

THE INCORRIGIBLE GIRL:  
INEZ GARCIA AND THE HUDSON PRISON FOR GIRLS

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by

Linda Christine Velasco

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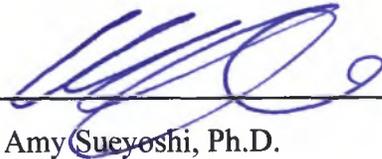
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THE INCORRIGIBLE GIRL:  
INEZ GARCIA AND THE HUDSON PRISON FOR GIRLS

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San Francisco, California  
2019

Although Inez Garcia Santos is often remembered through her legal battle and grassroots defense committee, I argue that her 1957 incarceration at the Hudson Prison in New York allows us to uncover historical links between juvenile justice and anti-carceral feminism. Firstly, I illustrate Garcia's relationship to the Hudson Prison through a history of her legal case. Secondly, I trace practices of the Hudson Prison and the symbiotic relationship across juvenile courts, academia and mental health professions that grounded them. Lastly, I investigate how criminalized girls and women, like Garcia, have used self-defense to imagine futures beyond gendered violence, both then and now.

I certify that this abstract is a correct representation of the content of this thesis.

  
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Date

## PREFACE AND/OR ACKNOWLEDGEMENTS

This project is dedicated to Inez Garcia Santos. Thank you for teaching us about the resilience of women of color incarcerated for surviving gendered violence. I tried my best to reclaim your story to be as your own. I am also deeply humbled that this project led me to powerful histories of queer chosen families and community defense at the Hudson Prison.

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## TABLE OF CONTENTS

Introduction.....	1
Literature Review.....	11
Chapter 1: The Trial of Inez Garcia Santos.....	28
The Rape.....	31
Attorney Charles Garry.....	33
The Inez Garcia Defense Campaign.....	36
The Psychiatrist.....	40
The Conviction.....	47
Chapter 2: The Racket.....	54
Child Savers and Juvenile Delinquency.....	55
The Hudson Prison.....	57
The Cold War Family.....	60
Abraham G. Novick (1953-1963).....	65
Self-Defense and The Racket.....	71
Conclusion.....	82
Bibliography.....	89

## Introduction

In 1957, thirteen-year-old Inez Garcia Santos, a Cuban and Puerto Rican girl, was incarcerated at New York Training School for Girls in Hudson, New York, or the “Hudson Prison.” She received a one year sentence for excessive unexcused absences from school. Under the British doctrine of *parens patriae*, the New York juvenile court could “resolve the problems of troubled children— *as if it were the parent.*”<sup>1</sup> The Hudson Prison was touted as a judicial-welfare alternative to criminal justice; the institution was to treat, control and reform delinquent girls before they became lawbreaking adults. Progressive minded juvenile courts, academics and psychologists worked to “cure” these girls, such as Inez Garcia Santos, using racialized and gendered moralistic and scientific beliefs.<sup>2</sup> These practices included solitary confinement, racial segregation, and eugenics.<sup>3</sup> Almost twenty years later, Garcia found herself in court for another charge: the first degree murder of Miguel Jimenez, a landowner who helped rape her in Soledad, California.<sup>4</sup> As these next pages reveal, the case of Inez Garcia Santos is a mutual starting point to show juvenile justice and anti-carceral feminism are inextricably linked.

Anti-carceral feminism, as a study, provides an anti-racist queer feminist lens for historicizing girls of color and queer girls in reform schools throughout the twentieth century. Beyond theory, this field engages organizers through defense campaigns, direct

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<sup>1</sup> “A Reporter at Large: Persons in Need of Supervision.” *The New Yorker*, August 14, 1978.

<sup>2</sup> *Ibid.*

<sup>3</sup> Miroslava Chávez-García, *States of Delinquency: Race and Science in the Making of California's Juvenile Justice System* (Berkeley, CA: University of California Press, 2012).

