender, sexuality, mental illness, intelligence, and punishment has changed dramatically over the past two hundred years. As I worked through the archival record and other primary source materials, I engaged in an internal debate regarding the use of some terms that, by today's standards, would be inappropriate and offensive. I played with the idea of placing these words in quotations, to delineate my personal stance from those subjects about which I write. However, the role of the historian is not to sanitize the past but to present it as effectively and precisely as she can, with a critical eye toward official accounts. Therefore, I use those commonplace terms intending to present a narrative in which the past and present engage in conversation. Where needed, I have included a definition in the footnotes.

In addition, I refer collectively to the people at Bedford as “women,” when in reality there are currently, and have always been, people who do not identify as women at Bedford.⁵² I recognize this problematic choice of words, and do not intend to contribute to the scholarly erasure of transgender, gender nonconforming, or intersex (“TGNCI”) individuals. It is of utmost importance to future historians to tell the histories of TGNCI prisoners.⁵³ Furthermore, an entire dissertation could—and should—be written about the changing constructions of race at Bedford during this time. I use the term “black” as a catchall for people of color. Again, I urge future researchers to critically examine my use of this problematic grouping. In sum, Bedford’s history is complicated, and I do not pretend to present its full narrative.

In addition, as a student of both law and women’s history, I have the privilege of a dual perspective when researching the criminal legal system within the northeastern United States. I am keenly aware of the complexities and absurdities of such institutions. To present common legal terms in useful language, I have attempted to define terms that either emphasize

⁵² Today, transgender, gender nonconforming, or intersex (“TGNCI”) people make up a substantial percentage of incarcerated individuals. Their experiences cannot be ignored. The fact that people are housed according to genitalia or outward physical appearance means that these individuals are often subjected to the double punishment of confinement and denial of their right to self-determine their gender/gender presentation. For example, pursuant to New York law, “[i]n deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates...agency shall consider on a case-by-case basis whether a placement would ensure the inmate’s health and safety, and whether the placement would present management or security problems.” 28 C.F.R. § 115.42(c). In theory, this requires that TGNCI incarcerated folks be assigned to facilities that align with their gender identity. In practice, Mik Kinkead, Director of the Prisoner Justice Project at the Sylvia Rivera Law Project, indicated this is not the reality. He stated, “My experience is that trans women are housed in men’s facilities and trans men are always in women’s facilities.” Keri Blakinger, “A look at how New York houses trans inmates—and where Sophia Burset of ‘Orange is the New Black’ would be jailed in real life,” *The Daily News*, Thursday, Feb. 11, 2016, accessed April 26, 2017. Indeed, there are several trans men and gender nonconforming people at Bedford. Author’s Notes (on file with the author).

⁵³ For a brief analysis of TGNCI individuals within the carceral system see Kunzel, *Criminal Intimacy*, esp. pp. 81-82. For a history of transgender individuals outside the carceral system see Joanne Meyerwitz, *How Sex Changed: A History of Transsexuality in the United States* (Cambridge MA: Harvard University Press, 2002).

distinctions within the criminal legal system, or reflect changes therein. Furthermore, because my topic is intimately connected to the language and history of eugenics, I have included a more in-depth discussion of eugenics terminology in Appendix One. With these tools, I aim to present a coherent narrative.

By examining Bedford's past at specific moments, we can examine the mapping of the carceral system onto its geography. In addition, where historical analyses assume the erasure of women's voices from an incomplete archive, by centering those fragments contained within Bedford's archive, we can begin the process of reexamining the past in a different light. If we listen carefully to the record, the silence we thought we heard shifts to static. With finer tuning, the secrets speak.

Chapter One

“Direct Air And Sunlight Are The Greatest Of All Medicines”:¹ The Spatial and Temporal Nature of Punishment At Bedford

If one were consciously to plan an institution perfectly designed to promote sexual degeneracy he would create the modern prison.²

On a night in late October 1924, Theresa Gott and two other women at Bedford planned an escape.³ At this point in Bedford’s history, runaways were a rampant problem; according to the annual report for 1924, 45 women disappeared from Bedford during the year. The physical layout of the institution aided these women in their escapes. With no peripheral fence and situated on ninety-one acres, Bedford was indeed quite permeable. The lack of electrical outdoor lighting and poorly maintained roads provided the perfect conditions to make a break for the woods bordering the institution. In 1927, correctional officials who were searching for a solution proposed erecting a seven-foot tall fence topped with barbed wire around the boundaries of the institution.⁴ The first visible step toward contemporary penal architecture was thus made. Gradually, long, low buildings replaced the cottages, and cells replaced single rooms. Although this change was slow—occurring over the course of the twentieth century—by 1974, it was clear to all who encountered the institution: Bedford had become a maximum-security facility.

During Gott’s time at Bedford, however, she was able to attempt escape at least four separate times. Gott’s file is packed with matrons’ frustrated descriptions of her attempts. She

¹ “New York’s First Woman Commissioner Of Corrections: Dr. Katherine Bement Davis Talks of Her Hopes for Bettering Conditions—The Tombs an Awful Problem to Face,” *New York Times*, Jan. 11, 1914.

² Harry Elmer Barnes, “Do Convicts Remain Sexually Sane?” in *Survey Graphic: Magazine of Social Interpretation* (Jan. 1939), 181.

³ Theresa Gott, file 3700, disciplinary record, series W0010-77B Bedford Hills Correctional Facility Inmate Case Files, 1915-1930, 1955-1964, Records of the Department of Correctional Services, New York State Archives and Records Administration, State Education Department, Albany, N.Y.

⁴ Board of Corrections, *Second Annual Report* (Albany, 1928).

was successful twice, although both times she was returned to Bedford by New York City police officers. In August 1924, Gott managed to escape for over a month before she was returned. Feigning sickness, she had begged the house matron to allow her to lie down after supper. When the matron sent another girl to check on her, Gott had somehow made her way out of the cottage. A search of her room “revealed that her institutional dresses were left behind and also a pair of shoes and her cape.”⁵ The matron concluded, “It seems reasonable to suppose that [Theresa] had secured some sort of an outfit before leaving the cottage.” The next entry in her file is dated late September, when Gott was “returned to the Institution, having been apprehended in Brooklyn by a police officer.”⁶ This police officer was reportedly the same one who arrested her on a subsequent escape attempt.

Gott stayed put for roughly a month before she and two other women were “locked in” on “suspicion that [Gott] was involved in an attempt to run away with two other[s]....” According to this latest report, “The chain on one of the windows in the kitchen had been removed. It was reported that [Theresa] had done this.” Again, in November, Gott, accompanied by another woman, managed to abscond for over a month. While the other residents of Lowell cottage went peacefully to the weekly movie in the main auditorium, Gott insisted on staying behind because she “did not care much for the picture....” Once everyone was gone, Gott and Netty Homer “succeeded in removing the back door from its hinges, first cutting away a considerable part of the woodwork around the lock. They then smashed the screen door and ran away.”⁷ At this point, one has to admire the tenacity of Gott, who clearly could not be contained. One also has to

⁵ Gott, 3700, disciplinary file.

⁶ Ibid.

⁷ Ibid.

wonder about the matron's wisdom in repeatedly providing Gott with such obvious opportunities to escape.

Gott remained away until late December, when she was once again returned "discouraged." The head matron hopefully noted that Gott "realizes that she has not gained anything by running away from the institution" and would most likely refrain from any more escape attempts. The matron spoke too soon. In July, Gott and another woman, accompanied by the house matron of another cottage, were told to "pick some berries near the cottage." As expected, Gott and the other woman "bolted" from the matron and headed for the woods. This time, they were returned within four days.⁸ Gott ran way again in November 1925, although her most incredible stunt may have come the following spring. In March 1926, Gott "succeeded in forcing the screen from her window on the 2nd floor of the EFH [Elizabeth Fry Hall] and, lowering herself with a sheet, ran away."⁹ Eleven days passed with no sighting.

In late March, a matron who was "gathering pussywillows" observed that a window was slightly open on the first floor of Hill Top, the now-closed cottage where feeble-minded women were traditionally housed.¹⁰ According to the report, the matron "climbed in the window with a girl inmate...and discovered a girl hiding under the bed." This unnamed girl was not the only one who had utilized the decaying cabin for her own purposes. Gott was found "in the attic hidden behind the plaster board siding." She had sprained her ankle during the escape and declared she "had nothing to eat since she left EFH." Upon inspection, "a jar of cocoa solution was found."¹¹ Gott was taken to a nearby hospital; a few months later she was released on parole. She

⁸ Gott, 3700, disciplinary file.

⁹ Ibid.

¹⁰ For a discussion on this terminology see Appendix One.

¹¹ Gott, 3700, disciplinary file. What, precisely, the impact of this statement is meant to have on the reader is unclear. Certainly, Gott was in considerable pain and certainly "cocoa solution" would not have supplied her with proper nutrition for eleven days.

eventually violated parole, was returned to the institution, and reparaoled. In 1927, Gott ran away from her place of employment. She was never found.¹²

Gott's compelling story is just one in which a woman resisted Bedford's spatial and temporal restrictions. As Bedford underwent a slow process of physical transformation, escape became less possible. Women reorganized their lives to accommodate those changes and continued to etch out a space for themselves. This chapter explores the spatial and temporal dimensions of punishment, focusing on how women utilized Bedford's hidden geography to subvert their confinement. This work is less grounded in specific archival research. Instead, I would like to use Bedford as a way to think through the evolution of our contemporary prison system and to provide a foundation upon which the following chapters build.

My arguments are largely guided by the theoretical approaches of Stephanie Camp, Michel Foucault, David Harvey, Regina Kunzel, Edward Said, and other historians who have constructed useful theories through which to analyze punishment and space. Bedford's history shows us that our current penal system did not emerge overnight. A gradual increase of State supervision and intractable bureaucracy mangled the goals of nineteenth and early twentieth century prison reformers. Indeed, and dishearteningly, those same individuals who sought to make incarceration more humane too frequently supplied arguments on which future prison officials advanced practices that harmed prisoners.¹³ By centering the experiences of those forced to call Bedford home, I seek to situate discussions of mass incarceration within the broader trend of the expanding carceral state. The physical growth of Bedford traces this

¹² Gott, 3700, inmate case file. In April of 1932, the Board of Visitors, formerly the Board of Managers, agreed to discharge all women who had run away from the institution and had not been located. Gott was one of those discharged.

¹³ For a compelling analysis of the role of liberalism in the war on crime see Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (New York: Oxford University Press, 2014).

expansion. A carceral institution's physical space is inextricably linked with the purpose of incarceration. And, as the goals of incarceration changed, Bedford's physical terrain transformed. Security gates and razor wire fencing replaced open fields and cottages.

A brief summary of penal history is necessary to situate Bedford within the broader context of evolutions in carceral institutions and, more specifically, within the women's reformatory movement of the late nineteenth and early twentieth century. Modern prisons perform vastly different functions than in centuries past.¹⁴ They reflect—much like our modern-day concepts of sexuality, race, and gender—contemporary convergences of necessity, ease, political pressure, and social conditioning. The normative and punitive power mechanisms installed at Bedford are foreshadowed when contextualized by a broad and sweeping analysis of western carceral history.¹⁵

Before the nineteenth century, punishment by incarceration was only one tool in the state's kit of disciplinary tactics, and an underutilized tool at that. Prisons, or spaces we would consider prison-like, were primarily used to house those waiting to be tried in court or waiting to receive their ultimate punishment.¹⁶ Detention within these spaces was not considered an aspect

¹⁴ I use the term “prison” to denote carceral institutions that confine the individual labeled “criminal” who is not labeled “criminally insane,” regardless of whether this terminology aligns with current use. The distinction between prisons, which house those sentenced to imprisonment for one year or more (felons), and jails, which house those awaiting trial or sentenced to less than one year (misdemeanants), is a modern construction as well.

¹⁵ In addition to describing a narrow section of penal history, only a sampling of European and American philosophies, I also limit my analysis of American penology to the northeastern United States. For a broad analysis of women across the United States during this time see Nicole Hahn Rafter, *Partial Justice: Women in State Prisons 1800-1935* (Boston: Northeastern University Press, 1985). For an excellent sweeping analysis of Western carceral systems see Norval Morris and David J. Rothman, *The Oxford History of the Prison: The Practice of Punishment in Western Society* (Oxford: Oxford University Press, 1995).

¹⁶ These spaces were also utilized to keep debtors confined until their debts were paid.

of punishment, leading to the practice of making the physical environment as unpleasant as possible. In contrast to modern American penology, where the goals of incarceration are retribution, deterrence, incapacitation, and rehabilitation,¹⁷ prisons of earlier times cared nothing at all for the moral or social rehabilitation of the convicted.¹⁸

Indeed until the late 1700s, the idea that rehabilitation should be an aspect of penology was uncommon. However, a movement was stirring, first in Europe and soon thereafter in the United States, in which prison reformers sought to eliminate criminality by reforming those who violated criminal law.¹⁹ Architectural sociologist Norman Johnston links changes in the constructions of criminality to the rise of prison reform. Reformers focused less on the “evil will” of the criminal, pointing instead “to external conditions, such as lack of education, drunkenness, rapid increase in wealth and city life, as the causes of wrong doing.”²⁰ The changes in prison architecture during this period indicate an emphasis on moral reform(ability) and an awareness of the social causes of crime. Increasingly, professional architects designed secular prisons to “go along with” the institution’s purpose. The roots of such architecture may be found

¹⁷ In addition to these goals, I would add scientific research and social control to this list. For a more complete discussion of the use of prisoners in scientific research see Allen M. Hornblum, *Aces of Skin: Human Experiments at Holmesburg Prison, A True Story of Abuse and Exploitation in the Name of Science* (London: Routledge, 1999).

¹⁸ See Norman Johnston, *Forms of Constraint: A History of Prison Architecture* (Chicago: University of Illinois Press, 2000), 5. However, within the monastic tradition, Johnston notes that it was between 1580 and 1620 that “the first true reformatories” appeared. According to Johnston, “They fostered the novel aim of reformation of the criminal by means of religious instruction and regular work of a nature calculated to be useful to the prisoner.” *Ibid.*, 33.

¹⁹ This argument is indeed circular and begs the question, without criminal law would we have criminals? Nonetheless, this theory remains deeply entrenched in American penology.

²⁰ Johnston, *Forms*, 42.

in monastic imprisonment.²¹ From here emerges our imaginary of the fortified prisons of the nineteenth century.²²

Once rehabilitation of the prisoner became a goal of incarceration, the idea of prison as a site of moral and spiritual contemplation inserted itself within penological discourse. This shift in the theory of punishment impacted the physical space of carceral institutions. According to one English theorist, and echoed by advocates across Europe, reform was only possible with “the use of an apartment for each person,” as it was “obvious” to prison reformers that this was “the only effectual means of calling forth reflection.”²³ He continued, “Solitude in imprisonment with proper profitable labour, and a spare diet, is the most humane and effectual means of bringing malefactors...to a right sense of their condition.”²⁴ In 1786, prominent English prison reformer Jeremy Bentham coined the iconic moniker for the architectural design of the new purpose-built institution: the Panopticon.²⁵ The Panopticon is the ultimate embodiment of surveillance power. Designed to allow complete observation, the ideal structure contained a guard tower in the center, around which cells were placed, facing outward toward the tower. Contact with prisoners was limited to distribution of food and other necessary items. Although Bentham did not live to see the construction of the “Panopticon Penitentiary,” and indeed this architectural design was

²¹ In European Medieval society, ecclesiastical and secular prisons operated on entirely different plane. For a fascinating discussion of this topic see Johnston, *Forms*, 17-27.

²² Johnston, in his work on prison architecture, links modern prison architecture and disciplinary style to monastic imprisonment, arguing that “[s]ince the church traditionally prohibited the death penalty or other punishments that shed blood, numerous administrative sanctions were developed to maintain discipline and prevent sinful behavior.” Ibid., 18. Indeed, “The first system of cellular punishment that developed first in American and then in Europe, from the 1820s until World War II, must be regarded as the indirect outgrowth of the uses of imprisonment by the Christian church.” Ibid., 27. This conceptual linkage is fascinating, given our current political climate in which moral conservatism reigns.

²³ Ibid.

²⁴ Jonas Hanway, *Solitude in Imprisonment* (London: J. Bev, 1776), 13 as cited in *ibid.*, 46.

²⁵ See Sir John Borwing, ed., *The Works of Jeremy Bentham* (Edinburgh: Tait, 1843), vol. II, 97 as cited in *ibid.*, 50.

never fully realized, the theoretical underpinnings of his style reverberated throughout the nineteenth and twentieth century.

In the twentieth century, philosopher Michel Foucault took this idea and bolted with it, dragging modern penal discourse into the present. Although scholars have since debated and disagreed with his theories, it is indisputable that his ideas about the State's interest in reformability changed the discourse of penology and criminology. Foucault's seminal work on penology devotes an entire chapter to the "Panopticon." In it, Foucault argues that this style of architecture transferred power away from an individual source. According to Foucault, the seer, contained in the central watchtower, was cloaked in anonymity. This served to intensify the experience of being seen, which itself was the punishment. Trapped in a cell with no way of knowing who was watching and when, prisoners had to engage in a form of self-surveillance. The power of the guard transferred to the prisoner, and the threat of corrective punishment, not the corrective punishment itself, was the disciplining force.²⁶ Rehabilitation, in a sense, was placed in the hands of those who lacked the agency or ability to alter their circumstances. This contrasts greatly with the contrary approach that society was responsible for the moral reformation of prisoners, as found in seventeenth century Pennsylvania.

In 1682, under the leadership of William Penn, Pennsylvania enacted a revolutionary penal code, which declared that moral reform was more important than punishment. Although more conservative leaders repealed this law after Penn's death, the roots of reform were clearly established in Philadelphia by the time European theories of prison reform made their way to the colonies. By 1776, a group of wealthy Philadelphian residents, distressed at the state of their city jail, formed the Philadelphia Society for Alleviating the Miseries of Public Prisons, later known

²⁶ Foucault, *Discipline and Punish*, 195-228.

as the Pennsylvania Prison Society.²⁷ This organization, the first of its kind in the United States, placed pressure on the city to clean up the local Walnut Street Jail. Conditions at the jail were horrific; individuals, both men and women, were housed in large rooms regardless of the nature of their crimes, and sanitation was poor, if one was lucky. Jailers, more intent on making money off illicit conduct within the prison, were undoubtedly physically domineering at best and negligent at worst. Clearly, reformers successfully argued, these prisoners deserved something more from the penal system. Total isolation was the answer.

With the passage of legislation in 1790, a new cellblock opened within the Walnut Street Jail, reserved for the “more hardened and atrocious offenders.”²⁸ The “Penitentiary House,” largely considered the first modern penitentiary, embodied the theory of isolation as a tactic of rehabilitation. Aside from the daily visit of the prison guard, individuals were not permitted contact. This isolation, as Johnston notes,

served several purposes: it was punishment par excellence, but in its terribleness it also gave time for reflection and contrition. Moreover, it protected the innocent from contamination by the more sophisticated, and it prevented plots, escapes, and attacks on keepers, which were then common.²⁹

New York State copied the basic design of this penitentiary building with the opening of Newgate State Prison in 1797. Situated in what is now Greenwich Village in lower Manhattan, Newgate housed individuals convicted of serious offenses. Spiritual rehabilitation was emphasized and enacted through monotonous work. However, as incarceration became the preferred punishment by courts and the public, replacing other disciplinary techniques, the

²⁷ Johnston, *Forms*, 67.

²⁸ *Ibid.*, 67.

²⁹ *Ibid.*, 69. Decades later, however, this same facility was criticized by inspectors, who argued that these cells were used as punishment for violating the prison’s rules and not as they were intended, for the housing of individuals specifically sentenced to solitary confinement. As we shall see, this misuse of space is a theme throughout Bedford’s history as well.

population quickly surpassed the capacity of the institution. Like their counterparts in Philadelphia, New York reformers began to push for the construction of new carceral spaces. The prison industry was burgeoning.

By the late 1820s, two dueling philosophies gained prominence: the Pennsylvania model and the Auburn model. The massive fortress-like Eastern State Penitentiary in Philadelphia exemplified the Pennsylvania model, and the Auburn model was showcased at Auburn State Prison in New York. Both systems required some form of isolation; the difference was in the degree to which inmates were permitted to work.

The Pennsylvania system prohibited inmate labor. Its proponents argued that any and all activity prevented absolute solitude, which was a prerequisite to rehabilitation. When Eastern State Penitentiary opened in 1829, it was designed to house individuals in complete, and horrifying, isolation.³⁰ Each inmate was assigned to a single-occupancy cell, which opened onto a small, enclosed exercise yard. Walls were thick enough to prevent inmates from communicating with each other, and sunlight came filtered in via a window in the center of the ceiling. At the opposite end of the cell, where one would expect to find a door, one saw instead a small locked opening. This opening was used to pass food to the prisoners. Masks were used on inmates during transportation to other parts of the prison, and inmate numbers provided further anonymity.³¹ In short, every attempt was made to create complete silence and confinement.³²

³⁰ The theory behind Eastern State enjoys a long past. Johnston highlights the Hospice of San Filippo Neri, opened in 1677 in Florence. The practices at this institution—total silence, the use of masks to create anonymity, and emphasis on reform—are strikingly similar to those found at Eastern State. See Johnston, *Forms*, 35.

³¹ While horrific by today's standards, during this era reformers did not harbor a perverse desire to inflict harm. Efforts were in fact made to ensure comfortable surroundings. In this light, the institution strove to protect the privacy of inmates in order to prevent stigmatization after release.

³² Johnston notes that the prison was criticized before it was completed because this architectural design came at significant economic costs. According to Johnston, "The entire prison was

Proponents of the Auburn model were similarly convinced that isolation constituted a necessary aspect of rehabilitative punishment. However, Auburn’s initial legislation did not specify whether cellular confinement was required. Thus, the first cellblock opened in 1817 and predating Eastern State by over a decade, resembled the crowded rooms of Newgate, a building practice that reformers immediately stopped. Later cell houses contained some 500 small cells, “each seven feet [and] six inches by three feet [and] eight inches, seven feet high.” One author aptly referred to the Auburn cellblocks as “a human filing system.”³³ In 1821 New York enacted a three-tier sentencing scheme. “Hardened” offenders were sentenced to solitary confinement for their entire sentence. By 1824, however, the practice of total isolation was abandoned: the high rate of insanity and illness drew the attention of Governor Joseph C. Yates, who, after visiting the prison, subsequently pardoned most hardened offenders.³⁴ Prison officials devised a solution in which inmates were permitted to work outside their individual cells during the day, but absolute silence at all times was strictly enforced.³⁵

completed for about \$800,000, an extremely large sum for the period—\$1,800 a cell compared, for example, with Connecticut’s \$151.” Johnston, *Forms*, 71. For perspective, in 2017, this amount would equal approximately \$45,720 per cell. The annual cost of incarceration in 2010, on the other hand, was roughly \$31,000. Add to this number the fact that prison population has grown 700% since 1970 and we have a very dire situation indeed. *See* Vera Institute of Justice, *The Price of Prisons: Examining State Spending Trends, 2010-2015* (May 2017).

³³ Johnston, *Forms*, 77.

³⁴ An account by the *Syracuse Herald-Journal* documents this treatment:

Separation of these men took place Christmas day, 1821, when 30 were thus isolated. In less than a year, five had died, one had become an idiot and another hurled himself from the gallery into the yard below. The remainder, haggard, despairing, begged piteously to be set to work.

“First Electric Chair Used at Auburn: Prison Has Been Laboratory For Penology Experiments For Century and Quarter,” *Syracuse Herald-Journal* (Syracuse, NY), March 20, 1929.

³⁵ Shockingly, or perhaps at least hair-raising, Auburn still functions as a maximum-security prison today. According to a visit conducted by the Correctional Association of New York in 2011, approximately 1,800 individuals live at Auburn. Of note, it is the manufacturing hub for all New York State license plates. *See* Correctional Association of New York, “Auburn Correctional Facility: 2011” (June 2011).

