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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 74-3436

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ALICIA MORALES, et al.,

Plaintiffs - Appellees

v.

JAMES A. TURMAN, et al.,

Defendants - Appellants

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On Appeal from the United States District Court  
for the Eastern District of Texas

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FACTUAL APPENDIX  
PREPARED BY  
UNITED STATES, AMICUS CURIAE

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ROBY HADDEN  
United States Attorney

J. STANLEY POTTINGER  
Assistant Attorney General

BRIAN K. LANDSBERG  
NEAL J. TONKEN  
JOHN C. HOYLE  
LOUIS M. THRASHER  
MICHELLE C. WHITE  
Attorneys  
Department of Justice  
Washington, D.C. 20530

## APPENDIX

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A. INTRODUCTION

In this Appendix, we attempt to describe, through a comprehensive factual statement compiled from the record, the conditions which existed at the time of trial at the six institutional facilities for juvenile delinquents operated by the Texas Youth Council. We also set forth, in section D of the Appendix, the ingredients of a minimally adequate juvenile rehabilitative treatment program, as recommended by the various experts who testified at trial.

The Texas Youth Council operates six institutional facilities for juvenile delinquents, three for girls (Brownwood, Crockett, and Gainesville) and three for boys (Giddings, Gatesville, and Mountain View). (Stip. 4)<sup>1</sup>/

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<sup>1</sup>/ Throughout this Appendix, "Stip." is used to refer to the stipulations of fact set forth at pages 58-71 of the district court's June 14, 1973 Final Pre-Trial Order.

These facilities are scattered throughout the state.<sup>2/</sup>

All are located in rural areas;<sup>3/</sup> many of the

juveniles confined in them come from urban backgrounds.<sup>4/</sup>

Each school functions as a substantially independent

2/ Brownwood is situated on the outskirts of Brownwood, Texas (U.S. Exs. 2, 89); Crockett, in Crockett, Texas (U.S. Ex. 10); Gainesville, near Gainesville, Texas (U.S. Exs. 69, 89); Giddings, just outside Giddings, Texas (U.S. Ex. 89); and Gatesville and Mountain View, near Gatesville, Texas (U.S. Exs. 3, 7, 89).

3/ Turman Deposition p. 178, lines 2-16. Brownwood, Texas is a community of approximately 17,000 persons in the geographical center of the state (U.S. Ex. 2); Crockett, Texas, with a population of approximately 4,000, is some 100 miles north of Houston (Rand McNally Cosmopolitan World Atlas 118, 248 (1971 ed.)); Gainesville is located approximately 65 miles north of Dallas, near the Oklahoma line (U.S. Ex. 69); and Giddings and Gatesville are some 50 miles east, and 90 miles north, of Austin, respectively. (Rand McNally Cosmopolitan World Atlas 118 (1971 ed.).)

4/ Tr. p. 217, lines 13-16.

Turman Deposition p. 177, line 22-p. 178, line 1. Nearly three-fourths of the juveniles committed to the TYC in fiscal year 1972 came from urban or semi-urban counties, and 50% came from the seven most urban of the 254 counties in the State of Texas. See U.S. Ex. 89 at 68-76.

entity with little guidance from the TYC central office  
in Austin, Texas. <sup>5/</sup> School superintendents exercise

broad discretion in the management of their respective  
schools, <sup>6/</sup> and programs, services, and procedures vary

5/ Sandefur Deposition p. 39, lines 21-25; p. 45, line 22-  
p. 46, line 6; p. 50, lines 2-9; p. 54, lines 1-16; p. 86,  
line 23- p.87, line 22; p. 98, line 18- p.99, line 11;  
p. 114 lines 7-9 and p. 115 lines 17-22; p. 124, lines 3-15;  
p. 126, lines 9-11 and 17-20; p. 129, lines 19-22; p. 130,  
line 19- p.131, line 5; p. 137, lines 17-22; p. 144, lines 4-15.  
Turman Deposition p. 90, line 16- p. 91, line 8; p. 196,  
line 23- p. 197, line 21 and p. 198, lines 6-10; p. 203,  
lines 6-13; p. 248, line 16- p. 249, line 2; p. 262, line 21-  
p. 263, line 1; p. 286, line 23- p. 287, line 16; p. 296,  
lines 3-7; p. 307, lines 7-20; p. 308, line 21- p. 309,  
line 5; p. 311, lines 9-15. Continued Turman Deposition p. 28,  
lines 3-6 and 15-19; p. 59, lines 6-17; p. 90, line 11- p. 91,  
line 1. Stewart Deposition p. 13, line 19- p. 14, line 1;  
p. 57, lines 3-10. Place Deposition p. 19, line 25- p. 20,  
line 8. Reeve Deposition p. 109, lines 13-21.

6/ Stip. 10. Sandefur Deposition p. 46, lines 7-15. Turman  
Deposition p. 173, line 21- p. 174, line 23; p. 196, line 23-  
p. 197, line 21; p. 280, lines 2-14; p. 307, lines 7-23.  
Continued Turman Deposition p. 100, line 2- p. 101, line 7.  
Harrell Deposition p. 8, lines 7-19. Stewart Deposition  
p. 9, lines 16-21; p. 20, line 22- p. 21, line 1. Riddle  
Deposition p. 7, lines 6-9.

from school to school.<sup>7/</sup> Children are processed into the system at two Reception Centers, one at Brownwood (girls) and one at Gatesville (boys).<sup>8/</sup>

B. THE RECEPTION CENTERS

The stated purpose of the Reception Centers is the reception, orientation, evaluation, diagnosis, classification, and placement of all juveniles committed to the TYC by Texas courts.<sup>9/</sup> Girls normally remain at the Brownwood Reception Center for approximately two and a half to three weeks;<sup>10/</sup> boys are processed through the Reception Center at Gatesville in approximately two weeks.<sup>11/</sup>

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7/ Stip. 10.

8/ Stip. 3

9/ Stip. 8. U.S. Ex. 89.

10/ Stip. 6. Tr. p. 4168, lines 22-25.

11/ Stip. 7. Lee Deposition p. 9, lines 9-11.

Each girl received into the Brownwood Reception Center<sup>12/</sup> is given a physical and dental examination<sup>13/</sup> and a battery of psychological, educational, and vocational tests.<sup>14/</sup> In administering tests to Mexican-American girls, the Center attempts to adjust for language deficiencies in two ways-- by having an interpreter read tests, in Spanish, to those who speak no English; and by adjusting the test scores of others

<sup>12/</sup> The Center placed 455 girls in TYC institutions in fiscal year 1972. U.S. Ex. 89 at 78.

<sup>13/</sup> Tr. p. 4151, lines 18-23.

<sup>14/</sup> Tr. p. 4161, lines 7-11; p. 4163, lines 15-17; p. 4164, lines 18-25; p. 4165, lines 1-2 and 22-25.

Psychological tests are administered by a Masters-level psychologist. Tr. p. 4161, lines 18-20. The psychological evaluation consists of the Weschler Intelligence Scale (including all eleven verbal and non-verbal Weschler subtests), the Bender-Gestalt, the Minnesota Multiphasic Personality Inventory, the Kinetic Family Drawing, a self-concept questionnaire, and a daily living questionnaire. Tr. p. 4164, lines 18-25; p. 4165, lines 1-2 and 22-25; p. 4250, lines 3-23. Three test instruments developed by Dr. Herbert Quay are also used, Tr. p. 4250, lines 8-11, although the Center's Chief Clinical Psychologist testified that the Quay tests have not been validated for females. Tr. p. 4344, line 25 - p. 4345, line 3. The Lorge-Thorndike group test is considered inadequate and is not used. Tr. p. 4339, line 25- p. 4340, line 10.

The person who conducts educational and vocational assessments has a Masters Degree in guidance and counselling. Tr. p. 4163, lines 12-14. Testing includes the Metropolitan Achievement Test, the Wide Range Achievement Test, the General Aptitude Test Battery, and a school attitude questionnaire. Tr. p. 4163, lines 15-17.

through a bilingual index.<sup>15/</sup> Reception Center personnel testified, however, that use of an interpreter in this manner may be disadvantageous,<sup>16/</sup> and that, in spite of language adjustments, Mexican-American girls are at a disadvantage because some of the tests are based upon Anglo norms and are therefore culturally biased.<sup>17/</sup>

The Reception Center is supervised by a Director who has a Masters Degree in social work.<sup>18/</sup> Its staff also includes three caseworkers with Bachelors Degrees,<sup>19/</sup> a medical psychiatric caseworker with a Masters Degree in social work,<sup>20/</sup> a clinical psychologist who has a Doctorate in educational psychology,<sup>21/</sup> and a psychiatrist who consults, on a part-time basis, at the Center and at the Brownwood school.<sup>22/</sup> The psychiatrist interviews and evaluates each girl.<sup>23/</sup>

<sup>15/</sup> Tr. p. 4214, line 24- p. 4215, line 5; p. 4233, line 25; p. 4267, line 23- p. 4268, line 13.

<sup>16/</sup> Tr. p. 4214, lines 23-24, p. 4215, lines 4-5.

<sup>17/</sup> Tr. p. 4368, line 16- p. 4369, line 5; p. 4425, lines 14-16; p. 4428, lines 8-12.

<sup>18/</sup> Tr. p. 4145, lines 24-25.

<sup>19/</sup> Tr. p. 4159, lines 5-8.

<sup>20/</sup> Tr. p. 4158, lines 15-17 and 23-24.

<sup>21/</sup> Tr. p. 4239, lines 6-7.

<sup>22/</sup> Tr. p. 4161, lines 14-16; Jackson Deposition p. 55, lines 3-18.

<sup>23/</sup> Tr. p. 4484, lines 16-18.



Caseworkers see the girls assigned to them daily. <sup>23a/</sup>

Girls are classified into four diagnostic categories--immature, neurotic, unsocialized, and subcultural delinquent. <sup>24/</sup> This Quay classification system is also used at the Brownwood school itself, and treatment programs there are geared to it. <sup>25/</sup> The system is not used at either Crockett or Gainesville, however. <sup>26/</sup> Moreover, placement recommendations made at the Center are not based upon the Quay classifications but upon such factors as age, physical size, sophistication, and history of delinquency. <sup>27/</sup> Younger girls (first-time offenders) are customarily sent to Brownwood; older girls considered to be sophisticated delinquents go to Gainesville; and the rest are normally assigned to Crockett. <sup>28/</sup> Placement decisions

23a/ Tr. p. 4166, lines 14-16.

24/ Tr. p. 4203, lines 9-15; p. 4204, lines 6-9.

25/ Tr. p. 4203, lines 16-23; p. 4251, lines 8-21. Jackson Deposition p. 7, lines 3-6; p. 11, lines 6-11.

26/ Tr. p. 4203, line 24- p. 4204, line 3.

27/ Tr. p. 4126, lines 13-21. Jackson Deposition p. 124, line 17- p. 125, line 6.

28/ Tr. p. 4126, lines 13-21. Jackson Deposition p. 124, lines 19-20; p. 125, line 25 - p. 126, line 8; p. 129, lines 2-4.

are made at weekly staff meetings which the girls themselves do not attend.<sup>29/</sup> The Center's recommendations are not final; they are reviewed, and at times overturned, in Austin by the TYC's Director of Child Care, who neither attends placement meetings at the Center nor interviews the children in question.<sup>30/</sup> The Director of the Reception Center testified that it is important for diagnostic and treatment personnel to follow up on the progress of the girls they place.<sup>31/</sup> However, no staff member at the Center conducts such follow ups at Gainesville or Crockett; there is no systematic attempt to determine whether, or how, the Center's treatment recommendations are being carried out at those two schools.<sup>32/</sup>

The Reception Center at Gatesville processes some 1,700 boys per year, of whom two-thirds are new commitments  
29/ Tr. p. 4167, lines 4-19; p. 4168, lines 11-16.

30/ Jackson Deposition p. 139, line 4- p. 140, line 4;  
p. 140, line 22; p. 141, lines 6-15; p. 142, lines 16-19.

31/ Tr. p. 4205, lines 2-5.

32/ Tr. p. 4205, lines 6-12; p. 4206, lines 14-18;  
p. 4222, lines 13-17, Jackson Deposition p. 132, lines 19-24;  
p. 181, line 25- p. 182, line 6.

and one-third are returnees.<sup>33/</sup> The staff at the Center includes two Masters level psychologists,<sup>34/</sup> a Bachelors level educational diagnostician,<sup>35/</sup> five caseworkers (two with Masters Degrees in social work and three with Bachelors Degrees),<sup>36/</sup> and a consulting psychiatrist who spends three days per week at the Gatesville complex, two of them at the Center itself.<sup>37/</sup> There is no language pathologist.<sup>38/</sup> Nearly 57% of the boys admitted to TYC institutions in fiscal year 1972 were black or Mexican-American;<sup>39/</sup> the Reception Center's professional staff is entirely anglo.<sup>40/</sup>

<sup>33/</sup> Tr. p. 2084, lines 4-6. U.S. Ex. 89 at 78.

<sup>34/</sup> Tr. p. 2086, lines 6-7; p. 5730, lines 3-7.

<sup>35/</sup> Tr. p. 2086, lines 8-9.

<sup>36/</sup> Tr. p. 2086, lines 2-4. Lee Deposition p. 12, lines 2-11.

<sup>37/</sup> Tr. p. 5600, lines 14-25; p. 5626, lines 7-12; p. 6001, lines 6-9; p. 6062, lines 13-15.

<sup>38/</sup> Reeve Deposition p. 175, lines 22-23.

<sup>39/</sup> U.S. Ex. 89 at 78.

<sup>40/</sup> Tr. p. 2089, lines 1-5.

Each boy processed through the Center is seen  
by a caseworker<sup>41/</sup> and given a medical and dental examination.<sup>42/</sup>  
Neither a psychological interview nor a psychiatric examination  
is available to every boy, however.<sup>43/</sup> One psychologist spends  
the bulk of his time testing boys sixteen years of age and  
older for post-confinement vocational rehabilitation  
eligibility.<sup>44/</sup> Psychological interviews, when they do occur,  
last only fifteen to twenty minutes.<sup>45/</sup> The psychiatrist, who  
is not board certified in child psychiatry,<sup>46/</sup> sees only those  
boys specifically referred to him.<sup>47/</sup> Because of lack of staff

<sup>41/</sup> Lee Deposition p. 29, lines 13-15; p. 88, lines 3-6.

<sup>42/</sup> Tr. p. 5605, lines 12-15; p. 5606, lines 1-2.

<sup>43/</sup> Lee Deposition p. 14, lines 13-22; p. 15, lines 14-16.

The Center's psychiatrist testified that an adequate  
psychiatric workup on all the boys who need it would require  
five psychiatrist days per week. Tr. p. 6023, lines 21-23.

<sup>44/</sup> Lee Deposition p. 5, lines 23-24; p. 7, lines 2-3; p. 8,  
lines 3-21; p. 9, lines 4-5; p. 17, lines 15-19; p. 18,  
lines 17-23.

<sup>45/</sup> Lee Deposition p. 14, line 23- p. 15, line 3.

<sup>46/</sup> Tr. p. 6048, lines 8-9.

<sup>47/</sup> Tr. p. 6001, lines 22-25. He testified that there is very  
little formal discussion between himself and other staff members  
with respect to the boys he evaluates. Tr. p. 6062, line 24-  
p. 6064, line 22.

and insufficient time, not all boys receive a full battery of psychological tests.<sup>48/</sup> Similarly, a personality profile is not prepared for all boys,<sup>49/</sup> and no formal treatment plans are sent from the Reception Center to the institutions.<sup>50/</sup>

<sup>48/</sup> Lee Deposition p. 6, lines 20-25; p. 34, line 18-p. 35, line 18; p. 36, lines 20-24. Tr. p. 5600, lines 3-5; p. 5627, line 25- p. 5628, line 3.

A psychological test battery consisting of the Weschler, the Bender-Gestalt, and the Rorschah is given to boys sixteen or older and to those likely to be assigned to Giddings school. Lee Deposition p. 6, lines 2-22; p. 7, lines 2-3; p. 35, lines 19-20. Others normally receive only the Lorge-Thorndike group intelligence test, although one of the Center's psychologists testified that he prefers the Weschler to the Lorge-Thorndike and believes that at least the Bender-Gestalt should be given to all boys. Lee Deposition p. 7, lines 7-12; p. 37, line 11- p. 38, line 6; p. 42, line 22- p. 43, line 8.

Educational testing includes the Gilmore Oral Reading Test, the Wide Range Achievement Test, and the Gray-Votow-Rogers (GVR) Achievement Test. Tr. p. 5597, lines 6-11. Reeve Deposition p. 9, lines 8-12. The Gilmore is administered to every boy to determine reading ability. Reeve Deposition p. 10, lines 9-11. Academic placement of those who can read is then determined through the GVR, Reeve Deposition p. 9, lines 18-20; p. 25, lines 11-15, despite the fact that that test is outdated, Tr. p. 4789, lines 13-18, and discriminatory toward blacks, Mexican-Americans, and poor Anglos. Tr. p. 3137, lines 9-16. The TYC has never normed the GVR on its students. Reeve Deposition p. 112a, lines 18-20.

<sup>49/</sup> Lee Deposition p. 8, line 22- p. 9, line 4; p. 13, lines 2-6.

<sup>50/</sup> Lee Deposition p. 11, lines 7-15.

Sheer numbers make an in-depth analysis of each boy  
difficult or impossible.<sup>51/</sup> All testing--psychological  
and educational--is in English,<sup>52/</sup> and one TYC psycho-  
logist acknowledged that it is therefore impossible  
to obtain an accurate assessment of the abilities of  
Spanish-speaking youngsters;<sup>53/</sup> no attempt is made at the  
Center to adjust for these boys' language deficiencies.<sup>54/</sup>

Placement decisions are made at weekly meetings which  
normally last from three to eight hours.<sup>55/</sup> Approximately 20-40  
boys are reviewed and placed at each meeting.<sup>56/</sup> Boys are not  
present during placement deliberations<sup>57/</sup> but are summoned,

51/ Lee Deposition p. 13, line 20- p. 14, line 1.

52/ Lee Deposition p. 84, lines 18-19. Reeve Deposition p. 92,  
lines 11-16.

53/ Lee Deposition p. 84, lines 20-24.

54/ Lee Deposition p. 85, line 24- p. 86, line 1.

55/ Reeve Deposition p. 87, lines 16-19; p. 88, lines  
8-9. Lee Deposition p. 23, lines 9-14.

56/ Reeve Deposition p. 87, lines 10-11. Lee Deposition  
p. 23, lines 15-17.

57/ Reeve Deposition p. 88, line 24- p. 88, line 3.  
Lee Deposition p. 23, lines 3-5.

seriatim, after the committee has arrived at its <sup>58/</sup>  
decision, and informed of their respective assignments.  
Placement is on the basis of age, size, academic ability,  
and personality. <sup>59/</sup> In making its decision, the committee  
relies primarily upon the report and recommendation of  
the caseworker who interviewed the boy. <sup>60/</sup> That report is  
read aloud at the meeting. <sup>61/</sup> Since the interviewing  
caseworker is not necessarily present, however, <sup>62/</sup> there is  
no guarantee that anyone reviewing a particular youngster  
is personally familiar with his case. <sup>63/</sup> Moreover, most  
members of the committee have only a cursory knowledge of the  
programs at the receiving institutions. <sup>64/</sup>

<sup>58/</sup> Tr. p. 515, lines 9-24. Lee Deposition p. 23, lines 3-5.  
A boy may be told nothing of the program in which he is expected  
to participate. Tr. p. 516, lines 10-13.