<sup>4</sup> “Woman is Acquitted of Killing.” *The New York Times*, March 05, 1977.

actions, and media production. While anti-carceral feminism is known for analyzing these intersectional coalition efforts in the past and present, my main interpretation of the field focuses on the theoretical effort to put women of color, queer people, and gender non-conforming people—and their survival strategies— at the center of anti-violence histories.<sup>5</sup> While Inez Garcia Santos is often remembered through this history of her defense committee, I argue that her 1957 incarceration highlights the importance for anti-carceral scholars to locate penal reform schools within histories of self-defense and resistance to gendered violence.

I apply an anti-carceral feminist lens to histories of Garcia and the Hudson Prison to reclaim histories of youth collective defensive against punitive practices. As a field of study, anti-carceral feminism advances an abolitionist approach to the intersections of gendered violence and incarceration. In a departure from juvenile justice scholarship, it develops a peoples' history through direct action and defense campaigns. These organizers and scholars believe that as “as sites of captivity, prisons and jails are inherently violent; they also foster specific forms of gendered and racial violence including sexual harassment, rape, and retaliation.”<sup>6</sup> By centering intersectionality, anti-carceral feminism departs from current heteronormative and male-centered critiques

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<sup>5</sup> Anne Valk, *Radical Sisters: Second-Wave Feminism and Black Liberation in Washington, DC* (Champaign, IL: University of Illinois Press, 2008), 173.

<sup>6</sup> Emily L. Thuma, *All Our Trials: Prisons, Policing, and the Feminist Fight to End Violence* (Chicago: University of Illinois, 2019), 1-18; See Emily Hobson, *Lavender and red: Liberation and solidarity in the gay and lesbian left* (Berkeley, CA: University of California Press, 2016); See Beth E. Richie, *Arrested Justice: Black Women, Violence, and America's Prison Nation* (New York: New York University Press, 2012); See *Survived and Punished, Survived and Punished: Analysis*, 2016; See Center for the Study of Women, “Feminist Anti-Carceral Studies,” University of California at Los Angeles. Accessed at <https://csw.ucla.edu/cswresearch/feminist-anti-carceral-studies/>; See UCB Center for Race and Gender, “Feminist Anti-Carceral Policy & Research Initiative,” University of California at Berkeley. Accessed at <https://www.crg.berkeley.edu/research/feminist-anti-carceral-and-research-project/>.

of the carceral state. As *Survived and Punished*, an anti-carceral organization of advocates and scholars states, the study responds to carceral feminism and the pro-criminalization approach to violence. This perspective creates the “good victim” versus non-victim “criminal.” A good victim cooperates with the criminal legal system, while survivors who are already criminalized are denied support or advocacy<sup>7</sup>.



Inez Garcia Santos, pictured in New York advocating for support, 1977. Courtesy of Bettye Lane, *Catching the Wave*, Schlesinger Library on the History of Women in America, Radcliffe Institute, Harvard University.

Inez Garcia Santos is situated alongside other iconic cases of the 1970’s seen as foundational to this intersectional anti-carceral framework.<sup>8</sup> The other trials at the time included that of Joan Little, a Black woman charged with murdering a white jail guard

<sup>7</sup> *Survived and Punished*, *Survived and Punished: Analysis*, 2016.

<sup>8</sup> Emily L. Thuma, *All Our Trials: Prisons, Policing, and the Feminist Fight to End Violence* (Chicago: University of Illinois, 2019), 1-18.

who attempted to rape her; Yvonne Wanrow, a Colville Native American who shot and killed a known child molester on her reservation; and Dessie Woods, a Black woman that killed a white male that attempted to rape her and her friend while hitchhiking.<sup>9</sup> These cases reflect the legacy of women of color who have affirmed the “lives and self-determination of all survivors of domestic and sexual violence,” through prioritizing community-based responses to all forms of gendered violence.<sup>10</sup> Moreover, as the only Latina within these histories, Garcia is seen as representative of the Latina carceral history. Anti-carceral feminism merges ideology and coalitional organizing to support girls, women, and gender non-conforming people at the margins of the feminist movement and carceral reform.