Eventually by the mid-nineteenth century, the Auburn model predominated in prisons throughout the northeastern United States. Perhaps, as Johnston argues, it was due to its design, built by “pragmatic men who were builders, not architects, and by men who had the day-to-day responsibilities of trying to contain in an orderly fashion the occupants of their institutions.” Standing in direct contrast was the Pennsylvania model, created by “men of broader cultural backgrounds, attuned to reformist and religious movements at home and abroad and aided by accomplished, professionally trained architects.”³⁶ Pragmatism dominated over idealism, an idealism that focused solely on the male offender.³⁷

Conversations amongst reformers generally left gender out of the picture. Women did in fact make up a small minority of criminal offenders, and up until the mid-1800s, they were typically housed in the same facilities as men. At Auburn, for instance, women were kept in a third-floor attic above the penitentiary’s kitchen. Once a day, prison guards delivered food and necessities to the women. At all other times, they were left unsupervised in the overcrowded, unventilated, and windowless space. Cordoned off from the rest of the prison population, women at Auburn faced significant neglect and abuse from prison guards. The gruesome conditions at Auburn were present at many other prisons across the northeastern United States.³⁸ It was only in the years following the growth of the Auburn model that middle and upper class women began to call attention to the room above the kitchen. The women’s reformatory movement was gradually emerging.

³⁶ Johnston, *Forms*, 78.

³⁷ The analysis of male offenders by race is outside the scope of this work. Like female offenders, race definitively impacted male offenders. For a more expansive discussion of race and prisons see David M. Oshinsky, *Worse than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* (New York: Free Press, 1996); W.B. Taylor, *Brokered Justice: Race, Politics, and Mississippi Prisons, 1798-1992* (Columbus: Ohio State Press, 1993).

³⁸ For a more detailed discussion of the treatment of female inmates in prison see Rafter, *Partial Justice*.

Women's associations formed in New York City and Philadelphia with the purpose of supplying moral lessons to "enhance" women's time while incarcerated. Appalled at the conditions they saw at gender-integrated prisons, these visiting women began to advocate for the creation of completely independent institutions for women. According to historian Estelle B. Freedman, three principles guided these reformers in their attempt to articulate an alternative model of "feminine" prison reform: "the separation of women prisoners from men; the provision of differential, feminine care; and control over women's prisons by female staff and management."³⁹ These religious women, indoctrinated in the Cult of Domesticity, formed the first generation of reformers supporting the opening of separate institutions outside of the traditional custodial type prisons, such as found at Auburn. They defined the target population for new "reformatories."

This first wave of reformers focused special attention on young, typically white women who had committed some crime of sexual immorality.⁴⁰ This group of women, reformers believed, represented the most reformable class of female offenders.⁴¹ Not yet advanced in their criminal careers, women of this background deserved a separate space away from the moral contamination caused by older, hardened female offenders. Moral reform, as we witnessed with male offenders, could only take place under certain atmospheric conditions. Reformers sought to open reformatories in rural areas; away from the polluting environment of the city, fresh air and

²⁴ Freedman, *Their Sisters' Keepers*, 46.

⁴⁰ It is important to note that "white" connoted a nationalistic distinction different from our current construction of whiteness. The vast majority of targeted women were white "native"—read nonimmigrant—Americans.

⁴¹ Rafter points to four specific factors that impacted the ways in which criminality was viewed and helped influence early reform efforts. These are: "that type of nineteenth-century meliorism that has been labeled 'social feminism'; the closely related social purity movement; evolution in the theory and practice of reforming juvenile delinquents; and the changing image of the female offender." Rafter, *Partial Justice*, 45.

agricultural work would transform morally and sexually deviant women into properly gendered domestic subjects.⁴² By the time New York State legislated Bedford into existence in 1892, reformers had settled on the proper architecture for women reformatories, the innovative “cottage plan” model. This model, most notably embodied at Bedford, moved inmates into open fields and separate “cottages,” where small groups of women worked together in communal-style living arrangements. In addition to communal living, women at Bedford were permitted to keep their children with them until the age of two.⁴³

It is important to note that this first wave of women reformers viewed female offenders in a sympathetic light. Indeed, embedded within the relationship between this first group of reformers and the inmates was a commitment to a type of “sisterhood” premised on linking “fallen women” to the reformers’ own social identities. However, by the time the first superintendent of Bedford, Katherine B. Davis, assumed her position in 1901, the first era of the women’s reformatory movement had drawn to a close. A second wave of newly professional women, who viewed their charges in starkly different terms, replaced older reformers.

This new wave of women, the products of increased educational opportunities, was indoctrinated within the pedagogy of the social sciences.⁴⁴ As a whole, these reformers were less interested in the “moral reform” that had motivated the early generation, viewing the institution of the reformatory not as a tool to reform individual women but as a laboratory to find the root

⁴² Rafter, *Partial Justice*, xxi.

⁴³ This number was presumably chosen because the majority of women, in the institution’s early years, received parole after one year of their one-to-three year sentence. Thus, the women could remain with their young children and learn “proper” mothering from Bedford’s staff before their release.

⁴⁴ Freedman, *Their Sister’s Keepers*, 109.

causes of criminality.⁴⁵ As scientific research usurped religion's authority, the outright moralism of the first generation of reformers was replaced by paternalism masquerading as sincere concern for social issues such as poverty. In short, by the late nineteenth century, driven by a fascination with the scientific method, reformers and prison advocates created a new goal of punishment: scientific study. Becoming the perfect environment in which the "criminal" could be classified and scrutinized, carceral spaces allowed social scientists to discover the "root" causes of criminality. The prison became a laboratory of sorts.

The interweaving of science and penology is best exemplified by the creation of the privately funded Laboratory for Social Hygiene in 1913. The Laboratory, constructed on property directly across from Bedford's campus, functioned as a site of total social control. Upon arrival by train at the local station, women were greeted by a matron and transported the mile-and-a-half to the Laboratory. Here, women were first processed: a physical exam was conducted, a detailed family, social, and criminal history was taken, and the woman was sent on her way to quarantine at Bedford, where she would remain for at least two weeks. In addition to functioning as an initial intake center, the Laboratory also housed especially vexing disciplinary cases—those women who refused to reform. In short, the Laboratory facilitated the perfect conditions under which social scientists could mine inmates for data on female criminality. Numerous studies were conducted in the Laboratory, and it became a well-known research institution during the five years it existed.⁴⁶ The Laboratory, and the scientific work that took place in the

⁴⁵ Philosopher and historian Michel Foucault would surely have had a field day with the constant interchange of science and penology present at Bedford. For his perspective on the dual origins of medicalization and carceral systems see Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason* (New York: Pantheon Books, 1965); Michel Foucault, *Discipline and Punish: The Birth of the Prison* translated by Alan Sheridan (New York: Vintage Books, 1977).

⁴⁶ For a sampling of studies done at the Laboratory see Amos T. Baker, "The Work of New York State Reformatory for Women at Bedford Hills," in *Proc. of the 18th Annual Conference of*

psychopathic hospital next door, exemplifies one of Michel Foucault's theories about the changing goal of incarceration.

According to Foucault, in the early twentieth century, "A whole corpus of individualizing knowledge was being organized that took as its field of reference not so much the crime committed...but the potentiality of danger that lies hidden in an individual and which is manifested in his observed everyday conduct."⁴⁷ The Laboratory operated in such a way. By dissecting the minutia of women's individual experiences, doctors and social scientists distilled criminality down to its purest form. Foucault continues, "The prison functions in this as an apparatus of knowledge." Again, the Laboratory reflects this theory; the space allowed workers the opportunity to construct a criminal pathology. Despite officials' best attempts to root out the organic causes of female criminality—presumably to phase out the need for carceral institutions such as Bedford—the inmate population, and the campus itself, continued to grow. Bedford's changing architecture provides an opportunity to view this shift in penology. To show how the change of penology mapped onto the physical environment, we will begin first with Bedford's current incarnation as a maximum-security facility in a moment in time where incapacitation reigns as one of the most important goals of confinement.

the New York State Association of Magistrates (Albany, 1927); *Brief Case Histories of Twenty-One Women Recommended for Custodial Care Chosen From Among One Hundred Consecutive Admissions To The New York State Reformatory for Women, at Bedford Hills, New York in 1917* (Albany, 1917); Katherine B. Davis, *Factors in the Sex Life of Twenty-Two Hundred Women* (New York: Bureau of Social Hygiene, 1929); Mabel Ruth Fernald, *A Study of Women Delinquents in New York State* (New York: The Century Co., 1920); William Healy, *The Individual Delinquent: A Textbook of Diagnosis and Prognosis for all Concerned in Understanding Offenders* (Boston: Little, Brown, and Co., 1929); Edith Spaulding, *An Experimental Study of Psychopathic Women Delinquents* (New York: Bureau of Social Hygiene, 1920).

⁴⁷ Michel Foucault, *Discipline and Punish*, 126.

I first visited Bedford on a fall day. It was brutally cold. The afternoon sun was just dipping behind the hills, only adding to a sense of foreboding. Approaching the institution, I was struck by the sheer administerial ugliness of the sprawling campus and multiple fifteen-foot barbed wire fences. Functionality at its finest. I pulled into the visitor's parking lot, glancing behind me at the sign for the New York State Taconic Medium Security Facility. From my research, I knew that this property once housed the Laboratory for Social Hygiene. The building blocks of Bedford's all-encompassing physical environment—spatiality, temporality, and individuality—were on full view.⁴⁸

Anthropologist David Harvey once wrote, “[P]laces acquire much of their permanence as well as much of their distinctive character from the collective activities of people who dwell there, who shape the land through their activities, and who build distinctive institutions, forms of organization, and social relations within, around or focused on a bounded domain.”⁴⁹ If architecture dictates purpose, it quickly became apparent that Bedford's design was intended to

⁴⁸ This argument, originally advanced by Edward Said, has impacted not only the field of spatial studies, but also sociology, anthropology, criminology, and history as well. As anthropologist Nancy Munn notes, “The body, the house, gender relations of reproduction as well as gender roles...all become caught up in a wider symbolism constructed around space, time, and value.” Nancy Munn, *The Fame of Gawa: A Symbolic Study of Value Transformation in a Massim Society* (Cambridge: Cambridge University Press, 1986) as cited in David Harvey, *Justice, Nature, and the Geography of Difference* (Malden, MA: Blackwell Publishing, 1996), 217. For an expansion of this argument within the Antebellum South see Stephanie M.H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: The University of North Carolina Press, 2004), esp. pp. 12-35. For utilization of this theory in the context of prisons see Regina Kunzel, *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality* (Chicago: University of Chicago Press, 2008), esp. pp. 15-45. I use the term “individuality” as employed by Michel Foucault. In his seminal work on carceral systems, Foucault notes that modern forms of discipline create a “docile” individual, one that reflects back all the complications of imposing rigid punishment on soft bodies: “The body, required to be docile in its minutest operations, opposes and shows the conditions of functioning proper to an organism. Disciplinary power has as its correlative an individuality that is not only analytical and ‘cellular,’ but also natural and ‘organic.’” Foucault, *Discipline and Punish*, 156.

⁴⁹ Harvey, *Justice*, 310.

induce feelings of inevitability—inevitable confinement, inevitable monotony, inevitable desensitization. The visitor’s processing center, constructed out of what appeared to be a temporary doublewide trailer, enhanced this twilight experience. I turned to the person who agreed to let me tag along to remark on the shoddy building. Answering my question, he replied, “No it’s not temporary. I thought that it was too when I first visited.” At least, I thought to myself, I’m going home tonight. A cramped one-bedroom apartment in New York City never felt so welcoming. This feeling of inevitability, one that I can only describe as grey exhaustion, followed me as we moved through the processing center, into a room with mechanized locking doors, and outside into the cold. I was surprised to learn that we had to make a trek up the hill to another building for visiting.

Razor wire fencing surrounded us on both sides, and I could not help but think, how would the advocates of Bedford, when it was a reformatory, react to this space that they helped create? Would they be disgusted, as I was? Or would they simply be amazed at how regimented our penal system has become? I knew that reformatories such as Bedford prided themselves on their lack of a boundary wall. Images of Gott’s several escape attempts seemed strangely out of place in the physical space where she had once lived. As Gott knew, instead of resorting to physical barriers reformers envisioned Bedford as a nurturing environment, one where women would *want* to stay. When the women desired freedom, the rationale continued, Bedford’s location outside the town center would deter any risky escape attempts into the surrounding forest. Indeed, although the number of escapees was incredibly high by contemporary standards, many more attempted escapes were foiled before women were able to make it off the property’s grounds. Patrolling male watchmen were employed specifically to prevent such escape. Despite this, women continued to try. In doing so, they showcased an intense desire for freedom. Risking

injury, lengthened sentences, and severe disciplinary consequences, women subverted the physical space around them. In the present moment, I wondered: how did Bedford's population subvert their space today? Quite frankly, it seemed impossible.

"You know," I said, "When Bedford opened as a reformatory, it didn't have any fences." My companion shook his head, stating, "Well it sure does now." Indeed, the fence, more than any other architectural feature, renders physical the idea that effective discipline requires bifurcation and separation. Foucault's analysis of the "double mode" of control is helpful to think through Bedford's physical manifestation. According to Foucault, all disciplining forces exercise an "individual control function according to a double mode; that of binary division and branding (mad/sane; dangerous/harmless; normal/abnormal); and that of coercive assignment, of differential distribution...."⁵⁰ In this way, carceral systems serve to both: (1) label and classify those individuals who engage in criminalized behavior; and (2) isolate those individuals from the free world.

One simply cannot talk about carceral institutions without discussing the physical environment. Space impacted the ways in which women moved through Bedford during the course of its architectural transformation. While prisoners may bear the full force of corrective measures, the physical space of the institution embodies the penological theory of punishment prevalent at any given time. Because the purpose of incarceration has shifted over the course of Bedford's existence, its current form stands in stark contrast to the institution that opened in 1901. To contextualize Bedford's current manifestation, we must look to the past.

⁵⁰ Foucault, *Discipline and Punish*, 199.

As we remember, prior to the early nineteenth century, prisons lacked a standard architectural design. Beginning in the early nineteenth century, however, several prominent architects entered the business of prison building. These individuals practiced their craft, aiming to instill in the public and the prisoners alike a sense of foreboding. Concrete walls and eerie silence were intended to foster an atmosphere of intense contemplation and bodily deprivation. The distinct architecture of the reformatory, coming on the heels of severe prison abuses in the mid-nineteenth century, was a dramatic shift in the way in which prisons were constructed.

Popularized by the reformatories for women in Massachusetts and for men in New York, the cottage style rose to prominence in the late 1800s.⁵¹ This style transferred individuals from single cell confinement to a farm-like atmosphere. Away from the polluting environment of the city, reformers believed that fresh air and agricultural work would transform morally and sexually deviant women into properly gendered domestic subjects.⁵² The pleasing physical atmosphere of the reformatories was thus intended to map on to the inmates themselves, thereby aiding in their domestication.

When Bedford opened in 1901, its four original cottages were strategically positioned around a large dormitory-style building, which housed the hospital, quarantine rooms, and a small auditorium. Anywhere from fifteen to twenty-five women lived in a cottage unit and each was self-sustaining. Women cooked meals in cottage kitchens, spent leisure time in common living rooms with other cottage members, and decorated their rooms with paintings and flowers. In at least one cottage built later, women actively participated in their incarceration by way of

⁵¹ These were, respectively, the Massachusetts Reformatory Prison for Women and the Elmira Reformatory for Men. Both opened in the mid to late 1800s. For a more general analysis of reformatory institutions see Estelle Freedman, *Their Sisters' Keepers: Women's Prison Reform in America, 1830-1930* (Ann Arbor: University of Michigan Press, 1981).

⁵² Nicole Rafter, *Partial Justice: Women in State Prisons, 1800-1935* (Boston: Northeastern University Press, 1985), xxi.

self-governance. Most importantly, Bedford was not racially segregated. The first superintendent, Katherine Bement Davis, was adamant about integration, linking the need for cross-race relationships to the institution's general harmony. Bedford's officials, however, were not immune to racist politics, and white and black women experienced their time at Bedford differently. Black women were frequently shunted into the least desirable jobs, such as laundry and kitchen work, while white women were permitted to engage in job training aimed at improving their chances of success upon release. Bedford may have been formally integrated in policy, but this mentality was not reflected in practice. The conflation of criminal sexuality with fears of racial intermixing impacted the policies present at Bedford..

During the institution's earliest years, little to no mention is made of same-gender coupling occurring between women. It was not until 1915 that the specter of these relationships drew alarm from Bedford's administrators and other state officials. Women and girls were not just engaging in sexual perversion, they were practicing the worst form: interracial coupling. As discussed further in Chapter Two, interracial coupling stoked the fears of race mixing and the contaminating influence of such commingling. We have, then, two intersecting marginalizations: the criminalization of deviant sexuality and the conflation of deviant sexuality with racial mixing. Applying historian Regina Kunzel's work on the history of sexuality in prisons to the phenomenon of interracial coupling at Bedford illuminates the ways in which the institution functioned as an organizing and disciplining space, particularly in the realm of sexuality.⁵³

According to Kunzel, the initial conflation of deviant sexuality with criminality occurred in 1895, during the time of Oscar Wilde's infamous trial. Kunzel writes, "[A]t this formative

⁵³ For a more complete discussion of sexuality and carceral institutions outside of Bedford see Kunzel, *Criminal Intimacy*; Regina G. Kunzel, "Situating Sex: Prison Sexual Culture in the Mid-Twentieth-Century United States," in *GLQ A Journal of Lesbian and Gay Studies* 8, no. 3 (2002): 253-270.

moment in public recognition of this new sexual type, ‘the homosexual’ would become ineradicably affiliated with criminality and the prison.”⁵⁴ The concepts of sexual identity or orientation, as we know them today, did not exist prior to the rapid growth of sexology in the late nineteenth and early twentieth century. The sex act itself was criminalized; the attraction was beside the point. By the early twentieth century, social scientists had crafted a recognizable distinction between sexual *perversion* and sexual *perversity*. Kunzel summarizes this distinction as follows: “[T]hose afflicted with perversion were inclined congenitally to same-sex sexual practice and were therefore not responsible for their actions.” These people were abnormal in a way that made them incurable. “Those guilty of perversity,” Kunzel continues, “were neither neurologically tainted nor sexually inverted. As willful participants in perverse acts, they could therefore be held responsible for their actions.” In her words, “They were punishable but also potentially curable.”⁵⁵ The prison existed as a site of rehabilitation for those individuals.

The intersection of criminalized sexuality cannot be overstated in the context of an emergent, modern carceral system. Kunzel again proves instructive when she states, “It may not be an exaggeration to claim that the prison played a part in the solidification of the notion of sexual identity....”⁵⁶ It is clear that same-sex sex determined the ways in which women’s sexuality at Bedford was scrutinized. Integration and communal living indicated a desire to create community. Bedford recognized, however, the inherent danger of creating an environment where “undesirable relations” could form. Officials would have known about the “unhealthy attractions” fostered between individuals in reform schools and prisons. Social scientists outside the institution had begun to study the phenomenon of same-sex sex within carceral institutions in

⁵⁴ Kunzel, *Criminal Intimacy*, 47.

⁵⁵ *Ibid.*, 54. Here, we have the roots of the contemporary mainstream “born this way” movement, albeit with less focus on self-acceptance.

⁵⁶ *Ibid.*, 76.

the late 1800s. Sexuality—then only referencing same-sex sex—was discussed in several studies of mental deficiency in the late nineteenth century and into the 1920s.⁵⁷ This discussion, however, was typically coated in opaque language. For instance, psychiatrist and criminologist William Healy’s massive 800-page treatise on criminal delinquency dedicates less than two pages to the explicit subject of “sex perversions.” Recognizing the “importance of the subject of sex perversions for all who have to do with offenders,” Healy nonetheless asserts, “[T]here is no sufficient reason for our discussing it in detail in a work such as this.” He then directs his readers to European literature, recently translated into English, which “deal with the subject thoroughly.”⁵⁸ In sum, for prison officials at the time, criminal pathology frequently involved the pernicious problem of sexual perversion.

As much as same-gender sex or attraction impacted Bedford’s design, interracial same-sex sex increased the likelihood that Bedford’s officials sought to reshape the spatiality of their institution. Racialized and gendered constructions of proper sexuality altered the very geography of the institution itself. As the phenomenon of interracial coupling was uncovered, black women faced increased pathologization; white women largely escaped such analysis. Black and white women faced disparate treatment, but both black and white women resisted the spatial restraints imposed on them.

One example of spatial subversion is the very proliferation of interracial same-gender couples in the face of threatened punishment and stigmatization. Through this practice, women retained control over their bodies. Desire and longing, love and friendship fused in these intimate relationships. For instance, the white Frances Tolski, as discussed in the Introduction, expressed the need for pleasure, at the risk of bodily harm. In 1917 or 1918 she penned an explicit love

⁵⁷ For a discussion of mental deficiency see Appendix One.

⁵⁸ Healy, *The Individual Delinquent*, 411.

note to her “daddy.” In this confiscated note Tolski wrote, “Some fine day I'm going to grab you and make you warm me up and fuck me and I'll be willing to get punished every day in the week for *you* and *you* only.”⁵⁹ She continued to express her desire:

Indeed I never earned or had such a feeling toward any other woman on these grounds dear as I have for you, I do think that we were just made for one another and that is why I intend to be a good time mama to you now and out in the big world[.]

Tolski's fantasy of building a life with the note's intended receiver highlights another aspect of utilizing space. “[R]elations become embedded in things....[T]he thing given itself possesses a soul[,]” anthropologist David Harvey notes. “[T]o make a gift of something to someone is to make a present of some part of themselves.”⁶⁰ Gifts “bear the message...across time and space[,]” becoming spatial and temporal mediators. By sharing their bodies and intimate thoughts with each other, women engaged in such gift-giving.

Women did not just give parts of themselves to other women; their intimacy also acted as a form of rebellion against the restraints placed on their bodies and autonomy. Historian Stephanie Camp, in the context of slavery, theorizes that “everyday battles for ‘regaining’ a measure of ‘control’ took place on very ‘personal’ terrain: their bodies.”⁶¹ Perhaps this theory resonates so deeply because incarcerated women face a type of bodily subjugation; their bodies bear the punishment of confinement. Camp again aids our analysis, writing, “For those who encounter oppression through the body, the body becomes an important site of not only suffering but also (and therefore) of enjoyment and resistance.”⁶² This theory, although analyzing enslaved

⁵⁹ Tolski, 2516, letter.

⁶⁰ Harvey, *Justice*, 220.

⁶¹ Camp, *Closer to Freedom*, 62.

⁶² *Ibid.*

people's experiences, rings remarkably true for women at Bedford.⁶³ Navigating the contours of their confinement, women found ways in which to express their sexual and emotional desires, despite prison officials' attempts to prevent such practices. Hidden around corners, secreted underneath beds—women carved out their own spaces to live, love, and maybe even fuck within the raced and gendered restrictions imposed on them by incarceration.

The fact that Tolski expressed anger and resentment towards others at Bedford, writing “Now beautiful daddy I am very glad that you trust me, and that you wont believe those pussies, for they say things just to break up couples, but I don't give a good goddam[,]”⁶⁴ in turn reflects Camp's argument that “theories of everyday resistance, those small acts with sometimes outsized consequences, have opened enormous possibilities to understanding the meanings of actions that might otherwise be little more than fits of temper.”⁶⁵ Like other forms of subversion, this sort of rebellion, as explained by theorist María Lugones, “hardly ever has a straightforward public presence. It is rather duplicitous, ambiguous, even devious. But it is almost always masked and hidden by structures of meaning that countenance and constitute domination.”⁶⁶ What makes

⁶³ Although outside the scope of this paper, perhaps this language strikes me as particularly applicable to carceral institutions because these institutions represent, in the twenty-first century, a new form of enslavement. For a more complete discussion of the intersection between incarceration and slavery see Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Color-Blindness* (New York: The New Press, 2010) (describing how the criminal legal system has created a new racialized caste system); Susan Burton, *Becoming Ms. Burton: From Prison to Recovery to Leading the Fight for Incarcerated Women* (New York: The New Press, 2017) (radically describing her organization, which provides support for formerly incarcerated women, as the “new underground railroad”).