<sup>59/</sup> Lee Deposition p. 10, lines 12-17.

<sup>60/</sup> Lee Deposition p. 29, lines 8-10; p. 47, lines 4-11; p. 59,  
lines 21-24; p. 88, lines 14-20.

<sup>61/</sup> Lee Deposition p. 48, lines 1-11.

<sup>62/</sup> Lee Deposition p. 88, line 24- p. 89, line 2. Reeve  
Deposition p. 81, lines 21-25.

<sup>63/</sup> Lee Deposition p. 10, line 21- p. 11, line 4; p. 59, line 20-  
p. 51, line 15; p. 72, lines 2-25; p. 89, line 3- p. 90, line 8.

<sup>64/</sup> Lee Deposition p. 92, lines 5-10. Psychologist Lee acknowledged  
that he, himself, knows little about Siddings, Gatesville, or  
Mountain View. Lee Deposition p. 63, line 21- p. 62, line 14;  
p. 69, lines 12-24; p. 98, lines 11-15.

Younger, smaller boys are customarily sent to  
<sup>65/</sup>  
Giddings or to the Valley subschool of the Gatesville  
<sup>66/</sup>  
complex. Older boys deemed to be serious offenders are  
<sup>67/</sup>  
considered for placement in Mountain View. The rest are  
<sup>68/</sup>  
divided among the six remaining Gatesville schools. There  
are no formal criteria for assigning boys to any institution,  
<sup>69/</sup>  
including Mountain View, and the Center's consulting  
psychiatrist does not always have an input into the  
<sup>70/</sup>  
classification decision. Following a boy's departure from  
the Reception Center, no attempt is made to review his  
<sup>71/</sup>  
treatment progress.

<sup>65/</sup> Lee Deposition p. 78, lines 18-25.

<sup>66/</sup> Lee Deposition p. 20, lines 3-6 and 12-14.

<sup>67/</sup> Lee Deposition p. 76, lines 21-25.

Unlike other placement decisions, Mountain View placement recommendations are not final; they are reviewed in Austin, Lee Deposition p. 24, lines 2-8. Tr. p. 5631, line 22- p. 5632, line 1.

<sup>68/</sup> Lee Deposition p. 20, line 7- p. 21, line 19.

<sup>69/</sup> Stip. 34. Lee Deposition p. 24, line 24- p. 25, line 14.

<sup>70/</sup> Lee Deposition p. 66, line 24- p. 67, line 2.

<sup>71/</sup> Lee Deposition p. 17, lines 3-6; p. 19, lines 4-9; p. 82, line 22- p. 83, line 1.



72/

C. THE INSTITUTIONS

STUDENT POPULATION

At the time of trial, 2036 children (1581 boys and 455 girls)--ranging from 10-19 years of age, inclusive--<sup>73/</sup> were confined in TYC institutions. Of these, 41.9% (59% of the girls and 37% of the boys) were Anglo; 34.1% (23% of the girls and 37% of the boys) were Black; and 23.9% (18% of the girls and 26% of the boys) were Mexican-American.<sup>74/</sup>

72/ Very little evidence was presented with respect to the Giddings school for boys, which had just opened at the time of trial.

73/ U.S. Ex. 89 at 78; U.S. Ex. 93.

Title 3 of the Texas Family Code now provides that all TYC confinements automatically terminate when a child reaches his or her eighteenth birthday. Section 54.05(b).

74/ U.S. Ex. 93.

The population of the individual schools was as follows:  
(Footnote cont'd on next page)

75/

Most were from urban or semi-urban backgrounds. The 1972

Annual Report of the Texas Youth Council reveals that nearly

74/ (Footnote cont'd from preceding page)

School	# of Students	% Anglo	% Black	% Mex.-Am.
Brownwood	100	51.4%	15.6%	33%
Crockett	126	54.8%	30.2%	15%
Gainesville	220	64.1%	23.2%	11.8%
Giddings	71	36.6%	28.2%	33.8%
Mountain View	361	31.3%	49.3%	19.4%
Gatesville	1149	39%	34%	27%
Valley	127	19%	42%	39%
Hackberry	183	31.5%	37%	31.5%
Terrace	180	47%	31%	22%
Hilltop	185	30%	39%	31%
Riverside	140	28%	47%	25%
Live Oak	157	30%	34%	36%
Sycamore	177	79%	13%	8%

U.S. Ex. 93.

75/ Turman Deposition p. 177, line 22- p. 178, line 1. Of the 2060 children newly committed to the TYC in fiscal year 1972, 72% came from counties with large juvenile populations, and 50% came from the seven most urban counties in Texas. See U.S. Ex. 89 at 68-76.

In April, 1973, the Gatesville population included 30 Mexican Nationals who were awaiting return to Mexico by immigration authorities. Stip. 72.

a third of the children (19% of the boys and 68% of the girls) admitted to TYC institutions between August, 1971, and August, 1972, were committed for disobedience or immoral conduct.<sup>76/</sup> Only 5% of the commitments in that year were for violent behavior.<sup>77/</sup>

As of May 1, 1973, 209 TYC children (66 girls and 143 boys) had recorded I.Q.'s below 70,<sup>78/</sup> and 372 (70 girls and 293 boys) had been diagnosed as seriously emotionally disturbed.<sup>79/</sup> In the year prior to trial, 15 boys and 7 girls attempted to commit suicide, three of them more than once.<sup>80/</sup> One expert witness who had examined the Gatesville schools shortly before trial reported that, of the more than 1000 boys confined in the complex, only 72 were functioning at their proper educational grade level; that 94 were

<sup>76/</sup> U.S. Ex. 89 at 12, 79.

<sup>77/</sup> U.S. Ex. 89 at 12, 79.

<sup>78/</sup> Stip. 70.

<sup>79/</sup> Stip. 67.

<sup>80/</sup> Stips. 68 and 69.

academically retarded by one year; and that 852 were  
two or more years behind.<sup>81/</sup> An independent study by a  
Princeton, New Jersey researcher disclosed that, as of  
March 12, 1973, more than 95% of the 1252 TYC inmates  
whose test data he evaluated were reading at levels three  
to six years below normal.<sup>82/</sup> The Educational Director of  
the Brownwood school said that girls confined  
there may have special educational needs which differ  
from those of average public school students.<sup>83/</sup> Another  
expert testified that, conservatively, 80% of the children  
at Gatesville and Crockett have "intense and varied" needs  
for special education.<sup>84/</sup> Gatesville's consulting psychiatrist  
estimated that 50-60% of the boys there are mentally retarded.<sup>85/</sup>

<sup>81/</sup> U.S. Ex. 118 at 35.

<sup>82/</sup> PA Ex. 12.

<sup>83/</sup> Tr. p. 4762, lines 20-24.

<sup>84/</sup> Tr. p. 3190, line 8- p. 3191, line 2; p. 3193, lines 1-8;  
p. 3217, lines 1-8, 16-17, and 20-25.

<sup>85/</sup> Tr. p. 6080, lines 4-11.

# STAFF AND SERVICES

At the time this case was tried, the Texas Youth Council had a total staff of 1447 persons, of whom 1208, or 83.5%, were Anglo; 199, or 13.7%, were Black; and 36, or 2.5%, were Mexican-American. The superintendents

<sup>86/</sup> U.S. Ex. 93.

The staff populations of the individual schools were as follows:

School	# of Staff	# + % Anglo	# + % Black	# + % Mex.-Am.
Brownwood	206	180/87.4%	15/7.3%	11/5.3%
Crockett	116	52/44.8%	62/53.5%	2/1.7%
Gainesville	175	163/93.1%	12/6.9%	0/0%
Giddings	37	29/78.4%	5/13.5%	3/8.1%
Mountain View	220	194/88.2%	21/9.6%	4/1.8%
Gatesville	623	531/85.2%	79/12.7%	10/1.6%
Valley	48	39/81%	9/19%	0/0%
Hackberry	52	44/81%	8/15%	0/0%
Terrace	55	45/81.8%	9/16.4%	1/1.8%
Hilltop	71	56/79%	12/17%	3/4%
Riverside	58	45/77.6%	11/19%	2/3.4%
Live Oak	52	38/73%	12/23%	1/2%
Sycamore	58	50/86%	8/14%	0/0%

of the various institutions select the members of their  
respective staffs.<sup>87/</sup> Because of the geographical locations  
of the institutions, recruitment of adequately trained  
personnel, particularly Blacks and Mexican-Americans,  
has been difficult.<sup>88/</sup>

Student living quarters are supervised by house-  
parents (girls' schools) and correctional officers (boys'  
schools).<sup>89/</sup> At neither Gatesville nor Gainesville is any  
special effort made to recruit non-Anglos to these  
positions;<sup>90/</sup> more than 60% of the boys at the

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<sup>87/</sup> Stip. 10.

<sup>88/</sup> Stip. 20. Tr. p. 221, lines 3-5; p. 1308, lines 1-12.

<sup>89/</sup> Stip. 27.

<sup>90/</sup> Tr. p. 5704, lines 19-25. Place Deposition p. 9,  
lines 19-22. Reeve Deposition p. 61, lines 8-13. Riddle  
Deposition p. 9, lines 7-9; p. 29, lines 13-18.

Gatesville complex, and more than one-third of the <sup>91/</sup> girls at Gainesville, are Black or Mexican-American.

TYC juveniles spend the bulk of their time with <sup>92/</sup> their houseparents and correctional officers, and expert witnesses for all parties agreed that these daily living personnel are the backbone of any <sup>93/</sup> residential rehabilitative treatment program.

Prospective houseparents and correctional officers are given no psychological tests to determine their emotional <sup>94/</sup> fitness for work in juvenile rehabilitation. Most of those

<sup>91/</sup> U.S. Ex. 93. There are more Black and Mexican-American children at Gatesville than at all other TYC institutions combined; the houseparent-custodial staff is only 18% Black and only 2% Mexican-American. At Gainesville, 51 of the girls are Black and 26 are Mexican-American; 54 of the 59 houseparent-custodial staff members are Anglo, and none is Mexican-American. Similarly, Black and Mexican-American boys constitute nearly 70% of the Mountain View population; the houseparent-custodial staff is 87% Anglo. U.S. Ex. 93.

<sup>92/</sup> Stip. 21. Tr. p. 128, lines 11-16; p. 399, lines 14-17; p. 2184, lines 10-14. Morris Deposition p. 18, lines 1-9.

<sup>93/</sup> Tr. p. 935, lines 2-4; p. 2184, lines 7-11 and p. 2185, lines 24-25; p. 5504, lines 14-17 and p. 5506, lines 9-16. U.S. Ex. 118 at 53.

<sup>94/</sup> Tr. p. 2919, line 25- p. 2920, line 2; p. 4448, lines 1-6; p. 5218, lines 2-5; p. 5373, lines 7-12. Watson Deposition p. 5, lines 4-6. Jackson Deposition p. 93, lines 21-24. Morris Deposition p. 9, lines 18-19. Harrell Deposition p. 9, lines 18-25.

(Footnote cont'd on next page)

hired are persons from rural backgrounds who have had limited formal education, no prior experience working with adolescents, and no relevant training.<sup>95/</sup>

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<sup>94/</sup> (Footnote cont'd from preceding page)

At Mountain View, screening of applicants consists of thirty-minute interviews and cursory reference checks. Tr. p. 1965, line 20- p. 1966, line 19; p. 2917, lines 2-20 and p. 2918, line 24- p. 2919, line 24.

<sup>95/</sup> Brookshear Deposition p. 6, line 22- p. 7, line 1. Ferguson Deposition p. 5, lines 1-24; p. 22, lines 6-8. Waverly Deposition p. 6, lines 17-22; p. 7, lines 4-7. Tr. p. 120, line 25- p. 121, line 14; p. 217, lines 17-20; p. 219, lines 4-9; p. 1965, lines 11-15.



Training efforts at the various institutions have been, at best, sporadic and, in some instances, non-existent.<sup>96/</sup>

At Gatesville and Mountain View, orientation of new correctional officers consists of their spending one or two weeks as observers in the dormitories.<sup>97/</sup> They are given no training or guidance whatsoever with respect to the kinds of emotional and psychological problems they

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<sup>96/</sup> Brownwood is an exception. Although the consulting psychiatrist at Brownwood does not conduct an inservice training program, Tr. p. 4513, lines 2-3, houseparents at that school do receive a substantial amount of inservice training from the casework staff and others. Tr. p. 4249, lines 23-25; p. 4263, line 16- p. 4264, line 7; p. 4267, lines 4-6; p. 4276, line 25- p. 4278, line 25; p. 4282, lines 18-22; p. 4307, lines 18-24.

<sup>97/</sup> Tr. p. 122, lines 5-16; p. 1967, line 15- p. 1968, line 9; p. 3649, lines 9-21. Wimberly Deposition p. 9, lines 19-25.

At Mountain View, there is a brief introduction to the rules and routines of the school. Wimberly Deposition p. 9, lines 7-17; Tr. p. 3694, line 24- p. 3695, line 2. At Gatesville, new officers receive a handbook (U.S. Ex. 12) entitled "Employee Manual for Control." Tr. p. 122, lines 17-19. Two former Mountain View correctional officers testified that they did not receive that school's handbook of regulations until several months after they began work. Tr. p. 3650, lines 1-14; p. 3696, lines 2-7.

may encounter and no instruction in how to deal with  
such problems.<sup>98/</sup> Prior to January, 1973, new houseparents  
at Gainesville received no preservice training other than  
a two week orientation course and some on-the-job observation  
designed to acquaint them with the "routine of the cottage[s]."<sup>99/</sup>  
At Crockett, new houseparents simply observe for a week or  
less before they begin their duties.<sup>100/</sup>

Some inservice training by persons from outside the TYC  
has been available, on an intermittent basis, as funds could  
be allocated for it.<sup>101/</sup> Between 1967 and 1972, for example,  
staff of the Sam Houston Institute for Contemporary Corrections

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98/ Tr. p. 122, lines 19-25; p. 1967, lines 12-18; p. 3649,  
lines 4-8; p. 3695, line 12- p. 3696, line 1. Wimberly  
Deposition p. 8, line 25- p. 9, line 21.

One former correctional officer at Mountain View  
described his initial observation period as confusing  
and not very useful because the several officers with  
whom he "floated" gave him different instructions as  
to the proper way to handle misbehaving youngsters.  
Tr. p. 1968, line 19- p. 1969, line 13.

99/ Ferguson Deposition p. 17, line 2- p. 18, line 4.

In January, 1973, the school's newly-appointed psychologist  
began to develop an expanded six-week program of orientation.

100/ Harrell Deposition p. 10, lines 1-5, 10-15. Simpson  
Deposition p. 22, line 18- p. 23, line 12.

101/ Stip. 25.

conducted semester-long courses in behavior modification and group dynamics at Mountain View, Gatesville, Crockett, and Gainesville.<sup>102/</sup> The program was terminated at all schools in the 1972-73 school year, however.<sup>103/</sup> A visiting lecturer from Cooke County Junior College has taught classes in juvenile delinquency at Gainesville, but not all houseparents have attended.<sup>104/</sup> The school itself conducts no formal program of sensitivity or team treatment training,<sup>105/</sup> and its part-time psychiatrist provides no inservice training whatever.<sup>106/</sup> At neither Crockett nor Gatesville do houseparents or correctional officers meet regularly with the casework staff;<sup>107/</sup> at Mountain View, correctional officers are forbidden to discuss boys'

102/ Killinger Deposition p. 12, line 1- p. 18, line 23.

103/ Killinger Deposition p. 18, line 24- p. 19, line 1.

104/ Tr. p. 5195, lines 9-21. At trial, Gainesville's psychologist described these classes as "somewhat elementary." Tr. p. 5195, line 14. He expressed the view that inservice training at Gainesville is "far inadequate." Tr. p. 5213, lines 20-21. Experts who visited Gainesville, Mountain View, and Gatesville made the same observation. PA Ex. 17 at 20; U.S. Ex. 118 at 29 and 54.

105/ Tr. p. 5106, lines 8-15; p. 5391, line 19- p. 5392, line 2.

106/ Tr. p. 4656, lines 4-6.

107/ Sharp Deposition p. 32, lines 4-7. Simpson Deposition p. 18, lines 8-13. Dyess Deposition p. 9, lines 13-25.

problems with the caseworkers and may be reprimanded  
108/  
for doing so. There is no effective inservice  
109/  
training at Gatesville, and its library contains  
no resource books or materials which might help child  
care workers understand their role in the residential  
110/  
treatment process.

Most houseparents and correctional officers  
111/  
perform virtually no rehabilitative function but  
112/  
serve merely as guards or custodians of their charges. At  
Gatesville and Mountain View, correctional officers are

108/ Tr. p. 3667, line 19- p. 3669, line 8.

109/ Tr. p. 843, lines 1-5.

110/ Tr. p. 124, lines 7-16.

111/ "We're in this business for only one reason, and that's  
to rehabilitate kids...." Turman Deposition p. 133, lines 1-2.

112/ Tr. p. 99, lines 1-3; p. 127, line 7- p. 128, line 4;  
p. 399, lines 1-4; p. 812, lines 21-25; p. 955, lines 20-25;  
p. 956, lines 15-21. U.S. Ex. 118 at 57. The Assistant  
Superintendent of Mountain View described the goals of that  
facility as "custody, control and then rehabilitation," in  
that order. Morris Deposition p. 17, lines 4-9.

113/  
clothed in "police-type" uniforms and portray an essentially  
114/  
"be tough" attitude. Housemothers at Gainesville rarely  
115/  
participate in recreational activities, initiate no  
116/  
personal interaction with the girls, and exhibit little  
117/  
understanding of adolescent emotions. Crockett and  
Gainesville inmates testified that, because they do not  
trust their houseparents, they do not confide in them  
118/  
about personal problems. At Crockett, houseparents do not  
119/  
have access to the girls' permanent files.

113/ U.S. Ex. 118 at 60.

114/ Tr. p. 237, lines 17-22.

115/ PA Ex. 17 at 37. Tr. p. 956, lines 1-12.

116/ Tr. p. 955, line 21- p. 956, line 8.

117/ Tr. p. 964, line 16- p. 965, line 4; p. 967, lines 16-25.  
One Gainesville child testified that she had been called a  
"bitch" and a "dog" by her housemother. Tr. p. 1837, line 17-  
p. 1838, line 6.

118/ Tr. p. 1738, line 17- p. 1739, line 1; p. 1837, lines 2-9;  
p. 2248, lines 19-25; p. 2265, lines 10-20; p. 2294, lines  
19-22.

119/ Simpson Deposition p. 45, lines 19-20. Harrell Deposition  
p. 13, lines 8-12.

Two other matters contribute to the lack of meaningful, individual interaction between inmates and child care workers--high annual staff turnover rates, and high staff-student ratios.<sup>120/</sup> The annual houseparent turnover at Gainesville is approximately 20%;<sup>121/</sup> at Mountain View, it is estimated at 30-40%<sup>122/</sup> and rose to 52% in fiscal year 1972;<sup>123/</sup> at Gatesville, it is 40%.<sup>124/</sup> At Crockett, each houseparent supervises 14 or 15 children;<sup>125/</sup> at Brownwood, the ratio is 1:15;<sup>126/</sup> at Gatesville, it is 1:25-40.<sup>127/</sup>

<sup>120/</sup> Tr. p. 816, line 19- p. 818, line 24. U.S. Ex. 118 at 29.