On the other hand, current scholarship on juvenile justice acknowledges reform schools as carceral institutions. In response to the growing number of girls in custody, sociologists and criminologists have looked to reform schools to examine historical and current pathways to juvenile institutions and adult incarceration.<sup>11</sup> Scholars such as Lisa Pasko and Laurie Schaffner understand that the female reform schools represents a “history of social control of the sexuality of mostly working class, ethnic women in urban

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<sup>9</sup> Victoria Law, “Sick of the Abuse: Feminist Responses to Sexual Assault, Battering, and Self Defense,” Chapter 2 in *The Hidden 1970s: Histories of Radicalism* (New Jersey: Rutgers University Press, 2010).

<sup>10</sup> Ibid.

<sup>11</sup> Barbara Bloom et al., “Improving Juvenile Justice for Females: A Statewide Assessment for California,” *Crime and Delinquency* 48 (2002): 526-552; See Meda Chesney-Lind and Randal G. Sheldon, “Girls, Delinquency, and Juvenile Justice (Belmont, CA: Wadsworth Publishing, 2004); Stacy L. Mallicoat, “Gendered Justice: Attributional Differences Between Males and Females in Juvenile Court,” *Feminist Criminology* 2, 4-30 (2007); See Laurie Schaffner, *Girls in Trouble with the Law* (Piscataway, NJ: Rutgers University Press, 2006).

settings.”<sup>12</sup> In particular, reform schools are seen to have “constructed and controlled girls' sexual choices, sexual abuse histories, identities, and orientation.”<sup>13</sup> These constructions of delinquency are based on “psychiatrization”— defined by Pasko as a “process of placing deviant or criminal behavior under the umbrella of psychiatry...the process of psychiatrization involves the definition of a behavior as an illness, or symptom of an illness, syndrome, disorder, or disease, which requires psychiatric attention.”<sup>14</sup> The result of psychiatrization became intelligence testing, psychological evaluations, and sterilization to diagnose and discipline “incorrigible” girls. However, juvenile justice scholars have placed less attention to the intersections of race and sexuality or possibilities beyond the carceral state. While juvenile justice scholars have located various forms of agency within reform schools, the bulk of their analysis focuses on victimization and possible policy changes in our current carceral climate.<sup>15</sup> Anti-carceral feminism, in contrast, allows for an anti-racist and queer framework to understand collective forms of self-defense and resistance across reform schools.

In the following pages, I apply an anti-carceral feminist lens to a critical history of Inez Garcia Santos to detail carceral histories of girls' reform schools. I ask: how does Inez Garcia Santos' incarceration at the Hudson Prison complicate her broader historical importance? How have girls within the Hudson Prison, such as Garcia, used self-defense

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<sup>12</sup> Laurie Schaffner, *Girls in Trouble with the Law* (New Brunswick: Rutgers University Press, 2006), 39; See Lisa Pasko, "Damaged Daughters: The History of Girls' Sexuality and the Juvenile Justice System," *Journal of Criminal Law & Criminology* 100, no. 3 (2010).

<sup>13</sup> Lisa Pasko, "Damaged Daughters: The History of Girls' Sexuality and the Juvenile Justice System" *Journal of Criminal Law & Criminology* 100, no. 3 (2010).

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

to protect themselves and each other from incarceration? Firstly, I provide the history of Garcia's legal trials with particular emphasis on the psychiatric defense put forth by Attorney Charles Garry.<sup>16</sup> In Chapter 2, I place Garcia's 1957 incarceration within a larger history of collective defense and survival techniques adopted by queer, Black, and immigrant girls as a result of their incarceration. The Hudson Prison is a location not only for understanding the reform school as a carceral site but also the importance of resistance and chosen family. In this thesis I employ various sources—including Hudson Prison school records, memoirs, court transcripts, newspaper articles and oral histories—to capture complicated practices and ideologies with the institution.