⁶⁴ Tolski, 2516, letter.

⁶⁵ Camp, *Closer to Freedom*, 62.

⁶⁶ María Lugones, *Peregrinajes/Pilgrimages: Theorizing Coalition Against Multiple Oppressions* (New York: Rowman & Littlefield Press, 2003), x as cited in Talia Mae Betcher, “Trapped in the Wrong Theory,” in *Signs: Journal of Women in Culture and Society*, 39:2 (2014): 384-406. By utilizing Loegones' quote to reflect this scenerio, I by no means intend to mask those expressions of love, strength, and perservance that were not anything other than those expressions. What looks like resistance to the outside may have never crossed the actor's mind as such.

Tolski, a white woman, unique in Bedford's history is that her desire for her black companion was infiltrated. By the time of Tolski's confinement, Bedford had begun to undergo a significant structural change.

In 1917, when Tolski wrote her letter, Bedford had expanded to roughly forty separate buildings, and those inmates who scored poorly on the plethora of tests performed on them were housed in the "farm" cottages, about half a mile from the main campus.⁶⁷ Those who succeeded in proving they were normal were further separated by race and then by disciplinary record.⁶⁸ As previously noted, Bedford's cottages were initially integrated. However, in 1917, two cottages were reserved specifically for black women. The administration claimed they were "[e]stablished upon written request of a number of these girls."⁶⁹ Most likely, this change was done to dissuade inmates from forming interracial relationships.

Michel Foucault's trailblazing work on the disciplining nature of classification situates Bedford within the broader conversation of punishment. Foucault theorizes that effective discipline requires several things, including that a regulated space must be comprised of some ranking scheme, some form of classification.⁷⁰ Control over an individual is greatly increased, so the theory goes, by ranking individuals. In the context of punishment, this ranking fixes them to a precise label: criminal. This factor most likely has its roots in the scientific discourse of the late nineteenth century—specifically how the science of taxonomy and biology influenced the ways in which social scientists thought through issues such as crime and poverty.

⁶⁷ The record is quite confusing in this regard, but it appears that this cluster was also comprised of buildings from the Rockefeller group, as discussed *infra*.

⁶⁸ For a discussion of this term see Appendix One.

⁶⁹ Board of Managers, *Annual Report for the Year 1917* (Albany, 1918), 16.

⁷⁰ Foucault, *Discipline and Punish*, 143-45.

At Bedford, women were ranked by race, disciplinary record, and intelligence—categorized in such a way that facilitated easy transfer from one state institution to another. A woman’s crime, race, reformability, personality, and societal worth were components that dictated whether she would stay at Bedford or move to another institution. Once it was determined she would remain at Bedford, she was then separated by race and intelligence. If a white woman scored high on the many intelligence tests given during her intensive intake process, than she had a much higher likelihood that she would receive additional training and education while serving her time. The correlation does not appear to exist for black women. If the white woman did not perform well, however, she was classified into a group known as the “Reception House.” Women in this bracket did not live in the cottages like the rest of the inmates. Instead, they were housed in a dormitory-style building. It is not clear from the record how this dormitory was, if even, segregated. Perhaps all black women were housed together, regardless of intelligence, or perhaps the black woman who performed satisfactorily was practically non-existent. Of the Reception House group, however, there were two levels. The first was the First Division, or the middle division, for women who performed below par, but who were still deemed worthy of reform. The rung down in the classification system was the Second Division, or the low division. Here we find women considered stupid, dumb, or otherwise mentally incapacitated.⁷¹ Unfortunately, a precise racial breakdown of this group is difficult as the archive again proves limited information.

What we do know is that the most reformable white women lived in Morris Cottage, the honor cottage, where they engaged in a form of self-governance. There, inmates created the rules for the cottage, acting as judge and jury if one of them violated those rules. Officials at Bedford

⁷¹ For a discussion of this terminology see Appendix One.

knew that they could not maintain complete control over their charges. Encouraging the women to police one another, therefore, was an important tool in their punitive toolbox. Such arrangement also sought to cultivate division between the women, making it difficult to form bonds between one another. In spite of this emotionally manipulative tactic, however, women did forge strong relationships with each other. Again, we see whether platonic, romantic, or something else entirely, women at Bedford strove to subvert the spatial constraints placed on them. This form of subversion may be categorized as exploring and creating “rival geographies” within the institution.

Here again Stephanie Camp proves instructive, articulating rival geography, in the context of slavery, as “alternate ways of knowing and using...space that conflicted with planters’ ideals and demands.”⁷² Rival geographies are “characterized by motion: the movement of bodies, objects, and information within and around...space.”⁷³ As women passed notes from one another, and as they found alternative ways of expressing their affection, women stirred the metaphorical pot, moving their emotions outward to one another. A popular 1929 study of same-gender relationships within Ohio’s penal system provides us with more concrete examples of rival geographies. Notes and favors, exchanged between “friends,” were used as a stand-in for physical contact when such expression was not feasible. The following confiscated note indicates the level of desire for physical intimacy:

You can take my tie
You can take my collar
But I'll jasse you
'Till you holler⁷⁴

⁷² Camp, *Closer to Freedom*, 7.

⁷³ Ibid.

⁷⁴ Charles A. Ford, “Homosexual Practices of Institutionalized Females” in *Journal of Abnormal and Social Psychology* 23 (January-March 1929): 444.

At Bedford, women also subverted space, as Tolski's story suggests.

Another example of rival geographies: women utilizing their physical bodies to transfer notes to one another. In the same study, psychologist Charles Ford notes this practice again at the same Ohio reformatory. Although a different institution, Ford's analysis rings true for the evidence left of Bedford's relationships. Ford writes:

The[se] notes are usually written in their rooms at night. The paper and pencils are stolen from the school rooms or library, or cut from the margins of books and magazines. Girls who are in the school steal the material by tucking it under their brassiers in such a way that it lays flat and escapes notice. Once in their cottage, they pass it out to other inmates. The notes are kept much as the proverbial lover treasures his letters.

At Bedford, inmate Lynette Murphy's poem, it must be noted, was written on a roll of toilet paper. Most importantly, and most descriptive of Camp's theory, is Ford's acknowledgment that "[i]n this particular institution the window and door casings are not tight against the walls, These and similar spaces behind shelving become the depositories for both notes and supplies."⁷⁵ Confined, inmates lived in a distinctly separate reality from matrons.

From the evidence, it is clear that inmates and matrons existed, as Camp notes, "side by side[.]" and that quite "public and hidden worlds coexisted" in the spatial and corporal realities present at Bedford.⁷⁶ Inmates and officials, like the planters whom Camp writes about, "[S]hared space, agreed on its importance, and clashed over its uses."⁷⁷ When viewed in this light, interracial relationships developed during this period constitute a form of resistance—resistance to myriad restrictions placed on them; resistance to reformers attempts to remold inmates' sexualities and personalities; and resistance to the banal forms of violence that permeate insitutional life.

⁷⁵ Charles A. Ford, "Homosexual Practices of Institutionalized Females," 445-46.

⁷⁶ Camp, *Closer to Freedom*, 2.

⁷⁷ *Ibid.*

Space was not the only means by which prison officials exerted control over women. Prison life existed in a different temporal reality than life on the outside. Camp's theories are again instructive, noting in regards to slavery, "Time, too, was an element of bondpeople's captivity...the principles of restraint included not only spatial constrictions but constrictions of time as well."⁷⁸ Despite the fact that women at Bedford had structured leisure time at the end of the day, the institution dictated their spatial and temporal movements—once lock in time arrived, women returned to their private rooms, where they remained until morning. Matrons operated in similar ways to "planters [who] commonly viewed adherence to spatial and temporal discipline as essential to overall order."⁷⁹ The monotonous routine of institutional life was intended to provide stability, and also reinforce control over the women. This temporal control was exerted in many ways, including in sentencing and the use of timetables. First, sentencing.

Foucault theorizes, "[T]here is a difference in the temporal direction of punishment." By this, he means that the intention of incarceration, whether for rehabilitation or for incapacitation, dictated how reformers interacted with the idea of time. For instance, "[R]eformatories' were mechanisms directed towards the future; they...were intended not to efface a crime, but to prevent its repetition."⁸⁰ Standing in stark opposition was the idea of incarceration for incapacitation's sake. Instead of aiming to prevent future criminal behavior, this theory was premised on the idea that the would-be criminal was always, and would forever remain, a criminal. The length of the prison sentence was essentially irrelevant, as long as the criminal was kept contained. In this way, time and space intersected, creating near total control over

⁷⁸ Camp, *Closer to Freedom*, 20.

⁷⁹ *Ibid.*, 28.

⁸⁰ Foucault, *Discipline and Punish*, 126-27.

individuals. Again, Foucault's ideas are useful here, specifically his ideas about punishment's changing temporal plane.

When Bedford was first imagined, reformers fought hard for an indeterminate sentence of three years, regardless of the crime for which the woman was committed. To reformers, this represented the ideal amount of time to for rehabilitation. To women, this represented the amount of time needed to fundamentally alter their lives. Whether this alteration was positive or negative was, reformers asserted, in the individual woman's hands. Less focused on incapacitation or deterrence, the indeterminate sentence was individualized to fit each woman's needs. Such an idyllic penological theory appears less so when one considers the fact that individualized treatment was dictated not by the women themselves but by officials at Bedford. Lillian Gunther's case speaks to this issue.

In 1917, Gunther, a white woman, was sentenced to Bedford upon conviction of “[y]elling in a loud and boisterous manner.”⁸¹ According to her case file, Gunther “[l]ived in the worst part of city...where she consorted freely with both white and colored men. She was arrested with her ‘consort’ as they came out of a saloon, for talking in a loud tone of voice and using vile language.” Gunther's mixing with black men was cause for increased scrutiny from police and social scientists, as intermingling of different-gender individuals attached itself to rampant fears of racial pollution. Although some eugenicists believed that miscegenation might have racial benefits, most in the field believed in the biological inferiority of the black race.⁸² As zoologist and avid eugenics supporter Michael Guy stated in the late 1920s, “[M]any students of

⁸¹ Gunther's complete history may be found in *Brief Case Histories*, 12.

⁸² For instance, there was some support for the idea that black women's impregnation by white men would result in “bleaching,” which “from the white point of view...is a fortunate type of race assimilation.” Samuel J. Holmes, *The Commonwealth* 10 (Jan. 9, 1934) as cited in Daniel J. Kevles, *In the Name of Eugenics: Genetics and the Uses of Human Heredity* (Cambridge: Harvard University Press, 1995), 75.

heredity feel that there is great hazard in the mongrelizing of distinctly unrelated races no matter how superior the original strains may be.”⁸³ Gunther’s behavior, in the eyes of eugenicists, was entirely unacceptable—indeed traitorous—and her commitment to Bedford was necessary to protect not only herself, but the white race itself. When Gunther arrived at Bedford, she was funneled into a rigorous classification process in place at the Laboratory for Social Hygiene.

As previously noted, the Laboratory was almost entirely devoted to the administration of psychological and intelligence tests, collection of data on every woman’s family and former employment, and collection of data regarding past encounters with the criminal legal system. This information was then used to classify, segregate, and determine the appropriate length of sentence for each woman. Many women during this period, both black and white, who performed poorly on these tests were recommended as “transfers” to Matteawan, a state hospital for the criminally insane. The story of Gunther’s experience within the Laboratory typifies the experience of several dozen women who were recommended for permanent custodial care while the Laboratory was in operation.

While quarantined for the initial two weeks, social scientists were given the power to determine Gunther’s potential ability to reform—her reformability.⁸⁴ A diagnosis of feeble-

⁸³ Kevles, *In the Name of Eugenics*, 75.

⁸⁴ Foucault has a different articulation of the transfer of power from the judicial to the administrative. In writing about the “Declaration of Carceral Independence,” otherwise known as the hands off doctrine, Foucault notes, in his usual rambling but precise way, “Th[e] affirmation of the rights of the prison posits as a principle: that criminal judgement [sic] is an arbitrary unity; that it must be broken down; that the writers of the penal codes were correct in distinguishing the legislative level (which classifies the acts and attributes penalties to them) and the judicial level (which passes the sentences); that the task today is to analyse in turn this later judicial level; that one should distinguish in it what is properly judicial[;]...and to give autonomy to ‘penitentiary judgement’ [sic], which is perhaps the most important; in relation to it the assessment of the court is merely a way of prejudging, for the morality of the agent can be assessed only when put to the test. The judge, therefore, requires in turn a compulsory and rectifying supervision of his

mindedness gave authorities discretion to classify Gunther as a mental defect.⁸⁵ When compared to those women not classified as mental defects, Gunther’s “indeterminate” sentence appears startlingly different. Gunther could not legally remain incarcerated at Bedford longer than three years if classified as normal; however, once classified as a mental defect, she could be confined at Bedford indefinitely.⁸⁶ In essence, classification carried with it the possibility of a lifelong sentence. This disturbing work of legal magic is all the more insidious because the data reveals that the majority of women classified as mental defects were poor working class white women who may have given birth to one too many illegitimate children. Indeed, Gunther herself had previously given birth when she was a teenager, and this fact, coupled with her relationships with black men, most likely caused Bedford’s officials increased concern.

Gunther’s childhood was marked by physical and mental abuse at the hands of her father, who, according to the report, “was a heavy drinker, a thief, and described by several people as a ‘degenerate’ sexually.” This label, most likely, was based in part on the fact that Gunther’s mother was “his superior[.]” Gunther’s mother “drank and used morphine to some extent. She had thirteen children, nine of whom died in infancy....” Gunther did not complete grade school, leaving when she was fifteen. At sixteen, she gave birth to her first child, who died three months

assessments; and this supervision is that provided by the penitentiary prison.” Foucault, *Discipline and Punish*, 247.

⁸⁵ For a more complete discussion of this terminology see Appendix One.

⁸⁶ When Gunther arrived at the institution, the Bureau of Social Hygiene, the same organization that partnered with Bedford to investigate the root causes of female criminality, operated what was later referred to as the Mentally Defective Division. In an attempt to provide much needed clarity to the institution’s configuration during this period, I have kept the name of this facility the same throughout, even though it was not until 1920 that the State took over, designated this group the Mentally Defective Division, and set aside two cottages from the Rockefeller group—the nickname of the buildings where the Laboratory for Social Hygiene was located. See State Commission of Corrections, *Second Annual Report* (Albany, 1928), 87. When the State restructured its penal institutionalization of women in the 1920s and 1930s, women in the Mentally Defective Division were gradually shipped to Albion Training School for Girls to continue their indefinite incarceration.

later. Thereafter, she married for a year and subsequently left “because [her husband] failed to provide a good home for her.” To support herself, Gunther engaged in sex work until she was arrested in 1917. In sum, Gunther’s family and social history was representative of a common background present at Bedford. Gunther’s performance on intelligence tests, however, was indicative of clear feeble-mindedness and low moron grade.⁸⁷ Gunther’s “indefinite” detention was a lifelong sentence in disguise.

The medical examination conducted upon Gunther’s arrival at Bedford Hills included the following description: “Physical examination...showed rather poor general condition. Mouth was diseased, she was cross-eyed, and had been taking morphine hypodermically for three years. Mental examination showed that she reached the age of 8 years, 4 months by the Stanford-Binet tests. Is extremely ignorant.” The examining doctors concluded, “Taking into consideration the sensory defects from which she suffers and her congenital handicaps, her case is considered as clearly one calling for permanent custodial care.” With that, Gunther joined the ranks of other mentally defective women, and she was assigned to a cottage operated by the Laboratory. Importantly, Bedford’s control over the experience of time did not cease once an inmate was assigned to a specific group. A more methodical and mechanical reality awaited those sentenced there; the timetable ostensibly provided much needed regimentation.

In his analysis of temporal discipline, Foucault states, “The *time-table* is an old inheritance.... It’s three great methods [were to] establish rhythms, impose particular occupations, [and] regulate the cycles of repetition....”⁸⁸ In short, time becomes at once a form of reward and discipline. A comparison of schedules from 1904 and the early 1970s illuminates how temporal restriction changed or remained the same over the course of Bedford’s history.

⁸⁷ For a discussion of this terminology see Appendix One.

⁸⁸ Foucault, *Discipline and Punish*, 149 (emphasis in original).

Moreover, these transformations also reflect a shift in penological theories regarding the purpose of incarceration. For instance, in 1904, there were several different groups of educational brackets at Bedford. Superintendent Davis breaks down the schedule of schoolwork by intelligence rank as follows:

SCHEDULE OF SCHOOL WORK

(Five days in the week; fifty weeks in the year.)

- I. 8.30 to 11.45 a.m.: Intermediate class; cottage girls, 26 pupils.
- II. 8.30 to 11.45 a.m.: Primary class; cottage girls, 22 pupils.
- III. 1.15 to 4 p.m.: Advanced class; cottage girls, 26 pupils.
- IV. 1.3 to 3 p.m.: Class from First Division, Reception House (middle grade), 22 pupils.
- V. 3 to 4 p.m.: Class from Second Division, Reception House (low grade), 10 to 16 pupils.⁸⁹

From this, we can distill the worth of each woman. The fact that all but the middle and low grade divisions were allotted over two hours for schoolwork speaks to the fact that officials presumed these women would benefit from additional education.⁹⁰ However, those in the middle grade and low grade were presumably denied access to additional education precisely because they were classified as unintelligent or incapable of benefitting from education. These women, it is clear, did not possess the same reformability as their higher-scoring companions.

As Bedford transformed over the course of the twentieth century, daily schedules changed. Indeed, the ways in which time was documented underwent a modification; timetables replaced “schedules for school work,” and time became even more regimented. This change articulates Foucault’s theory of effective discipline: punishment involves distribution and circulation of bodies through “a network of relations.”⁹¹ In Bedford’s case, time operated as both a circulation tactic and a network of relations. At 6:30 am, women were summoned from their

⁸⁹ Board of Managers, *Third Annual Report* (Albany, 1904), 31.

⁹⁰ For a discussion of this terminology see Appendix One.

⁹¹ Foucault, *Discipline and Punish*, 145.

cells to start the day. From 8:15 to 9:15 am, women had the choice of either being locked in their cells or moved to the recreation area, a circulation tactic and an opportunity to expand a network. Dispersed throughout the day were several scheduled “count times” wherein doors were locked and women counted.⁹² From 9:30 am to 8:35 pm, doors were locked and unlocked twelve separate times. Time, then, appeared to act outside the control of prison officials. However, officials and correctional officers purposefully utilized temporal restraint to reward compliant behavior and discipline unruly prisoners. Time and space particularly fused in discipline, and perhaps no better example of the ultimate form of spatial and temporal control: solitary confinement.

Segregation, or solitary confinement, has a long history at Bedford. Used as both a disciplining and subduing tactic, “hysterical” women were often locked in their cells for 30 days or longer. Rebecca Hall and the disciplinary building contained cells specifically dedicated for this purpose. Here, time became a form of punishment; minutes dragged on, marked only by the passage of food into the cell or the weekly trip to the shower. As Foucault described it, “Isolation provides an intimate exchange between the convict and the power that is exercised over him.”⁹³ Punishment in this way may be regarded as a “political tactic,” one that attempts to go beyond control over the body to control over the mind. To survive, one had to create at least the illusion of control over her surroundings.

Former prisoner Carol Crooks experienced solitary confinement on several different occasions during her time at Bedford in the late 1960s and 1970s. She explains how to survive, “You just have to make your mind be as small as your room. And don’t think like it’s as small as

⁹² New York State Department of Corrections, Bedford Hills Correctional Facility, *Inmate Orientation Book* as cited in Juanita Diaz-Cotto, *Race, Ethnicity, and the State: Latina and Latino Prison Politics* (New York: State University of New York Press, 1996), 279.

⁹³ Foucault, *Discipline and Punish*, 237.

the room—think like you’re outside in society.” She continued, “Set up a time that you’re going to read, a time that you’re going to do exercise in your room, a time that you’re going to sleep and a time that you’re going to mentally go over your life.” This control over time, according to Crooks, is “how you break up the monotony of being in a stale room. You make a mental schedule of everything—of how you’re going to survive that room. Whether it’s weeks, months, or years.”⁹⁴ Harnessing some grip on time was another form of resistance, allowing Crooks to manage the drudgery of life confined in a barren and isolated cell. As with women who engaged in intimate relationships with each other, women again retained some form of agency and continued to resist their confinement in the face of devastating discipline.

Bedford’s disciplining techniques, control over space and time, gave officials the ability to enact punishments on the body, all the while retaining the illusion that punishment never devolved into torture. However, as anyone who has spent time in solitary confinement will say, this form of discipline indeed qualifies as such. Foucault, in describing the evolution of discipline, aptly noted, “There remains, therefore, a trace of ‘torture’ in the modern mechanisms of criminal justice—a trace that has not been entirely overcome, but which is enveloped, increasingly, by the non-corporal nature of the penal system.”⁹⁵ Officials knew of the coercive and corrective power of spatial and temporal isolation, using it again and again to punish those women deemed “unruly” or “dangerous.” Despite the rhetoric that the goals of incarceration

⁹⁴ Amber Baylor, “Narrative of a Freed Litigious Woman” in *Lutie A. Lytle Black Women Law Faculty Workshop and Writing Retreat* (Summer 2017) (interview with Carol Crooks). I am deeply grateful for Professor Baylor’s permission to use the interviews she conducted with Crooks, as cited in her forthcoming manuscript of the August Rebellion. The work of investigating this historical moment in New York State prisons must continue, and I look forward to the scholarship her article will generate.

⁹⁵ Foucault, *Discipline and Punish*, 16.

have changed and spaces of confinement mimic those changes, it seems, the underlying exertion of control over another has not been fundamentally altered. It is clear that regardless of Bedford's change in architecture, a thread of practices links the present to the past. Restrictions and control over space and time remain eerily unchanged.

This sketch of Bedford's metaphysical space provides us the opportunity to position our current carceral regime. Throughout shifting spatial transformations, Bedford continued to exert a form of control over the bodies of women housed there. Despite these restrictions, women nonetheless subverted the constraints placed on them. Engaging in everyday resistances and exploring rival geographies allowed women at Bedford to retain fragments of autonomy. Letters, covert acts of love and passion, and sustained relationships all continued to exist under the watchful gaze of Bedford's matrons and guards. Case studies, such as Tolski and Gunther, highlight how the history of a place is written on the bodies of those who come in contact with it, and onto the physical space itself.⁹⁶ Corporeal and spatial realities fuse, inextricably sutured together by the day-to-day monotony of life confined. Perhaps, from this brief analysis, we can begin to piece together forms of resistance and rebellion yet to be uncovered in carceral spaces outside of Bedford, and to revisit the phenomenon of interracial coupling.

⁹⁶ This statement is attributable to LaToya Ruby Frazier, who stated, "The history of a place is written on the body and landscape." LaToya Ruby Frazier, "A Visual History of Inequality in Industrial America," *Ted2015* video, 5:03, March 2015.

Chapter Two

“I Love You Best Of All When Shadows Of Twilight Are Falling”¹: Reimagining Same-Gender Interracial Coupling at Bedford

In late 1918, Lynette Murphy, a young black teenager committed to Bedford on a charge of “incurability,” was transferred to Rebecca Hall, one of the disciplinary buildings at Bedford, for “improper actions with another girl.”² It was here, confined within an isolation cell “having no furniture whatever, no window...and having two doors, the outer door being of solid wood, which cuts off the inmate from any communication with other persons,”³ where Murphy penned an “uninteresting missive” to her white friend. Written on toilet paper, Murphy’s poem expressed her craving for human intimacy and desire for attachment:

sweetheart in dreams
I’m calling
I love you best of all
when shadows of
twilight are falling
I miss you most of all
sunshine of joy in your
smile I can see
in each winking star
your face I can see.
You’r all of my heart
so don’t let us part
Sweetheart I’m calling you.⁴

¹ Lynette Murphy, file 2503, letters, series W0010-77B Bedford Hills Correctional Facility Inmate Case Files, 1915-1930, 1955-1964, Records of the Department of Correctional Services, New York State Archives and Records Administration, State Education Department, Albany, N.Y. L.M. thank you for reminding me of the humanity in history. I hope this chapter does you justice.