<sup>121/</sup> Stip. 22.

<sup>122/</sup> Morris Deposition p. 10, lines 17-19.

<sup>123/</sup> Stip. 23.

<sup>124/</sup> U.S. Ex. 118 at 29.

<sup>125/</sup> Tr. p. 4041, lines 15-16.

<sup>126/</sup> Tr. p. 4392, lines 7-12.

<sup>127/</sup> Tr. p. 816, line 25- p. 817, line 2.

Student-caseworker ratios are also high. As of June, 1973, each case-worker at Brownwood was responsible for 20-25 children; at Gainesville, each carried a caseload of 25-35; at Crockett, 30-40; at Mountain View, 40-50;<sup>128/</sup> and at Gatesville, 40-55.<sup>129/</sup> Despite the large number of Black and Mexican-American inmates at most schools, the vast majority of TYC caseworkers are Anglos.

At Crockett, the casework staff is supervised by a Chief of Social Services, who has a Masters Degree in social work (MSW).<sup>130/</sup> The three caseworkers at that school have only Bachelors Degrees in sociology, however.<sup>131/</sup> Similarly, the Chief of Casework Services at Gainesville<sup>132/</sup> has an MSW, but the school's Casework Supervisor has her Masters Degree in guidance and counselling, not in social work,<sup>133/</sup> and its five caseworkers have only Bachelors

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<sup>128/</sup> Stip. 26.

<sup>129/</sup> U.S. Ex 93. As of May 1, 1973, Mountain View, Gainesville, and Brownwood each had only one Black caseworker; Crockett had two; and Gatesville had three. There were no Mexican-American caseworkers at Mountain View, Gatesville, or Crockett; only one at Gainesville; and three at Brownwood. Stip. 30.

<sup>130/</sup> Sharp Deposition p. 3, line 20- p. 4, line 7.

<sup>131/</sup> Sharp Deposition p. 4, lines 10-13; p. 28, lines 11-15.

<sup>132/</sup> Tr. p. 5034, lines 21-23.

<sup>133/</sup> Tr. p. 5146, lines 7-12.

Degrees in sociology and education.<sup>134/</sup> None of the five has any training in individual or group psychotherapy or in family therapy, and all are relatively inexperienced in working with troubled adolescents.<sup>135/</sup>

At Gatesville, no caseworker has an MSW or any social work experience.<sup>136/</sup> The Casework Supervisor at Mountain View has a Bachelors Degree in physical education and thirty hours of course work toward a Masters Degree in corrections.<sup>137/</sup> Of the seven caseworkers serving under him, only one has an MSW.<sup>138/</sup> Although there has been some experimentation with group therapy at Mountain View,<sup>139/</sup> most of its caseworkers have had no formal training in group therapy techniques.<sup>140/</sup> Caseworkers at most

<sup>134/</sup> Tr. p. 5144, line 19- p. 5145, line 1. PA Ex. 17 at 55. By contrast, four of the six caseworkers at Brownwood have the MSW degree. Tr. p. 4133, lines 7-11.

<sup>135/</sup> PA Ex. at 56.

<sup>136/</sup> Tr. p. 150, line 20- p. 151, line 11; p. 5730, lines 13-15. One expert observer testified that Gatesville's caseworkers are unqualified to function as therapists and are not supervised by qualified personnel. Tr. p. 152, lines 12-23.

<sup>137/</sup> Tr. p. 3601, lines 16-24; p. 3614, lines 8-19.

<sup>138/</sup> U.S. Ex. 118 at 44.

<sup>139/</sup> Tr. p. 3614, line 24- p. 3615, line 8. U.S. Ex. 118 at 44.

<sup>140/</sup> Tr. p. 3616, lines 20-24.



141/  
schools receive little direct supervision. Those at  
Gatesville were particularly described as having "an  
inadequate knowledge of the various modalities of  
psychotherapy and an inadequate knowledge of the kinds  
of situations and kinds of children for whom the various  
modalities would be appropriate,"<sup>142/</sup> there is no  
structured program of inservice training for caseworkers  
at the Gatesville complex.<sup>143/</sup>

At Gainesville and Crockett, the burden of initiating  
student-caseworker conferences is on the girls, not on the  
casework staff.<sup>144/</sup> Moreover, caseworkers at Crockett work  
a daytime shift only, and those at Gainesville are available  
only one evening per week.<sup>145/</sup> Thus, some girls have had less  
than one conference per month with their caseworkers.<sup>146/</sup>

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141/ Tr. p. 376, line 9- p. 377, line 17; p. 806, lines 1-11;  
p. 3486, lines 20-21.

142/ Tr. p. 3486, lines 15-18.

143/ Tr. p. 153, lines 12-23; p. 3486, lines 20-21.

144/ Tr. p. 378, lines 3-5.

145/ Tr. p. 378, lines 6-12; p. 1111, line 23- p. 1112, line 2.  
Sharp Deposition p. 8, lines 12-20.

146/ Tr. p. 1731, lines 2-18; p. 1792, lines 12-19; p. 1838,  
lines 13-15; p. 2245, lines 13-17; p. 2293, line 20- p. 2294,  
line 13. By contrast, Brownwood caseworkers are on duty two  
evenings per week, maintain flexible schedules, actively seek  
out the girls, and have regularly scheduled conferences with  
their girls every week to ten days. Tr. p. 4451, lines 9-18;  
p. 4811, lines 8-15.

Mountain View inmates normally meet only once-a-month  
with their caseworkers.<sup>147/</sup> At Gatesville, student-case-  
worker conferences may be less frequent.<sup>147a/</sup>

An expert observer reported that girls at Gaineville  
and Crockett had told her that their caseworkers are not  
available when they need them and are not helpful in resolving

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<sup>147/</sup> Stephens Deposition p. 93, lines 8-15.

<sup>147a/</sup> Tr. p. 143, line 24- p. 145, line 5. A caseworker at  
Gatesville told an expert observer that he spends an average  
of six hours per day on paper work and not more than two hours  
each day with the boys. Tr. p. 149, lines 5-9.

their difficulties with other girls or with staff  
members.<sup>148/</sup> One Gainesville girl stated that there is  
no one on the staff of that school--including her  
caseworker--whom she feels she can trust.<sup>149/</sup> A  
Crockett girl stated that she does not discuss her  
problems with her caseworker for fear of not being  
released.<sup>150/</sup> Gainesville and Mountain View students  
testified that their caseworkers do not speak in  
their behalf at disciplinary and release committee  
meetings.<sup>151/</sup> Mountain View and Gainesville students

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<sup>148/</sup> Tr. p. 382, line 23- p. 383, line 18. Some girls  
had indicated, however, that "the social workers tried  
to be helpful." Tr. p. 383, lines 8-10.

<sup>149/</sup> Tr. p. 1865, lines 3-14. She reported that her  
caseworker had called her a dog and a prostitute.  
Tr. p. 1838, lines 5-20.

<sup>150/</sup> Tr. p. 2248, line 19- p. 2249, line 4.

<sup>151/</sup> Tr. p. 1745, lines 12-24; p. 1847, lines 2-10;  
p. 2523, line 22- p. 2524, line 9.

indicated that they cannot depend upon their caseworkers for protection from physical beatings from correctional officers and do not discuss such beatings because of fear of reprisal.<sup>152/</sup> One Gatesville boy stated that there is no one at the school system he can talk with about drug problems or pent-up anger.<sup>153/</sup>

There is no regular program of group therapy at Gatesville, Gainesville, or Crockett,<sup>154/</sup> and the caseworkers do not involve the students' families in the counselling process.<sup>155/</sup> Expert witnesses also observed that TYC institutions

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<sup>152/</sup> Tr. p. 1535, lines 15-20; p. 2668, line 22-p. 2669, line 6; p. 2702, lines 7-13.

<sup>153/</sup> Tr. p. 1536, lines 8-17; p. 1538, lines 11-15.

<sup>154/</sup> Tr. p. 149, line 19- p. 150, line 2; p. 374, lines 2-11; p. 1223, lines 16-21; p. 2106, line 22- p. 2107, line 1; p. 2165, lines 1-4.

<sup>155/</sup> PA Ex. 17 at 56. Tr. p. 118, line 19- p. 119, line 13; p. 389, lines 18-21; p. 797, line 21- p. 798, line 3; p. 1012, lines 2-5. Gatesville caseworkers apparently make themselves available to weekend visitors; they do not initiate contacts, however. Tr. p. 119, lines 2-8; p. 797, lines 22-24. PA Ex. 15 at 16-17. "It was inconceivable to the observers that the prevailing attitude was one of availability to families rather than active engagement of families." PA Ex. 15 at 17.

lack the ability to implement the treatment recommendations  
<sup>156/</sup>made at the Reception Centers. At Crockett, there is no  
attempt either to follow those recommendations  
or to write the simplest kind of individualized student  
<sup>157/</sup>treatment plans. The plans in existence at Gainesville are  
<sup>158/</sup>described as naive and simplistic; <sup>159/</sup>negative in emphasis;  
and do not include recommendations to staff members as to  
<sup>160/</sup>how to deal with the girls. At Gatesville, experts could  
not find a single caseworker (or correctional officer) who  
<sup>161/</sup>was aware of rehabilitation plans for the boys, and such  
plans as exist are vague and usually bear little resemblance  
<sup>162/</sup>to Reception Center recommendations. One expert observer

<sup>156/</sup> Tr. p. 391, lines 21-25; p. 794, lines 18-21; p. 979,  
lines 7-15; p. 2071, lines 2-13; p. 2081, lines 4-12; p. 2207,  
lines 4-10. Gainesville's Superintendent seemed to agree. See  
Tr. p. 5381.

<sup>157/</sup> Tr. p. 2082, line 21- p. 2083, line 4.

<sup>158/</sup> Tr. p. 2083, lines 5-16; p. 2158, lines 7-23. PA Ex. 17 at 51.

<sup>159/</sup> PA Ex. 17 at 50-51. Tr. p. 990, lines 4-16; p. 2158, lines  
10-11.

<sup>160/</sup> Tr. p. 989, line 23- p. 990, line 2.

The casework, teaching, medical, and correctional staffs of  
all TYC institutions operate under separate lines of authority.  
Stip. 24. Communication among these groups is lacking, and  
there is no unified, "team" approach to treatment at Crockett,  
Gainesville, Gatesville, or Mountain View. Tr. p. 131, lines  
19-25; p. 383, line 19- p. 385, line 11; p. 809, line 13- p.  
810, line 2; p. 974, line 6- p. 975, line 12; p. 1001, lines  
4-25; p. 3635, line 25- p. 3636, line 8. U.S. Ex. 118 at 55.

<sup>161/</sup> Tr. p. 132, line 17- p. 133, line 25.

<sup>162/</sup> PA Ex. 15 at 18.

summed up the casework effort at Gatesville this way:

The caseworkers were in no way working in a coordinated program, in no way were involved with what happened to the boy throughout the course of the day..., had little contact with the rest of the staff, and certainly was [sic] providing very little, if any, in the way of counselling or treatment.163/

163/ Tr. p. 239, lines 3-8.

Because of the geographical remoteness of its institutions, the TYC has had some difficulty obtaining psychiatrists,<sup>164/</sup> and no TYC institution employs a full-time psychiatrist or physician.<sup>165/</sup> Two psychiatric consultants visit Gainesville on an alternate-week, one or two-day per week basis.<sup>166/</sup> One of the two, Dr. Lovejoy, is also responsible for psychiatric services at Crockett and spends two days there every other week.<sup>167/</sup> Gatesville--with over 1000 children<sup>168/</sup>--has the services of one psychiatric consultant three days per week.<sup>169/</sup> A psychiatrist visits Mountain View one day each week.<sup>170/</sup>

<sup>164/</sup> Heatly Deposition p. 8, line 19- p. 9, line 18.

<sup>165/</sup> Stip. 46.

<sup>166/</sup> Tr. p. 4641, lines 3-16. Riddle Deposition p. 19, line 22- p. 20, line 1.

<sup>167/</sup> Tr. p. 4620, lines 1-5; p. 4641, lines 3-6. He may see as many as 25 girls in those two days. Tr. p. 4645, lines 4-7. Gainesville and Crockett inmates testified, however, that they have waited from one to ten months for a psychiatric consultation after requesting to see a psychiatrist. Tr. p. 1733, lines 1-15; p. 1849, line 20- p. 1850, line 5; p. 2273, lines 16-19.

<sup>168/</sup> At the time of trial, the Gatesville complex housed 1149 children. U.S. Ex. 93.

<sup>169/</sup> Tr. p. 5600, lines 14-25; p. 6001, lines 6-15.

<sup>170/</sup> U.S. Ex. 118 at 49.

171/  
Dr. Lovejoy is not board-certified, and although  
the student populations of Crockett and Gainesville were,  
respectively, 15% and 11.8% Mexican-American at the  
172/ 173/  
time of trial, he speaks only a little Spanish and is  
174/  
unfamiliar with Mexican-American culture. He testified  
that he does not conduct any inservice training programs  
175/  
for staff members, does not regularly visit student  
176/  
living quarters or academic facilities, is not fully  
acquainted with the schools' treatment or daily living  
177/  
programs, and has not discussed general treatment or  
178/  
disciplinary policies with staff personnel. In short,  
Dr. Lovejoy functions, not as an integral member of a  
179/  
treatment team, but in isolation.

171/ Tr. p. 4617, lines 6-7.

172/ U.S. Ex. 93.

173/ Tr. p. 4675, lines 16-17.

174/ Tr. p. 4676, lines 8-13.

175/ Tr. p. 4656, lines 4-6.

176/ Tr. p. 4656, lines 7-16.

177/ Tr. p. 4662, line 24- p. 4663, line 6.

178/ Tr. p. 4666, line 19- p. 4667, line 15.

179/ Tr. p. 1030, line 20- p. 1031, line 19.



The part-time psychiatrists at Brownwood and  
Gatesville also lack board certification.<sup>180/</sup> Brownwood's  
psychiatrist does not participate in inservice training  
of staff members,<sup>181/</sup> has little expertise in group therapy,<sup>182/</sup>  
and does not routinely meet with children who have been  
placed in security confinement.<sup>183/</sup> He sees his role as that  
of a trouble-shooter.<sup>184/</sup> The psychiatrist at Gatesville  
performs no group therapy for students<sup>185/</sup> and does not  
regularly discuss his patients' problems or needs with  
their caseworkers, teachers, or correctional officers.<sup>186/</sup>  
The United States' expert observer, Dr. Howard Ohmart,  
described the psychiatric services being offered at Gatesville  
as "grossly deficient" and those at Mountain View as "of the  
most delimited and minimal sort."<sup>187/</sup>

<sup>180/</sup> Tr. p. 4576, lines 10-12; p. 6048, lines 8-9.

<sup>181/</sup> Tr. p. 4513, lines 2-3.

<sup>182/</sup> Tr. p. 4513, lines 12-16; p. 4579, lines 21-23.

<sup>183/</sup> Tr. p. 4584, line 24- p. 4585, line 3.

<sup>184/</sup> Tr. p. 4513, lines 5-6.

<sup>185/</sup> Tr. p. 6079, line 22- p. 6080, line 3.

<sup>186/</sup> Tr. p. 6063, line 1- p. 6064, line 8.

<sup>187/</sup> U.S. Ex. 118 at 48, 49.

Dr. Ohmart testified that the medical care provided<sup>188/</sup>  
at Gatesville and Mountain View was equally deficient.

Gatesville's infirmary, located at the Hilltop<sup>189/</sup>  
subschool, is in need of extensive repair or replacement.

A local physician visits the Gatesville complex for<sup>190/</sup>  
one or two hours three times a week. He is assisted by  
two registered nurses (a third is assigned to the<sup>191/</sup>  
Reception Center) and four licensed vocational nurses.

The registered nurses are not on duty at night or on<sup>192/</sup>  
weekends. Five male attendants with no formal medical  
training conduct genital examinations in the doctor's<sup>193/</sup>  
absence. At Mountain View, a physician is present for one<sup>194/</sup>  
hour twice a week. The school employs no licensed vocational<sup>195/</sup>  
nurses. Its one registered nurse works from 8 A.M. to 5 P.M.

<sup>188/</sup> U.S. Ex. 118 at 45-46, 48-49.

<sup>189/</sup> Jensen Deposition p. 7, lines 6-8. Tr. p. 6182, lines  
22-24. U.S. Ex. 118 at 45.

<sup>190/</sup> U.S. Ex. 118 at 45. Jensen Deposition p. 12, lines 15-20.

<sup>191/</sup> Jensen Deposition p. 7, lines 1-5; p. 7, line 25- p. 8, line 3.

<sup>192/</sup> Jensen Deposition p. 7, line 25- p. 8, line 13.

<sup>193/</sup> Jensen Deposition p. 11, lines 10-16; p. 11, line 25- p. 12,  
line 5; p. 35, lines 6-16.

<sup>194/</sup> Maxwell Deposition p. 48, lines 1-2; p. 51, lines 3-11.

<sup>195/</sup> Maxwell Deposition p. 5, lines 7-8; p. 8, lines 12-15.

196\_/  
on weekdays only and is not always present for sick  
197/  
call. Unlicensed male attendants dispense medications,  
give injections, and, in the nurse's absence, decide  
198/  
which boys will see the doctor.

Crockett employs one registered nurse, one vocational  
199/  
nurse, and one untrained infirmiry aide. The registered  
nurse is on duty from 8 A.M. to 5 P.M., Monday through  
200\_/ 201/  
Friday; the vocational nurse works alone on weekends;  
202/  
and only the aide is normally present at night. A physician  
203/  
visits the school only one day each week.

196\_/ Maxwell Deposition p. 46, lines 14-20.

197\_/ Maxwell Deposition p. 50, lines 9-10.

198\_/ Maxwell Deposition p. 34, line 5- p. 35, line 7;  
p. 35-a, lines 4-5 and 19-22; p. 46, lines 5-12.

199\_/ Tr. p. 3778, lines 9-11. Robertson Deposition p. 5,  
lines 10-17.

200\_/ Robertson Deposition p. 5, lines 1-4.

201\_/ Robertson Deposition p. 6, lines 19-25.

202\_/ Robertson Deposition p. 5, lines 7-11.

203\_/ Tr. p. 3779, lines 14-19.

Gainesville's physician is also present only  
once a week, <sup>204/</sup> and its one registered nurse <sup>205/</sup> is not  
regularly at the school on weekends. <sup>206/</sup> The expert  
observers who visited Gainesville reported that pregnant  
girls at that school are provided no special diet or  
exercise program and receive little prenatal and no  
post partum counselling. <sup>207/</sup> Although Gainesville's four  
vocational nurses <sup>208/</sup> administer psychotherapeutic drugs, at  
times in the absence of the RN, <sup>209/</sup> one of the four testified  
that she is unaware of the contraindications of such drugs. <sup>210/</sup>  
The experts found the school's nursing staff generally  
ill-informed and ill-equipped to deal with the girls'  
problems. <sup>211/</sup>

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<sup>204/</sup> Stip. 46.

<sup>205/</sup> Wyrick Deposition p. 9, lines 14-15.