Current literature does not provide a critical history of Inez Garcia Santos' life prior to her sexual assault. Rather, Garcia's legacy is only remembered through her legal trials and defense committee within anti-carceral feminist and self-defense organizing histories of the early 1970's. This is particularly problematic as several sources list the majority, if not all, of the original Inez Garcia Defense Committee members as white women from San Francisco and Berkeley.<sup>17</sup> Instead, I will show how Garcia fits into a longer legacy of self-defense and criminalization prior to her sexual assault,

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<sup>16</sup> Attorney Ken Salter provides the only full court transcripts from the first court trial. This includes opening and closing statements and testimony. Legal commentary is also included within the book-length primary source. See Ken Salter, *The Trial of Inez Garcia* (Berkeley, CA: EDITORIAL JUSTA PUBLICATIONS, 1976), 161-252.

<sup>17</sup> Emily Thuma has published the most recent historical account of anti-carceral feminism. She describes the Garcia campaign as pivotal in how anti-carceral feminists mobilize intersectional and coalitional collective defense. She explains, "Radical women of color and antiracist white women in multiple locales engaged with these cases and developed and circulated arguments against a criminal justice-centered approach. In the process, they produced an intersectional account of the sources of violence in women's lives as well as a nascent feminist politics of prison abolitionism." See Emily L. Thuma, *All Our Trials: Prisons, Policing, and the Feminist Fight to End Violence* (Chicago: University of Illinois, 2019), 18. For additional discussion on coalitional anti-carceral feminist organizing, cf. Hobson, *Lavender and Red*, 62-67; Brownmiller, *In Our Time*, 218-222; Berger, *The Hidden 1970s*.

highly-publicized court trials, and feminist organizing. The crux of my argument rests on the importance of mental health through Inez Garcia Santos' adolescence and all carceral institutions she encountered until her release in 1977. Garcia's mental health records from the Hudson Prison show how prior youth incarceration serves to recriminalize and pathologize women far after their release. I investigate various punitive practices at the Hudson Prison to further assert that reform schools must be seen through an anti-carceral feminist lens. Lastly, and most importantly, I chose to write about Garcia's case to honor girls and women who defended themselves against institutional power and authority that failed to protect them.

Although the formulation of "juvenile delinquency" can be traced to the nineteenth century, historical parameters of this thesis focuses on the postwar years of 1953 to 1963. I aim to historicize the Hudson Prison in a manner that would most represent the social, political and logistical contours of Garcia's 1957 incarceration. However, it is important to begin this discussion by briefly identifying historical concepts that grounded the Hudson Prison prior and up to Garcia's sentencing. In the 1838 Pennsylvania Supreme Court decision *Ex Parte Crouse*, the doctrine of *parens patriae* "established that youth fare better under state supervision rather than the supervision of 'unsuitable' parents."<sup>18</sup> The court argued that the house of refuge, the predecessor to the reform school, was "not a prison, but a school" that nonetheless broke apart largely

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<sup>18</sup> *REPAIRING THE BREACH: A Brief History of Youth of Color in the Justice System* (Oakland, CA: The W. Haywood Burns Institute, 2016), 5. Accessed July 2, 2019.  
[https://www.burnsinstitute.org/wp-content/uploads/2016/01/Repairing-the-Breach\\_BI.pdf](https://www.burnsinstitute.org/wp-content/uploads/2016/01/Repairing-the-Breach_BI.pdf)

low-income and immigrant families.<sup>19</sup> As such, the Hudson Prison saw itself as humane and “believed that the growing numbers of poor and destitute immigrant children who wandered city streets were destined for a life of poverty.”<sup>20</sup> It is important to note that these immigrant families were largely European; in contrast, Black children were excluded from reform efforts because of a hopeless biological defect.<sup>21</sup> Instead, they were kept in adult prisons due to a denial of Black victimhood.