² As we shall see in this and subsequent discussions, incurability was a favorite charge during the first half of the twentieth century. A legal catchall, it was generally used to discipline girls and young women who refused to obey authority.

³ New York State Department of Efficiency and Economy, *Annual Report* (Albany, 1915), 31.

⁴ Murphy, 2503, inmate case file. Although historians dispute whether spelling and grammar should be altered in transcribing handwritten primary sources, I will keep the original material as written. If spelling and grammatical errors make the source particularly difficult to decipher, I will indicate my alterations.

Murphy was released from discipline after five days, but her record indicates that her affection for girls and women, particularly white girls and women, did not diminish. Indeed, prior to release on parole, she was sent back to Rebecca Hall on at least two other occasions.⁵ Murphy formed an especially close relationship with the white inmate to whom she addressed the above poem. This relationship was so strong that Murphy even listed this woman as a family contact when she was resentenced to Bedford in 1926, a full eight years later.

Although the policy at Bedford favored granting parole after completion of one year of a three-year indefinite sentence, Murphy was not paroled until she served her entire commitment. It is unclear from her parole hearing reports what the matrons and officials made of her. On the one hand, according to her cottage matron, Murphy had a “good disposition, pleasant and agreeable.” She was a “very good worker.” On the other, one matron described her as “not to be trusted at all times; inclined to be sly and deceitful[,]” and yet another noted Murphy “can do good work, but has to be watched as she is sly and underhanded.” This woman emphasized that Murphy was “a very great trial in every way; deportment anything but good; always finding fault.” A look at Murphy’s disciplinary record provides clues as to the divergent views of Murphy’s character and behavior.⁶

By the time Murphy was sent to Bedford, Lowell cottage, where she was housed, was specifically reserved for black girls and women. As discussed previously, the campus of Bedford initially consisted of four large cottages, containing single-occupancy rooms, and a reception house, containing double-occupancy rooms.⁷ In all, Bedford could properly house 250 inmates.

⁵ Murphy, 2503, inmate case file.

⁶ Ibid., disciplinary record.

⁷ The reception house’s double occupancy rooms were a source of great debate in the years leading up to Bedford’s opening. The state architect initially designed the reception house in

This physical environment was designed to encourage communal living, while preventing “unwholesome” contact between inmates.⁸ “Unwholesome” contact, as we shall see, was intractably bound up with race. Arguably, if Murphy engaged in a same-gender relationship with another black inmate, it is more likely that no record would be made of such encounter. However, when Murphy interacted with white inmates, especially in “unwholesome” ways, the institution took notice.⁹

Murphy’s parole hearing report described her as “[v]ery troublesome. She has been in Rebecca Hall and the Disciplinary building. Punished continually.” Her specific infraction: “Friendships with the white girls.” Despite her constant punishment, Murphy remained committed to one white inmate, Connie Carlson. Although the record does not explicitly state such, it is reasonable to assume that the “sweetheart” referred to in Murphy’s “uninteresting missive” was Carlson. We may even venture to say that Carlson was the inmate with whom

prison-style architecture containing single-occupancy cell-like rooms. However, the Board of Managers insisted that such architecture played no role in Bedford’s purpose as a reformatory. As a compromise, the cells were combined in groups of two, creating a larger single-occupancy space for new commitments. See Board of Managers, *Report of the Board of Managers of the New York State Reformatory for Women at Bedford, Westchester County, New York* (Albany, 1898), 7.

⁸ Although never defined, “unwholesome” presumably took on the same connotation as “undesirable” and “immoral.” Genital sex between women, or the expression of such desire, was definitively unwholesome.

⁹ It must be noted that contact, whether “unwholesome” or not, between black and white women was more likely to be judged as sexual for a variety of reasons. Thus, even if Murphy and her white friend indeed had a merely platonic relationship, which Murphy’s letter tends to dispute, their relationship would have been subject to heightened surveillance and sexualization, regardless of what they received from each other. One of the difficulties of documenting carceral histories is the second-hand nature of vast amounts of the archival record. Historian Regina Kunzel aptly recognizes, “[C]ase records often reveal as much, if not more, about those conducting the interviews as they do about those interviewed.” Regina Kunzel, “Pulp Fictions and Problem Girls: Reading and Rewriting Single Pregnancy in the Postwar United States,” *in American Historical Review* 100, no. 5 (1995): 1468-69.

Murphy had “improper relations” resulting in her commitment to Rebecca Hall.¹⁰ If these leaps of historical imagination are taken further the connection between Murphy and Carlson extends long past their stays at the institution.¹¹ The fragments left behind of their relationship humanize the story of Bedford’s formative years, years in which the institution struggled with overcrowding, recidivism, and cruelty. Murphy’s humanity is sharpened when placed against the rough stone of Bedford’s opening years.

As early as 1901, Superintendent Davis raised the first alarm about impending overcrowding at the institution; the shadow of same-gender relationships lurked around the margins of Davis’ annual report. By 1902, officials began to recognize the number of new commitments far outpaced the physical growth of the institution. During the first sixteen months of Bedford’s existence, the number of women and children rose from twenty-six at the close of the 1901 legislative session to over 180 the following year.¹² Although the institution could “comfortably” house 250 inmates, for Davis and others, the threat of inevitable overcrowding loomed large and presented a more insidious problem: the rise of same-gender relationships, most significantly, interracial couplings. By 1905, Bedford Hills’ population rose to over 220.¹³ The concern for inevitable overcrowding is present in Davis’ 1905 annual report to the Board of

¹⁰ Murphy, 2503, inmate case file.

¹¹ It is less a leap and more a plausible fact derived from the record as explained later in this chapter.

¹² Board of Managers, *First Annual Report* (Albany, 1901), 6. If we remember, part of Bedford’s founding legislation provided for women and their children up to two years of age.

¹³ The rather gradual increase during the periods 1903 to 1905 is attributable to a successful lawsuit filed by inmate May Clark, alleging New York City magistrate judges lacked statutory authority to sentence women convicted of “common prostitution” to the reformatory. *See Clark v. Keeper of New York State Reformatory for Women at Bedford*, 176 N.Y. 465, 465 (N.Y. Ct. App. 1903). Pending a 1905 amendment to the law, magistrate judges in New York City boroughs halted the commitment of new inmates to Bedford Hills. *See Board of Managers, Fifth Annual Report* (Albany, 1905), 35.

Managers, where she indicated the institution was severely understaffed and quickly running out of living space. Forced to place multiple inmates in rooms designed for one, Davis lamented the dangers of permitting unsupervised contact between roommates.

Davis' fear of same-gender relationships was most likely less grounded in a homophobic distaste for such relationships than in a concern for order within the institution. In the early 1900s, sexual orientation as an identity did not exist; the "lesbian" had yet to be born. Moreover, Davis' position as a professional woman at this time made it more plausible that she had familiarity with the idea of romantic friendships and knew many college-educated women who engaged in such relationships. Indeed, romantic friendships existed even between Bedford's administrators and wardens, as evidenced by the relationship between an early assistant superintendent of discipline, Julia Jessie Taft, and her lifelong partner, Virginia Robinson, whom she met while studying at the University of Chicago.¹⁴ Same-gender relationships were actively

¹⁴ Historian Sarah Potter asserts that prison reformers viewed same-gender interracial coupling through a heavily sexualized framework. According to Potter, Taft "and her colleagues read the passionate assertions of carnal desire in inmates letters with some degree of dismay." Sarah Potter, "'Undesirable Relations': Same-Sex Relationships and the Meaning of Sexual Desire at a Women's Reformatory during the Progressive Era" in *Feminist Studies*. Vol. 30, No. 2, The Prison Issue (Summer, 2004): 394-415. Potter attributes such dismay to "having been socialized into the more chaste expressions of love in bourgeois romantic friendships." Queer scholarship has long questioned the repressive character attributed to middle-class women during this era, and it is debatable that these white middle-class women maintained lives wholly devoid of sexual desire or satisfaction. See e.g., Michel Foucault, *The History of Sexuality Volume 1: An Introduction* (New York: Vintage Books 1990), 36-49. Foucault argues that "[t]he medical examination, the psychiatric investigation, the pedagogical report, and family controls may have the over-all and apparent objective of saying no to all wayward or unproductive sexualities [or sexual activities], but the fact is that they function as mechanisms with a double impetus: pleasure and power." *Ibid.*, 45. Although historians may seldom assert with authority the inner workings of long-dead relationships, we must nonetheless be careful in treading the fine line between romanticizing the past and engaging in unconscious presentism.

encouraged between women of a certain class standing and race—that is, until the spread of the European-based field of sexology, which occurred in the early twentieth century.¹⁵

The first explicit mention of interracial coupling occurred in the Board's 1908 annual report. At that time, officials appeared resigned to the idea that these relationships were a facet of reformatory life. The idea of romantic friendships was utilized to dispel any thought that the relationships were the result of perversity. When asked about Bedford's "sex trouble," Taft replied, "the attempts between girls, white and white, or white and colored, are usually between girls who are not in the same house but in separate houses; it is a romantic attachment rather than any immoral relations; it takes a romantic form."¹⁶ As mentioned before, at this time Bedford was still racially integrated, so the fact that relationships occurred between women of different houses is not in itself indicative of interracial coupling. What is indicative, however, is Taft's explicit acknowledgment that race played a role in the detection of interracial coupling. She noted,

[T]here is as much of this romantic attachment between white girls as there is between white and colored girls, but there is no denying that the colored girls are extremely attractive to certain white girls and the feeling is apt to be more intense than between white girls alone.¹⁷

For Taft, Davis, and a growing number of penologists and psychologists, the danger lay in the "immoral relations" created by relationships forged across racial lines.

An exchange between Taft and a state official during one of Bedford's numerous investigations is telling in this regard. Responding to a question concerning whether black

¹⁵ For a more complete discussion of romantic friendships and the impact of education and class on those relationships, see Lillian Faderman, *Odd Girls and Twilight Lovers: A History of Lesbian Life in the 20th Century* (New York: Columbia University Press, 1991), 11-36.

¹⁶ State Board of Charities, *Report of the Special Committee* (Albany, 1915), 18 as cited in Potter, "Undesirable Relations," 399 n.11.

¹⁷ Board of Charities, *Report*, 26-27 as cited in Potter, "Undesirable Relations," 406 n.23.

inmates have “an unfortunate psychological influence” upon white inmates, Taft stated, “They [black women] are undoubtedly very attractive.” To which the investigator replied, “That must be along sex lines?” “It would lead to that,” Taft said, adding most likely quickly, “but it very rarely leads to immoral conditions at the institution, I think.” The investigator probed, “That is because you watch them so closely?” “Yes, sir,” Taft affirmed. Taft’s acknowledgement of Bedford’s strict policing of interracial same-gender relationships provides fodder for the argument that black women faced heightened scrutiny when engaging in relationships with white women. As disciplinary tactics at Bedford solidified, the institution’s policies took on a distinctly racialized understanding of intelligence and reformability.

In 1907, Morris Cottage, the honor cottage, opened. It was specifically reserved for the most well behaved inmates. By this time, Davis had begun to understand the constraints placed on her ability to engage in reform. One of these constraints consisted of limited resources due to the State’s lack of funding and its refusal to acknowledge that some women sentenced to Bedford, according to Davis, did not belong there. The quaint countryside, as the rationale went, should be reserved for only women who could “materially benefit” from the institution. Workhouses, mental institutions, and the Auburn Prison for Women could house those nonreformable women. Davis’ frustration at the State legislature primarily stemmed from her belief that feeble-minded women made up a disproportionate percentage of the population at Bedford.¹⁸ Alarmed, Davis was convinced that the group of inmates for which Morris Cottage was constructed was rapidly decreasing. Although nonimmigrant white working-class women made up the majority of commitments from New York City, Davis observed a growing trend

¹⁸ For a discussion of this terminology see Appendix One.

within the criminal legal system; judges increasingly restricted the use of probation to favor young white women with no prior convictions.¹⁹ Due to the racialized employment of probation, black women were less likely to receive the benefits of probation. The result was that first time black offenders were placed in the same space as recidivists.²⁰

Starting around 1904, and continuing through its existence as a reformatory, Bedford experienced increasing recidivism rates, typically made up of white women who violated their parole. Black women, not yet a majority of the population, were nevertheless associated with recidivism and incorrigibility. Davis' emphasis on interracial relationships perhaps reflected her own biases toward black women.²¹ A cottage for "return girls" was not established until 1910.²² A building of this character was required, Davis argued, to prevent "immoral" relations between inmates. Older recidivists and black women, therefore, were the ones to blame for the existence of those immoral relations.

Davis' racialized understanding of reformability, drawn from first wave reformist ideologies, allowed her to draw the conclusion that increased numbers of black women and recidivists necessarily created a more difficult environment in which to foster moral reform.

¹⁹ The use of probation in the early 1900s mimics the way in which probation is used today. Upon a judge's determination, a woman facing potential jail time could be released on probation, thereby sparing her any time in jail or documentation of jail time on her criminal record. Probation typically included many of the same features paroled women faced, including weekly check-ins with their probation officer, conditions placed on the women during release, and curfew.

²⁰ Historian Cheryl D. Hicks argues, "Probation did not significantly decrease black women's presence, as they had difficulty obtaining it..." Cheryl D. Hicks "'Bright and Good Looking Colored Girl': Black Women's Sexuality and 'Harmful Intimacy' in Early-Twentieth Century New York," in *Journal of the History of Sexuality* 18, no. 3 (Sept. 2009), 445.

²¹ Davis definitely viewed race as a factor in reformability, as evidenced by statements she made during an interview, where she stated, "Sicilians bring with them their own primitive ideas of vengeance when they migrate to this country." Edward Marshall, "New York's First Woman Commissioner Of Corrections: Dr. Katherine Bement Davis Talks of Her Hopes for Bettering Conditions—The Tombs an Awful Problem to Face" *New York Times*, Jan. 11, 1914.

²² Board of Managers, *Tenth Annual Report* (Albany, 1910).

Although the archive is unfortunately sparse during this early period, the institution's later focus on disciplining women for infractions such as note-passing and unsupervised visitation between inmates provides support for the assertion that women during this earlier period most likely faced the same level of surveillance. Policing same-gender interracial coupling, and other "undesirable" behavior, occupied a significant amount of the matrons' time.

To accommodate those inmates who posed a disciplinary problem to the institution—women and girls who refused to attempt corrigibility—the Board of Managers began to petition the state legislature for funding of a separate disciplinary building. In her 1903 report, Davis urged the necessity of the building, relying on a belief that older inmates corrupted younger, more reformable women. Although this logic did not immediately implicate race, female prison reformers in the latter part of the 1880s had long begun the process of suturing together blackness and criminality, or at least attributing diminished reformability to this broad category of women. Davis' request for a disciplinary building was finally satisfied in 1905, with the completion of Rebecca Hall. At the time, the Board of Managers praised the New York State legislature, stating, "There are those by nature who are refractory in disposition and it is for such [individuals] that we desired the disciplinary building which was completed in June."²³ The report further explained the objective of Rebecca Hall as "that of seclusion rather than punishment."²⁴ The Board continued, "[I]n all cases out-door exercise and work is given after

²³ Board of Managers, *Fifth Annual Report*, 14-15.

²⁴ This language is strikingly similar to a report issued by a grand jury in 1930 investigating conditions at Auburn Prison following two riots in July and December of 1929. In its recommendations, the jury noted the positive effects the newly constructed Segregation Block had on unruly inmates, specifically stating, "The idea of the Segregation Block is not that of punishment but of separation." State Commission of Correction, *Fourth Annual Report* (Albany, 1930), 9.

three days.”²⁵ Because the archive does not contain a detailed record as to which women and girls were sent to this building; a racialized breakdown is difficult in its early years. Undisputedly, over ten years later, Murphy became only one of dozens of women subjected to the inhumane treatment that went on in this building. As discussed further in Chapter Three, disciplinary tactics found in Rebecca Hall included shackling, waterboarding, and extreme isolation.

Murphy’s time spent in Rebecca Hall was merely collateral damage in Davis’ overall plan to segregate reformable and nonreformable inmates. As Davis explained in a speech given in 1914, “The thing to do at a reformatory is not to find out the character of the crime the girl has committed, and then fit the punishment to it.” Instead the reformatory should be designed “to find out the character of the girl, and see what can be done to straighten and strengthen that character.”²⁶ Davis’ concern with nonreformable inmates was reinforced by her fixation on the number of mentally defective women sentenced to Bedford. This pathological and psychological descriptor appears to lack any concrete definition, and was a favorite of psychologists and social workers alike.

Often grouped together with others within the category of mentally delinquent, mental defects included epileptics, psychotics, and the feeble-minded.²⁷ Of particular fascination for Davis, feeble-mindedness could be used to describe any number of behaviors indicating “slowness of the mind,” or an inability to achieve normal scores on racialized and classed

²⁵ Board of Managers, *Fifth Annual Report*, 14.

²⁶ “Reformatory Girls In Demand As Wives: Dr. Katherine Bement Davis, New Corrections Commissioner, Tells of Work at Bedford,” *Brooklyn Daily Eagle* (Brooklyn, NY), Jan. 10, 1914. The applicability of Foucault’s theories of punishment is again apparent. Incarceration was not designed to merely incapacitate the offender. It was forward-facing in the battle against crime. For a more detailed discussion of Foucault’s theories see Chapter One.

²⁷ For a discussion of this terminology see Appendix One.

intelligence tests. Records from this period show that black women were more likely to be viewed as feeble-minded due to a confluence of factors: the tests themselves were flawed—predicating less the test taker’s intelligence than the test creator’s predilection for objectivity. Another factor: many black women, indeed many women sentenced to Bedford, were illiterate, and test administrators’ own biases most likely influenced their categorization when it came to distinguishing borderline cases between normal and abnormal scores. As overcrowding and recidivism increased, Bedford’s annual reports repeatedly referenced this group of feeble-minded women. In 1907, the Board of Managers stated, “Of the 118 women committed, nine are distinctly feeble-minded.”²⁸ The issue continued to exasperate Davis.

Following a grant from the New York Foundation issued in 1910, Davis employed the skills of Dr. Eleanor Rowland of Mount Holyoke College. Dr. Rowland administered a series of psychological tests to a hand-selected group of thirty-five women, women whom Davis had observed “from months to years.”²⁹ According to Dr. Rowland,

The object of these experiments was to find out whether it would be possible to determine by a simple set of psychological tests a standard of normality which any girl must reach in order to receive benefit from the educational work of the institution, or to safely be set free to earn her own living after her term is over.³⁰

Asserting that “there is an undeniable possibility of determining mental capacity by psychological experiment,”³¹ Dr. Rowland administered ten tests to each individual. As a result of these tests, “thirteen girls of the thirty-five experimented upon were found subnormal. This

²⁸ Board of Managers, *Seventh Annual Report* (Albany, 1907), 20. Perhaps the disjunction between the relatively low number of feeble-minded women and the amount of attention paid to them indicates the intense anxiety these women generated in their “keepers.”

²⁹ Board of Managers, *Tenth Annual Report* (Albany, 1910).

³⁰ *Ibid.*, 62.

³¹ *Ibid.*, 62.

ranking tallied with estimates formed of their capacity by the superintendent.”³² Davis subtly reprimanded the State legislature in her report:

For some years we have been receiving a class of women of much lower mental and moral grade than formerly. A considerable percentage of these...seem to us decidedly feeble-minded...The superintendents of reformatory institutions deplore the increasing number of feeble-minded committed to their care.³³

These findings, perhaps unconsciously influenced by Davis’ racialized understandings of reformability, reinforced her belief that a clearinghouse of sorts was needed on Bedford’s campus. Davis envisioned a space where women sentenced to Bedford could first be classified to determine what type of institutional or carceral facility was best equipped to handle their needs. For Davis, feeble-mindedness prevented women from receiving the full benefits of the reformatory’s care. Simply put, such women did not belong at Bedford.³⁴

The Board’s annual report for 1911 focused nearly exclusively on the issue of feeble-mindedness, repeating again the refrain that such women were simply constitutionally unfit for reformatory life. The creation of a proper atmosphere for reform, the Board stated,

[H]as found its greatest obstacle in the heavy drag of the mentally defective who seldom appreciate what is being done for them and are generally incapable of entering into the spirit of co-operation. Indeed, the large percentage among the inmates of the mentally defective is the most serious and difficult part of our problem.³⁵

In January 1911, following a meeting organized by John D. Rockefeller, Jr. and Davis, which brought together judges, magistrate judges, and public officials to discuss the issue of mental

³² Board of Managers, *Tenth Annual Report*, 65.

³³ *Ibid.*, 19.

³⁴ Although beyond the scope of this work, Davis believed that these women would be better cared, and suited, for life confinement in a mental institution specifically designed with their “unique” needs in mind. *See, e.g.* Board of Managers, *Seventh Annual Report*, 21. Davis stressed that a significant number of moral imbeciles were sent to Bedford because “[t]hey had to be cared for *somewhere*. They are insane, but not sane enough for a custodial asylum, and in all cases have drifted into crime.” (emphasis in original).

³⁵ Board of Managers, *Eleventh Annual Report* (Albany, 1911), 10.

defects, the Bureau of Social Hygiene was created.³⁶ Subsequently, the Bureau purchased land across the road from the reformatory, entered into an agreement with the State in which the land was rented to the reformatory for one dollar per year, and constructed the infamous Laboratory for Social Hygiene. This plan, although not the first in which prison populations experienced privatization at the hands of a benefactor, was nonetheless breathtaking in its scope and audacity.³⁷

The Bureau also financed the construction of the new reception house on Bedford's campus, named after first-wave British prison reformer Elizabeth Fry.³⁸ Between 1913 and 1918, every woman sentenced to Bedford first resided in the quarantine wing of Fry Hall, or "EFH" as matrons and inmates knew it. If we remember, this was the same building that Gunther repeatedly escaped from in 1924. During quarantine, which lasted for approximately two weeks, women underwent the same form of testing engaged in at the Laboratory. In September 1916, the

³⁶ Board of Managers, *Twelfth Annual Report* (Albany, 1912). According to *The Buffalo Commercial*, Rockefeller, Jr. provided a gift of \$250,000 "to New York state for the establishment of a bureau of social hygiene at Bedford[.]" "Dr. Katherine B. Davis to Speak Here," *Buffalo Commercial* (Buffalo, NY), Apr. 2, 1914.

³⁷ Known as the Rockefeller Group, the buildings constructed on this property were destined for a long, and peppered, future. After the Bureau refused to renew its lease agreement in 1920, the State bought up the property at an absurdly low price and began to send women, following a diagnosis for permanent care, from across the State to Bedford. The Mentally Defective Division existed on Bedford's campus until the late 1920s. After Bedford underwent an institutional transformation in 1932, the old quarantine and Laboratory quarters took on another purpose: to house women convicted of felony crimes—for sentences ranging from one year to natural life. By this time, black women were increasingly represented in Bedford's population. Later still, in 1970 during the boom in mass incarceration, this property became "home" to incarcerated men in the newly renamed Taconic State Minimum Security Correctional Facility for Men. Today, women once again reside at Taconic, now a medium-security facility for women. The legacy of the Rockefeller Group is omnipresent throughout Bedford's twisting history.

³⁸ Fry, born in 1780, was a prominent prisoner reformer in England, where she helped found the first women's prison association in 1817. Her work paved the way for future prison reformers and nurses alike. In 1840, Fry opened a training school for nurses, from which Florence Nightingale drew inspiration. For a more detailed biography see Jean Hatten, *Betsy, The Dramatic Biography of a Prison Reformer* (Oxford: Monarch Books, 2005).