<sup>206/</sup> Wyrick Deposition p. 8, lines 18-25.

<sup>207/</sup> PA Ex. 17 at 28-29.

<sup>208/</sup> Wyrick Deposition p. 6, lines 12-17; p. 9, lines 7-8.

<sup>209/</sup> Wyrick Deposition p. 18, line 14- p. 19, line 8.

<sup>210/</sup> Wyrick Deposition p. 31, lines 7-15.

<sup>211/</sup> PA Ex. 17 at 25-28.

The quality of the medical care being offered at the various institutions is revealed by a few specific examples: A Mountain View boy who had been tear-gassed in the face by a staff member was taken to the school infirmary but saw neither a nurse nor a doctor and received no treatment for the gas.<sup>212/</sup> A Gainesville girl who was pregnant when she arrived at that institution suffered a miscarriage but did not see a doctor until a month later.<sup>213/</sup> A second Gainesville student who made repeated requests to see a doctor about skin rash was ignored for more than two months.<sup>214/</sup> A Crockett student who inhaled an aerosol spray received no medical attention at Crockett. Instead, untrained staff members took her to a local hospital, where she subsequently died.<sup>215/</sup> Another

<sup>212/</sup> Tr. p. 2811, line 13- p. 2812, line 6.

<sup>213/</sup> Tr. p. 1788, line 19- p. 1790, line 25.

<sup>214/</sup> Tr. p. 1893, lines 4-23.

<sup>215/</sup> Tr. p. 4019, lines 7-17.

Crockett student who had tonsillitis attempted to escape from the school, was apprehended, and began to vomit blood. She did not see a nurse for an hour, was never examined by a doctor, and received no medication. <sup>216/</sup> Some time later, the same child fainted in her dormitory. She had to be cared for by her housemother and two other girls because the only nurse on duty at the infirmary was completing her shift at the time and refused to come to the cottage. <sup>217/</sup> <sup>218/</sup> The child did not see a doctor for four days.

216/ Tr. p. 2258, line 12- p. 2259, line 15.

217/ Tr. p. 2260, lines 2-8.

218/ Tr. p. 2260, lines 9-14.

A large number of TYC

inmates have recorded I.Q.'s below 70, have been diagnosed as seriously emotionally disturbed, are academically retarded, or are otherwise in need of special educational services;<sup>219/</sup> no teacher at Gatesville, Gainesville, or Crockett is certified in special education, and only one Mountain View teacher, one Brownwood teacher, and two Giddings teachers are so certified.<sup>220/</sup>

Gatesville does not employ a language pathologist,<sup>221/</sup> an educational diagnostician,<sup>222/</sup> or any academic counselors.<sup>223/</sup> No Gatesville student is provided with an educational plan;<sup>224/</sup> no teacher is involved in any ongoing inservice training program.<sup>225/</sup> Although 61% of Gatesville's student population is

<sup>219/</sup> Stips. 67, 70. U.S. Ex. 118 at 35. PA ex. 12. Tr. p. 1209, lines 14-15; p. 3190, line 8- p. 3191, line 2; p. 3193, lines 1-8; p. 3217, lines 1-8, 16-17, and 20-25; p. 4762, lines 20-24; p. 6080, lines 4-11.

<sup>220/</sup> Stip. 43. There may be one certified special education teacher at Crockett. See Tr. p. 2144, lines 4-7.

<sup>221/</sup> Reeve Deposition p. 175, lines 22-23.

<sup>222/</sup> Tr. p. 3196, lines 17-19.

<sup>223/</sup> Tr. p. 3209, lines 5-13.

<sup>224/</sup> Tr. p. 3194, lines 5-12.

<sup>225/</sup> Tr. p. 3199, lines 4-6, and p. 3200, lines 10-15.

226/  
Black or Mexican-American, more than 80% of its  
227/  
teachers are Anglos. Gatesville--with 312 Mexican-  
228/  
American youngsters --has no program of bilingual  
229/  
instruction.

The Gatesville complex offers remedial classes  
230/  
for students who are deficient in reading English,  
but most of the teachers who conduct those classes  
231/  
have no training as remedial reading instructors.  
No attempt is made to separate students according  
to the reasons for their reading deficiencies: that is,  
Spanish-speaking boys who may have no learning disabilities  
are placed in the same remedial reading classes as  
232/  
youngsters who are academically and/or mentally retarded.  
233/  
There is also a language training program at Gatesville,

226/ U.S. Ex. 93.

227/ Stip. 39.

228/ U.S. Ex. 93.

229/ Tr. p. 3202, lines 16-18.

230/ Reeve Deposition p. 99, lines 3-9.

231/ Tr. p. 3200, lines 23-25.

232/ Reeve Deposition p. 99, line 10- p. 100, line 11. Stip. 38.

233/ Reeve Deposition p. 173, lines 17-19.



but its services are only available to children  
whose Reception Center test results indicate an I.Q.  
234\_/ of 90 or above and two years academic retardation.  
As of July, 1973, fewer than 70 boys--less than 7% of  
235\_/ Gatesville's student population--were enrolled in the  
236\_/ program. Gatesville conducts no other special education  
237\_/ programs for children with learning disabilities and  
has no special programs, academic or otherwise, for mentally  
238\_/ retarded youngsters. Boys are assigned to academic  
grade levels on the basis of their achievement test scores  
and without regard to their age or previous community school  
239\_/ placement. Thus, a junior high school or high school  
student may find himself demoted to an elementary grade at  
240\_/ Gatesville, even though he will probably receive no academic  
234\_/ Stip. 41. Reeve Deposition p. 173, line 17- p. 174, line 2.

235\_/ U.S. Ex. 93.

236\_/ Tr. p. 6150, lines 6-15.

237\_/ Reeve Deposition p. 182, lines 1-7.

238\_/ Tr. p. 159, lines 8-16; p. 6092, line 21-.p. 6093, line 4.

239\_/ Stip. 40. By contrast, the prevailing practice in Texas  
public schools is so-called social promotion, grade placement  
by age. Tr. p. 1210, lines 9-16.

240\_/ Tr. p. 1209, lines 9-21. One expert who testified with regard  
to Gatesville's placement procedure described the demotion  
process as "a traumatizing experience." Tr. p. 1210, lines 19-25.  
Another called it "very destructive to self-concept and to any  
sense of dignity." See Tr. p. 3220, line 9- p. 3221, line 11.  
U.S. Ex. 118 at 36.

credit for his work at that level when he returns  
241\_/  
to his community school. Such a demotion may be  
especially likely if the student is Black, Mexican-  
242/  
American, or from a poor economic background, since  
educational testing devices used at the Gatesville  
243\_/  
Reception Center discriminate against these youngsters.

The academic program at Crockett is similarly  
deficient. Like Gatesville, Crockett employs neither  
244\_/ 245\_  
an educational diagnostician nor any academic counselors.

Students are not provided with individualized educational  
246/ 247/  
plans and are given little individual instruction.

248/  
Teachers do not receive inservice training. Although there

241/ Tr. p. 1209, line 19- p. 1210, line 8.

242/ See U.S. Ex. 118 at 36.

243/ See footnote 48 , supra. The evidence is Gatesville's  
Sycamore subschool. The only school in the Gatesville complex  
which offers a high school diploma (Reeve Deposition p. 66,  
line 24- p. 67, line 7), Sycamore was 79% Anglo at the time  
of trial, while the other subschools ranged from 19% to 47%  
Anglo. U.S. Ex. 93.

244/ Tr. p. 3196, lines 17-19.

245/ Tr. p. 3209, lines 5-13.

246/ Tr. p. 3194, lines 5-12.

247/ Tr. p. 3227, lines 5-8.

248/ Tr. p. 3199, lines 4-6, and p. 3200, lines 10-12.

were 19 Mexican-American students at Crockett at  
the time of trial,<sup>249/</sup> the academic staff included no  
Mexican-American teachers,<sup>250/</sup> and the school did not  
offer a program of bilingual instruction.<sup>251/</sup> The expert  
who evaluated Crockett found no evidence of a carefully  
planned special education environment.<sup>252/</sup> To the contrary,  
he testified that "the school programs seemed . . . to  
reflect a dramatic lack of awareness on the part of many  
of the people working in the programs or working with  
children as to the rather intense and varied kinds of  
special needs these kids have"<sup>253/</sup> and that "the general  
quality of the [Crockett] school . . . could not be  
compared favorably to the general quality of schools in  
communities within the State of Texas."<sup>254/</sup>

<sup>249/</sup> U.S. Ex. 93.

<sup>250/</sup> U.S. Ex. 93.

<sup>251/</sup> Tr. p. 2309, line 24- p. 2310, line 4; p. 3239, lines  
16-17. Stip. 38.

<sup>252/</sup> Tr. p. 3193, lines 9-12.

<sup>253/</sup> Tr. p. 3190, line 23- p. 3191, line 2.

<sup>254/</sup> Tr. p. 3190, lines 18-20. In fact, these comments were  
made both with respect to Crockett and with respect to the  
several academic schools in the Gatesville complex. Dr. McNeil's  
very negative evaluations of both Crockett and Gatesville are  
set forth in detail at Tr. pp. 3190-3228.

There were 51 Black students and 26 Mexican-American students at Gainesville at the time of trial;<sup>255/</sup> of the 22 persons on the school's academic staff, one was Black, and none was Mexican-American.<sup>256/</sup>

Like the other TYC institutions, Gainesville does not have a program of bilingual instruction for its Spanish-speaking children.<sup>257/</sup> In a student body of 220, 42 girls had recorded I.Q.'s below 70 or had been diagnosed as seriously emotionally disturbed as of May 1, 1973,<sup>258/</sup> yet no teacher at Gainesville is certified in special education,<sup>259/</sup> and no student is given an individualized educational plan.<sup>260/</sup>

255/ U.S. Ex. 93.

256/ U.S. Ex. 93.

257/ Stip. 38. Tr. p. 4068, lines 2-4; p. 5431, lines 7-9.

258/ Stips. 67 and 70.

259/ Stip. 43.

260/ Tr. p. 4949, lines 8-14.

Gainesville provides no special education program of  
any kind for any of its students.<sup>261/</sup>

Although there is relatively little evidence in  
the record with respect to the academic program at  
Mountain View, the following facts do appear: At the  
time of trial, 70 Mexican-American boys were confined  
at the Mountain View facility,<sup>262/</sup> yet the school employed no  
Mexican-American teachers<sup>263/</sup> and offered no program of  
bilingual instruction.<sup>264/</sup> Similarly, nearly 50% of the  
student population was Black, but more than 80% of the  
academic staff was Anglo.<sup>265/</sup> As at Gatesville, age is  
apparently not a factor in grade placement; because  
<sup>261/</sup> Tr. p. 4069, line 8- p. 4070, line 9; p. 4946, lines 5-8;  
p. 4972, lines 13-18.

One of appellants' expert witnesses testified that, in  
evaluating the Gainesville program, he "did not determine  
that there was a specific special need for special education"  
at the school. Tr. p. 4924, lines 13-15. On cross-examination,  
however, he indicated that he was unaware that Gainesville's  
student population included 31 seriously emotionally disturbed  
girls. Tr. p. 4946, lines 9-15.

<sup>262/</sup> U.S. Ex. 93.

<sup>263/</sup> U.S. Ex. 93.

<sup>264/</sup> Stip. 38.

<sup>265/</sup> U.S. Ex. 93.

students are assigned to academic grade levels on the basis of their scores on the tests administered at the Gatesville Reception Center, demotions occur.<sup>266/</sup> A former physical education instructor at Mountain View testified that, when he first assumed his duties, the school's academic principal instructed him to "keep the guys active at all times, really to take the energy out of the guys as much as I possibly can, so the classroom teachers--it would be better for them anyway."<sup>267/</sup> He further testified that, although it is important for boys to be provided individualized physical education programs,<sup>268/</sup> the principal "preferred group activity where the majority of the guys or all the fellows would be active at one time,"<sup>269/</sup> and he indicated that the physical education facilities and equipment at Mountain View are, in any event, inadequate to maintain individual activities.<sup>270/</sup> One expert who evaluated

<sup>266/</sup> Tr. p. 2855, line 21- p. 2857, line 1.

<sup>267/</sup> Tr. p. 2952, line 23- p. 2953, line 6.

<sup>268/</sup> Tr. p. 2955, line 9- p. 2956, line 3.

<sup>269/</sup> Tr. p. 2953, lines 10-14.

<sup>270/</sup> Tr. p. 2955, lines 1-4.

Mountain View reported a generally favorable impression<sup>271/</sup> of its academic school but concluded: "We here see how the effect of some rather good program elements which appear to exist in the school and casework areas can largely be nullified because of the punitive, regimented, and oppressive posture that appears to characterize the custodial staff operation."<sup>272/</sup>

<sup>271/</sup> U.S. Ex. 118 at 38.

<sup>272/</sup> U.S. Ex. 118 at 56-7.

At the time of trial, one-third of the students at Brownwood (36) were Mexican-American, and 17 were Black. (U.S. Ex. 93.) There were no Black teachers and 2 Mexican-American teachers on the school's 20-member academic staff (U.S. Ex. 93), and--like the other TYC institutions--Brownwood offered no formal program of bilingual instruction. (Stip. 38.) Although 17 of its students had recorded I.Q.'s below 70 as of May 1, 1973 (Stip. 70), Brownwood did not have a special program for mentally retarded girls. (Tr. p. 4218, lines 6-8.) Nevertheless, the overall academic effort being made at Brownwood is considered to be adequate and of a much higher caliber than the programs at the other institutions. A diagnostic classroom, ungraded instruction at the elementary level, and a variety of special services produce a largely individualized academic environment. See generally Tr. p. 4706, et seq.

Along with their academic programs, TYC institutions provide vocational training courses and "work experience" for some students.<sup>273/</sup> The procedures used to assign students to particular training alternatives vary from institution to institution,<sup>274/</sup> but I.Q. and achievement test scores seem to play a major role in the assignment process at all institutions.<sup>275/</sup> The bulk of the evidence with respect to vocational training concerns the Gatesville complex.

A variety of vocational courses is available at Gatesville,<sup>276/</sup> and students may indicate their course preferences during their stay at the Reception Center.<sup>277/</sup>

<sup>273/</sup> At Crockett and Gainesville, vocational courses include cosmetology, janitorial service, laundry service, cafeteria assistance, photography, waitressing, homemaking, child care, and nurse's aide training. U.S. Ex. 28 at 96. U.S. Ex. 29 at 128. Tr. p. 4927, lines 3-9. Offerings at Mountain View include auto repair, building maintenance, commercial cooking, laundry service, welding, masonry, and television-radio repair. U.S. Ex. 30 at 56. Brownwood offers only cosmetology. U.S. Ex. 27 at 68. Tr. p. 4781, lines 11-18.

<sup>274/</sup> PA Ex. 18 at 10-11.

<sup>275/</sup> PA Ex. 18 at 11. See, e.g., Reeve Deposition p. 26, lines 15-16.

<sup>276/</sup> The complex offers such courses as automobile maintenance, building and grounds maintenance, IBM data processing, commercial cooking, and furniture repair and upholstery. U.S. Ex. 3.

<sup>277/</sup> Reeve Deposition p. 71, lines 12-20.



However, they neither tour the vocational shops at the various subschools nor receive course descriptions prior to making their selections,<sup>278/</sup> and their preferences<sup>279/</sup> are not necessarily honored, in any event: not all courses<sup>280/</sup> are available to the students at each subschool, and<sup>281/</sup> assignments are made largely on a space-available basis. Moreover, Gatesville administrators make no attempt to insure that a student who has been closed out of courses which interest him will be advised as subsequent vacancies<sup>282/</sup> occur.<sup>283/</sup> Gatesville, which houses 1,149 youngsters.

<sup>278/</sup> Stip. 45. The same is true at Crockett, Gainesville, and Mountain View as well. Tr. p. 2353, lines 2-9. PA Ex. 18 at 11.

<sup>279/</sup> Tr. p. 518, line 24- p. 519, line 4; p. 2352, line 19- p. 2353, line 1.

<sup>280/</sup> A Sycamore student, for example, is not permitted to learn motor repair or masonry (Reeve Deposition p. 68, lines 10-20); a Hilltop student may not study printing or television-radio repair. Reeve Deposition p. 63, lines 11-14.

<sup>281/</sup> Reeve Deposition p. 68, line 21- p. 69, line 2.

Although the superintendent of Gatesville's academic schools stated that, in making vocational assignments, it would be helpful to test students to determine their vocational bent, no such tests are given. Reeve Deposition p. 129, lines 14-23. Boys whose selected courses are filled are simply assigned to "work experience." Reeve Deposition p. 205, lines 12-17.

<sup>282/</sup> Reeve Deposition p. 136, line 1- p. 139, line 5.

<sup>283/</sup> U.S. Ex. 93.

has the services of one vocational rehabilitation  
specialist,<sup>284/</sup> who was serving 130 boys as of  
March 13, 1973.<sup>285/</sup> Although this individual's primary  
function is apparently to make post-release vocational  
recommendations,<sup>286/</sup> he does not regularly contact the  
institution's vocational instructors in order to systematically  
monitor student progress.<sup>287/</sup>

The "work experience" program at Gatesville includes  
carpentry, masonry, laundry service, food service, and the  
like.<sup>288/</sup> Students assigned to the program<sup>289/</sup> attend academic  
classes for half the day and spend the other half assisting<sup>290/</sup>  
the institution's maintenance and service department personnel.

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<sup>284/</sup> Rainer Deposition p. 5, lines 2-4.

<sup>285/</sup> Rainer Deposition p. 10, lines 21-23.

<sup>286/</sup> Tr. p. 3499, line 23- p. 3500, line 2. Rainer Deposition,  
p. 6, lines 2-8.

<sup>287/</sup> Rainer Deposition p. 47, lines 12-25. Mr. Rainer testified  
that he might not be aware of a boy's poor vocational  
performance for as long as three months. Rainer Deposition  
p. 48, line 23- p. 49, line 6.

<sup>288/</sup> U.S. Ex. 3. Reeve Deposition p. 69, line 22- p. 70, line 14.

<sup>289/</sup> An assignment may be made over a boy's objections. Tr. p.  
1640, line 18- p. 1641, line 1.

<sup>290/</sup> U.S. Ex. 3. Reeve Deposition p. 70, lines 1-14; p. 74,  
lines 7-10. PA Ex. 18 at 9.

The program is not under the direction of Gatesville's  
<sup>291/</sup> academic superintendent, and "work experience" supervisors  
<sup>292/</sup> are not accredited teachers. Students receive neither  
<sup>293/</sup> academic credit <sup>294/</sup> nor financial remuneration for their  
work. Experts testified that the program does not provide  
<sup>295/</sup> any useful vocational training and does not serve any  
<sup>296/</sup> therapeutic purpose. Mr. Joseph C. Breiteneicher, a  
vocational expert who studied Gatesville and three other  
TYC institutions in depth, concluded that Gatesville's  
"work experience" program is "an opportunistic device to  
exploit free labor... All the jobs involved in the...program  
are tied to the secondary labor market.... These jobs have  
a predictably negative impact on students' ideas about  
work... The TYC work experience programs help establish a

<sup>291/</sup> Reeve Deposition p. 78, lines 1-11; p. 133, lines 5-8,  
p. 201, lines 2-3.