By 1899, the first juvenile court was established in Illinois through the efforts of social reformers, or “child savers,” in the Progressive Era (1890-1920). While *parens patriae* remained intact, children and adolescents would no longer be tried in adult court. These changes reflected the Progressive Era ideals of middle-class social reform following growing immigration fears, rapid industrialization and political corruption. Child savers relied on maternalism and advances in the behavioral sciences to solve problems of juvenile deviancy.<sup>22</sup> Importantly, this faith in the emerging fields of psychology, education, and criminology during the Progressive Era supported a belief of eugenics to prevent “social ills that threatened the fabric of society.”<sup>23</sup> Intelligence, psychological, and physical examination became trusted scientific tools to test youth as “productive and reproductive members of society.”<sup>24</sup> The reform school, as we know it,

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<sup>19</sup> Ibid. The difference between the reform school and house of refuge rests on the type of cases they would accept, and the ages of the subjects.

<sup>20</sup> Daniel Macallair, “The San Francisco Industrial School and the Origins of Juvenile Justice in California: A Glance at the Great Reformation,” *UC Davis School of Law Juvenile Law and Policy* 7, no.1: 3.

<sup>21</sup> *REPAIRING THE BREACH*, 5.

[https://www.burnsinstitute.org/wp-content/uploads/2016/01/Repairing-the-Breach\\_BI.pdf](https://www.burnsinstitute.org/wp-content/uploads/2016/01/Repairing-the-Breach_BI.pdf)

<sup>22</sup> Anthony M. Platt, *Child Savers: The Invention of Delinquency* (Chicago, IL: Rutgers University Press, 2009), 75.

<sup>23</sup> Chávez-García, *States of Delinquency*, 16.

<sup>24</sup> Ibid., 14.

provided the subjects for these social scientific practices through the doctrine of *parens patriae*. In contrast to the pre-juvenile court era, Black youth were sentenced to segregated under resourced reform schools albeit with harsher sentences. Denying Black youth access “to white institutions of reform” was rooted in the belief that Black youth were “undeserving subjects of the white-dominated parental state.”<sup>25</sup>

It is paramount to note that the Hudson Prison functioned as a site of incarceration that preceded carceral juvenile justice as we understand it today. As the twentieth century progressed, additional advances in psychology and sociology revolutionized state responses to not only the delinquent child, but their so-called defective families. Following the second World War, the United States faced increased global anti-racist and anti-colonial scrutiny. In the context of this threat to U.S. global legitimacy in the early years of the Cold War, a treatment-oriented ethics of “care” disappeared defective families. Moreover, families with poor women of color as head of household, welfare dependency, absentee fathers, or lesbian daughters were seen as surplus populations that violated post-war goals of race and nation. These families are seen as surplus, or expendable, because they undermined white supremacist and capitalist goals of family and individualism in the Cold War. Deviant girls, in particular, were seen as greater threats to these structures because they represented failures of the nuclear family and gender roles.

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<sup>25</sup> Geoff K. Ward, *The Black Child-Savers: Racial Democracy and Juvenile Justice* (Chicago: University of Chicago Press, 2012), 38.

The Hudson Prison became a laboratory to implement and study theories of prevention and rehabilitation of young women labeled as deviant in post-war New York state. These young women, ages twelve to sixteen, were found delinquent for running away from abusive homes, surviving sexual assault, or simply because of their class, migrant, racial, and sexual status. Shifting historical developments of the era largely shaped this social response: the Second Great Migration and rising white middle class anxieties of Black criminality in New York; the Cold War lavender scare and fears of the aggressive “prison lesbians”; and increasing Puerto Rican migration and questions of the “Puerto Rican problem.”<sup>26</sup> By the 1930s, Hudson began accepting Black girls under Jim Crow segregation that continued well into the 1940s. These girls often faced The Hudson Prison isolated girls who were too Black, too queer, too poor or too sexual.<sup>27</sup> As a result, huge portions of adolescents incarcerated at the Hudson Prison were overwhelmingly young Black women, newly-immigrated or mainland born Puerto Rican girls, or queer white girls.<sup>28</sup> Within the Hudson Prison, they would face solitary confinement, segregation, corporal punishment and meal restriction—methods geared towards achieving their moral purity. The institution, like many reform schools of the era, aimed to “fix” defective young girls through racialized and gendered codes of moral conduct. As part of a history of anti-violence, these girls challenged deliberate attempts of discipline and erasure as a means of advancing white supremacy.