“Bureau of Social Hygiene opened a splendidly equipped Psychopathic Hospital accommodating twenty patients, for the intensive study, observation and treatment of the psychopathic inmate.... The Hospital was equipped with installations for hydrotherapy, surgical rooms, occupational rooms, etc.”³⁹ Historian Ellen Fitzpatrick points out that this “new venture reflected an important change in the modern approach to crime: criminality was beginning to be understood as a mental illness.”⁴⁰ This theory of criminality served the needs of the staff at the Laboratory, who were underwhelmed with the results of reform. Although the recently opened Letchworth Village Home for the Feeble Minded and Epileptics permitted the transfer of only some feeble-minded women from Bedford. For those that remained, they faced the banal sadism that often occurs in institutions where staff lack the resources, and the empathy, to manage disciplinary issues in a productive way.

What occurred within the confines of the psychopathic hospital and Rebecca Hall marked the outmost reaches of a convoluted plan to classify redeemable inmates, separate nonredeemable inmates, and permanently protect the public from those inmates who refused to conform. At the hospital, according to Fitzpatrick, “Troublemakers who performed well enough on intelligence tests to outwit mental testers now faced the hydrotherapy favored by prison

³⁹ Eugenia C. Lekkerkerker, *Reformatories for Women in the United States* (The Hague, Batavia: J.B. Wolters, 1931), 108. See also Board of Managers, *Seventeenth Annual Report* (Albany, 1917), 56-58. According to the report, the psychopathic cottage was named after Davis’ mother, Frances Bement, becoming the Frances Bement Cottage or FBC, as it was better known. The hospital was to serve four purposes: (1) “weed[ing] out of the penal system from the beginning those irresponsible persons who, on account of definite mental disease, belong in institutions which care for the insane”; (2) observing “border line cases”; (3) housing those women whose behavior did not warrant a psychiatric diagnosis, but who still required “a strict disciplinary regime”; and (4) treating “psychopathic delinquent juvenile[s] who belong[] neither in hospitals for the insane nor among the general population of [the] reformatory institutions.” Lekkerkerker, *Reformatories*, 108.

⁴⁰ Ellen Fitzpatrick, *Endless Crusade: Women Social Scientists and Progressive Reform* (New York: Oxford University Press, 1994), 123.

psychiatrists. At the new psychopathic hospital some patients received eleven baths a day, with immersions that could last up to two hours each.”⁴¹ At the disciplinary buildings across the road, women faced similar mistreatment. There, unruly women were sent to Rebecca Hall. When women continued to act out, they were demoted to a separate building—the Disciplinary Building, or “DB.” In sum, by 1915, Bedford’s property contained three separate disciplinary buildings: the psychopathic hospital, Rebecca Hall, and the disciplinary building. It is no surprise, then, that Murphy encountered punitive consequences when wardens observed her relationship with Carlson. The conditions present in these buildings are best illustrated in the State’s 1915 investigation into allegations of abuse.

Rebecca Hall and the DB had long been the eyesore in Bedford’s reputation. Prior to Murphy’s time in the disciplinary building, in late 1915 the New York State Department of Efficiency and Economy visited the buildings and noted that 111 inmates occupied Rebecca Hall. The total population at Bedford was more than 500; well over the now maximum capacity of 420. The disciplinary building where women from Rebecca Hall were sent, and where Murphy found herself numerous times, consisted of “ten cells, five in a row, back to back, with sleeping quarters for the matron.” At the time of the Department’s visit, seven of the cells in this building were occupied. The report continued,

For breakfast and supper the woman has simply bread and water but for dinner she has a meal of meat and vegetables. During the day, she is obliged to sit on the

⁴¹ Fitzpatrick, *Endless Crusade*, 123. Hydrotherapy was a method by which doctors attempted to treat “excited and frenzied” patients by submerging them for extended periods of time in either ice water or hot baths. At one institution in 1880, hydrotherapy included the practice of “the hummingbird,” wherein the naked “patient” was “forced to sit, blindfolded, in a tub of water while steam pipes were made to shriek and electric current was applied to the body.” Nicole Hahn Rafter, *Partial Justice: Women in State Prisons 1800-1935* (Boston: Northeastern University Press, 1985), 8.

floor, but at 6 o'clock in the evening, a mattress with bed clothing is pushed under the bar grating, on which she sleeps at night.⁴²

It was in this space that Murphy called out to Carlson. Murphy's cell contained no windows or furniture of any kind, and yet her desire to be emotionally intimate with Carlson "when the shadows of twilight are falling" indicates that a level of love and humanity existed, even within this brutal environment.

According to the State's later report, one member of the State Commission for Prison, Dr. Rudolph F. Diedling, "found one girl eighteen years of age in a cell...who told me she had been placed in a sitting position on the floor with her hands handcuffed behind her back and fastened to the iron-barred door, her feet, bound by shackles, extending along the floor, and that she had been kept in this position continuously for more than two weeks, during which time she was given nothing to eat but bread and water."⁴³ Public outcry ensued.

From November 1914 to February 1915, the Board of Charities conducted ten public hearings, including one on February 3, 1915 in which Dr. Diedling, former superintendent Davis, Superintendent Mary Rebecca Moore, and the Board of Managers' President, James Wood, were examined under oath.⁴⁴ Davis had left her position in early 1914, having accepted an appointment as the New York City Commissioner of Corrections, and her ascendancy was mired by bad optics.⁴⁵ With Davis gone, Moore took over as superintendent. In Dr. Diedling's report,

⁴² New York State Department of Efficiency and Economy, *Annual Report* (Albany, 1915), 933.

⁴³ New York State Senate, *Documents of the Senate of the State of New York* (Albany, 1915), 118.

⁴⁴ State Board of Charities, *Annual Report for the Year 1915* (Albany, 1915), 31.

⁴⁵ Davis' appointment was indeed historic, as she was the first woman to hold this position. Unsurprisingly, Davis was praised by *The New York Times*, which stated, "Miss Davis...is a very earnest woman. Her work at Bedford Reformatory...showed that, and it also proved her able. The appointment of a woman to the place which she now occupies came as a surprise to many, but she is very hopeful of success." Edward Marshall, "New York's First Woman Commissioner Of Corrections: Dr. Katherine Bement Davis Talks of Her Hopes for Bettering Conditions—The

he implicated Moore, stating she “overheard these complaints [and] did not attempt to defend this barbarous treatment, but offered as an excuse that she merely continued a system which was in vogue when she assumed charge.”⁴⁶ Indeed, several years later, Davis herself stated she had used “soap and water in the girls’ mouths...and had handcuffed them to the back of the bed while they were lying down.”⁴⁷ On March 10, 1915, the Board published its findings.

Although the Board found claims of shackling inmates “hand and foot for two weeks at a time and [feeding them] only with bread and water” unsubstantiated, the Board nonetheless condemned Bedford officials for their “mistaken use” of Rebecca Hall, which was “originally intended as a temporary place of isolation, for a few days at most, of the hysterical inmates who disturbed the institution by their behavior....”⁴⁸ As evidence of this mistaken use, the Board pointed to the fact that when the Department visited, two women had been in their cells for thirty days. One of these woman had attempted escape five times, and the report noted that “[h]er conversation was flighty and disconnected.” Another woman “had been in solitary confinement

Tombs an Awful Problem to Face,” *New York Times*, Jan. 11, 1914. Even Yale jumped on the Davis train, conferring an honorary masters of arts to Davis in 1915. See “Honors at Yale: Conferred on Dr. Davis and U.S. Supreme Court Justice Hughes,” *Brooklyn Daily Eagle* (Brooklyn, NY), June 23, 1915. Unfortunately—perhaps predictably—years spent at Bedford had worn her down and corroded her initial optimistic view of the world. The Laboratory for Social Hygiene is largely due to her devotion to her harmful beliefs and her coalition with John D. Rockefeller, Jr. Davis was, however, critical of Bedford after she left, albeit in a backwards fashion. In a 1914 interview with *The New York Times*, Davis alerted officials to the horrendous conditions at “The Tombs,” the infamous pre-detention center in lower Manhattan. She was restrained in her criticism in one respect: her recognition of the limitations placed on prison administrators. She stated, “In calling attention to these things I am in no way criticizing the prison’s management. It is difficult to properly administer a prison which is fundamentally wrong in construction.” Perhaps her experience at Bedford tempered her impulse to outright condemn penal officers.

⁴⁶ “Barbarous Methods Found in State Reformatory for Women at Bedford Hills: Superintendent Says She Only Followed Rule of Her Predecessor, Miss Katherine Bement Davis,” *Democrat and Chronicle* (Rochester, NY), Nov. 14, 1914.

⁴⁷ “She Admits Girls Were ‘Strung Up’: Did Not Always Look to See Whether or Not Their Feet Touched the Floor.” *Star Press*, (Muncie, IN), Dec. 28, 1919.

⁴⁸ State Board of Charities, *Annual Report for the Year 1915*, 33.

for ninety days. The conversation of this girl suggested the need of permanent custodial care.”⁴⁹ If not mentally ill prior to commitment, the conditions at Bedford were far from conducive to ensuring good mental health.

In addition to rampant overcrowding and less than ideal conditions for reform, the Board also noted that “[a]nother contributing cause to the difficulties of the institution is the housing together of the white and colored inmates.” The Board stressed that the “committee ma[de] no objection to this because of the color line,” but emphasized that it was “undoubtedly true that most undesirable sex relations grow out of this mingling of the two races.” Tellingly, the committee “earnestly” recommended that “separate housing of the white and the colored inmates” be accomplished with completed construction of new cottages.⁵⁰ The era of integration at Bedford was over, and segregation existed until the late 1950s. The phenomenon of same-gender interracial coupling, however, persisted—Murphy’s relationship with Carlson is proof of that.

It is easy to romanticize what her relationship with Carlson may have looked like. Did Murphy and Carlson consider themselves “partnered”? Did they see a future together, outside the walls of Bedford? Had their relationship begun as a convenient way to protect each other on the inside, but transformed into something more? As a voyeur speculating upon the bones of this relationship, stuffed into dusty boxes, misfiled amidst hundreds of other women’s histories, I wonder: what language did Murphy and Carlson use to talk about themselves, and how, absent their voices, can I talk about them? Indeed, the ways in which historians discuss carceral spaces is telling.

⁴⁹ New York State Department of Efficiency and Economy, *Annual Report*, 933.

⁵⁰ State Board of Charities, *Annual Report for the Year 1915*, 32.

Whether a historian sees individuals as malleable agents, bending to forces beyond their control, or as active participants pursuing their own history, or some combination of the two, every viewpoint alters the ways in which the record is read and interpreted. As each historical (re)telling builds on itself—much the same way memories are reconstructed—it is the job of the future historian to chart the growth of these ideas, and to correct any errors she may see along the way. The interpretations of Murphy’s life history, as encased in the archives of Bedford, are currently incomplete. Perhaps a more detailed retelling of Murphy’s own history provides an avenue into the murky area of same-gender interracial relationships at Bedford.

According to Murphy’s inmate conduct file, Murphy, at sixteen, was “[v]ery troublesome, sly and deceptive, an undercurrent. Requires frequent discipline. Fond of white girls, and had an undesirable friendship with [Connie Carlson], white.”⁵¹ Although Murphy had the possibility of parole within one year of her commitment, because of her “attraction” to and for the “white girls,” Murphy remained at Bedford for the full three years of her sentence.⁵² During this time, Murphy engaged in full-fledged adolescent behavior: sexual exploration, rebellion at authority, and, at times, conformity. What marked Murphy’s adolescence as “different” from her non-incarcerated black peers was her placement in an bounded physical space fraught with racial, and gendered, tensions.

Murphy was an orphan black girl, adopted by her foster parents shortly after her birth mother’s death in 1902. As a child, Murphy encountered domestic and physical violence at a

⁵¹ Murphy, 2503, inmate case file. In the original, Murphy’s records list the same name as the letter to which Murphy addressed her love poem. To maintain confidentiality, I have maintained the same name throughout.

⁵² Significantly, Murphy was kept at Bedford despite her mother’s several requests over the years to have her released. *Ibid.*, letters.

young age. According to her case file, her foster father “hated” her because she had confronted him as he was assaulting his wife. From that point on, her foster father searched for any way in which to remove Murphy from the family home. Until Murphy was sixteen, her mother had told her she was three years younger than her actual age, due to a misplaced birth certificate and confusion as to her true age. Thus, when Murphy was sentenced to Bedford on a charge of “incorrigibility,” she believed she was thirteen years old. However, her records indicated she was sixteen.⁵³ Several matrons noted her childlike nature, which was a constant source of frustration for them. By the time she was sentenced to Bedford, she had experienced at least one nonconsensual sexual experience, and her inmate report speculated “she had been immoral for at least” three years.⁵⁴ Still, for her entire stay at Bedford, Murphy disputed this allegation.

Murphy’s own description of her only “illicit intercourse” is fascinating. According to her file, Murphy stated she had only one sexual encounter and “[a]t the time she was ‘a little bit of a kid[.]’” The report continued, “[S]he says that two girls of about 21 forced her to by telling her that they would tell her mother if she did not do as they wanted her.”⁵⁵ The record is silent as to the relationship between Murphy and these two older women; what stands out is the

⁵³ During a fascinating exchange between two Bedford officials at a staff meeting shortly after Murphy was committed, Superintendent Cobb and the facility’s doctor debated her age. Upon learning that Murphy first experienced menstruation when she was committed, Superintendent Cobb stated, “Don’t those colored girls usually menstruate rather early?” To which Dr. Grover replied, “Well some of them don’t. This girl strikes me, however, as rather immature in her general actions and I am inclined to think she is not more than 14.” Murphy, 2503, meeting notes. Both Cobb and Grover, by relying on racialized beliefs of childhood development, implicitly found that Murphy was not “normal,” at least not in terms of what these individuals saw as proper child development.

⁵⁴ Murphy appeared to face the full weight of the double oppression of being a young woman and being a young woman of color. No one believed her when she held fast to her claim that she only had sex once. According to her case file, Bedford’s officials thought Murphy was “undoubtedly untruthful in telling about her sex history but is too childish to be able to stick to her untruthfulness very long.” Murphy, 2503, inmate case file.

⁵⁵ Ibid.

possibility that Murphy's first sexual encounter may have been nonconsensual sexual intercourse with a man for purposes of prostitution. When Murphy was resentenced in 1926, her answer to this question was strikingly different: she learned about sex from the "Bedford Girls."⁵⁶ Murphy's reimagining of her sexual experiences is indicative of the fluidity of narrative. Absent Murphy's direct voice, we will never know precisely why this incongruity exists.

In the early 1920s, then Superintendent Dr. Amos Baker received a request for Murphy's inmate records, stating that Murphy had "been referred to [the organization] as a pregnant girl begging her way in this part of the country." The same letter "also said that a white girl named [Connie Carlson], also an ex-Bedford inmate is usually with her."⁵⁷ Dr. Baker responded immediately. "My dear Miss Ingalls[,] Dr. Baker replied, "The two girls about whom you inquire in your letter...are both girls who have served their time in Bedford and been discharged...The girls are apparently being watched with suspicion by the police...and detectives at the 125th Street [Harlem] station, according to reports of our parole officer...." Shortly thereafter, police in Harlem stopped Murphy and searched her bag on suspicion of her carrying a gun. Inside was a loaded automatic revolver. According to the police, Murphy stated she "bought this revolver from an unknown man for \$15 to go after another man to use it on him." Murphy was arrested and resentenced to Bedford. Upon her arrival at Bedford, the receiving matron stated that Murphy could "give no explanation as to how the gun got into her pocketbook and feels that it was put there by someone who wanted to be sure she was arrested and then that same person told the officer." Murphy was not to remain at Bedford long, however, as Dr. Baker requested discharge of Murphy for the following reasons:

⁵⁶ Lynette Jefferson, 4092, intake papers. When Murphy was admitted a second time, she was indexed under her married name.

⁵⁷ Ibid., letter.

That she is not mentally capable of being materially benefitted by the discipline of [Bedford]...Her record in the Institution was bad. She was unruly and insubordinate...The fact that she was previously an inmate of the Institution for three years, makes it appear unadvisable to have her in the Institution again, particularly when her past record in the Institution is considered.

Following this request, Murphy was resented to the workhouse for women in New York City. Unfortunately, due to Bedford's incomplete archive, information regarding Carlson has eluded investigation, and records of Murphy's recommitment to another institution have appeared untraceable. We do not know whether Murphy and Carlson reconnected after Murphy's stint in jail.

What we do know, however, is: After she was discharged to her foster parents Murphy "did not stay with them long, ran away and married...but has not lived with him in sometime." The report notes Murphy "[h]as lived with several men" and "from her own admission she attempted to stab a man at one time." By the time Murphy was resented, she had a four-year-old child and still listed Carlson under "Family History" on her intake questionnaire. Murphy's life story, as reflected in Bedford's sparse archival records, indicates she was a young woman who found a friend and partner in an institution where sorrow and desperation also lived.

It is apparent from the fragments of Murphy's life both inside and outside Bedford, that during Bedford's formative years women continued to assert their agency—rebellious against the spatial and temporal restrictions placed on them. Quite simply, incarceration and encounters with the criminal legal system did not necessarily diminish an individual sense of self. Murphy held on strong to her personhood throughout her time in Bedford. Bedford failed in its one purpose—she was resented to the Workhouse precisely because she refused to reform. Many other women navigated their lives in similar ways, finding connection within the solitary cells of the

Disciplinary Building. Their resistance, electric and alive, remains charged across the years. Such a fierce commitment to pleasure and love in the face of bureaucratic violence is truly remarkable.

Of course, it was not all love and romance within Bedford's walls. Murphy's "uninteresting missive" contained more than just a love poem. Reading further along the toilet paper, Murphy writes, "Really I get so utterly disgusted with these g-d- cops I could kill them. They may run Bedford and they may run some of these *pussies* in Bedford but they are never going to run [me]." Perhaps, given the bleak background in which she found herself, in this statement she was resisting not only officials at Bedford, but all the people in her life who had brought her to this place. Perhaps, Murphy's relationship with Carlson was the first emotionally nurturing relationship she had experienced. The "Bedford Girls" who taught Murphy about sex may have allowed Murphy to move through some of the traumatic events that happened to her. Perhaps, also, the girls and women at Bedford, constricted as they were by race, gender, class, and carceral status, reimagined their identities and their futures in the solitary cells of Rebecca Hall and in the quarantine blocks of the Laboratory. For a lesbian searching for her own place in the queer archive, this reading of the record appears as plausible as all others.

A confluence of factors shaped women's experiences at Bedford during its early years. The institution was still, for the most part, integrated. Same-gender relationships, while frowned on, were not the monstrosity they would come to embody in the 1920s. Moreover, the communal atmosphere encouraged at the institution permitted more free expression between inmates than would occur in the decades to come. Despite the spatial and temporal restrictions placed on them during incarceration, women still managed to form passionate and affirming connections. Over and over again women skillfully navigated the contours of their confinement and found ways in

which to express their sexual and emotional desires, despite prison officials' attempts to prevent such practices.

Importantly, women at Bedford resisted their confinement not only through sexual and intimate relationships. As we shall see, the same women who frequently engaged in interracial coupling were also instrumental in Bedford's long history of revolts and protests. As such, any discussion of Bedford's past must include an analysis of the various resistance movements that sprung up during the course of Bedford's history.

Chapter Three

“Anger Was The Only Thing That Could Take Me Through”:¹ Resistance and Rebellion At Bedford

A prison riot explodes like a boiler that’s built up steam from a long way back. When it comes, control is near impossible, especially if there’s been no real planning, no prisoner unity, and only scattered, disorganized leadership.²

[A] rebellion is purposeful... [it] seeks change and a rebellion comes at the end attempt of other ways of solving the problems.³

In February 1974, prison organizer Carol “Crooksie” Crooks, a black woman who had been at Bedford since the late 1960s, was involved in an altercation with a guard. On the morning of February 3, according to her personal account and the accounts of other prisoners present at the time, Crooks requested to see the prison nurse about a migraine.⁴ She was told she would have to wait until evening to be seen. Things escalated: the female guard alleged Crooks tried to hit her; Crooks disputes that narrative. Whatever happened, the guard called in backup. Five additional female prison guards came to restrain Crooks. According to an article publicizing this incident, Crooks fought against these guards to the point that male guards from Sing Sing, a nearby men’s prison, were called in to assist. Eight officers responded, “went into [Crooks’]

¹ Amber Baylor, “Narrative of a Freed Litigious Woman” in *Lutie A. Lytle Black Women Law Faculty Workshop and Writing Retreat* (Summer 2017) (interview with Carol Crooks).

² Piri Thomas, *Seven Long Times* (Los Angeles: Graymalkin Media, 1974) as cited in Juanita Díaz-Cotto, *Race, Ethnicity, and the State: Latina and Latino Prison Politics* (Albany: State University of New York Press, 1996), 35.

³ Díaz-Cotto, *Race, Ethnicity, and the State*, 35 (interview with Daniel Meyers).

⁴ In this chapter, and in discussing Bedford’s history as a prison and not a reformatory, I refer to the women sentenced to Bedford as prisoners. For a discussion of terminology when writing about incarcerated individuals see Heather Thompson, *Blood in the Water: The Attica Prison Uprising of 1971* (New York: Random House, 2016), 20 n.6. Thompson writes, “Notably the incarcerated and formerly incarcerated today very much dislike the word ‘inmate’ and prefer to be referred to as ‘men,’ ‘women,’ or ‘people,’ and, if their status as being imprisoned must be specified, most prefer ‘incarcerated people’ or ‘prisoners.’”

cell[,] and beat her bloody with clubs and belts.”⁵ Crooks was handcuffed, hooded with a towel, dragged to a van, and taken to the segregation quarters in a separate building. She described the cell as follows: “Like you would go into a bathhouse, go into a pool house, those cement blocks. That’s what it was made of, cement blocks and a linoleum floor. And you have...a barefaced toilet—no toilet seat. It was a four by eight room.”⁶ According to some reports, the cell in which she was thrown had no mattress, and the small window high on the wall was left open. She was denied requests for a blanket and remained locked in for three days. By the third day, a nurse insisted on giving her medical treatment. She required surgery to repair damage done to her knee due to the violent encounter with the guards.⁷

Crooks’ stint in Bedford was not the first time she encountered the criminal legal system. Her exposure to institutional life began early; when she was younger, she spent time at the New York Training School for Girls in Hudson, New York on a charge of incorrigibility.⁸ While there, she was exposed to an underground economic network of “hustling.” In Crooks’ words, “I started doing stuff I learned up in these reformatory schools. Selling drugs. They talk about selling their bodies. They talk about selling drugs. They talk about con artists. They talk about a whole lot of stuff you wouldn’t think kids would talk about.”⁹ Following her release, Crooks relied on the skills she learned at Hudson to provide for herself. For the next several years,

⁵ Women Against Prisons, “Dykes Behind Bars” in *Dyke: A Quarterly*, no.1 (1975).

⁶ Baylor, “Narrative,” 5 n.22.

⁷ Women Against Prisons, “Dykes Behind Bars,” 1.

⁸ The charge of incorrigibility conveniently lacked a clear legal definition. Used to rein in young women and girls who disobeyed their parents or other authority, incorrigible women had a long history at Bedford and other New York State institutions. Recall Lynette Murphy was similarly charged with incorrigibility in 1917.

⁹ Women Against Prisons, “Dykes Behind Bars,” 7.

Crooks encountered the criminal legal system frequently.¹⁰ In 1969, Crooks was exposed to political prisoners from the Black Panther Party, whom she met while incarcerated at the New York Women's House of Detention in New York City.¹¹ One contact, Afeni Shakur, became particularly close to Crooks. Shakur was a prominent member of the Black Panther Party. In 1969, she was arrested along with twenty-one other Party members on conspiracy charges alleging a plan to carry out bombings in New York City.¹² It was during this tumultuous time in Crooks' and Shakur's life that their paths crossed. Legal scholar and historian Amber Baylor notes that by the time Crooks was sentenced to Bedford she had "come to see the conditions she and other[s] experienced in prisons as linked to larger structural forms of oppression[.]"¹³ Indeed, Crooks presumably witnessed the ways in which other black female prisoners were treated within the New York criminal legal system and began to recognize the power of coalition building.