<sup>292/</sup> Reeve Deposition p. 189, lines 6-17.

<sup>293/</sup> PA Ex. 18 at 9. Reeve Deposition p. 70, lines 15-16.

<sup>294/</sup> Reeve Deposition p. 194, line 24- p. 195, line 1. Tr. p.  
698, line 24- p. 699, line 1.

<sup>295/</sup> Tr. p. 2359, line 17- p. 2360, line 25; p. 2360, line 25-  
p. 2361, line 3.

<sup>296/</sup> Tr. p. 184, line 19- p. 185, line 25; p. 322, line 2- p. 323,  
line 13; p. 339, line 15- p. 340, line 9.  
(Footnote cont'd on next page)

self-fulfilling prophecy of failure in the labor market." <sup>297/</sup>

Mr. Breiteneicher's findings and conclusions with respect to vocational education at Gatesville, Mountain View, Gainesville, and Crockett are reported as PA Ex. 18 and are elaborated at Tr. pp. 2338-2422. As to all four institutions, this expert found a total lack of employer or union input into course design and maintenance <sup>298/</sup> and a lack of any data retrieval or other mechanism for determining whether the courses being offered actually help <sup>299/</sup> students to secure post-confinement employment. Similarly, he found that the courses are not regularly evaluated to assess

296/ (Footnote cont'd from preceding page)

Food service assignments--which consist of mopping floors, cleaning tables, washing pots, and serving coffee to the staff (Tr. p. 185, lines 1-8)--require boys to awaken as early as 4:00 A.M. Tr. p. 106, lines 16-18. Students assigned to the laundry may spend months at one machine (PA Ex. at 10); two students unloaded dirty laundry from hampers for more than a month. PA Ex. at 10. Boys may work as long as seven hours each day at such assignments. Tr. p. 702, lines 3-7; p. 1653, line 25- p. 1654, line 7.

297/ PA Ex. 18 at 9-10.

298/ PA Ex. 18 at 4.

299/ PA Ex. 18 at 4-5.

their relevance or effectiveness or to determine  
300\_/ whether changes need to be made. He reported that  
at no institution was there evidence either of a  
master plan of student career development or of  
301\_/ individual employability plans for students, and he  
noted, particularly, a complete absence of vocational  
302\_/ counselling. He found that the courses themselves  
were often repetitive, mislabelled, and made to sound  
303\_/ more substantial than they, in fact, were; that  
304\_/ students received little "hands-on" experience; that  
course content was sometimes unrelated to the vocation  
305\_/ allegedly being taught; and that the instructors with whom  
he spoke brought a variety of detrimental preconceptions  
306\_/ to their work. In short, Mr. Breiteneicher concluded that  
"[a]t best the vocational training experience at the

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300\_/ PA Ex. 18 at 5.

301\_/ PA Ex. 18 at 5, 6.

302\_/ PA Ex. 18 at 5-6,

303\_/ PA Ex. 18 at 7-8. Some masonry students, for example, had been taught only one skill--to build a chimney--and had spent eight weeks building and rebuilding them. PA Ex. 18 at 7. A course titled vocational photography primarily taught students to laminate photographs. PA Ex. 18 at 8.

304\_/ PA Ex. 18 at 7.

305\_/ For example, students pursuing nurse's aide training received nine months of instruction in the history of nursing. PA Ex. 18 at 8.

306\_/ One instructor told him that the students' parents were job-  
(Footnote cont'd on next page)

institutions is a way for some youth to keep busy and pass the time until release; at its worst the experience is racist and sexist, is centered on caste divisions in the American labor market, and has a definite negative influence on the youths' attitudes toward work and career development."<sup>307/</sup>

306/ (Footnote cont'd from preceding page)

hoppers and the students would likely be the same. Another stated that Blacks do not learn as quickly as others. A third expressed the view that Chicanos have lower I.Q.'s than Anglos. PA Ex. 18 at 9.

307/ PA Ex. 18 at 1.

### LIVING QUARTERS AND DAILY LIFE

Expert observers who visited or lived at Gatesville, Gainesville, and Mountain View described the daily lives of the children confined in those institutions as lives of boredom, hopelessness, apathy, tension, frustration, rigidity, and regimentation, in which individual identity is not recognized and self-respect is violated.<sup>308/</sup>

At Gainesville, residences are single-story brick buildings with two wings which meet at a combined dayroom/dining area.<sup>309/</sup> Each houses approximately 20 girls. Interior walls are made of cement block; corridors to the girls' rooms are dark. Bathrooms contain showers but no tubs. Toilets are not partitioned; a portable screen must be placed in front of the commode to secure privacy. A single mirror made of stainless steel, not glass, presents a distorted image to its user.

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<sup>308/</sup> See generally Tr. pp. 96, 231-234 and PA Ex. 15 at 13 (Gatesville); Tr. pp. 941-942, 947-963, 2153-2155 and PA Ex. 17 at 2, 3, 7, 10, 15, 21 (Gainesville); Tr. pp. 1236-1237 and U.S. Ex. 119 at 56-60 (Mountain View).

<sup>309/</sup> Our description of the dormitories at Gainesville is taken from those of two expert observers who lived at the school for several days in January, 1973. See PA Ex. 17, introductory page.

All Gainesville inmates sleep in single rooms which measure approximately five feet by eight feet and were described by the experts as "cell-like" enclosures. Each room contains a window, an open alcove for clothes, a narrow bed, a chair, a built-in desk-dresser unit, and a chamber pot for use during the night, when doors are locked. Walls are pictureless; pillows are hard. Once latched in (the doors in most dormitories are chained, except at meal and recreation time, whenever the girls are in the dormitory), occupants cannot look out into the corridor except through small peepholes high up in their doors or through the gap allowed by the chain latch. Since light switches are located in the corridors, they cannot control whether their lights are on or off.

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<sup>310/</sup>Tr. pp. 948-954; p. 1860, line 25 - p. 1861, line 2.  
PA Ex. 17 at 4, 13, 17-19. Stip. 18.

At Crockett, inmates live in eight dormitories each of which is occupied by approximately 15 students. Tr. p. 4040, lines 18-20; p. 4041, lines 15-16. Three of these cottages contain private rooms and primarily house girls who are having difficulty adjusting to institutional life. Tr. p. 4040, line 23 - p. 4041, line 10; p. 4042, lines

[Footnote continued on following page]



Gainesville girls are exposed to a variety of additional indignities and denials of their identity. Charts listing their menstrual cycles are posted, publicly, in the housemothers' offices.<sup>311/</sup> Pictures on the walls are only of Caucasians.<sup>312/</sup> Blacks are discouraged from wearing plaited or Afro hairdos.<sup>313/</sup> Before and after family visitations, girls may be subjected to strip searches of their

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<sup>310/</sup> [Footnote continued from preceding page]  
19-23. The doors are chained at night and, for administrative convenience, may be chained at certain times during the day. Stip. 18. Tr. p. 4040, lines 7-15 and 21-24; p. 4041, lines 11-22. An entire cottage may be punished for the misbehavior of one girl. Tr. p. 2251, lines 8-16. By contrast, at the time of trial some 40 or 45 girls were living in the open dormitory setting of so-called "privilege" cottages. Tr. p. 4042, lines 9-18. The doors to these residences are unlocked during daylight hours (they are locked at night), and occupants receive little supervision. Tr. p. 4006, lines 17-22; p. 4042, lines 15-16.

<sup>311/</sup> Tr. p. 1012, lines 8 and 16-17. At Crockett, these charts are posted on the front doors of each cottage. Tr. p. 1012, lines 5-9.

<sup>312/</sup> Tr. p. 2157, lines 8-13. At the time of trial, 35% of the students confined at Gainesville were Black or Mexican-American. U.S. Ex. 93.

<sup>313/</sup> Tr. p. 1860, lines 17-22.

314 /  
bodies. Rooms may also be torn up in unannounced  
315 /  
searches. While latched in their rooms during the  
daytime, girls must obtain permission to use the bath-  
316 /  
room by calling, "Mama, may I go to the toilet?"

Mealtime at Gainesville is a hurried, regimented affair. Students are ushered into the dining area and back to their rooms to the orders, "Let 'em out," "East side," "West side," "Put 'em up." Each girl receives one glass and a plastic dish which is partitioned to separate the food. (Housemothers have two glasses and are served on regular plates.) The food itself is starchy and

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314/ Tr. p. 1752, lines 19-22; p. 1800, lines 15-24.

315/ Tr. p. 1896, line 8- p. 1897, line 20.

316/ Tr. p. 2154, lines 9-13.

317/  
tasteless. At the end of the meal, the girls must sit  
quietly, with their hands in their laps, while the cook  
318/  
collects the silverware.

A typical day at Gainesville was described by one  
of its inmates as follows:

... [Y]ou wake up at 6:00 o'clock. The  
house mother comes and turns on your  
light and calls your name and tells you  
to get up and get ready to take a shower.

You get up and you put on your  
robe, and you wait until it is your turn  
to shower, and then she will unchain your  
door, and you go down to the shower, and  
there's two people and two separate  
showers, and you shower, and then you go  
back to your room, and you get dressed,  
make up your bed, and they hand out mops  
and brooms, and you sweep your room and  
you mop it, and you straighten everything  
up and get ready for breakfast.

And then about 7:00 o'clock they  
ring a bell, .... They undo your chain,  
you go to the dining room, ..., and you  
eat breakfast from about 7:00 to about  
7:30.

317/  
A Gainesville houseparent testified to one girl's  
having reported finding weevils in her food. Brookshear  
Deposition p. 29, lines 6-10.

318/  
Tr. pp. 960-963; pp. 2154-5. PA Ex. 17 at 6, 15-17.

And then you smoke a cigarette ...,  
and then the cook will say, "Pick up the  
ash trays," and one person calls side.  
There's an east side and a west side,  
and if she calls east side, the east side  
goes in the room, and she puts up the  
chain, and then the west side comes down.

They put up the chains, and then  
you get ready to brush, and when they  
come to your room, you go and brush and  
use the bathroom and empty your [chamber]  
pot ..., and you go back to your room and  
wait, ..., and you get ready for school,  
you know, put on your make-up and get  
your books ready, and about 15 until 9:00  
the school rings a bell, and the east  
side comes out. You open your doors  
wide, all the way, and you go to school....

... [W]hen a third period bell rings,  
you go to lunch, and you get your tray ....  
Then you go and you sit in line by where  
the man tells you, and you eat, and then  
... one table at a time leaves and goes  
and puts their trays up and silverware  
and throw away the trash, and then you  
go ... out on the grounds if it is a  
pretty day .... If it is raining, you go  
inside the gym and you smoke one cigarette,  
..., and when the bell rings you go to your  
next class ....

It's about 4:00 o'clock when you go  
to cottage .... And then you get inside  
the cottage and they call off sides, east  
side or west side. It happens like break-  
fast. You go one side at a time, and the  
hall lady, she puts up your chain, ...,  
and you have bathroom call, and they pass  
out what laundry that the night lady  
didn't do, and you just wait for supper,  
and the bell rings for supper about 5:30.

You go to supper, and you eat just like breakfast, and then you smoke ..., and then they call sides again .... They put your chain up and one at a time you go brush, and ... wash your face, and you use the bathroom, empty your combinet and your trash, and then you go back to your room, and you wait until 7:00 o'clock, which is time for recreation, and you go out to recreation at 7:00, one side at a time, and you sit around and play cards or talk, and you can't get real loud ... [so] you won't bother the houseparent ....

And then at 9:00 o'clock you go into your room, and you put your clothes out to be washed. They put up your chain and lock your door, and if you are in Group 1, your light goes out at 9:30. If you are in Group 2 or 3 your light goes out at 10:00, and you do all your studying, ..., and you have to turn off your radios at that time, ..., and then about 11:00 the night watchman goes by and shines a light in your window ..., and the next morning it's the same. 319/

319/

Tr. pp. 1721-25. See also Tr. p. 1728, line 12 - p. 1730, line 15 (student description of weekend routine at Gainesville); PA Ex. 17 at 4-7, 13 (expert description of daily routine at Gainesville); Tr. p. 957, line 5 - p. 959, line 22 and PA Ex. 17 at 8-9, 14 (expert description of weekend routine at Gainesville). For descriptions of daily and weekend routines at other schools, see Tr. p. 2254, line 13 - p. 2258, line 11 (student description of daily routine at Crockett); Tr. pp. 542-546 (student description of daily routine at Gatesville); Tr. pp. 84-86, 91-102, 107-109 and PA Ex. 15 at 11-12 (expert description of daily routine at Gatesville); Tr. pp. 112-116 and PA Ex. 15 at 13 (expert description of weekend routine at Gatesville).

At Gatesville, students live in dormitories which house approximately 30 boys.<sup>320/</sup> Each dormitory is divided into two main areas -- a relatively small dayroom containing ping pong tables, a television set, and card tables and chairs, and a larger open sleeping area in which beds are lined up in a military camp, head-to-foot manner. Beside the dayroom is a doorless bathroom and a clothing room where inmates store their personal clothes and belongings. (At only one Gatesville subschool are boys permitted to keep personal effects in the sleeping area.) At one end of the sleeping area, and partially separated from it by a half wall, are sinks, showers, and toilet facilities. A single door between the sleeping area and the dayroom is kept locked, except at certain specified hours, so that boys cannot move freely from one part of the dormitory to the other. (The sleeping area is absolutely off-limits except at bedtime.) The walls of most dormitories are of cement block; chairs are metal or plastic; lighting in the

320/

Tr. p. 87, lines 21-22. U.S. Ex. 3.  
The description set forth here is that of Dr. Robert F. Baxter, an expert observer who spent some ten days at Gatesville in January, 1973. Tr. p. 39, line 12 - p. 40, line 5.

dayroom may be sufficiently poor to make reading difficult; windows may lack curtains. In all, the typical Gatesville dormitory is "an extremely barren kind of place."<sup>321/</sup>

Like the girls at Gainesville, Gatesville boys are subjected to many violations of both their individual identities and their self-respect. There is virtually no

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<sup>321/</sup> Tr. pp. 86-91. PA Ex. 15 at 10-11.

Dormitories at Mountain View and Giddings are like those at the Gatesville complex, Tr. p. 1167, lines 6-8, although an expert who visited the three schools testified that, unlike Gatesville and Mountain View, Giddings--because of its newness--is a physically attractive facility. Tr. p. 1166, lines 6-18. Some dormitories at all three institutions have two wings (each a complete dayroom-sleeping area unit) which are joined by a small corridor. A correctional officer, the "cage man," is locked in this corridor, behind wire screening, at night and from that position can provide surveillance of both sleeping areas. Tr. p. 89, lines 1-7; p. 1166, line 24 - p. 1167, line 20; p. 3063, lines 15-23. Expert observers were particularly appalled by this arrangement because the correctional officer is incapable of coming to the aid of a boy who is ill or of intervening in the event of trouble. Tr. p. 1167, line 18 - p. 1168, line 21; p. 3063, line 23 - p. 3064, line 12. One stated: "This is probably from the standpoint of the individual child the most unsecure type of phenomena that you could ever have ...." Tr. p. 3063, lines 23-25.

322/  
personal privacy; showers and toilets, for example,  
323/  
may lack doors. Rules vary from one correctional officer  
324/  
to another; new boys learn each man's routine, and  
others learn of rule changes, through "experience," by  
325/  
making errors and being punished for them. When they  
first arrive at Gatesville (and later, as a form of  
punishment), inmates are forced to wash toilets and to  
326/  
work in the sewage ditch. They are neither issued

322/  
Tr. p. 231, lines 5-17. One expert expressed the view  
that when adolescents are denied all opportunity to re-  
move themselves from the crowd to think, to introspect,  
they become angry, irritable, and suspicious of their  
environment. "I think, indeed, it is counter therapeutic,  
counter rehabilitative, because it seems to me that one of  
the goals for rehabilitation or treatment of adolescents  
is the development of increasing amounts of self-  
responsibility." Tr. p. 231, line 22 - p. 232, line 15.

323/  
Tr. p. 547, lines 12-17; p. 687, lines 2-4.

324/  
Tr. p. 100, lines 5-22; p. 109, lines 9-18; p. 523,  
lines 16-18; p. 740, lines 3-4; p. 749, lines 4-5.

325/  
Tr. p. 509, lines 5-15; p. 523, line 22 - p. 524, line 4;  
p. 676, lines 12-15; p. 740, lines 1-4.

326/  
Tr. p. 534, line 20 - p. 536, line 25; p. 743, line 20 -  
p. 744, line 10; p. 762, lines 3-22.



special clothing for the latter task nor permitted to  
shower or change their clothes after completing it. <sup>327</sup>/

Boys are often referred to by their bunk numbers rather  
than by their names. <sup>328</sup>/ One youngster assigned to kitchen  
duty was called by the name "Big Sink Boy." <sup>329</sup>/ It is a  
common occurrence for boys who oversleep in the morning to  
have their beds dumped over, on top of them, by correctional  
officers. <sup>330</sup>/ Boys who do not shave closely enough to please  
their correctional officers may be shaved with pocket-  
knives. <sup>331</sup>/ Gatesville barbers refuse to cut Black students'  
hair as they want it cut. <sup>332</sup>/ At mealtime, some of the  
subschoools maintain a policy of forbidding more than two  
students of the same race or ethnic origin from sitting at

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<sup>327</sup>/ Tr. p. 538, lines 5-21; p. 744, lines 11-24.

<sup>328</sup>/ Tr. p. 683, line 14 - p. 684, line 9; p. 1462, line 24 -  
p. 1463, line 7; p. 1515, lines 12-18.

<sup>329</sup>/ Tr. p. 694, line 24 - p. 695, line 9.

<sup>330</sup>/ Tr. p. 1518, line 25 - p. 1520, line 6.

<sup>331</sup>/ Tr. p. 530, line 23 - p. 531, line 17.

<sup>332</sup>/ Tr. p. 1461, line 18 - p. 1462, line 9.

the same table; at one school, Blacks may not sit next  
to each other.<sup>333/</sup> One student described the following  
verbal reprimand (accompanied by physical abuse) from  
his correctional officer: "Quinones, you sorry, hand-  
jiggling punk, I told you to quit talking,.... Sit your  
ass down and don't talk again, or I'll beat the dog turd  
out of you."<sup>334/</sup>

The following description, by an expert observer,  
of an afternoon recreational period at one subschool perhaps  
best describes the atmosphere of apathy at Gatesville:

We were in one dormitory where the tele-  
vision was turned on but was broken, but  
the kids were sitting there staring at  
it anyway .... [T]he television set was  
broken and had been broken for a week or  
so ... and the boys were lined up and just  
sat staring blankly at this blank T.V.  
screen, which didn't even light up ....  
[T]he boys were totally apathetic ....  
It was as though the T.V. set was so much  
a part of their routine and so much a part  
of what they were expected to do that they  
really could not do anything else ....  
There was no expectation that they would do  
anything. <sup>335/</sup>

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<sup>333/</sup> Tr. p. 102, line 13 - p. 103, line 18.

<sup>334/</sup> Tr. p. 528, line 21 - p. 529, line 10.

<sup>335/</sup> Tr. p. 95, line 7 - p. 96, line 25.