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<sup>26</sup> Thuma, *All Our Trials*, 62.

<sup>27</sup> Deborah R. Vargas. "Ruminations on *Lo Sucio* as a Latino Queer Analytic." *American Quarterly* 66, no. 3 (2014): 715-726.

<sup>28</sup> Rose Giallombardo, *The Social World of Imprisoned Girls: A Comparative Study of Institutions for Juvenile Delinquents* (Canada: John Wiley & Sons, 1974), 145-147.

### *Literature Review*

Anti-carceral feminist scholarship links the field to historical contexts of “law and order” politics, and subsequent mass incarceration, throughout and after the 1970’s.<sup>29</sup> Instead of victimizing survivors of gendered violence, anti-carceral feminism advocates for self-determination and support through collective defense. Scholars and organizers also advance a history resistance to policing of survivors and how this affects Black, queer, gender non-conforming, trans, and immigrant families. Once detained, anti-carceral feminism acknowledges the web of “police, prosecutors, judges, immigration enforcement, homeland security, detention centers, and prisons” that re-traumatize survivors of domestic violence and sexual assault who used self-defense. Unlike many conversations of prison abolition or incarceration, anti-carceral feminism addresses this need to “address gender-based violence and harm without relying on police and prisons.”<sup>30</sup> Similarly, the field challenges carceral feminist solutions to gendered violence as they uphold “a white middle-class lens” that ignores intersectionality and state violence.<sup>31</sup> White liberal feminism, then, is a clear form of white supremacy invested in state violence against communities of color. In many ways, this vein of feminism reflects the maternalist and state-oriented goals of the child savers in the

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<sup>29</sup> Many scholars align the rise of anti-carceral feminism alongside racial and economic justice, gender and sexual liberation, and anti-state organizing. See Thuma, *All Our Trials*, 3; Law, “Sick of the Abuse,” 51-52; Hobson, *Lavender and Red*, 82-89. See Beth E. Richie, *Arrested Justice: Black Women, Violence, and America’s Prison Nation* (New York: New York University Press, 2012), 16; See Lena Palacios. “Challenging Convictions: Indigenous and Black Race-Radical Feminists Theorizing the Carceral State and Abolitionist Praxis in the United States and Canada.” *Meridians: feminism, race, transnationalism* 15, no. 1 (2016): 137-165.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

nineteenth and twentieth centuries. Importantly, anti-carceral feminism grapples with imagining alternatives to state-sanctioned responses to gendered violence through community-based possibilities.

Current anti-carceral feminist writings do not focus on histories of juvenile incarceration at reform schools. However, juvenile detention centers, both then and now, are part of the pipeline between gendered violence and criminalization of survivors. While juvenile justice scholarship has historicized reform schools alongside the current juvenile justice system, scholars often do not interact with survivors outside of conducting research for policy recommendations. While scholars such as Miroslava Chávez-García have historicized agency within youth incarcerated at reform schools, a case study Inez Garcia Santos' expands the reach of both anti-carceral feminism and juvenile justice. Garcia exists within anti-carceral feminist projects, such as *Survived and Punished*, working towards the abolition of incarceration and gendered violence. On a larger scale, this project advocates for leaders in the field of juvenile incarceration to participate in coalitional projects that support incarcerated women, especially those who are mothers or have been incarcerated as youth. Doing so allows for an analysis that centers actual survivors and the tenacity of incarceration across ones life. I aim to bridge the gap between anti-carceral feminist theory and practice by looking further into Inez Garcia Santos, an anti-carceral feminist icon, and her previous experiences at the Hudson Prison up until her 1977 release.