Crooks was not the only player who underwent a political transformation in the 1960s and early 1970s. The New York State prison system was experiencing another massive shift in its structure and approach to incarcerated individuals. In 1969, Chapter 319 of the New York State Corrections Law was passed. This law reorganized the State's prison system, combined the

¹⁰ Baylor asserts a compelling correlation between childhood exposure to juvenile institutions and later activism in prison. Baylor writes, "Stories of incarceration at these institutions demonstrate[] how deeply the various arms of the criminal legal system affected women and provide[] a basis for understanding why effective organizing became a key contribution of women [in] prison." Baylor, "Narrative," 7.

¹¹ For a brilliant discussion of Crooks' early years and activism, see *ibid.* According to Baylor, during this period in jail, Crooks noticed "an influx of women in the facility that were not, to her mind, 'hustlers[.]'.... The women held a special status as 'political prisoners,' and were members of activist groups like the Black Panther Party." *Ibid.*, 9.

¹² A biographical account of Shakur and her activism is beyond the scope of this work. For a more complete discussion see Jasmine Guy, *Afeni Shakur: Evolution of a Revolutionary* (New York: Atria Books, 2004).

¹³ Baylor, "Narrative," 11.

Department of Corrections and the Department of Parole, and authorized the closure of Auburn Prison for Women, transferring all women to Bedford.¹⁴ Equally significant, the law also granted the prison commissioner nearly unfettered discretion in deciding where prisoners served their sentences.¹⁵ By the early 1970s, Bedford was populated with several well-known political prisoners, including white members of the Weather Underground and black separatists from the Black Panther Party. Crooks fit right in with these other radical prisoners. She, along with other prison advocates, advanced the modern prisoners' rights movement beyond rhetoric and into practice. A brief tangent is therefore needed to situate the prisoners' rights movement in the context of Bedford's legal activism.

Prior to 1941, the Supreme Court failed to recognize the fact that incarcerated individuals retained certain constitutional protections. Known as the "hands-off" doctrine, prison officials were considered experts in their field, and administrative decisions were never questioned. Exemplary of this legal theory is an oft-quoted 1871 case, in which the Supreme Court of Virginia noted that "[t]he bill of rights is a declaration of general principles to govern a society of freemen, and not of convicted felons and men civilly dead...."¹⁶ It continued:

[These individuals] are the slaves of the State undergoing punishment for heinous crimes committed against the laws of the land. While in this state of penal servitude, they must be subject to the regulations of the institution of which they are inmates, and the laws of the State to whom their service is due in expiation of their crimes.¹⁷

¹⁴ This transfer impacted Bedford's total population only slightly, as the State moved many women to Bedford in the years prior in preparation for this closure.

¹⁵ Chapter 319 permitted the Commissioner to transfer prisoners engaged in political protests to other facilities without any restrictions. The intent of this law is clear: to prevent incarcerated individuals from banding together to protest prison conditions.

¹⁶ The term "civilly dead" refers to the State's ability to revoke certain rights, such as the right to vote, once someone is convicted of a crime. This term also speaks to the long-lasting effects of incarceration.

¹⁷ *Ruffin v. Commonwealth*, 62 Va. 790, 796 (Va. 1871). Indeed, in the context of our current mass incarceration crisis, these words ring perhaps a bit too true. For a critical discussion of the

In short, the judicial branch was reticent to step on the toes of prison administrations, fearful that such tepid movement constituted an unconstitutional breach of power. While the legal system tossed out a plethora of philosophical arguments, prisoners and incarcerated individuals were actually the ones in fact suffering from physical and legal injuries: beatings, assaults, and torture from guards and fellow prisoners were all a common part of the carceral experience.

In 1941, the Supreme Court finally recognized an inmate's constitutional right to access the courts.¹⁸ Following this groundbreaking case, the Court began to recognize other constitutional protections.¹⁹ However, many of these decisions only litigated the First Amendment, the right to speech and association, and the Fourteenth Amendment, the right to equal protection of the law. Crucially, these decisions did not involve the Eighth Amendment, which protects against cruel and unusual punishment, or the right to due process in challenging a prison official's actions.²⁰ For these issues, the hands-off doctrine remained fully enforced.²¹

linkages between mass incarceration, Jim Crow laws, and slavery see Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Color-Blindness* (New York: The New Press, 2010), 58 (noting that “[m]ore than 2 million people found themselves behind bars at the turn of the twenty-first century, and millions more were relegated to the margins of mainstream society, banished to a political and social space not unlike Jim Crow, where discrimination in employment, housing, and access to education was perfectly legal.”).

¹⁸ *Ex Part Hull*, 312 U.S. 546 (1941) (striking down a regulation that required review of a prisoner's federal complaint by prison officials prior to filing in court).

¹⁹ See, e.g., *Smith v. Bennett*, 365 U.S. 708 (1961) (striking down four dollar filing fee for habeas petition); *Long v. District Court of Iowa, In and For Lee County, Fort Madison, Iowa*, 385 U.S. 192 (1966) (indigent prisoner entitled to transcript of prior habeas proceeding).

²⁰ It is interesting to note that the courts were quite slow on the uptake, as the Eighth Amendment is the only Amendment in the Bill of Rights that applies specifically—and exclusively—to those who have been convicted of a crime.

²¹ See, e.g., *Stroud v. Swope*, 187 F.2d 850, 851-52 (9th Cir. 1951) (“We think that it is well settled that it is not the function of the courts to superintend the treatment and discipline of prisoners in penitentiaries, but only to deliver from imprisonment those who are illegally confined.”)

During the 1960s, incarcerated individuals increasingly began to agitate for full recognition of their constitutional rights. By the late 1960s, a coalition formed between activists involved in the Civil Rights Movement and prisoners themselves. From this relationship emerged the nascent modern prisoners' rights movement. According to prisoners' rights expert James B. Jacobs, this movement refers "to more than the sum total of court decisions affecting prisoners. We are dealing with a broadscale [sic] effort to redefine the status (moral, political, economic, as well as legal) of prisoners in a democratic society."²² The braid between the Civil Rights Movement and the prisoners' rights movement drew tight as increased numbers of protestors experienced incarceration.²³ At Bedford, several prisoner support groups sprung up to form coalitions with each other and other political groups within the institution.²⁴

With the assistance of attorneys and dedicated law students, prisoners were schooled in the law and fought hard to combat rampant abuses within the prison system. The hands-off doctrine was officially abandoned in April 1974, with the Supreme Court dealing a deathblow to the doctrine: "When a prison regulation or practice offends a fundamental constitutional guarantee, federal courts will discharge their duty to protect constitutional rights."²⁵ Translated, the opinion gave federal courts the power to intervene in prisoner rights' cases. In a subsequent decision, the Court spoke with more clarity. Justice Bryon White, writing for the majority, stated,

²² James B. Jacobs, *New Perspectives of Prisons and Imprisonment* (Cornell: Cornell University Press, 1983) as cited in Díaz-Cotto, *Race, Ethnicity, and the State*, 25-26.

²³ For another interpretation of the end of the hands off doctrine and the emergence of the prisoners' rights movement see Michael B. Mushlin, *Rights of Prisoners* 5th ed. (New York: Westlaw, 2017), esp. § 1:4.

²⁴ An accounting of the many coalitions that were formed during this time is outside the scope of this work. For a detailed discussion of groups found at Bedford see Díaz-Cotto, *Race, Ethnicity, and the State*, esp. pp. 295-360.

²⁵ *Procunier v. Martinez*, 416 U.S. 396, 405–06 (1974), *overruled on other grounds by, Thornburgh v. Abbott*, 490 U.S. 401 (1989).

“There is no iron curtain drawn between the Constitution and the prisons of this country.”²⁶ Unfortunately, however, for many prisoners, their constitutional rights remained unrecognized.

At Bedford, radical interracial and interethnic groups, with the assistance of third-party support, actively worked to attract outside support and attention to challenge various institutional issues. In 1971, Crooks was among several women who successfully brought a lawsuit charging Bedford with inadequate medical care.²⁷ In 1972, Bedford drew the attention of several investigative journalists influenced by the mainstream women’s movement. These journalists were fascinated with the institution’s childcare program—something that has remained a consistent feature since Bedford’s inception. The women used this increased coverage to protest, this time against the disproportionate transfer of women of color to Matteawan, a mental institution in upstate New York.

According to one newspaper report, skeptical about the veracity of these concerns, “The bitter complain[t] comes because most of the women who go to Matteawan are black. A majority of women at Bedford—about 68 per cent at the last official count—are black.” An inmate provided an inside perspective: “With these outside psychiatrists...black girls are automatically criminally insane. Whites can cut their wrists here, and they’re just a little upset. But a black girl cuts her wrists, and boom, she’s sent up.”²⁸ The connection between mental illness and criminality was constructed under, and construed by, the frameworks of race and gender.

In November 1973, Crooks was a major organizer in Bedford’s Day of Solidarity. With the help of Shakur and South Bronx Legal Services, Crooks facilitated a day of community

²⁶ *Wolff v. McDonnell*, 418 U.S. 539, 555–56 (1974).

²⁷ *Todaro v. Ward*, 431 F. Supp. 1129, 1129 (S.D.N.Y. 1977). An entire article could, and should, be written about this historic lawsuit.

²⁸ “Sandy Flickner, “Bedford Hills—Squirring to be More Than a Prison” *Democrat Chronicle* (Rochester, NY), Sept. 11, 1972.

building and legal training. Crooks' involvement in this action branded her, in the eyes of the prison administration, as an unwanted prison organizer and overzealous advocate for her rights and the rights of other prisoners. Even prior to the November Day of Solidarity, Crooks was not popular with the prison administration. For the first seven years of her imprisonment she refused to talk to the prison guards.²⁹ She was frequently involved in physical fights, both with other prisoners and guards, and some prisoners indicated she was often the instigator.³⁰ Her assertiveness made her an easy target for retaliation. It appears that given the opportunity to throw Crooks in segregation, the guards quickly acted in February 1974.

By some accounts, Crooks remained in segregation until July, when she was released pending a court decision. However, according to an appellate court opinion, the district court judge never issued such an order.³¹ Despite this inconsistency, it is clear that Crooks was kept in segregation until at least June, a full four months later.³² Incredibly, from inside segregation, she stayed in communication with South Bronx Legal Services attorney Stephan Latimer and Shakur, who also worked at the legal organization. By sneaking notes through the window near where prisoners passed, Crooks continued to recount her unfolding situation.³³ In May, under

²⁹ According to Baylor, the guards interpreted her refusal to talk as "slowness" of the mind. Baylor, "Narrative," 11.

³⁰ See, e.g., Jean Harris, *They Always Call Us Ladies: Stories From Prison* (New York: Kensington Pub. Corp., 1988). It should be noted that a veil of racism tints Harris' account of Bedford's history, as she consistently employs racialized language to engage in an "us versus them" analysis of white and black prisoners. Harris was a white prisoner incarcerated at Bedford from the late 1970s to the 1980s.

³¹ See *Crooks v. Warne*, 516 F.2d 837, 839 (2d Cir. 1975) (Following a bench trial on July 1 and 2, the judge in the Southern District of New York "issued a preliminary injunction...but did not order [Crooks] returned to the general prison population.")

³² Ibid. ("On June 22, Superintendent Warne...reviewed [Crooks' case] and decided, on the basis of that review, to continue [Crooks] in special custodial confinement.")

³³ According to an interview with Crooks, the other women "would sneak up to the window to talk. And sneak up and stick cigarettes through a hole." J.B. Nicholas, "August Rebellion: New York's Forgotten Female Prison Riot," *Village Voice* (Aug. 30, 2016).

pressure from Shakur, Latimer finally agreed to represent Crooks, filing a lawsuit on her behalf which alleged a violation of her right to due process.³⁴ This right prohibits prison officials from confining prisoners for indefinite periods of time without an administrative hearing. In July, the judge ruled that Bedford's practices violated this right and prohibited prison officials from transferring prisoners to either segregation or the special housing unit prior to 24-hour notice or a hearing.³⁵ In an apparent retaliatory move, Crooks was thrown back into segregation in August, again without an administrative hearing. According to Cindy "Sid" Reed, with whom Crooks maintained an on-again-off-again romantic relationship, the guards had been "looking for any excuse anyway to go after her because they thought that she was the ringleader...They wanted to eliminate her for any little thing."³⁶ According to the quarterly magazine, *Dykes Behind Bars*, Crooks did not go quietly.

Dykes Behind Bars, published by Women Against Prisons, came out in support of Crooks. The publication devoted a riveting ten-page spread to Crooks' predicament. Its detailing of the events during this tumultuous time highlights the ways in which history is dependent upon whose version of events is believed. Court documents provide an opportunity to see how these

³⁴ Baylor states, "Latimer, [a] new attorney, had recently successfully negotiated for conditions [of] reform at Metropolitan Detention Center. Shakur wanted him to also address abuses occurring at Bedford Hills." Baylor, "Narrative," 13. This action was later consolidated as a class action under the case name *Powell v. Warne*.

³⁵ *Crooks*, 516 F.2d at 839. The underlying legal argument raised by the defendant prison officials was that transfer to segregation or the special housing unit involved different administrative processes. Transfer to segregation required the superintendent's approval; transfer to the special housing unit was much more lax. Therefore, they had not violated Crooks' right when she was later transferred from segregation to special housing. The district court dismissed this argument. Regardless of the title, the conditions were identical—Bedford housed both groups of prisoners in 23-hour solitary confinement. The only difference between the special housing unit and segregation was the fact that inmates in the special housing unit were permitted to socialize with each other for one hour a day. *See Powell v. Ward*, 392 F. Supp. 628, 629-30 (1975).

³⁶ Nicholas, "August Rebellion."

women were viewed within the legal system. *Dykes Behind Bars* provides a different perspective altogether, allowing us to see the ways in which the August Rebellion was framed by feminists and prisoners' rights advocates involved in the women's liberation movement.

The following description illuminates the ways in which women structured a language of oppression around gender, highlighting the fact that an historical analysis of this time requires engaging in the heated rhetoric employed by feminist activists. The magazine relays the events:

Following the advice of her attorney, [Crooks] refused to go [to segregation] unless formally presented with charges against her.... As is the customary practice of abusing constitutional rights in prison, this request was refused.... Crooksie was then left alone until "lock-up" time.... When all the women were locked in their cells, six male and five female guards came into Crooksie's cell, armed with tear gas cannisters [sic]. Carol began barricading the door, watering down sheets and bed clothing in an attempt to protect herself from the onslaught. After repeated efforts...the guards broke through her barricades and beat her with their fists and kicked her repeatedly in the abdomen, chest, breasts, and legs.

When Crooks was finally transferred to the segregation building, the magazine continues, she was thrown naked into a stripped cell, with the windows left open. The entire ten-page account of this incident and the August Rebellion is intoned with themes of sexual violence and male aggression. Whether or not such description is accurate is left to us to piece together from divergent records.

The following day, on August 28, several women went to see then Superintendent Janice Warne to request that Crooks be released. Leading them was Reed.³⁷ Warne met with them and said she would issue a decision that evening. Warne herself does not remember the meeting.³⁸ Instead, Warne ordered all inmates locked in their cells at 7 p.m.—three hours earlier than the usual time. The women refused. According to Reed, "At that point, it clicked in everyone's mind

³⁷ Nicholas, "August Rebellion."

³⁸ Baylor, "Narrative," 16 (interview with Janice Warne). It is not clear what caused Warne's memory lapse, as this heated situation would most likely have left an imprint in her mind.

we just gonna all have to die tonight because we just have to see what happened to [Crooks].”³⁹
What occurred next underlies the distinction between a rebellion and a riot.

According to Daniel Meyers, a formerly incarcerated individual, “[A] rebellion is purposeful. A riot...has no particular rationale or if it does have a rationale the rationale is not to make change.... A rebellion seeks change and a rebellion comes at the end attempt of other ways of solving the problems.”⁴⁰ Locked in a legal battle, the women recognized that any protection stemming from a federal court order—which prohibited Bedford from transferring inmates to segregation prior to a hearing or 24-hour notice—was ineffectual. The August Rebellion marked a final attempt to engage in polite counter-protest; its purpose was twofold: to get Crooks out of segregation and to demand the prison respect women’s bodily autonomy and constitutional rights.

Reed went on record stating that a black female correctional officer assigned to her ward gave her keys to Reed and then left. This officer was described by Reed as “more of a motherly type than an officer,” and once she handed over her keys, she ran.⁴¹ The ensuing standoff between approximately 70 women and dozens of prison guards lasted several hours. During this time, prisoners took over several parts of the prison. Seven staff members were taken hostage. Finally, a specialized guard force from Sing Sing was called in to assist, resulting in a battle of will and weapons.⁴² Twenty-five prisoners were admitted to the prison hospital with injuries, nearly thirty were transferred to segregation, and the remaining protestors were locked in their cells. Over the course of the weekend, according to the prisoners’ accounts, “the beds were

³⁹ Nicholas, “August Rebellion.”

⁴⁰ Díaz-Cotto, *Race, Ethnicity, and the State*, 35 (interview with Daniel Meyers).

⁴¹ Nicholas, “August Rebellion.”

⁴² This specialized force was similar to a civilian SWAT team.

removed from some of the segregation cells, forcing the women to sleep on the floor.”⁴³ By September 2, six leaders of the uprising—the Matteawan Six as they were later called—were covertly transferred to the newly established Fishkill Correctional Facility, Female Unit in Beacon, New York.⁴⁴ The description of this facility is again divergent, depending on which narrative is believed. According to *Dykes Behind Bars*, the State “pretended” this institution existed when, in reality, “Fishkill turned out to be Matteawan, an insane asylum which no longer contained women but instead had 900 men who had been judged by the State to be criminally insane.”⁴⁵ In contrast, court records indicate this facility was opened in May of that year, housing women prior to the Matteawan Six’s transfer.⁴⁶

Both sources agree, however, that the women housed at this facility were subjected to privacy violations, as their segregated space was not segregated at all.⁴⁷ In order to move throughout the hospital, male patients were required to enter the women’s wing. In addition, women were treated less like prisoners and more like mental patients. According to Crooks, who was transferred in early September, the “guards at Matteawan used measures crudely tailored for the ‘criminally insane,’ such as binding their arms in restraints, forcing the women to take heavy

⁴³ Women Against Prisons, “Dykes Behind Bars,” 16.

⁴⁴ *Armstrong v. Ward*, 529 F.2d 1132, 1132 (2d Cir. 1976). According to the Second Circuit’s opinion, “Until November 27, 1974, the transferees were housed in Building 13 at Fishkill. On that date...they were moved into a segregated wing of Matteawan State Hospital, located in the Fishkill facility.” Ibid. 1136 n.1.

⁴⁵ Women Against Prisons, “Dykes Behind Bars,” 16-17.

⁴⁶ *Armstrong*, 529 F.2d at 1132.

⁴⁷ The record is again murky as to the precise location of this facility. Some reports indicate it was directly attached to the mental hospital; others state it was in a separate building on the hospital grounds. Either way, the women were subjected to Fishkill’s psychiatrist, who applied pressure to take Prolixin, an anti-psychotic drug that is a “highly potent behavior modifier with a markedly extended duration of effect.... It induces a catatonic-like state....” Jessica Mitford, *Kind and Usual Punishment* (New York: Knopf, 1973), as cited in Women Against Prisons, “Dykes Behind Bars,” 63.

medication, and leaving them to live isolated in rooms.”⁴⁸ On January 31, 1975, the Matteawan Six filed a class action lawsuit against the State—known as the *Armstrong* case—seeking an injunction to permanently close the Fishkill facility.⁴⁹ Again represented by Latimer, the women argued this transfer, done without any sort of notice or administrative hearing, violated their due process rights.

In April 1975, the New York District Court for the Southern District of New York found in the prisoners’ favor.⁵⁰ During the course of the *Armstrong* litigation—the case about the illegal transfer of inmates to Matteawan—settlement talks were entered into in a separate proceeding. Eventually an agreement was reached establishing a prisoner’s right to due process in disciplinary proceedings. Nearly a decade after Crooks’ long stint in segregation and the August Rebellion, a district court awarded the women \$127,000, with explicit orders that prisoners maintain direct control over the payment. The women organized amongst themselves to determine how the money should be spent.⁵¹ The majority was set aside for educational and work programs, and in 1983 the remainder was used to fund a celebratory picnic.⁵²

⁴⁸ Baylor, “Narrative,” 21 (interview with Carol Crooks).

⁴⁹ *Armstrong*, 529 F.2d at 1133.

⁵⁰ *Ibid.*, at 1133. The State appealed and in February 1976 the Second Circuit vacated the lower court’s decision as moot. All the women were returned to Bedford prior to the district court’s order. Therefore, the Circuit reasoned, the harm had been remedied and no judicial action was necessary. *Ibid.*, 1136. The twisting legal history of Bedford’s case law mirrors the twisting history of resistance movements within carceral spaces.

⁵¹ Baylor, “Narrative,” 25. Baylor documents how the women “established a steering committee, which disseminated a survey to ascertain the funding priorities for the women in the facility. They purchased office supplies, legal research materials, and books about Black and Latino history. They purchased phones so that they could contact family and supporters more than once a month. They supported women reentering into [the] community by giving them start-up funds. They paid for lawyers, and in the years following continued to filing suits to challenge the facility.” *Ibid.*, 25-26.

⁵² Tessa Melvin, “Fund for Inmates Celebrated,” *New York Times*, June 2, 1983.

The August Rebellion was not the first time Bedford women resisted their incarceration. Indeed, Bedford's past reveals a pattern of discordant rioting and rebellion, from shortly after its inception to the mid-1980s.⁵³ In 1920 and 1958, riots and protests also erupted during periods of unrest and internal pressure. These earlier rebellions varied in size, scope, and purpose, and neither generated long-lasting change. However, the "unruly," disobedient, and courageous women who engaged in these protests laid the building blocks that made mass resistance possible in 1974.

When viewed in conjunction with the modern prisoner's rights movement, this pattern of rioting reflects a clear evolution of legal activism and legal protections afforded to incarcerated individuals. During the latest upheaval, rebellious women won something their earlier counterparts had not: legal recognition of their constitutional rights. As the modern prisoners' rights movement gained traction and as courts slowly recognized prisoners' constitutional rights, women inside Bedford began to regard organized legal resistance as a way to improve their living conditions—precisely because women's successes were dependent on the legal and social climate of the time.⁵⁴ Women found their collective voice and refused to be silenced. The three

⁵³ Just as the August Rebellion did not occur in a vacuum within Bedford, it did not occur in a vacuum of prison uprisings. In the summer of 1970, men housed in the Manhattan Detention Facility, or the Tombs as it was better known, rioted over the course the summer. Several prisoners were transferred out of this facility to Attica State Prison and Auburn State Prison. Once at Attica, protests over prison conditions erupted in the 1971 bloody Attica prison riot. However, a discussion of the infamous rebellion at Attica State Prison is beyond the scope of this work. For a more complete accounting of the Attica, Auburn, and Tombs uprisings see Thompson, *Blood in the Water*, esp. pp. 23-34. For a firsthand account of the Attica uprising see Samuel Melville, *Letters from Attica* (New York: William Morrow, 1972), 151-152. For an excellent analysis of this turning point in prison revolts see Díaz-Cotto, *Race, Ethnicity, and the State*, esp. pp. 63-95.

⁵⁴ As Baylor notes, "For the women at Bedford Hills, the idea that a prisoner could appeal to a court—that would hear the prisoner, despite being the convicted criminal...was fairly novel." Crooks relayed the sentiment, stating, "Even though we had violated the rule of law—but we still

distinct periods of rioting and resistance, 1919-1920, 1958, and 1974-1975, allow us to consider another side of incarcerated women's lives, one of persistence, outspoken reclamation of agency, and commitment to each other. A more detailed accounting of the history of this resistance is essential to understand the linkages between spatial and temporal transformations and sexuality and race.