336/

Of the sixteen dormitories at Mountain View,  
two--labelled the "punk dorms"--are set aside for boys  
considered by the custodial staff to be homosexuals or  
homosexually inclined. Aggressive homosexuals, passive  
victims of forced acts, and "little weak boys who can't  
get along" live together in these two dormitories. (A  
survey by the institution's staff shortly before trial  
disclosed that some "punk dorm" residents had no history  
whatever of homosexual behavior.) One "punk dorm" houses  
only Black students; the other houses Anglos and Mexican-  
Americans. The decision to place a boy in a "punk dorm"  
is made by his correctional officer.<sup>337/</sup>

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336/  
Tr. p. 2030, lines 7-8; Wimberly Deposition p. 11,  
lines 24-25. Fourteen dormitories were in use as of Novem-  
ber 14, 1972. Wimberly Deposition p. 12, line 2.

337/  
Stips. 11, 12. Morris Deposition p. 32, line 5 - p. 34,  
line 13. Wimberly Deposition p. 12, line 24 - p. 14, line  
5. Tr. p. 1250, lines 3-21; p. 1251, lines 6-9; p. 1976,  
line 25 - p. 1977, line 8; p. 2743, lines 9-25; p. 3618,  
line 19 - p. 3621, line 5. One expert had this to say  
about the "punk dorm" arrangement: "Well, I don't like the  
notion of segregating for homosexuality to begin with,....  
[T]here is no sound basis on which to label all those boys  
in those dorms homosexuals. It is particularly disturbing  
when the determination is made by the correctional officer,  
who quite clearly is the least educated, and in my judgment  
the least qualified to hang those kinds of labels on  
[Footnote continued on following page]

337/ [Footnote continued from preceding page]  
People, because they can be very damaging labels .... While it is quite common to get those kids who, in effect, need protection together, I don't think I have ever seen in a juvenile institution a dormitory called for homosexuals. It's fairly common in prisons, .... Tr. p.1250, line 24 - p. 1251, line 22. Mountain View's Casework Supervisor agreed that the arrangement is not therapeutic and may be detrimental to some boys. Tr. p. 3621, line 24 - p. 3623, line 2.

Staff reactions to homosexuality vary at  
Gatesville: Some staff members believe that homosexual activity is to be expected when boys are confined together and lack normal sexual outlets. Others show vehement opposition and speak derogatorily to youngsters suspected of engaging in homosexual acts. One boy was simply told, by a caseworker and several correctional officers, to "shape up" and not do "such dirty things." The expert who reported that treatment expressed the opinion that "it reinforced the boy's already considerable guilt and increased his level of anxiety but did nothing to resolve the problem or even to acknowledge that it was a problem that was of great concern to this particular boy." Tr. p. 161, line 6 - p. 163, line 21. At Gainesville, the slightest physical contact between students--holding hands, for example--is construed as homosexual behavior. Thus, girls are not permitted to sit close to one another, to write each other notes, or to visit together in their rooms, Tr. p. 401, line 15 - p. 402, line 11; p. 1839, line 19 - p. 1841, line 7; p. 2162, lines 21-25. The staff's excessive concern about the matter spurs girls to rebel by creating an underground homosexual culture. Tr. p. 994, line 20 - p. 996, line 6. According to one expert observer, homosexuality is practically forced upon Gainesville students by the institution itself. Tr. p. 2162, line 3 - p. 2163, line 10. A student testified that the rules make it difficult to make friends or to have any feelings about other girls. Tr. p. 1842, lines 1-6. The Superintendent at Crockett stated that his staff is relatively relaxed about  
[Footnote continued on following page]

Other demeaning and humiliating practices are  
common at Mountain View.<sup>338/</sup> Students must store their  
personal belongings in boxes located in the dormitories'

<sup>337/</sup> [Footnote continued from preceding page]  
homosexual infatuation (Harrell Deposition p. 29, lines  
19-25), and an expert who visited the school echoed that  
view. Tr. p. 402, lines 12-22. Nevertheless, Crockett  
students may be disciplined for holding hands or combing  
each others hair. Tr. p. 2306, line 22 - p. 2307, line 4.

The experts testified that some homosexual experimentation  
is normal in adolescence but that sex-segregated institu-  
tions, like those of the TYC, tend to aggravate it; that a  
sex-segregated institutional setting denies children a  
normal outlet for their sexual drives and impedes the  
achievement of one of the tasks of adolescence--to establish  
sexual identity and learn to adjust to a heterosexual world;  
and that a proper way to deal with homosexual experimen-  
tation is to expose children to a coeducational, hetero-  
sexual environment. Tr. p. 164, line 3 - p. 165, line 8;  
p. 402, lines 4-11; p. 1021, lines 13-16; p. 2162, lines  
7-25; p. 3065, line 16 - p. 3067, line 20; p. 3569, line 23 -  
p. 3572, line 8; p. 3573, lines 9-21. See also p. 5335,  
line 18 - p. 5339, line 24. The TYC's Executive Director  
testified that he is absolutely in favor of coeducational  
institutions. Turman Deposition p. 269, lines 12-16. Yet  
none of the TYC's facilities is coeducational, and students  
at Crockett, Gainesville, Gatesville, and Mountain View--  
unlike those at Brownwood--have rare contact with  
children of the opposite sex. Tr. 165, line 9 - p. 166,  
line 3; p. 551, lines 22-24; p. 1656, lines 2-7; p. 1744,  
lines 5-7; p. 1850, lines 6-8; p. 2162, lines 12-18; p.  
2275, lines 1-4; p. 2307, line 24 - p. 2308, line 1; p.  
2578, lines 20-22; p. 3068, line 16 - p. 3069, line 3.

<sup>338/</sup>  
We defer a detailed discussion of physical abuse of  
inmates by staff members to pages 110-118, infra.

clothing rooms and do not have free access to them.<sup>339/</sup>

They are not permitted to keep any personal possessions,  
other than a Bible, beside their beds.<sup>340/</sup> One boy  
reported that, on several occasions, his belongings had  
been rifled and searched by staff members; in one such  
instance, a letter which he had written to one of the  
plaintiffs' attorneys had been taken.<sup>341/</sup> Sometime later,  
he was warned by the correctional officer in question  
"not to say anything more about it. I better forget  
about it or he would get me."<sup>342/</sup>

New boys at Mountain View--called "fresh fish"--  
may be treated harshly by older boys, apparently with  
staff approval:<sup>343/</sup> one student testified to having

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<sup>339/</sup> Tr. p. 2451, line 19 - p. 2452, line 9; p. 2775, line  
20 - p. 2776, line 9.

<sup>340/</sup> Tr. p. 2452, lines 10-19; p. 2776, lines 10-12.

<sup>341/</sup> Tr. p. 2452, line 24 - p. 2453, line 15.

<sup>342/</sup> Tr. p. 2453, lines 16-24.

<sup>343/</sup> Tr. p. 2615, line 24 - p. 2616, line 11.

observed a group of seasoned inmates hit and kick a "fresh fish" in the dayroom of their dormitory while the correctional officer in charge watched placidly from a distance of ten feet. In the course of this beating, the victim passed out twice. The correctional officer instructed the boys "not to hurt him" but made no attempt to stop the incident.<sup>344/</sup> Some correctional officer supervisors obtain the assistance of "office boys," students who are accorded certain special privileges for performing such tasks as guarding other boys, helping to catch youngsters who attempt to escape, and writing "special incident reports,"<sup>345/</sup> Other students, known as

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<sup>344/</sup> Tr. p. 2616, line 12 - p. 2618, line 24.

<sup>345/</sup> Tr. p. 2734, line 16 - p. 2735, line 4; p. 2737, lines 11-17; p. 2798, line 17 - p. 2800, line 6; p. 2827, line 19 - p. 2830, line 4. A special incident report is a document describing an event or occurrence of physical violence or an event or occurrence which has resulted in a student's receiving a physical injury. Each such incident is required to be reported both by the student, or students, concerned and by the staff member involved or closest to the matter. See Tr. p. 1981, line 18 - p. 1982, line 2. Examples of special incident reports appear as U.S. Ex. 124. A former Mountain View employee testified, at trial, that correctional officers do not always file reports after they beat  
[Footnote continued on following page]

"snitches," report, to the supervisors, their observations of student and correctional officer activity.<sup>346/</sup> A witness who had served as Youth Specialist at Mountain View in 1971-2 testified that, on occasion, a supervisor would summon a student to his office at night to shine his shoes. He recalled that the boy would have candy and cigars with him when he returned to the dormitory. Neither staff members nor students are permitted to have cigars at the institution.<sup>347/</sup>

As at Gainesville, at mealtime at Mountain View the boys are given ten to twelve minutes to finish their food.<sup>348/</sup> A youngster who leaves food on

<sup>345/</sup> [Footnote continued from preceding page]  
Students and sometimes falsify the reports they do file. Tr. p. 1982, lines 3-13. An inmate who had worked as an office boy described one occasion on which he falsified a report at the direction of a supervisor and testified that there had been others. Tr. p. 2800, line 12 - p. 2802, line 24. See also Tr. p. 2500, line 14 - p. 2507, line 4; p. 2676, line 7 - p. 2684, line 18.

<sup>346/</sup> Tr. p. 1993, line 16 - p. 1995, line 7.

<sup>347/</sup> Tr. p. 1988, line 25 - p. 1990, line 22.

<sup>348/</sup> Tr. p. 3665, line 6 - p. 3666, line 9.



his plate is placed on the "extra duty detail."<sup>349/</sup>

Students assigned "extra duty" (weekend "extra duty" may be imposed for such other misconduct as not lacing ones shoes; boys in security confinement perform "extra duty" daily) spend as long as six hours a day pulling grass; chopping soil which is not intended for planting, with a pick; or moving piles of earth from one spot to another with shovels. Until a month prior to trial, youngsters who pulled grass were required to perform their task from a standing position, bent at the waist, knees locked, for up to thirty minutes at a time. The slightest breach of routine results in a boy's being beaten, or kicked, or both, by the staff member in charge.<sup>350/</sup> One youngster who was apprehended in an attempt to escape such beatings was forced to run back to his work detail in front of a moving truck whose driver, a correctional officer, raced

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<sup>349/</sup> Tr. p. 1985, lines 10-18; p. 3666, lines 13-20.

<sup>350/</sup> Tr. p. 1985, line 10 - p. 1988, line 24; p. 2510, line 3 - p. 2512, line 20; p. 2628, line 8 - p. 2639, line 3; p. 2649, line 24 - p. 2650, line 22; p. 2676, line 7 - p. 2679, line 14; p. 2725, line 5 - p. 2730, line 5; p. 2806, line 6 - p. 2807, line 8; p. 2957, line 2 - p. 2960, line 16. Stip. 53.

the engine behind him.<sup>351/</sup> An expert who observed an  
"extra duty" squad described it this way:

As we approached the work squad the  
nine coverall-clad figures ... were  
seated on the ground taking the care-  
fully timed "break." Elbows on knees,  
head between hands, they sat staring at  
the ground, forbidden to either talk or  
look at each other .... [O]ne of the  
two supervising officers gave the work  
signal and without a word the group arose,  
still in line and started swinging their  
hoes. The hoe comes high overhead and  
chops into the earth, in a pointless and  
completely unproductive exercise. Three  
or four swings and the line moves for-  
ward in unison, wordless, and with faces  
in a fixed, blank expressionless mask.  
Except for the occasional furtive and  
fearful glance, they were like so many  
automatons.<sup>352/</sup>

Black students at Mountain View may be called  
<sup>353/</sup>  
"niggers" by staff members; Mexican-American students  
are forbidden to speak Spanish in school or in the vo-  
<sup>354/</sup>  
cational shops. Students may not wear shoes in their

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<sup>351/</sup> Tr. p. 2676, line 7 - p. 2686, line 9.

<sup>352/</sup> U.S. Ex. 118 at 57.

<sup>353/</sup> Tr. p. 2516, lines 11-24.

<sup>354/</sup> Tr. p. 2640, lines 15-25. Wimberly Deposition p. 17,  
lines 23-25. Morris Deposition p. 55-a, lines 20-24.

dormitory dayrooms and may not enter the sleeping areas  
of their dormitories until shower and bedtime.<sup>355/</sup> They

move from one part of the institution to another only in  
groups.<sup>356/</sup> A boy in security confinement (the "lockup")

may not sleep or sit on his bed during the day (although  
there is nowhere else in the cell to sit, other than the  
floor) and may not talk to boys in other cells.<sup>357/</sup> Cell

windows are painted, making it impossible to look out.<sup>358/</sup>

Meals are served through a foot-long slot in the cell

door.<sup>359/</sup> Ventilation is poor; cells become hot in warm

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<sup>355/</sup> U.S. Ex. 118 at 58-59.

<sup>356/</sup> U.S. Ex. 118 at 58.

<sup>357/</sup> Tr. p. 1245, line 18 - p. 1246, line 14; p. 2512,  
line 23 - p. 2513, line 13; p. 2549, lines 8-16; p. 2576,  
lines 18-20. Wimberly Deposition p. 45, lines 12-24.  
Morris Deposition p. 53, lines 23-25. U.S. Ex. 35. Dr.  
Howard Ohmart, an expert witness for the United States  
who studied Mountain View, testified that he could perceive  
no rehabilitative value in such rules. Tr. p. 1245, line  
22 - p. 1246, line 14.

<sup>358/</sup> Tr. p. 2817, lines 4-6.

<sup>359/</sup> Tr. p. 2816, line 25 - p. 2817, line 2.

weather and extremely cold when the weather is cold.<sup>360/</sup>  
Nevertheless, only one blanket is provided.<sup>361/</sup> A com-  
mittee reviews each boy's status at least twice weekly.<sup>362/</sup>  
Until shortly before trial, boys under review were re-  
quired to run to the committee room, and back, at full  
speed, in their bare feet.<sup>363/</sup>

Rules concerning visits from family and friends  
and telephonic contact with persons outside the institutions  
vary from school to school. Brownwood and Giddings maintain  
an open visitation procedure: parents, families, and  
guardians are encouraged to visit Brownwood at least once  
each month and may do so, both on weekdays and weekends,  
as often as they wish; other persons may visit with the  
approval of parents or officials; visits may last as long

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<sup>360/</sup> Tr. p. 2816, lines 24-25; p. 2817, lines 6-7.

<sup>361/</sup> Tr. p. 2816, line 25; p. 2817, lines 7-8.

<sup>362/</sup> Tr. p. 2521, lines 9-18; p. 2693, lines 17-24. Morris  
Deposition p. 51, line 15.

<sup>363/</sup> Tr. p. 2693, line 25 - p. 2694, line 12; p. 2818, lines  
10-16; p. 2820, line 18 - p. 2821, line 20.

364/  
as an entire weekend. With parental permission, students at Brownwood may place collect telephone calls to their families. Those preparing for parole may, with houseparent approval, call anyone they wish. 365/

At Crockett and Gainesville, only authorized members of the student's immediate family may visit without special permission, and these persons are requested to make their visits on specified days, during specified hours. One day in each month is set aside for visitation. (Visits may take place on other days, with approval.) 366/ At Crockett, honor roll students may telephone their families once a month; all girls may call home, however, in the event of an emergency. 367/ Gainesville students may not

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364/ Stip. 17. U.S. Ex. 27 at 60. During one three-month period, there were 157 parent visitations at Brownwood, an average of 52 per month. A total of 83 girls were visited at least once during that time. Tr. p. 4312, lines 8-23.

365/ U.S. Ex. 27 at 60.

366/ Stip. 17 U.S. Ex. 28 at 90. U.S. Ex. 29 at 125.

367/ U.S. Ex. 28 at 90.

use telephones except in an emergency or in a situation  
of special need.<sup>368/</sup>

At Mountain View, students are permitted one visit  
per month by authorized persons (parents or guardians),  
who may be accompanied by one other individual. Exceptions  
to this procedure may be made, however. All visitors  
must be at least twenty-one years of age. Mountain View  
inmates may neither place nor receive any telephone calls  
whatsoever; incoming calls are answered by staff members,  
and messages are relayed to the boys.<sup>369/</sup> Each subschool  
of the Gatesville complex sets aside one weekend per  
month for visitation from parents.<sup>370/</sup>

Because some TYC institutions are located far  
from their inmates' homes, it is often difficult for families  
to visit them:<sup>371/</sup> Few visitors come to Gatesville;<sup>372/</sup> only

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<sup>368/</sup> U.S. Ex. 29 at 125.

<sup>369/</sup> U.S. Ex. 30 at 52.

<sup>370/</sup> Tr. p. 116, lines 15-21.

<sup>371/</sup> See, e.g. Tr. p. 407, line 24 - p. 408, line 15.

<sup>372/</sup> Tr. p. 116, line 11-12.

30-40% of the girls at Gainesville are visited in the  
course of a year.<sup>373/</sup> One Gatesville boy testified that,  
because of the long distance between El Paso (his home)  
and the school, his parents had been able to visit him  
only once in five months.<sup>374/</sup> A Gainesville girl testi-  
fied that her parents had visited her only once in three  
months for the same reason.<sup>375/</sup> A Mountain View boy  
testified that, although his parents had come to the  
school once a month, distance made the trip a hardship  
for them.<sup>376/</sup>

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<sup>373/</sup> Tr. p. 5369, lines 10-11.

<sup>374/</sup> Tr. p. 506, lines 22-25; p. 560, line 16 - p. 561, line 2.

<sup>375/</sup> Tr. p. 1931, lines 4-6; p. 1935, lines 5-10.

<sup>376/</sup> Tr. p. 2645, lines 11-22.

## DISCIPLINE, PUNISHMENT, AND PHYSICAL ABUSE

### DISCIPLINE AND PUNISHMENT

At Gainesville, new students are not provided with written rules of conduct and receive little explanation of what is expected of them.<sup>377/</sup> They learn the rules from other girls or through experience, that is, by making mistakes and being reprimanded or punished.<sup>378/</sup> Moreover, disciplinary procedures may vary from one staff member to another, and rules which have not been enforced for some time may suddenly be enforced without notice to the girls.<sup>379/</sup> Students at Gainesville may be disciplined for such actions as engaging in purported homosexual behavior (including holding hands and combing each others hair), whispering, lagging in line, chewing gum, calling a houseparent "Honey," going to the bathroom without permission, talking to girls at other tables during mealtime, entering other students'

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<sup>377/</sup> Tr. p. 1711, lines 11-21; p. 1713, line 9 - p. 1714, line 4; p. 1718, line 5 - p. 1719, line 5; p. 1740, lines 6-13; p. 1889, lines 15-17.

<sup>378/</sup> Tr. p. 1714, lines 5-14; p. 1889, lines 18-24.

<sup>379/</sup> Tr. p. 1747, lines 3-11; p. 1747, line 22 - p. 1748, line 8.



380/  
rooms, and possessing men's clothing, personal bedspreads,  
pillows, curtains, or rugs, wigs, "hot pants," musical  
instruments, typewriters, and other items. 381/  
Some of  
these rules were changed shortly before trial, but the  
nature and extent of such changes is unclear, as is the  
question whether revised rules have been distributed to the  
school's staff. 382/

There are essentially two forms of punishment imposed  
on Gainesville girls who break rules or otherwise misbehave -  
reports, and confinement in the Special Treatment Center

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380 / When asked the reason for this rule, Gainesville's  
Chief of Casework Services stated: "It's part of the  
structure of Gainesville." Tr. p. 5164, lines 3-5.