Currently anti-carceral feminism draws wide support from academia, policy groups, and organizers. This attention to gendered violence and incarceration is traced to

the women's movement in the 1970's, with particular focus on self-defense campaigns. In recent years, anti-carceral feminism has expanded to include both political and daily violence, lesbian feminism, and detention centers beyond traditional prisons. In her book, *Arrested Justice: Black Women, Violence, and America's Prison Nation*, Beth Ritchie historicizes anti-carceral feminism as a response to white feminist alliances to the courts and police, leading "the prison nation."<sup>32</sup> As such, America's current prison nation depends on crafting marginalized women of color as deviant from normative behavior, and therefore are expected to be punished by the state. In "Sick of the Abuse: Feminist Responses to Sexual Assault, Battering, and Self Defense," Victoria Law furthers a history of anti-carceral feminism and an abolitionist critique of the liberal women's movement and their investment into the U.S. criminal justice system. Through a history of lesbian feminism, Emily Hobson's *Lavender and Red Liberation and Solidarity in the Gay and Lesbian Left* expands anti-carceral feminist histories by focusing on the solidarity efforts of queer radicals across defense campaigns. Hobson's analysis provides insight into sexual self-determination and collective defense across women of color and queer white women. Lastly, Emily Thuma's *All Our Trials: Prisons, Policing, and the Feminist Fight to End Violence*, explores the theories and influence of anti-carceral defense campaigns and criminalized women. As the most thorough investigation on anti-carceral feminism, she links historical anti-violence mobilizations to contemporary mass-incarceration and resistance.

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<sup>32</sup> Beth E. Ritchie, *Arrested Justice*, 16.

Emily Thuma's *All Our Trials: Prisons, Policing, and the Feminist Fight to End Violence* is the most recent builds a history of anti-carceral feminism since the 1970's. She includes the Inez Garcia defense committee as one of the initial defense campaigns to collectively resist the intersection of gendered violence and racial criminalization through collective defense.<sup>33</sup> These coalitions sought to dismantle behavior modification programs that targeted "violent women" as pivotal in the development of anti-carceral feminism.<sup>34</sup> In drawing these connections, organizers understood mental illness as a precursor to criminality under "capitalism, racism, patriarchy, and heterosexism." Thuma makes explicit connections between mental hospitals, prisons and practitioners as "facilitators of violence against marginalized women." In doing so, she explicitly links criminalized womens' psychiatric encounters to the prison system. However, I contend that Thuma disregards the role of mental health within Garcia's case as another ground of criminalization. Moreover, Thuma also obstructs how white organizers engaged in pathologizing Garcia as an attractive, sexualized, and docile Latina to draft a history of intersectional coalitional organizing.

In a case study of political organizing responding to the expansion of the Massachusetts Correctional Institution at Framingham ("MCI-Framingham"), Thuma

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<sup>33</sup> Emily Thuma has published the most recent historical account of anti-carceral feminism. She describes the Garcia campaign as pivotal in how anti-carceral feminists mobilize intersectional and coalitional collective defense. She explains, "Radical women of color and antiracist white women in multiple locales engaged with these cases and developed and circulated arguments against a criminal justice- centered approach. In the process, they produced an intersectional account of the sources of violence in women's lives as well as a nascent feminist politics of prison abolitionism." See Emily L. Thuma, *All Our Trials: Prisons, Policing, and the Feminist Fight to End Violence* (Chicago: University of Illinois, 2019), 18. For additional discussion on coalitional anti-carceral feminist organizing, cf. Hobson, *Lavender and Red*, 62-67; Brownmiller, *In Our Time*, 218-222; Berger, *The Hidden 1970s*; Jones, *Women Who Kill*, 317-331; Blackwell, *¡CHICANA POWER!*, 194-195.