Bedford's first uprising occurred in July 1920. The previous year, in 1919, Bedford's Board of Managers received an anonymous letter detailing extreme abuses designed to restrain "unruly" inmates. These practices included "stringing up"—whereby a woman was suspended from the floor with either her feet or the tips of her toes touching the ground and her hands behind her back—and "ducking," a practice similar to modern waterboarding. The anonymous letter alleged that both forms of discipline were commonplace at Bedford. Although disciplinary records from this period are sparse, based upon the ways in which black and white inmates were treated at Bedford, it is plausible that black women were disproportionately targeted for disciplinary violations.⁵⁵

In October, inmate Ruth Carter, race unknown, was on trial for assaulting a matron, and testified to the veracity of these practices. By the time the State authorized an investigation into Carter's allegations, however, she was no longer an inmate at the institution. Following Bedford's request, she was transferred to another institution—perhaps the Women's House of Detention in New York City. According to Superintendent Helen A. Cobb, Carter was not

had a right as individuals, human beings, to be treated like human beings." Baylor, "Narrative," 14.

⁵⁵ This assertion is plausible given the fact that of the twelve women questioned during the investigation, at least six were black women. At this time, Bedford had 63 new commitments: twelve of those were recorded as black, 45 were recorded as white. *See* Board of Managers, *Twentieth Annual Report* (Albany, 1921), 35.

“mentally capable” of being “materially benefited by Bedford’s discipline.” Despite Bedford’s attempts to keep its practices quiet, evident by the transfer of dissident inmates, the State nevertheless conducted several public hearings between November 1919 and February 1920.

Former employees and former and current inmates who disliked Superintendent Cobb came forward. In December, former reformatory physician Dr. Orie M. Grover testified that both stringing up and ducking were well established at Bedford, dating back at least three years. For example, on August 4, 1916 records show that Dr. Grover was

sent by Miss Cobb, with Miss Minogue [the disciplinary superintendent], to Elizabeth Fry Hall [the disciplinary building] to help discipline two girls.... They were handcuffed to [the] cot and spanked.... [After] they were released from the cot, Mannix [a guard] helped to hang them to the grating by the handcuffs, standing on their toes. They were also gagged.⁵⁶

On October 22, 1916 the same treatment was administered to eleven women who “were all hung up by the handcuffs to [the] cell grating. They were all taken down that evening [with one] becom[ing] faint....” She was taken down first while another, rebellious to the end, was taken down last. On the following Monday, these inmates were fastened, with one hand, to the cell grating in such a way that “[t]hey could lie down but not straight[;]” fortunately, they “[h]ad blankets.”⁵⁷ The women were confined in this way from five to ten days.

Grover thought it was her duty to look after the inmates who were housed in Rebecca Hall and the disciplinary building. She explicitly admitted that “unruly” girls were strung up for hours at a time, and she often gave the order to “raise them higher.”⁵⁸ When inmates resisted the punishment or called out, prison guards were instructed to lift them so their feet were completely

⁵⁶ *Public Papers of Alfred E. Smith, Governor*, (Albany, 1919-1920), 180.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

off the floor.⁵⁹ During her rounds, and while she assisted in punishment, she stated she sometimes saw bruises on the women's wrists from the handcuffs. But, she said, she "never saw their wrists actually 'cut and bleeding.'"⁶⁰ Other former employees testified likewise. Cobb and the current administration were disliked by many and detested by many more.

In addition to employees, inmates also testified at the hearings. In December, former inmate Elizabeth Nichols testified she had been strung up in June for 24 hours, admitting that she was let down at night and allowed to "rest." One newspaper reported that at the close of Nichols' testimony, the vice-chairman of the State Prison Commission stated, "This girl should not be detained in an institution such as this."⁶¹ He then requested she be transferred to the Rome State School for the Feeble Minded. Rome was reserved for convicted inmates who fell within the wide range of mental defects rendering a person incapable of functioning in society: the juridical-medical system was alive and well.⁶² Upon the vice-chairman's request, Nichols began to scream, "I won't go to Rome...You'll bury me there for life. You'll never get me there. I won't go!" Infamous for its horrendous overcrowding, decrepit buildings, and banal cruelty, Nichols was fortunate that, in the end, she was not sent to Rome. It was "filled beyond capacity."⁶³

Former inmate Elsie Adler suggested that she demonstrate the practice of being strung up for the Commission. Adler, who was twenty-one when she testified, was committed to Bedford

⁵⁹ While the rest of the staff at Bedford was women, guards were exclusively men.

⁶⁰ Staff Correspondence, "'Stringing Up' Bedford Girls Called Useless," *New York Tribune*, Dec. 21, 1919.

⁶¹ See Staff Correspondence, "Doctor Assails Stringing Up of Bedford Girls," *New York Tribune*, Dec. 14, 1919; *Public Papers of Alfred E. Smith, Governor*, 185.

⁶² For a brilliant discussion of the medicalization of criminality see Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason* (New York: Pantheon Books, 1965).

⁶³ *Public Papers of Alfred E. Smith, Governor*, 185.

on a charge of incorrigibility in 1916.⁶⁴ By the time she was released in 1918, she alleged she was subjected to this punishment at least twenty times. Adler suggested a live demonstration, according to one newspaper account, “to illustrate to Vice-President [of the State Prison Commission] John S. Kennedy...one of the most common methods of disciplining prisoners.”⁶⁵ At a December hearing, Adler was strung up with her hands behind her back and her feet off the floor for approximately ninety seconds before she asked to be let down.

Bedford’s officials insisted that Adler’s endurance, or lack thereof, indicated the falsity of allegations. If she could not withstand the punishment for such a short time, they asked, how was it possible for inmates to endure hours of this torture? When the handcuffs were removed, firsthand accounts of the demonstration stated that “red welts appeared on [her] wrists, which [were] heavily scarred.”⁶⁶ When Superintendent Cobb insisted there was absolutely no way that someone could cut themselves on the handcuffs that were used for the demonstration, Adler said, “[B]ring in the handcuffs they use for stringing up!” Heavier cuffs, with sharper edges, were then presented to the Commission.⁶⁷ Perhaps comforted by the safety of a public demonstration, Adler knew at least one thing: her request to be let down would be honored.

Nichols and Adler were two of twelve former and current inmates who came forward to testify. The small number of testifying inmates highlights the risks associated with public condemnation of state-sanctioned practices. Importantly, a current inmate added her voice to the charges: Lynette Murphy, the young woman who played such an integral role in interpretations

⁶⁴ Incorrigibility, that legal catchall for those young women who refused to respond to authority, was clearly a popular conviction at Bedford in the early twentieth century.

⁶⁵ Staff Correspondence, “Girl ‘Strung Up’ Before Prison Inquiry Board,” *New York Tribune*, Dec. 7, 1919.

⁶⁶ Ibid.

⁶⁷ Ibid.

of same-gender interracial couplings described in Chapter Two. Here again, Murphy appeared as a key player in yet another aspect of Bedford's past: its rich history of resistance and rebellion. By confronting those in power, Nichols, Adler, Murphy, and others spoke out against the fundamental violation of their bodily autonomy. Even the possibility of transfer to Rome provided limited deterrence.

As a current inmate Murphy's position was markedly different than that of former inmates. By agreeing to testify against officials, she risked retaliation. Murphy's testimony mirrored that of other inmates and former employees. She stated on one occasion she was "handcuffed to the bars of her cell, with the tips of her toes touching the floor[.]" This practice continued for so long "she fell when she was released."⁶⁸ In an interview, Murphy also alleged that black women were discriminated against in terms of work assignments, with black women assigned to undesirable jobs.⁶⁹ The threat of retaliation appears to have manifested itself shortly after the State's highly critical report was published in March 1920. According to Murphy's inmate file, she was transferred to the disciplinary building for twelve days following release of the report. Although her file does not indicate the reason for the transfer, the close proximity in time suggests a retaliatory intent.⁷⁰ The effects of the investigation continued to reverberate.

On July 24 and July 30, inmates "rioted." Murphy was paroled a month before the July riots and therefore was not present in the institution during that time. However, given the fact that there were so few black inmates at Bedford, it is plausible that she was involved, or at least knew of, this struggle. Indeed, when Murphy was resentenced to Bedford in 1926, as noted in

⁶⁸ Staff Correspondence, "Girl 'Strung Up' Before Prison Inquiry Board," *New York Tribune*, Dec. 7, 1919

⁶⁹ Staff Correspondence, "Doctor Assails Stringing Up of Bedford Girls," *New York Tribune*, Dec. 14, 1919.

⁷⁰ Murphy, 2503, disciplinary note.

Chapter Two, Superintendent Dr. Amos T. Baker requested the court discharge her from Bedford's care. He gave the following reasons,

[Lynette] is not mentally capable of being materially benefited by the discipline of the said Institution...The fact that she was previously an inmate of the Institution for three years, makes it appear unadvisable to have her in the Institution again, particularly, when her past record at the Institution is considered.⁷¹

He continued, "It is very probable that she would be a menace to the other inmates now in the Institution, by rehearsing to them stories about her own behavior and the behavior of other inmates in the Institution during its most troublesome times." The court apparently agreed, sentencing Murphy instead to the New York City Workhouse. Murphy's transgressions included not only unwholesome attraction to white inmates: her file provides hints that Moore was actively engaged in fighting for her right to bodily autonomy in all its forms.

The link between sexuality and rebellion was made explicit in a fiery piece authored by Progressive Frederick Boyd Stevenson. In his 1920 article discussing the July riot, he stated, "This great, overshadowing evil has its roots in sexual perversion. It is so appalling and disgusting in the scope that only a hint can be given concerning it. The offenders are among the whites and the blacks and this has been the chief reason for racial hatred among those white girls who have not yet lost all sense of womanhood."⁷² Implicit in this statement is the idea that all black inmates engaged in some form of sexual perversion. Recalling the letter Murphy wrote to Connie Carlson, in which she included an "uninteresting missive," her anger and resentment at the reformatory administration was obvious:

⁷¹ Murphy, 2503, disciplinary note. It is curious to note the similarities between this language and that of Superintendent Cobbs' letter in which she requested Ruth Carter be resented. Both Carter and Murphy were deemed nonreformable.

⁷² Frederick Boyd Stevenson, "How The State Failed In Its Care Of The Wayward Women At Bedford," *Brooklyn Daily Eagle*, Aug. 1, 1920.

Really I get so utterly disgusted with these g-d- cops I could kill them. They may run Bedford and they may run *some* of these pussies in Bedford but they are *never* going to run:

Lynette Murphy

not if I know it. It is true dear it doesnt pay to lie a good fellow in a joint of this kind, but I don't Regret anything I ever done⁷³

When placed in the context of Murphy's activism, the anger presented in this letter takes on a new depth and definition. Indeed, in this same letter, Murphy described an encounter with an administrative official who was punishing Murphy and several other women for "cutting up." Murphy writes, "[Disciplinary officers] would always string us up or put us in the training sheets but we would cut up all the more."⁷⁴ Murphy's letter contextualizes her actions during the 1919 and 1920 upheavals, or perhaps her participation in the State's investigation provides more insight into how her letter might be interpreted. The fact that Murphy continued to speak out against the reformatory in 1919 and 1920, despite knowing the risks, indicates a level of conviction and tenaciousness not found in other historians' interpretations of her story. Murphy contributed her voice to the growing number of girls and women who were frustrated at the cruelty operating inside Bedford. Of course, Murphy did not act alone.

In the months following the State's investigation, racial tensions within Bedford soared. It is not clear from the existing documentation precisely what caused the escalation. Public discussions of race mingling, however, had taken on a different tone in the communities surrounding Bedford. Black inmates were blamed for the State investigation and its tarnishing effect on the reformatory's good name, and support existed to make Bedford a white-only institution.⁷⁵ With prison officials and employees on edge, and with the Board of Manager's

⁷³ Murphy, 2503, disciplinary letter.

⁷⁴ Ibid., letter.

⁷⁵ Frederick Boyd Stevenson, "How The State Failed In Its Care Of The Wayward Women At Bedford," *Brooklyn Daily Eagle*, Aug. 1, 1920.

strict instructions to refrain from handcuffing and ducking, the atmosphere at Bedford was most likely thick with grievances and tensions. On July 24, 1920 those tensions reached a boiling point.

On that Saturday, the inmates were kept busy preparing for the visit of Governor Alfred E. Smith, who was expected to visit the following day.⁷⁶ According to newspaper accounts, an argument broke out between two inmates assigned to laundry duty. One was black, the other white. Various accounts tend to exaggerate what occurred in the laundry room; one newspaper stated that the black inmate threw an iron at the white inmate. Another said that the black inmate held the white inmate down and burned her with the iron. Yet another reported that black women ganged up on the helpless white inmate. In any case, the fight eventually spread outdoors, and when other inmates saw the brawl, they joined in to help—or to let off steam. Due to the atmosphere in the country at this time, this upheaval was considered a “race riot,” and newspapers reported it as such.⁷⁷ Newspapers had a field day describing what occurred next.

Perhaps attributable to yellow journalism, one headline blared, “Women Riot in Reform Home: Scores of Bedford Inmates and Several Police Hurt in All Day Battle. Countryside In A Panic.” The article described the riot as having “no duplicate in the history of the State’s prisons.”⁷⁸ The *New York Times* joined in the sensationalized journalism, declaring that 150 “negro and white girls...race rioted...fighting with knives, flatirons, stones and clubs back and forth over the institution grounds and for an hour holding twenty-five State troopers and the

⁷⁶ See, e.g., “Women Riot In Reform Home,” *New York Herald*, July 25, 1920; “150 Women In Race Riot At Bedford,” *New York Times*, July 25, 1920; “Bedford Amazons Get A Water Cure,” *New York Herald*, Aug. 2, 1920; “Bedford Girl Rioters Keep Up Din in Cells,” *New York Tribune*, July 26, 1920.

⁷⁷ For a more detailed accounting of the history of race rioting in the twentieth century see Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (New York: Bloomsbury, 2016).

⁷⁸ “Women Riot In Reform Home,” *New York Herald*, July 25, 1920.

police force of Bedford at bay.”⁷⁹ The *Times* described a chaotic scene, its narrative sprinkled over with a heavy dose of 1920s racism. Included in the article is the implausible statement that “[s]omehow the negro girls had managed to arm themselves with knives, some apparently just dinner knives, but many long-bladed butcher knives.” The white inmates, although “having the advantage of numbers,” apparently could do little to protect themselves against the vicious “negresses.”

The riot reached a climax when a white police officer, “Policeman Wade,” arrived on the scene along with two dozen other officers.⁸⁰ Wade, reportedly the only officer in uniform, was not shy with his billy club. When approached by “a tall negro girl...armed with a butcher knife[,] Wade stood motionless, waiting for her.” As the woman raised her knife, the *Times* account gleefully reported, “the policeman’s club crashed down. The girl dropped on her face, completely knocked out.” To confirm he landed the blow, Wade walked over to her and saw she was “merely stunned.” The danger was not over yet, however. Two other “negresses, one with a knife, the other with a chunky club, were creeping up behind Wade.” Wade heard the warning screams from the white inmates and, without looking behind him, swung “around with all his force[.] [H]is club caught one of the girls under the ear and she fell. A second blow of the club and her companion also dropped.”⁸¹ This account reads all too much like a 1920s “kerfuffle,” complete with enemies, heroes, and a happy ending. The press lauded Wade, despite the fact that he had acted against direct orders issued by his superior forbidding the use of violence.

After control was reasserted over the women, 70 of the 155 rioters were taken from their dormitories and locked in cells, presumably in either Rebecca Hall or the Disciplinary Building.

⁷⁹ “150 Women In Race Riot At Bedford,” *New York Times*, July 25, 1920.

⁸⁰ Ibid.

⁸¹ Ibid.

By August 2, newspapers reported that fifteen inmates were placed in “a newly established ‘psychopathic ward[.]’” There, they were subjected to “the same sort of treatment...that is handed out to raving maniacs[.]” namely alternating hot and cold baths. Bedford’s administration requested the aid of three nurses from Bellevue Hospital, a mental institution, to assist in administering the curative treatment.⁸²

The connection between the State investigation and the riot is hinted at in newspaper coverage. One inmate, Mazie Rice, reportedly one of the “ringleaders,” had testified during the investigation in December. The record is silent as to Rice’s race, and again Bedford’s archive provides no clues. However, we do know that another reportedly black inmate, Rosella Lane, had assisted in planning the riot.⁸³ According to disciplinary officer Mary O’Brien, after the riots, Lane was verbally threatened and assaulted by other black inmates. Apparently, Lane had “fled when the storm broke.” O’Brien quit after hearing such “vile catcalls,” stating she could not stand the environment anymore.⁸⁴ According to newly appointed superintendent Florence Jones, the uprising was “the expected outcome” of the ban on stringing up and ducking. Bedford’s Catholic priest, Rev. Thomas Kelly, agreed with her, stating, “[S]tronger methods should be restored at once.”⁸⁵ Apparently frustrated by the constraints placed on her, Jones quit after less than six months—on the day after the riot.

Propelled by a large number of black women, the fledgling and unorganized 1919-1920 moment of resistance nonetheless brought to light abuses hidden within the walls of this

⁸² “Bedford Amazons Get A Water Cure,” *New York Herald*, Aug. 2, 1920. The psychopathic ward referred to here is most likely the old Laboratory and psychopathic hospital, which was reopened in 1920 and permitted to house individuals from the Mentally Defective Division in 1921.

⁸³ “150 Women In Race Riot At Bedford,” *New York Times*, July 25, 1920.

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*

institution. Unfortunately, the courage of Lynette Murphy, and others whose names have been lost but whose records live on, did not stop mistreatment from occurring. Stringing up and ducking may have been eliminated, but forms of punishment merely morphed into new types of disciplinary tactics. Confinement in segregation and the water cure replaced the early overtly violent practices. Without sustained resistance, outside assistance, or recognition of inmates' legal rights within the institution, it is no wonder that this chaotic revolt did not produce positive lasting change.

In the weeks and months following the riot, Bedford went through several changes. Three superintendents resigned in quick succession; the job eventually passed to Amos T. Baker, who was appointed in May of 1921. In April 1921, the state legislature passed a law establishing the Division for Mental Defective Delinquent Women at Bedford—a facility dedicated to the treatment and care of all New York State's mentally defective female offenders. The population at Bedford dropped significantly, perhaps because judges refused to sentence women to the institution, given the negative publicity it had received over the years.⁸⁶

The hands-off doctrine was a key reason why the 1919 investigation resulted in such limited changes. The Commissioner's closing report on the practices of stringing up and ducking noted that there did not "seem to have been any violation of law in the punishments which have been inflicted as an examination fails to disclose any statute which covers such acts."⁸⁷ Any competent student of the law would immediately dismiss this statement as irrelevant. Constitutional rights, such as those protected by the Eighth Amendment, need not be explicitly

⁸⁶ Board of Managers, *Twenty-First Annual Report* (Albany, 1922), 15. In July 1920, Bedford's population numbered 229, with 19 infants. In July 1921, the population dropped to 164, with 18 infants. See also Board of Managers, *Twentieth Annual Report* (Albany, 1921), 14.

⁸⁷ *Public Papers of Alfred E. Smith, Governor* (1919-1920), 175.

governed by any specific statute; they are already recognized in the Constitution itself.⁸⁸ However, such protections must first be “discovered” by those working within the legal field.

The period between 1919 and 1920 was debatably one of Bedford’s most rocky moments. Allegations of cruelty and poor living conditions, a state investigation into those allegations, and small, disorganized rioting led to the instatement of Superintendent Baker, who ruled with a soft touch and iron will for the following seven years.⁸⁹ His replacement, acting assistant superintendent Leo J. Palmer, followed this leadership style. Reportedly, for the next thirty-odd years, no large-scale riots erupted at Bedford.⁹⁰ The situation changed in June 1958, when inmates, again led by black women, protested conditions within the prison division of the institution. At this time, Westfield State Farm, as it was then called, was split in two: a reformatory division occupied the reformatory property and a prison division occupied the old grounds of the Laboratory for Social Hygiene. Both contained different demographics. Black women and other women of color were disproportionately represented in the prison division.

⁸⁸ This is an overly broad statement and there are exceptions. For instance, the Supreme Court has developed a convoluted test to discern whether prisoners retain a liberty interest when alleging a deprivation of their due process rights. If the injury does not impose an “atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life,” then no liberty interest is found and a constitutional violation has not occurred. The reason why solitary confinement has yet to be seen as a violation of the Eighth Amendment is attributable to this absurd jurisprudence. *See, e.g., Sandin v. Conner*, 515 U.S. 472, 484 (1995). This holding places even more limitations on prisoners’ access to the courts.

⁸⁹ Although Bedford’s initial legislation prohibited men from serving as superintendent, following the 1919 State investigation the Board of Managers recommended that such legislation be amended to forbid people without a background in psychiatry from becoming superintendent. *See Public Papers of Alfred E. Smith, Governor (1919-1920)*, 187.

⁹⁰ However, there appears to have been at least some turmoil in 1930, at least enough to encourage several reporters to investigate allegations of cruelty at the institution. *See, e.g.,* Ludlow W. Werner, “An Age Representative Spends Day At Bedford Reformatory, Investigating Conditions There As To The Inmates” *The New York Age* (New York), Aug. 30, 1930. Unfortunately, this new information was not found in time to engage in an exhaustive review of the record. Clearly, further analysis of Bedford’s past is required.

On Monday, June 9, 1958, the *Star Gazette* announced another large-scale disturbance had erupted at Bedford—reportedly 255 women threatened to riot over the weekend.⁹¹ News of the attempted “riot” quickly spread across the country. Various newspaper stories stated the incident began early Sunday morning, and that by noon then superintendent Anna C. Kramer sent a distress signal to the State Commissioner of Correction, Thomas J. McHugh.⁹² He rushed to the institution from Albany. All the women were “flushed out by matrons and the Sing Sing guards” from the nearby men’s maximum-security prison and McHugh, over loudspeaker, warned the women to calm down, stating, “We do not like to use force, but we will if it becomes necessary.” He continued, “You must realize that the inmates will not run this prison.” Following the warning, “a matron read the names of 15 prisoners and told them to step forward.” These women, according to Kramer, were the “instigators” of the uprising. Amidst the protests of other prisoners, the account continues, the fifteen women were lead to the segregation quarters. Kramer stated that this protest “was the only trouble that had occurred.”⁹³

Such a dramatic retelling, although an intriguing interpretation of this event, belies and belittles what actually occurred that day. The wardens’ daily logbooks and the participants’ disciplinary files indicate that this incident was a much more complicated and contentious moment in Bedford’s history than we are led to believe from the scandalous news accounts.⁹⁴

⁹¹ “Riot Scare Sends Sing Sing Guards To Women’s Prison,” *Star-Gazette* (Elmira, NY), June 9, 1958.

⁹² It appeared that many articles on the incident merely relied on the *Star-Gazette’s* reporting rather than on their own investigation. This contributed to the false narrative that exaggerated the potential violence of this protest. For an accounting of the history of prison riots see John Wooldredge and Bert Useem, “Prison Riots” in *The Oxford Handbook of Prisons and Imprisonment* (Oxford: Oxford University Press, 2016).

⁹³ “Sing Sing Guards Go To Women’s Prison,” *Press and Sun-Bulletin* (Binghamton, NY), June 9, 1958.

⁹⁴ It must be noted that official accounts, whether contained in newspapers or administrative logbooks, should be reviewed with skepticism. Too frequently, these narratives construct the

Indeed, the 1958 uprising was a peaceful protest—the culmination of months of tension between various factions of prisoners and the administration.⁹⁵

Several protestors were black women who rebelled against the disproportionate number of women of color assigned to the least desirable prison jobs: kitchen and industry work. According to the inmates, the conditions under which they were required to work were unsatisfactory.⁹⁶ Another, sometimes overlapping, contingent of protestors was made up of women, both white and black, who protested against “mail restrictions and the wearing of slacks.”⁹⁷ At this time, all inmates were required to wear state-issued dresses. It is no stretch of historical imagination that within this group were butch and gender nonconforming women who resisted the futile attempt at feminization.⁹⁸ Although the protest was ultimately unsuccessful in challenging the dearth of constitutional protections, this resistance movement indicates something powerful: women were beginning to utilize the strength of coalition building, coupled with persistent pressure, to generate change. The full story of the 1958 uprising deserves an

“truth” of what occurred in carceral institutions. It is not my intent to perpetuate this one-sided account. Unfortunately, I must operate within the dual constraints of time and Bedford’s limited record. Perhaps the lesson learned from this erasure is to encourage the academic and activist pursuit of oral history in carceral spaces.