381 / Tr. p. 1839, line 7-p. 1841, line 2; p. 1890, lines  
16-23; p. 5162, lines 5-7; p. 5163, line 25-p. 5164, line 14;  
p. 5460, line 22-p. 5462, line 6. U.S. Ex. 69 at 7.  
PA Ex. 3.

382 / Tr. p. 5164, lines 6-14; p. 5393, lines 18-24; p.  
5411, line 16-p. 5412, line 12; p. 5437, line 3-p. 5445,  
line 25; p. 5460, line 22-p. 5462, line 6. One expert  
reported: "[T]here is much confusion at this place as to  
what the rules are, what rules are in force, [and] what  
rules are in the process of changing, . . ." PA Ex. 17 at 31.

383 /  
(the STC). Reports are of two types - "recreation" and "conduct." A recreation report is given for a minor infraction of the rules and results in the denial of one recreational activity; a conduct report is issued for more serious offenses or for an accumulation of recreation reports. A child who receives several conduct reports is subject to confinement in the STC. Although conduct and recreation reports become part of the girl's permanent record, a student receiving a report is expected not to complain - even if she believes it to be wrong or unjust - and is not advised of any procedure for appealing or correcting an erroneous report.<sup>384 /</sup> One expert observer noted the following entries in a housemother's report log:

She kept giving me dirty looks so  
I gave her a report.

For going back to bed after showering  
and laying on the bedspread.

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383 / See U.S. Ex. 29 at 1; Riddle Deposition pp. 23-25.

384 / Tr. p. 1715, line 23-p. 1716, line 8; p. 1717, lines 4-10; p. 4052, line 17-p. 4053, line 25. Riddle Deposition p. 24, line 10-p.25, line 7. U.S. Ex. 29 at 1.

Beverly Shannon sat like a man in her chair and talked to Cordia.<sup>385/</sup>

This expert had the following reaction to the report system at Gainesville:

To succeed at Gainesville means having no reports and the only type of girl who could do this would be one who spends her entire time trying to anticipate what all the authorities want and conform to their expectations. Of course, this is impossible. The only girl that could do this would be one who is quiet, docile and compliance . . . This is the type of girl that the report system fosters. Any girl who tries to maintain some sense of autonomy, some sense of self, some independence, is bound to find herself at cross purposes with many staff members. . . . In other words dependency, passivity, and withdrawn behavior are rewarded. . . . But this same type of behavior may be very inappropriate for girls once they leave the institution.<sup>386/</sup>

The Special Treatment Center is a separate cottage<sup>387/</sup> located on the edge of the Gainesville campus. Girls

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<sup>385/</sup> PA Ex. 17 at 31.

<sup>386/</sup> PA Ex. 17 at 24, 31.

<sup>387/</sup> PA Ex. 17 at 32.

are sent to the STC for such actions as attempting to run away, being "out of control," or "planning to jump on a housemother."<sup>388/</sup> The decision to place a child in the STC may be made by any supervisory staff member.<sup>389/</sup> The girl's caseworker does not have the authority to overrule the decision,<sup>390/</sup> and confinement may be effected without affording the girl either a hearing before the school's disciplinary committee or an opportunity to tell her side of the story.<sup>391/</sup> Indeed, the STC Committee's review of an STC placement may not occur until a week after the confinement begins.<sup>392/</sup>

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<sup>388/</sup> P.A. Ex. 17 at 32. Tr. p. 1843, lines 4-16; p. 5110, lines 22-24.

<sup>389/</sup> Tr. p. 5110, line 24 - p. 5111, line 1. At the time of trial, an experimental program allowed certain houseparents to temporarily assign students to the STC. Tr. p. 5111, lines 4-9.

<sup>390/</sup> Tr. p. 5110, lines 17-20; p. 5111, lines 10-24.

<sup>391/</sup> Tr. p. 1843, lines 17-19; p. 1846, line 19-p. 1847, line 1; p. 1877, line 6-p. 1878, line 6.

<sup>392/</sup> Tr. p. 1846, line 19-p. 1847, line 1; p. 1877, lines 21-24.

Doors to the STC are locked. The doors to the  
individual students' rooms are generally locked as well,<sup>393/</sup>  
but a door may be unlocked, for half a day, after a girl  
has exhibited good behavior for four days, and all day  
after five. Girls spend at least part of each day outside  
their rooms, in a common area.<sup>394/</sup> It is unclear whether  
they are permitted to wear their own clothes while at the STC.<sup>395/</sup>  
During their period of confinement, girls work daily at such  
tasks as cutting grass, washing vehicles, planting and cultivating  
flower beds and vegetable gardens, and cleaning the cottage.<sup>396/</sup>

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<sup>393/</sup> The rooms themselves are stripped except for a  
bed. One expert described them as "repressively hot."  
PA Ex. 17 at 32. Tr. p. 5380, line 5.

<sup>394/</sup> Tr. p. 2166, lines 11-13; p. 5200, lines 9-18.

<sup>395/</sup> Compare Tr. p. 5078, line 23-p. 5079, line 4 with  
Ferguson Deposition p. 33, lines 10-23. See also p.  
5377, lines 5-10; p. 5417, lines 15-20.

<sup>396/</sup> U.S. Ex. 29 at 1.

Most do not attend academic classes but are brought books and assignments by teachers who are supposed to spend a total of four hours with them each day.<sup>397/</sup> Caseworkers<sup>398/</sup> are required to visit once a week. One child reported, however, that during her three periods of confinement (one for three days, one for ten days, one for two weeks), she<sup>399/</sup> had never been visited by her caseworker.

Four rooms at the STC are used to temporarily isolate<sup>400/</sup> girls who exhibit hysteria or self-destructive behavior. These isolation rooms are windowless and contain an uncovered commode and a sink; a pad on the floor serves as a bed; there are no other furnishings.<sup>401/</sup> Staff members look in<sup>402/</sup> on girls who are isolated every fifteen to thirty minutes.

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<sup>397/</sup> Tr. p. 4079, lines 2-18; p. 5200, line 19-p. 5201, line 19. The regular classroom day at Gainesville is six hours long. Tr. p. 4079, lines 19-21. A student testified, however, that, while at the STC, she was permitted a school book for only fifteen to twenty minutes and received neither an assignment nor any instructions. Tr. p. 1844, line 18-p. 1845, line 4.

<sup>398/</sup> Tr. p. 5079, lines 5-9.

<sup>399/</sup> Tr. p. 1843, line 4-p. 1845, line 22. The caseworker had been present at a disciplinary Committee meeting to decide on the child's release from the STC but offered her no support. Tr. p. 1845, line 20-p. 1847, line 10.

<sup>400/</sup> Tr. p. 5079, line 19-p. 5080, line 2; p. 5380, lines 1-2.

<sup>401/</sup> PA Ex. 17 at 32.

<sup>402/</sup> Tr. p. 5380, lines 6-7.

On occasion, a child may remain in isolation over-  
403\_/night.

According to Gainesville's superintendent, the average period of confinement in STC is approximately 404\_/14 days. Gainesville student Ida James spent from one to thirty days per month in the STC in each month, except one, from May, 1971 to July, 1972 (including stays of 22, 21, 29, 24, and 30 days); student Linda Joyce Brown spent from one to thirty days in the STC in each of fourteen months between January, 1971 and September, 1972 (including stays of 18, 21, 22, and 28 405\_/days). Release from the STC is determined by a staff 406\_/committee. Two expert observers described a committee meeting as follows:

The girl is brought in, sits at [the] end of a long rectangular table and tries to respond to the questions the various authority figures are asking. If she can convince them her attitude has changed, then she is admonished, lectured to, and released. The only person we feel who could speak on the girl's behalf (the caseworker) was

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403/ Tr. p. 5380, lines 8-13.

404/ Tr. p. 5379, lines 18-20.

405/ U.S. Ex. 29 at 36, 43.

406/ PA Ex. 17 at 32. Tr. p. 4054, lines 12-17.

not included.... We were appalled at this. The girl is at the mercy of all at the table, she is afraid, she is powerless,... and the one person ... who might be able to explain the circumstances of her incarceration is not included at the meeting. <sup>407/</sup>

Athough the apparent purpose of the STC at Gainesville is to offer a special environment to children who are having behavioral problems, <sup>408/</sup> the experts condemned it. One stated: "I found very little special about it and very little treatment going on." <sup>409/</sup> Another commented: "I referred to it ... [as the lockup] because it really isn't a Special Treatment Cottage.... It's very dangerous to set aside any room as a lockup, because it will then be used for the convenience of the staff instead of for the sake of the girls, .... It's not ... [a] therapeutic tool." <sup>410/</sup> A third testified that no therapeutic program needs a 30-day isolation procedure and stated: "[T]here really was no special treatment [in the STC]."

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<sup>407/</sup> PA Ex. 17 at 32.

<sup>408/</sup> Tr. p. 2072, lines 10-15.

<sup>409/</sup> Tr. p. 2072, lines 18-19.

<sup>410/</sup> Tr. p. 2166, lines 5-9; p. 2169, lines 10-16.  
(Speaking of STC at both Gainesville and Crockett.)

<sup>411/</sup> Tr. p. 1028, lines 6-8; p. 1029, lines 7-9.



Orientation of new students at Crockett is  
412 /  
handled in an informal manner. Girls may or may not  
receive written rules of conduct and may or may not be  
given more than a cursory explanation of what is ex-  
413 /  
pected of them. Moreover, the student handbook  
which is provided some girls is not a complete guide  
414 /  
to appropriate behavior, for rules may vary from  
415 /  
cottage to cottage and from one staff member to another.

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412 / See generally Tr. p. 2237, line 14 - p. 2240,  
line 25.

413 / Tr. p. 2238, lines 14-16; p. 2239, lines 5-16;  
p. 2240, lines 22-25; p. 2287, line 18 - p. 2288,  
line 11. Compare p. 2239, line 20 - p. 2240, line 6  
and p. 2241, lines 11-18 with Tr. p. 2287, lines 9-11.

414 / See PA Ex. 2.

415 / Tr. p. 2239, lines 5-16; p. 2251, lines 8-23;  
p. 2287, line 25 - p. 2288, line 15.

Certain rules, however, are clear. With rare exceptions, girls must remain at Crockett for nine months before <sup>416/</sup> they are eligible for release. Like the students at Gainesville, Crockett girls are forbidden to have certain items in their possession at the school. Among these are cameras, boys' clothing, art supplies, chewing gum, musical <sup>417/</sup> instruments, and personal bedspreads, pillows, or curtains.

Prior to November, 1971, students who violated rules of conduct at Crockett were issued "reports" like

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<sup>416/</sup> Tr. p. 3996, lines 19-21; p. 3997, lines 8-14. Crockett's Superintendent testified, at trial, that he considers this nine-month requirement inconsistent with the goal of individualized rehabilitative treatment and that he disfavors a mandatory pre-release period. Tr. p. 3997, lines 15-22.

<sup>417/</sup> PA Ex. 2. See also Tr. p. 2273, line 24 - p. 2274, line 15.

418 /  
those used at Gainesville. From November, 1971  
until August, 1972, an elaborate "point system"  
419 /  
largely replaced the "reporting" procedure. Under  
this system, each girl was automatically awarded 350  
420 /  
points per day. She could lose points for such  
offenses as cursing (15 points), being in another  
girl's room (50 points), stealing (25 points), engag-  
ing in purported homosexual acts (75 points), verbally  
attacking a staff member or another student (100 points),  
wearing more than two braids in her hair (5 points), and  
421 /  
having the blinds up in her room (500 points). A loss  
of 10 points would result in the girl's being placed on  
"restriction," that is, losing privileges like smoking,  
walking on the campus, and receiving gifts from her

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418 / Tr. p. 3757, line 16 - p. 3758, line 5.

419 / Tr. p. 3756, line 14 - p. 3757, line 15. At least  
until August, 1972, however, a child could receive a  
written report for such offenses as speaking Spanish,  
wearing excessive makeup, or cutting her own or another  
girl's hair. Tr. p. 3781, line 23 - p. 3785, line 8;  
p. 3786, lines 7-14; p. 3794, line 14 - p. 3795, line 5.

420 / Tr. p. 3761, lines 21-24.

421 / U.S. Ex. 71. Tr. p. 3758, lines 6-17; p. 3759,  
lines 2-6; p. 3760, lines 5-7.

<sup>422/</sup> family. On the other hand, she could earn points - and by doing so, be placed on the "honor roll" - by receiving no "reports."<sup>423/</sup> Students being disciplined by confinement in the STC could earn points by performing such tasks as washing dishes (35 points), pulling weeds (40 points), cleaning bathrooms (50 points), and digging with shovels or picks (100 points).<sup>424/</sup>

Since August 1, 1972, discipline at Crockett has been effected pursuant to a procedure under which misconduct (for example, wearing another girl's clothes or smoking at prohibited times) is written into a log. The log is reviewed weekly by a staff committee which determines whether restrictions will be imposed.<sup>425/</sup> There are no specific, formal criteria for placing a child on restriction.<sup>426/</sup> Students may, for example, be put on

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<sup>422/</sup> U.S. Ex. 71. Tr. p. 2252, lines 6-9; p. 4017, lines 21-24.

<sup>423/</sup> U.S. Ex. 71.

<sup>424/</sup> U.S. Ex. 71.

<sup>425/</sup> Tr. p. 3794, lines 14-25. Harrell Deposition p. 19, line 9 - p. 20, line 3. Simpson Deposition p. 12, line 2 - p. 13, line 6; p. 36, lines 14-25.

<sup>426/</sup> Simpson Deposition p. 13, line 7 - p. 14, line 2.

indefinite restriction for profanity "whenever [those  
in charge] see fit."<sup>427/</sup>

Crockett maintained a Special Treatment Cottage  
like the one at Gainesville<sup>428/</sup> until less than a month  
before the opening of trial.<sup>429/</sup> Although Crockett's  
Superintendent testified that the purpose of the STC  
was not to punish,<sup>430/</sup> an expert observer who visited the  
cottage reported that it was perceived as a punishment  
device by both students and staff members, and she  
agreed with their assessment.<sup>431/</sup> Girls confined to the

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<sup>427/</sup> Simpson Deposition p. 12, lines 4-11. One expert testified, however, that adolescents "need desperately ... an outlet for ... [their] feelings of anger, resistance, dislike," and added that a minimally adequate rehabilitative treatment program must provide such an outlet. Tr. p. 2149, line 20 - p. 2150, line 2; p. 2151, line 23 - p. 2152, line 7.

<sup>428/</sup> Tr. p. 1061, lines 4-6.

<sup>429/</sup> The trial of this case began on July 2, 1973. Crockett's STC was closed six weeks prior to July 26, 1973. Tr. p. 3998, line 15 - p. 3999, line 1. In lieu of the STC, the current practice of punishing serious misbehavior is to lock the child in her own room. Tr. p. 4006, lines 9-14. Such "room lockup" may last as long as seven days, and the room may be stripped of all articles, including the bed and the occupant's clothes and shoes. Tr. p. 2296, line 9 - p. 2297, line 24.

<sup>430/</sup> Tr. p. 3997, line 23 - p. 3998, line 4.

<sup>431/</sup> Tr. p. 1060, line 24 - p. 1061, line 6.

STC were locked in their individual rooms much of the day; were permitted to talk to one another only at specified hours; and were provided chamber pots at night.<sup>432/</sup> Although staff members stated that Crockett's policy was to allow confined students to attend academic classes or to provide them academic instruction at the STC,<sup>433/</sup> two girls testified that, during their 9-day and 24-day confinements, they had received no academic instruction.<sup>434/</sup> According to Crockett's STC log,<sup>435/</sup> students have spent extensive periods of time in the STC. One child was confined for 55 days in a 95-day period;<sup>436/</sup> another, for 112 days in a 194-day period. Pamela Lundie was confined for 4 to 19 days in each month, except one, from July, 1971 to May, 1972;<sup>437/</sup>

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<sup>432/</sup> Tr. p. 2253, lines 4-25; p. 3998, lines 5-14.  
Watson Deposition p. 13, lines 11-19.

<sup>433/</sup> Harrell Deposition p. 17, lines 1-13; Simpson Deposition p. 15, lines 10-15.

<sup>434/</sup> Tr. p. 2253, lines 11-18; p. 2321, line 20 - p. 2322, line 1.

<sup>435/</sup> See U.S. Ex. 28 at 16-67.

<sup>436/</sup> U.S. Ex. 28 at 25, 33.

<sup>437/</sup> U.S. Ex. 28 at 24.

Eleanor Westmoreland was confined for 6 to 27 days in each month from June, 1971 to August, 1972;<sup>438/</sup> Delores Simmons was confined for 4 to 26 days in each month, except two, from June, 1971 to August, 1972;<sup>439/</sup> Virginia Ferrer was confined for 2 to 25 days in each of 13 months during the 17-month period from February, 1971 to June, 1972.<sup>440/</sup>

The theory of discipline at Brownwood is to give children as much individual freedom as they appear to be able to handle.<sup>441/</sup> Like Gainesville and Crockett, Brownwood has a Special Treatment Cottage.<sup>442/</sup> Practices and regulations with respect to the STC at Brownwood differ markedly from those at the other institutions, however. At least on weekdays, a girl may not be confined in Brownwood's STC without the approval of her caseworker.<sup>443/</sup>

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<sup>438/</sup> U.S. Ex. 28 at 29-30.

<sup>439/</sup> U.S. Ex. 28 at 53-54.

<sup>440/</sup> U.S. Ex. 28 at 58-59.

<sup>441/</sup> Tr. p. 4282, line 23 - p. 4284, line 3.

<sup>442/</sup> Tr. p. 4314, lines 8-11.

<sup>443/</sup> Tr. p. 4849, lines 18-21. On weekends, the authority passes to the houseparent supervisor and the administrative supervisor on duty. Tr. p. 4849, lines 21-25.

Students in the STC are visited by their caseworkers  
and a psychologist every day.<sup>444 /</sup> After one day of  
confinement, a child is normally permitted to attend  
regular academic classes;<sup>445 /</sup> after two days, she may  
return to her regular cottage for recreation or group  
meetings.<sup>446 /</sup> Although the front and back doors of the  
STC are kept locked, girls are not normally locked  
within their rooms during security confinement.<sup>447 /</sup> If  
she becomes ungovernable, a girl may be locked in an  
isolation room for up to thirty minutes without staff  
contact.<sup>448 /</sup> Brownwood's Casework Supervisor testified  
that, in his view, STC confinement should never exceed  
five days.<sup>449 /</sup> Nevertheless, a Brownwood student - like  
a student at Gainesville - may be confined to the STC  
for as long as thirty days.<sup>450 /</sup>

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<sup>444 /</sup> Stip. 51.

<sup>445 /</sup> Tr. p. 4318, lines 3-4.

<sup>446 /</sup> Tr. p. 4318, lines 9-14.

<sup>447 /</sup> Tr. p. 4317, lines 22-25.

<sup>448 /</sup> Tr. p. 4453, line 23 - p. 4454, line 4; p. 4808,  
line 11 - p. 4809, line 1; p. 4890, lines 16-25.

<sup>449 /</sup> Tr. p. 4809, lines 2-5.

<sup>450 /</sup> Stip. 49.



Some of the evidence concerning rules and discipline<sup>451/</sup> at Gatesville has been set forth earlier in this Appendix.

We supplement the earlier descriptions here.