⁹⁵ Because Bedford operated as a dual institution at this point —with a reformatory and prison division—and because this uprising involved prisoners, I refer to Bedford as a prison.

⁹⁶ Prisoners assigned to kitchen duty were required to be awake and ready to work at 5:45 every morning; the “mass” call for the rest of the facility was not until 7:00 a.m. Perhaps not the gravest of concerns for individuals not in the place of this prisoners, but undisputedly an annoyance.

⁹⁷ “Tough Talk Quells Riot Of 356 Women Prisoners,” *Detroit Free Press* (Detroit, MI), June 9, 1958 (although this report stated 356 women were involved, the majority of reports indicated that only 255 women were involved, and the population at this time was nowhere near 356).

⁹⁸ I make this leap based on the fact that there has always been a disproportionate number of TGNCI individuals confined in carceral spaces. Unfortunately, the time constraints of my work did not allow me to delve more deeply into this aspect of Bedford’s history. For a brief synopsis of TGNCI individuals in carceral institutions see Regina Kunzel, *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality* (Chicago: University of Chicago Press, 2008).

accurate retelling, both for its own significance and because the August Rebellion built upon the work in which these earlier women engaged.

According to the wardens' daily logbooks, on the afternoon of Saturday, June 3, 1958, several women refused orders to return to their rooms following outdoor recreation.⁹⁹ Among them were Stella Sap and Carolyn Burns, who were demonstrating "over conditions in the cafeteria."¹⁰⁰ Both were assigned to kitchen duty upon their arrival at Bedford, and presumably resented the conditions under which they worked. As such, they were determined to put pressure on Superintendent Kramer and the rest of the prison staff. In total, it appears that far less than 255 women participated in this protest.¹⁰¹ In addition, although the women engaged in a "dispute" with prison officials on the yard, the Commissioner is not listed as present at any time on June 3. The newspapers may have been referencing a June 7 meeting, in which several women met with Commissioner McHugh. The protest on June 3, however, ended after three hours, with all women peacefully returning to their rooms. What follows is perhaps more disturbing than the newspaper accounts report.

In an apparent move to discipline the entire institution, on June 25 Superintendent Kramer issued the following order: "No sunbathing anywhere on the campus. No shorts or halters acceptable, sleeveless dresses and blouses may be worn."¹⁰² On the list of banned

⁹⁹ Series B1012-82, Daily Ward Log Book, 1957-1968. Records of the Department of Correctional Services, New York State Archives and Records Administration, State Education Department, Albany, N.Y.

¹⁰⁰ Unfortunately, these women's inmate numbers were not documented and their names are not present in the existing compilation of inmate records. Their story may be found *ibid*.

¹⁰¹ I make this assertion based upon the fact that several logbooks on this day, from wards other than the wards from which these women came, make no mention of the incident. *See ibid*.

¹⁰² By prohibiting sunbathing, halters, or shorts but permitting sleeveless dresses and blouses, Kramer made her intention clear: these women would be properly feminized if it was the last thing she did, but by no means would they be given the opportunity to remotely enjoy their bodies.

conduct: attending breakfast in sandals. On July 15, the crackdown continued. Kramer requested “the names of the girls that have nicknames and the nicknames” of the women involved in the June protest. On July 28, Burns was locked in her room, with the explicit order that her door not be opened for any reason, except by the assistant superintendent. Sap’s punishment followed on August 2, but she was released three days later. By this time, Burns had been transferred to the segregation facilities across the road at the reformatory. Conditions in segregation mimicked what we would now call solitary confinement. Burns was still confined in segregation when the paper trail runs cold in mid-October, three months later.¹⁰³

Other protestors faced similar punishment as Sap, but none experienced the severe mistreatment that Burns faced. On August 26, the superintendent ordered that “[u]ntil further notice, kitchen women are denied all activities, that is movies, T.V., Ball game, or activities in game room.”¹⁰⁴ Although this restriction was lifted six days later, several other protestors were assigned kitchen and industry duty in the weeks and months that followed the June protest. Kitchen women, mostly black women, were thus punished for daring to stand up against the overwhelmingly white administration. The restriction on clothing remained.

The 1958 revolt provides a snapshot of resistance within Bedford during this time. At the intersection of some black women’s experiences and some queer, perhaps mostly black, women’s experiences lies the inescapable fear of the “incorrigible” girl. Burns and Sapp, and the other women who resisted with them, refused to stand down. They refused to give up their agency and personhood even in the face of indefinite solitary confinement. Perhaps all was not for naught, however. In August, Commissioner McHugh issued a directive instructing Bedford’s

¹⁰³ Disturbingly, one of Burns’ friends was assigned to take care of Burns’ fish to make sure “they don’t die.”

¹⁰⁴ B1012-82, daily logbooks.

administration to review each woman's work assignment on an annual basis. For those on the outside, a small victory. For those on the inside, who were forced to construct their lives from a nightmarish fabric of dehumanization and abuse, the knowledge that their actions resulted in any sort of change was likely immense. Lynette Murphy's legacy, and the presence of revolutionaries alongside her, permeates Bedford's walls. When we peel back the skin congealed over newspaper accounts of a threatened "riot," we see the humanity of those women who engaged in a protest movement.

As with the 1919 investigation, women within Bedford's prison division faced significant restrictions on their movements. Despite, perhaps because of these constraints, they stood up to those in power. Although not as dramatic or chronological as the 1919-1920 uprising, the 1958 protest provides an opportunity nonetheless to explore how incarcerated individuals began to agitate for basic constitutional protections.

We have, then, two distinct prison riots or protests before the August Rebellion. The 1920 riot—coming on the heels of an investigation that ended the practices of stringing up and ducking—and the 1958 protest, which challenged the dual oppressions of queerness and racial discrimination. From a legal and sociological perspective, one could argue that both uprisings represented a failure of the inmates to organize effectively. Following the 1920 riot, the women were in the same position they were in before, with no recognition of their constitutional right to air grievances or be free from cruel and unusual punishment. The same applies to the 1958 attempted riot. Again, inmates were not afforded any constitutional protections by the Commissioner's tepid directive that work assignments be reviewed annually. In spite of each uprising's inability to achieve a lasting change rooted in concrete legal remedies, these early

movements nevertheless demonstrate one fundamental fact. Incarcerated women have always fought for their right to exist. The women who spearheaded the 1974 August Rebellion, like those who had come before, were dedicated individuals. Offering up what little liberty they had these leaders, mainly women of color, combatted the multiple oppressions they faced as incarcerated women. Rebellions were not devoid of historical precedent, nor were they made up of individuals seeking unreasonable demands.

Quite the contrary, the women who led and participated in these three uprisings were merely exercising a fundamental right to protest inhumane conditions and tyrannical overreach. The only crime many of these individuals committed was to be rebellious and defiant with limited access to economic stability, education, and safety. Once stripped of their personhood, women at Bedford may have become civilly dead. But, by no means did they die. Again and again, we see incarcerated individuals asking for one simple thing: that their humanity be respected.

**Postscript:
“It’s War in Here”¹**

As of December 2017, the number of people housed at Bedford exceeds seven hundred.² Perhaps unsurprisingly, like Bedford’s archives, the racial breakdown of the institution is difficult to ascertain. What we do know is that in 2016, 77,227 individuals were incarcerated in New York State prisons. Individuals sentenced to men’s prisons made up approximately 95% of the entire New York State prison population. Across both men and women’s prisons, 48% are listed as African American, 24.7% Caucasian, and 24% Hispanic. When compared to the latest United States’ Census, the apparent over-policing of people of color is made obvious. In 2010, New York State’s population numbered 19,745,289. The breakdown is as follows: 70% white; 17.6% black; 8.8% Hispanic or Latino/a; and 8.8% Asian.³ When self-identified people of color make up only 35.2% of the total population, how, then, is it possible that over 70% of prisoners and incarcerated individuals are people of color? What does that tell us about the teleological progression of the criminal legal system? Thankfully, the past is there to provide us with context.

The previous chapters attempted to address questions that have arisen during the course of my research. Now the ideas percolating below the surface must be addressed. In the past months, history has consumed me: the history of Bedford, the histories of those who have come into contact with this diseased institution, and the history I tell myself. I surround myself in the past. It comes as no surprise, then, with lawyerly diligence have I avoided the next step of this process, one in which I must confront the implications of what I have learned, or discovered. Still, I am compelled to move forward, however reluctant I may be. Therefore, as I write these

¹ Taken from Sylvia Rivera Law Project, *“It’s War in Here”*: A Report on the Treatment of Transgender and Intersex People in New York State Men’s Prisons (New York: SRLP, 2007).

² Correspondence with Rachel Heath, Assistant Public Information Officer, Department of Corrections and Community Supervision (email on file with the author).

³ See generally United States Census Bureau, “QuickFacts New York.”

last frantic pages, I am forced to confront a difficult reality; my guiding questions have only multiplied. Now I wonder: Has Bedford remained eerily, and fundamentally, unaltered? Do the individuals at Bedford now have more protections than provided to Murphy, Burns, or Crooks? Have our ideas of race, gender, and sexuality changed, and has this change altered the ways in which we interact with these social constructions? Can historians measure progress? I have no definitive answers, but a definite hunch. Perhaps to all we can say: Yes.

Bedford's history illuminates several facts. For one, we can begin to chart the physical and theoretical growth of the American carceral system, as well as concurrent stories of resistance against that growth. Indisputably, the political and legal climate within the United States, and within New York more specifically, shifted dramatically over the course of the twentieth century. Bedford's various periods of upheaval and rebellion trace this transformation, and the story of resistance during the August Rebellion speaks to the extent of change that occurred within the legal community. If we recall, during the 1919-1920 uprising, women at Bedford were not afforded basic constitutional protections, such as the right to be free from cruel and unusual punishment. Now, the judicial system technically "recognizes" the fact that prisoners are covered under certain constitutional provisions.⁴ Regardless of the glacial movement of the legal system, one thing has remained strikingly consistent. The history of rebellion at Bedford did not begin or end with the 1974 rebellion—just as the women who participated in that rebellion did not apolitically or unthinkingly engage in the uprising.

⁴ Of course, the fact that prisoners are afforded certain legal protections on paper does not negate the fact that incarceration remains a hotbed of human rights abuses. Our constitution may "protect" some human rights, but this does not erase the fact that it is a 200-year-old legal document written by proponents of slavery, genocide, gender inequity, and fundamental inequality. Nor does it negate the possible reality that the rest of the world would not wish to live under such a constitution.

For another, we can learn a great deal about the forging of intimate relationships in carceral spaces. Peering across the narrow expanse of time, we see even with temporal and spatial restrictions, women still sought out and maintained strong and long-lasting relationships with each other. Those relationships fulfilled a basic desire for recognition and intimacy. Bedford's officials repeatedly attempted to quash this expression, but their administrative power was nothing compared to the need for basic human compassion and connection. Incredibly, the threat of shackling, longer sentences, transfer to mental institutions, and indefinite solitary confinement were no match for the tenacious women and individuals who recognized that their worth and humanity was not tied to an arbitrary idea of reformability or criminality.

We can also map the histories of rebellion in carceral spaces. From the race riots of 1920 to the protest of 1958 to the legal challenges mounted during the 1974 uprising, rebellious women continually resisted their incarceration. Perhaps given our analysis, what sets the August Rebellion apart is that it drew its strength from a conscious recognition of multiple marginalizations of prisoners and the need for coalition building.⁵ Running through each period of unrest, however, was the insistence that even though these women were considered criminals by the State, they nevertheless deserved respect. Inmates and prisoners at Bedford remained assertive advocates and agents of change in the face of extraordinary physical, mental, and spiritual threats and injuries. Criminality simply did not define them.

This work has implications outside of Bedford as well. Ideas of race, sexuality, and gender constantly shift and can never be disentangled from one another. Quite simply, we cannot talk about race without separating the historical transformations of its discrete parts. What's

⁵ For a more complete accounting of coalition building see Juanita Díaz-Cotto, *Race, Ethnicity, and The State: Latina and Latino Prison Politics* (Albany, NY: State University Of New York Press, 1996).

more, each of these subparts equally contributes to our beliefs and perceptions of gender and sexuality. When we attempt to pin down precisely what we mean when we talk about race, for instance, we are left struggling against all the myriad components—political, economic, carceral, nationalistic—that make up this concept. But, if ambitious enough to undertake such a challenge, we quickly discover that we cannot talk about economic factors, such as class, without looking to gender, which in turn cannot be properly analyzed without addressing constructions of sexuality. Sexuality cannot be satisfactorily unwoven from criminality, which cannot be separated from race, which cannot be adequately dissected from nation building. The knot is astounding. Adding to this mess is the fact that our vocabulary is inconsistent and reliably unstable.

Looking deeply at Bedford’s history, through the lens of current scholarship, primary research, and linguistic discourse we can see how constructions of race, gender, and sexuality have changed over time. In contemporary discourse, we attempt to engage in a more nuanced conversation of the myriad factors that create racial categories, focusing our attention less on its biological “reality” and more on the social construction of race. Academia and social justice advocates now recognize the problematic nature of grouping people under the binaries “black” and “white” as officials did, and continue to do, at Bedford. Likewise, romantic friendships and pervasion/perversity are replaced by the new concept of sexual orientation. Analyses of gender identity have similarly endured a shift in terminology. We no longer talk about the complicated interactions between sex and gender. We no longer refer to TGNCI individuals as sexual inverts, and we no longer refer to same-sex/same-gender coupling as abnormal. We now attempt to pull apart the components that make up sexual identity and gender identity. But, the fact that change occurred does not end our inquiry, since we must ask ourselves if this is a *positive* change.

Some would look at these comparisons and consider them improvements in our society. We have, the argument goes, clearly moved beyond the bigoted and unrefined past. Difference in vocabulary stands in for constructive and productive advancements. I am similarly drawn in by the superiority embedded within this reasoning. We move toward a clean precision, a dissection of messy constructions, contradictions, and components. But, the classification schema developed by early biologists and perfected by eugenicists also sought a similar precision, one by which science could measure the worth of an individual. How similar *are* the impulses underlying these pursuits of accurate categorization? Eugenicists truly believed they were constructing a better world based upon the recognition that different categories of people required different tools to become “fully realized human beings.” What if we toil under the same assumptions and beliefs, however well intentioned they may be?

We must ask, then, how exactly have our viewpoints changed? What, precisely, can we learn from that change? Perhaps, conservatives, liberals, and radicals alike will agree that we have moved forward in the sense that mass incarceration impacts more of the American population, as reflected by the percentage of people ensnared by the fingers of the criminal legal system and the fact that certain terminology is now recognized in mainstream discourse. But, the fact is that we have become fluent articulators of the prison-industrial complex in itself an indication of progress? Is normalization the rubric by which we measure positive change?

As an ostensibly liberal democracy that takes great pleasure in chastising other countries’ penal practices, should we not be relieved that individuals in this country continue to fight for the fundamental rights protected by our Constitution and international laws? If the answer is yes, what can we do to support prisoners currently engaged in that fight? And if the answer is no, what does that say about the double-think embedded in our values’ system? Perhaps the most

intriguing, and difficult, question of all: What would our country look like if we listened to the voices of the incarcerated—what if we did without carceral spaces? I suggest that we look outside our current constructions of criminality and penology to answer these questions. Whether that entails looking towards the past or outward for examples, we, all of us, are students of both the past and the present.

Without connecting ourselves to history we work a disservice not only to the individuals who came before us, but also to the world that we currently inhabit. But how do historians accurately measure whether positive change occurred? Individually, historians do not have the ability to adequately answer this question. I am faced, therefore, with a conundrum. For guidance, I turn once again to the father of modern penology, Foucault:

This work done at the limits of ourselves must, on the one hand, open up a realm of historical enquiry, and, on the other, put itself to the test of reality, of contemporary reality, both to grasp the points where change is possible and desirable, and to determine the precise form this change should take.⁶

Foucault, who himself adamantly argued for the illusionary nature of teleological progress, nevertheless applied himself with child-like joy to the pursuit of discovering the changes we should seek for ourselves. There is a certain optimism and agency embedded within this simple statement—an optimism that has pushed me to write with frenetic vulnerability, always straining my eyes backwards to the past and forwards to the future. What if it is better to apply oneself diligently to the impossible, knowing that the work you create will build upon the labor of earlier scholars? Perhaps individually we can never competently do the job of historical work, but collectively we can weave together a more complete articulation of the past. The work we do lays the building blocks to the future: when we do history, we uncover “facts.” When we delve

⁶ Michel Foucault, “What is Enlightenment?” in *The Foucault Reader*, Catherine Porter trans. (London: Penguin Books, 1984), 46 as cited in David Harvey, *Justice, Nature, and the Geography of Difference* (Malden, MA: Blackwell Publishing, 1996), 108.

more deeply, we realize that these facts contain multiple realities, which in turn contain multiple truths. I believe no single individual can, or should, be the sole author of the past. My work exploring Bedford's history has only strengthened this conviction, highlighting the lessons that we can learn from the histories embedded within previously unexplored spaces. With careful analysis, and a little imagination, Bedford opens our eyes to the nature of incarceration within the United States.

But still I must ask myself the most difficult question: have I used the histories of Bedford to heal a trauma that all the living carry? Have I overextended my empathy, distorting Bedford's history so that the only voice reflecting back is that of my own—one that betrays my identity as a naïve young white woman? Would the people I write about resent my penetrating and voyeuristic gaze? (I couldn't begrudge them doing so.) But I pray. Coalitions exist if we seek them out, if we nurture them. And now I stand facing the past, asking to be let in. Perhaps this is why we all are drawn to the intoxicating pursuit of knowledge. We are not just looking for answers in the hundreds of pages we review. We are scrambling for something to latch onto. Something that speaks across time, space, race, sexuality, and carceral status. We are all, like the people who made up the history of Bedford, looking for recognition of simple human connections. Sometimes that recognition involves intimate sexual and emotional relationships, and sometimes it involves resistance, subversion, and rebellion. Both run deep in Bedford. Stretching across time and space, the struggle continues today. As current prisoners face new and old forms of state-sanctioned violence, I only hope they can look towards the past to prepare for the future. I hope those on the outside take up the struggle on behalf of our incarcerated community members. Armed with partial knowledge of a revolutionary past, I hope the prisoners of Bedford continue the fight.

Appendix¹

H.H. Goddard, arguably the most influential advocate of intelligence testing in the United States during the early twentieth century, was the first person in the country to popularize the use of the European Binet intelligence test. Goddard used the following categories to classify individuals. The scale is from lowest intelligence to highest.

1. Idiots could not develop full speech and had mental ages below three;
2. Imbeciles could not master written language and ranged from three to seven in mental age; and
3. High-grade defectives were still mentally defective, but could be trained to function in society.²

The first two groups were easily classifiable, but the last group vexed Goddard and other proponents of negative eugenics. Goddard settled on the term moron, the Greek word for foolish, to describe the high-grade defective group. The moron frightened Goddard, who insisted, “The idiot is not our greatest problem. He is indeed loathsome.... Nevertheless, he lives his life and is done. He does not continue the race with a line of children like himself.... It is the moron type that makes for us our great problem.”³ Scholar Stephen Jay Gould notes that the moron “threatens racial health because he ranks highest among the undesirable and might, if not identified, be allowed to flourish and propagate.” Most criminals fell within this category.

Goddard further separated high-grade defectives (morons) into dull and feeble-minded individuals. Dull people, according to Hubbard, “are doing the drudgery [and] are, as a rule, in

¹ I rely on biologist and science historian Stephen Jay Gould’s history of intelligence testing for the following information. See Stephen Jay Gould, *The Mismeasure of Man* (New York: W.W. Norton and Company, 1981), 158-74.

² *Ibid.*, 158.

³ H.H. Goddard, *The Kallikak family, a study in the heredity of feeble-mindedness* (New York: Macmillan, 1912), 101-102 as cited in Gould, *Mismeasure of Man*, 162.

their proper places.”⁴ The label of feeble-minded was used to describe those with mental ages of eight to twelve.⁵ Gould points out that this label only added further confusion, as it is “a term mired in hopeless ambiguity because other psychologists used feeble-minded as a generic term for all mental defectives, not just those of high grade.” Based on the medical records of women at Bedford, we can assume that officials relied on Goddard’s definition of feeble-mindedness and dullness in making determinations of women’s mental ages.⁶

Goddard hypothesized that intelligence consisted of one gene passed along, much like eye or hair color, from parent to child. Because intelligence was a recessive (or “inborn”) gene, two people of low intelligence would inevitably bear children of low intelligence. He was clear in his eugenic intentions, stating, “If both parents are feeble-minded all the children will be feeble-minded. It is obvious that no feeble-minded person should ever be allowed to marry or to become a parent. It is obvious that if this rule is to be carried out the intelligent part of society must enforce it.”⁷ Goddard, like Katherine Bement Davis, was indeed a true Progressive.

Gould notes that, under the logic of Goddard and his contemporaries, an individual’s “problems are not caused only by stupidity per se, but by the link between deficient intelligence and immorality.” Because high intelligence was linked to control over one’s sexual urges, those

⁴ H.H. Goddard, *Psychology of the Normal and Subnormal* (New York: Dodd, Mead, and Co., 1919), 247 as cited in Gould, *Mismeasure of Man*, 161.

⁵ Eugenecist Charles Davenport broke this category down further, arguing that those who exhibited sexual licentiousness, along with “violent outbreaks of temper and derivative crimes[,]” fell into an analogous class, the “feebly inhibited.” Charles Davenport, “The Feebly Inhibited: I. Violent Temper and Its Inheritance,” *Journal of Nervous and Mental Diseases* 42 (Sept. 1915), 608 as cited in Daniel J. Kevles, *In the Name of Eugenics: Genetics and the Uses of Human Heredity* (Cambridge: Harvard University Press, 1995), 53.

⁶ This assumption is based on the fact that during this period, and extending well into the 1950s, prison officials labeled as feeble-minded those individuals whose mental age was between eight and twelve, as measured by the Stanford-Binet test.

⁷ H.H. Goddard, *Feeble-mindedness: Its Causes and Consequences* (New York: MacMillan, 1914), 561 as cited in Gould, *Mismeasure of Man*, 164.

of low intelligence lacked control. Thus, for Goddard, feeble-mindedness was an individual's defining characteristic, indicative of both intelligence and moral behavior.⁸ Goddard believed that "when we measure the intelligence of an individual and learn that he has so much less than normal [intelligence] to come within the group that we call feeble-minded, we have ascertained by far the most important fact about him."⁹ Goddard continued, "[I]f we are absolutely to prevent a feeble-minded person from becoming a parent, something must be done other than merely prohibiting the marrying. To this end there are two proposals: the first is colonization, the second is sterilization."¹⁰ In short, the key to ensuring survival of the race was to prevent targeted individuals from procreating, by any means necessary.

Harkening back to Dutch penologist Eugenia C. Lekkerkerker's statement that women at Bedford were "frequently detained until after the child-bearing period, both for their own protection and for eugenic reasons...[,]" it becomes clear that eugenic principles significantly influenced the ways in which classification at Bedford was carried out. It is only with the gift of time that we recognize the dangers of Goddard's theory and its damaging effect on the lives of hundreds of women channeled through Bedford over the years.

⁸ Goddard is far from the only advocate of this causal link. Charles Davenport, as noted by historian Daniel J. Kevles, "concluded that the cause of prostitution was not economic circumstance but an 'innate eroticism,' determined by a dominant Mendelian element." Keyles, *In the Name of Eugenics*, 53.

⁹ H.H. Goddard, *Feeble-mindedness: its causes and consequences* (New York: MacMillan, 1914), 272 as cited in Gould, *Mismeasure*, 161.

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