A variety of control devices--including oral reprimands, disciplinary reports, denials of privileges, and assignment of "extra duty"--is officially available to Gatesville<sup>452/</sup> staff members. Solitary confinement is also available: a boy who appears to be acting in an uncontrollable manner may be isolated in one of five rooms at the Hilltop subschool<sup>453/</sup> infirmary. In addition, staff committees may recommend that a youngster be transferred to the Mountain View maximum

<sup>451/</sup> See pp. 69-72, supra.

<sup>452/</sup> U.S. Ex. 12. Gibson Deposition p. 26, lines 10-19. Dyess Deposition p. 20, line 4- p. 21, line 4. Among the privileges which a student may lose for misbehavior or violation of a rule are the following: watching television, participating in recreational activities, smoking, receiving visitors, and purchasing snacks from the campus store. Gibson Deposition p. 26, line 10- p. 27, line 6. Dyess Deposition p. 21, lines 7-20.

<sup>453/</sup> Gibson Deposition p. 27, lines 11-16. Dyess Deposition p. 21, lines 21-24. Bromser Deposition p. 18, lines 16-25. U.S. Ex. 31. Staff members look in on youngsters so confined every fifteen to thirty minutes. Jensen Deposition p. 42, lines 3-6. Although Gatesville employees stated that the isolation rooms are intended for stays of short duration, Gibson Deposition p. 27, lines 11-16; Browser Deposition p. 18, lines 16-21, many students have been isolated for extended periods of time. U.S. Ex. 31. Experts testified that such long periods of isolation are not rehabilitative. Tr. p. 2169, lines 10-16; p. 3114, lines 21-25; p. 3957, lines 14-24.

454/  
security facility. Despite these several available alternatives, however, Gatesville staff members have developed a host of other disciplinary measures.

A boy may be subjected to "peels," a procedure in which he bends over with his head between a staff member's legs and is slapped or struck on the back. 455/  
He may be given "tights," a punishment requiring him to bend forward and grip his ankles while a staff member strikes him on the behind with the straw end of a broom. 456/  
He may be placed "on crumb," that is, compelled to sit on a chair, face to the wall, whenever he is in the dormitory, and forbidden to speak or participate in activities. 457/  
He may be forced to place his head between a correctional officer's legs while the latter runs in place. 458/ He may be

454/ Bromser Deposition p. 19, lines 8-17. Such a transfer may not be effected without the approval of the Superintendent of the Gatesville complex and the TYC central office in Austin, Texas, however, Bromser Deposition p. 20, lines 5-10.

455/ Tr. p. 524, lines 11-25; p. 751, lines 6-14; p. 1522, line 25- p. 1523, line 6.

456/ Tr. p. 756, lines 4-10. A student may submit to "tights" voluntarily, as a means of reducing any restrictions which may have been imposed on him. Tr. 759, lines 13-19.

457/ Tr. p. 527, lines 3-14; p. 1525, line 24- p. 1526, line 5. A child who talks or falls asleep while "on crumb" may be slapped and kicked or made to hold his chair out in front of him for as long as fifteen minutes. Tr. p. 527, line 23- p. 529, line 10; p. 533, line 19- p. 534, line 6.

458/ Tr. p. 754, lines 9-13; p. 1522, line 25- p. 1523, line 6.

kicked in the shins ("brogueing"<sup>459/</sup>); picked up off the  
floor by the ears or sideburns;<sup>460/</sup> or required to perform  
pushups, upside down against a wall, for up to two hours.<sup>461/</sup>  
He may be compelled to dig holes in the earth and fill  
them with rocks which other students, similarly disciplined,  
will later remove<sup>462/</sup> or to awaken earlier in the morning  
than the rest of the dormitory.<sup>463/</sup> His toes may be stepped  
on;<sup>464/</sup> his stomach may be stood on;<sup>465/</sup> his head may be shaved.<sup>466/</sup>  
Such punishments may be imposed for losing a softball game,<sup>467/</sup>  
"leaving shoes out,"<sup>468/</sup> and "wearing pants too low."<sup>469/</sup>

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459/ Tr. p. 1657, lines 17-25.

460/ Tr. p. 1673, lines 7-12.

461/ Tr. p. 1622, lines 16-22.

462/ Tr. p. 539, lines 4-24.

463/ Tr. p. 683, lines 13-22.

464/ Tr. p. 759, line 24- p. 760, line 2.

465/ Tr. p. 760, lines 4-7.

466/ Tr. p. 1530, lines 10-13.

467/ Tr. p. 756, line 20- p. 757, line 2.

468/ Tr. p. 1524, lines 14-21.

469/ Tr. p. 1666, lines 11-17.

Some discussion of discipline at Mountain View (specifically, the "extra duty detail") appears at pages 79-82, supra. The following description is intended to supplement that earlier discussion.

Although Mountain View students receive handbooks which sketch some of the rules of the institution, there is no systematic attempt to inform them of all the rules and regulations which they are expected to obey and for breach of which they may be punished; indeed, comprehensive explanations of appropriate conduct are no more feasible at Mountain View than they are at Gatesville, for rules vary from one correctional officer to another.<sup>470/</sup> Correctional officers receive a list of "basic rules to follow" in controlling student behavior (U.S. Ex. 5) and post this list in each dormitory.<sup>471/</sup> Among the 134 "basic rules" are the following: "Do not play any games with boys" (Rule 3); "Do not let boys visit other dorms" (Rule 4); "Make boys come out of dorm in line" (Rule 11); "Watch boys get silverware in the kitchen" (Rule 19); "Keep the boys' shirts on in the dorm" (Rule 24); "Make boys keep pants legs down" (Rule 27); "Do not let boys lay on the floor" (Rule 28); "Do not let boys sit down

<sup>470/</sup> Morris Deposition p. 47, line 14- p. 49, line 18.

<sup>471/</sup> Tr. p. 2932, line 14- p. 2933, line 4.

on ball fields" (Rule 32); "Do not let boys go to bed early" (Rule 35); "Do not allow boys to talk from table to table in the kitchen" (Rule 44); "Count boys on the average of every 30 minutes" (Rule 52); "Do not allow boys to talk in line" (Rule 58); "Shake boys down twice a week at different times" (Rule 65); "Don't allow boys to talk out of dorm window" (Rule 81); "Do not let boys talk in bedroom" (Rule 94); "Do not allow boys to wrestle" (Rule 110); "Check boys' boxes and clothes regularly" (Rule 123).

Officially sanctioned disciplinary measures at Mountain View include "conduct reports"; loss of such privileges as smoking, attending campus movies, and going to the campus store; "extra duty"; and placement in security confinement.<sup>472/</sup> A "conduct report" alleging misbehavior may be written by any staff member who has direct contact with the youngster in question, and the report becomes a part of the boy's permanent record.<sup>473/</sup> Correctional officer supervisors mete out punishments, at their discretion, on the basis of these

<sup>472/</sup> Morris Deposition p. 43, line 16- p. 46, line 4.

<sup>473/</sup> Morris Deposition p. 44, lines 2-16.

474\_/ reports. "Extra duty" may be imposed on a boy who does not change his pants, who fails to finish all the food on his plate, who refuses to play football, and the like. 475\_  
476\_/ Students may be confined in the STC, for up to 30 days, for such actions as masturbating, refusing to do exercises, "getting smart" with a staff member, and talking about escaping, 477\_/ as well as for fighting, committing anal sodomy, 478\_/ and stealing. No formal, written criteria exist to guide the members of the custodial staff in making a decision to commit a child to the STC, 479\_/ and the boy's caseworker has no say in the matter. 480\_/

481\_/ While in the STC, boys do not see their caseworkers; 482\_/ do not attend academic classes; 483\_/ are not permitted to have school books; and may not receive more than one ten-minute 474\_/ Morris Deposition p. 45, lines 3-18.

475\_/ Tr. p. 2438, lines 2-4; p. 3584, line 17- p. 3585, line 25; p. 3666, lines 13-20.

476\_/ Stip. 49. Some commitments have, in fact, exceeded the 30-day limitation. See U.S. Ex. 30 at 16-30.

477\_/ Escape-preventive measures include two fences and the presence of hound dogs. Tr. p. 3670, lines 10-11. U.S. Ex. 118 at 60.

478\_/ U.S. Ex. 24.

479\_/ Tr. p. 3012, line 24- p. 3013, line 5.

480\_/ Tr. p. 3599, line 14- p. 3600, line 14.

481\_/ Tr. p. 3592, lines 1-10.

482\_/ Tr. p. 2509, lines 22-24.

483\_/ Tr. p. 2509, line 25- p. 2510, line 2.

484/  
visit per month. They are frequently beaten by STC  
485/  
guards. On weekends, and after 3:30 p.m. on weekdays,  
guards do not have keys to the locked individual security  
cells in the STC; in an emergency, they must summon a  
486/  
supervisor. On one occasion, a boy who was ill had to  
487/  
wait twenty minutes for a supervisor to come to his aid.

Dr. Howard Ohmart, the United States' expert observer  
who visited Mountain View, stated, in his report, that the  
institution's disciplinary procedures--particularly with  
respect to STC commitment and release--

...seem...primarily designed to humiliate  
and demean, to remind the offender of his  
worthlessness;...[they] violate...about  
every principle of good correctional prac-  
tice....488/

484/ Tr. p. 2578, lines 3-10; p. 3699, lines 5-10.

485/ Tr. p. 3703, line 1- p. 3704, line 20. "It kind of  
depended on how the man felt. If he felt like doing it, he  
did it, and if he didn't, he didn't." Tr. p. 3704, lines 19-20.

486/ Freeman Deposition p. 77, line 13- p. 78, line 12. Tr. p.  
2567, line 12- p. 2568, line 2; p. 3706, lines 7-19.

487/ Tr. p. 2568, lines 3-8.

488/ U.S. Ex. 118 at 25.

### PHYSICAL ABUSE

Reports disclose that, in 1972, staff members used physical force on students once at Brownwood; five times at Giddings (including three instances at that school's security unit); eight times at Crockett; forty-five times at Gainesville (including seventeen at Gainesville's STC); sixty-nine times at Gatesville (two at its infirmary isolation unit); and ninety-eight times at Mountain View, of which seventy-eight instances occurred at the STC. How many more acts of physical force may have occurred but remained unreported is, of course, not known. Gatesville students who had been the victims of physical violence by staff members testified at trial, however, that they had not reported such incidents because they feared correctional officer retaliation against them, in the form of either "extra duty" or additional violence; because no one had explained to them that they could file reports; because correctional officers had talked them out of doing so; and because they were afraid

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489/ Stip. 56.



490 /  
of being transferred to Mountain View. As to Mountain  
View, the evidence showed that correctional officers do  
not always file reports after they beat students and  
that they sometimes falsify the reports they do file or  
491 /  
direct students to file false reports.

A Crockett girl testified that she had witnessed  
a male houseparent at the school's STC pull another  
child's hair and physically throw the child into her  
492 /  
cell. Another Crockett student stated that, on one  
occasion, the same houseparent had shaken her repeatedly  
493 /  
for talking loudly and, on another occasion, had tripped  
her while she was attempting to run from him, and had  
494 /  
twisted her arm. She also stated that a female STC  
houseparent had struck her four times with an eighteen-inch

490 / Tr. p. 541, lines 3-19; p. 693, lines 10-14; p. 763, lines  
3-22; p. 1535, lines 15-20; p. 1542, lines 17-23; p. 1582,  
line 12- p. 1583, line 14; p. 1632, line 9- p. 1633, line 8; p.  
1647, lines 14-24.

491 / See, e.g., Tr. p. 1982, lines 3-13; p. 2800, line 12- p.  
2802, line 24.

492 / Tr. p. 2265, line 25- p. 2266, line 11.

493 / Tr. p. 2301, line 24- p. 2302, line 11.

494 / Tr. p. 2322, lines 2-9.

495 /  
metal chain. Two Gainesville students reported having  
witnessed a male staff member yank a girl off the school's  
water tower (which she had just begun to climb); pull her to  
the ground; handcuff her; and kick her several times in  
the back. The victim had offered no resistance. 496 /  
Another  
Gainesville student testified that a male teacher had slapped  
her across the face, with the back of his hand, and knocked  
her against the wall, after she called him a "dog." 497 /  
Yet  
another Gainesville girl stated that she had been strapped  
to a bed and had been hit and sat on by a male staff  
member when she attempted to resist confinement in the STC. 498 /

To some degree, the evidence of physical abuse of  
students by staff members at Gainesville has already been  
documented. 499 /  
We here offer a few additional examples.

495 / Tr. p. 2322, line 20- p. 2323, line 9.

496 / Tr. p. 1795, line 18- p. 1796, line 16; p. 1859, lines 3-25.  
But see Tr. p. 4073, line 17- p. 4075, line 8 (staff member  
testified that Disciplinary Committee investigated and concluded  
girl had not been kicked).

497 / Tr. p. 1932, lines 2-24.

498 / Tr. p. 1952, line 20- p. 1953, line 25.

499 / See pp. 104-105, supra.

A university student who had worked at Gatesville for a short time as part of his bachelors degree program in social rehabilitation testified that, soon after his arrival, he had accompanied some thirty boys and four other staff members on a field trip during the course of which one boy had run away. On the return bus trip, the teacher in charge had told the witness that "he would beat the shit out of..." the runaway. Shortly thereafter, a minor scuffle--described by the witness as "horseplay"--began between two students. The supervising teacher reacted by striking, kicking, and punching both boys numerous times. Neither boy fought back or resisted in any way. When the witness expressed his dismay about the incident to another teacher on the bus, he was told that "if I would stay around I would see more of it and I better get used to it."<sup>500/</sup> One of the student victims of the beating reported that the doctor at Gatesville had told him, <sup>501/</sup> a week later, that his eardrum was punctured.

<sup>500/</sup> Tr. p. 469, line 16- p. 479, line 5; p. 481, line 9- p. 486, line 5. The description of the event is corroborated at Tr. p. 1565, line 5- p. 1570, line 23 and p. 1601, line 15- p. 1605, line 19.

<sup>501/</sup> Tr. p. 1572, lines 16-23.

The evidence also showed the following: (1) A correctional officer gave a boy five "going home tights" with a foot-long rubber hose, and bruises had resulted. No action was taken against the officer, however; indeed, he was subsequently promoted.<sup>502/</sup> (2) A correctional officer slapped a new boy up against a wall for talking on the way to lunch. The youngster had not understood that such talking was forbidden.<sup>503/</sup> (3) A student observed a correctional officer strike another boy several times in the head for lying.<sup>504/</sup> (4) A teacher struck four students who refused to say the word "black" in class.<sup>505/</sup> (5) The Recreation Director hit a boy in the mouth for refusing to pull grass and using profanity.<sup>506/</sup>

The record in this case is replete with examples of staff members physically brutalizing students at Mountain View. We do not purport to exhaust the record here but merely

<sup>502/</sup> Tr. p. 5822, line 11- p. 5823, line 17.

<sup>503/</sup> Tr. p. 1513, line 22- p. 1514, line 16.

<sup>504/</sup> Tr. p. 688, line 22- p. 689, line 12.

<sup>505/</sup> Tr. p. 5873, line 1- p. 5874, line 14.

<sup>506/</sup> Tr. p. 5862, lines 1-10.

set forth a few examples.

A former correctional officer testified that a particular boy had been using profanity in addressing him. His supervisor instructed him to "just slap the hell out of him no matter where it was at."<sup>507/</sup> Another former correctional officer testified that, when he began his employment at Mountain View, he was advised by staff members not to leave marks when striking students.<sup>508/</sup> The same witness stated that he was criticized by his supervisor for allowing students to break formation and was told to "put a boot in their ass."<sup>509/</sup> A purportedly homosexual boy was called out of his cell at the STC by a correctional officer who proceeded to blindfold the child, tied his hands behind his back, spun him around, and instructed him to run down the hall. After repeatedly running into the walls, the boy finally fell to the floor, screaming. As he lay there, the staff member placed his foot on the youngster's stomach and covered his face with a mop.<sup>510/</sup> A correctional officer

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<sup>507/</sup> Tr. p. 3653, lines 2-18.

<sup>508/</sup> Tr. p. 1984, lines 13-19.

<sup>509/</sup> Tr. p. 1992, line 21- p. 1993, line 10.

<sup>510/</sup> Tr. p. 3712, line 8- p. 3714, line 19.

supervisor attempted to interrogate a child who had slit his wrists in a suicide effort. When the boy did not answer his questions, the supervisor struck him with his fist, knocking him to the floor, and stated, "I'll make you talk. I've got a way to make you talk." He then sprayed tear gas in the youngster's face.<sup>511/</sup> Mountain View's Superintendent personally authorized staff members to spray tear gas into the STC cell of one boy who was taking his bed apart and beating on the window and door of the cell.<sup>512/</sup> A youngster who had been assigned to an STC work detail refused to continue his work and began to hit himself on the head with a pick handle. Security guards seized the pick and telephoned the Casework Supervisor, who was unsuccessful in his attempts to persuade the boy to return to his chore. He was placed in the infirmary and, the next day, transferred to the STC, where he began to scream and beat the walls of his cell with his fists. Staff members sprayed tear gas into the cell until the child stated that he was ready to go to work.<sup>513/</sup> A Mexican-American boy

<sup>511/</sup> Tr. p. 2808, line 7- p. 2809, line 20.

<sup>512/</sup> Tr. p. 2944, line 1- p. 2945, line 5.

<sup>513/</sup> Tr. p. 2989, line 13- p. 2990, line 1.

testified that, 30 minutes after he arrived at Mountain View, he was repeatedly slapped and punched in the face and stomach by a supervisor for attempting to clarify instructions which he had not understood. 514/

Four months before this case was tried, a student on grass pulling duty became tired after three hours and bent his knees. For doing so, he was kicked in the back and punched in the mouth by one of the correctional officers in charge and was instructed to resume his work. When he again got tired and began to stand up, another correctional officer kicked him in the head with his booted foot. The youngster complained that his side hurt but was told to continue working and was kicked twice more in the head. Finally, he ran from the work detail to the Superintendent's office, where he was struck many times in the jaw and stomach, with fist and open hand; by a correctional officer supervisor, who kicked him when he fell to the floor, bleeding. After being given a change of clothes, he was returned to the line. Thereafter, the supervisor compelled him to sign a prewritten, falsified incident report. He was confined to the STC for fourteen days

514/ Tr. p. 2609, line 3- p. 2612, line 6.

515/

and received three more beatings during that time.

Dr. Howard Ohmart reached this conclusion after  
visiting the Mountain View facility:

Mountain View, in the writer's considered opinion, is an evil, oppressive and authoritarian operation. It is rather frightening, especially when it is apparent that the oppressive and authoritarian nature of the program has been generated from and by the upper echelon of the administration. Thus, there seems little likelihood of the harsh rigidity of the place being tempered or ameliorated in any meaningful way by individuals or groups of subordinates who might be humanely inclined. The oppressive character of the place has now been institutionalized;....[Mountain View is a] 19th century model of the reform school, easily the darkest blot on a generally inadequate institutional system. 516/

515/ Tr. p. 2676, line 13- p. 2693, line 16; p. 2957, line 2- p. 2963, p. 17. A correctional officer who witnessed some of the brutality imposed upon this boy and complained to the supervisor in question and to the Superintendent was told, by the latter, that, if he was displeased with the running of the institution, he could find another job. Tr. p. 2962, line 12- p. 2963, line 17.

516/ U. S. Ex. 118 at 59-60.