<sup>34</sup> Thuma, *All Our Trials*, 86.

traces historical developments of how the prison evolved into a more “punitive Framingham” over time. Notably, Thuma mentions reform schools in passing: “Until security was tightened in the 1960s, MCI-Framingham’s thirty-acre campus of brick buildings looked like a girls’ reform school with its unbarred living quarters, modest fencing, and nearly all-female staff.”<sup>35</sup> This perspective is problematic in that it dismisses the carceral aspects, including the role of psychological incarceration, suffered by girls in reform schools. Thuma describes newly adopted punitive measures as solitary confinement alongside cuts to programming and medical care. However, Hudson Prisons’ records show that throughout 1904 to 1975, reform schools used Jim-Crow segregation, solitary confinement, and morality-based food restriction to punish inmates.

In *Lavender and Red, Liberation and Solidarity in the Gay and Lesbian Left*, historian Emily K. Hobson presents one of the few manuscripts to capture Bay Area lesbian feminist “collective defense” within the Inez Garcia defense committee. Hobson defines collective defense as coalitional organizing built on ideologies of self-determination, community protection and anti-state politics pulled from the Black Panther Party for Self Defense.<sup>36</sup> As the first lesbian feminist organization in the Bay Area, the Gay Women’s Liberation (1969-1972) grounded early expressions of collective defense; however, Hobson argues that Garcia’s case expanded a politics of self defense to include self defense against sexual violence and domestic violence. These clarifications are necessary as the majority of organizers within the Inez Garcia defense committee

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<sup>35</sup> Ibid., 87.

<sup>36</sup> Hobson, *Lavender and Red*, 68.

were white Jewish lesbians. Hobson fits the freedom campaign of Inez Garcia Santos alongside those of other radical underground movements of the long 1970's, including the cases of Assata Shakur, Joan Little, Yvonne Wanrow and Dessie Woods. Hobson views these cases as historical moments of collective defense across lesbian feminism, anti-imperialism, and Black radicalism.<sup>37</sup> In more concrete terms, Hobson's history is central to building a radical political and intellectual history linking the Bay Area lesbian feminist movement to the case of Inez Garcia Santos.

Situating the Hudson Prison within the complicated history of queer radical organizing and self defense is imperative to my work. The concept of self-defense and collective defense against gendered violence is critical to my work. However, I do not restrict these terms to the development of an active political theory across girls in reform schools. Doing so restricts narratives of anti-carceral agency that is not rooted in often privileged theoretical narratives of power and violence. Rather, I apply collective defense as the actions, not political theory, between girls that challenged state-sanctioned and state-perpetrated gendered violence. In her work, Hobson develops a queer history of anti-state, anti-racist, and third world political organizing across lesbian feminism. In the case of the Hudson Prison, girls crossed racial lines through "the racket," or intimate and sexual relationships that formed familial relationships that contrasted state regulations. The racket allowed white girls and girls of color to claim various butch and femme identities through both romantic and platonic familial relationships.<sup>38</sup> However, as in the

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<sup>37</sup> Ibid.

<sup>38</sup> Giallombardo, *Social World of Imprisoned Girls*, 145-147.

Inez Garcia Defense Committee, it is important to note historical racial divides between incarcerated girls would not disappear because of these relationships. Although relationships between girls were an act of resistance, they held the capacity to become sites of violence as a means of coping with various oppressions.

Scholars such as Victoria Law have argued that the women's movement of the early 1970's centered cases of sexual assault committed by strangers or acquaintances but ignored the pervasiveness of intimate partner violence.<sup>39</sup> These cases, including Garcia's, were seen as politically attractive to Bay Area activists: therefore, they garnered public support and financial backing for legal representation. Because of the disproportionate attention these organizers gave to these self-defense cases, Law claims that everyday intimate partner violence became confined to the private and domestic sphere. As a result, liberal feminist reform campaigns decidedly aligned with the state programs to respond to this gap. Three hundred to seven hundred shelters were then built by 1982: however, these shelters associated with police and advocated for carceral solutions for gendered violence.<sup>40</sup> Law argues that these relationships pathologized and criminalized interpersonal violence as an individual problem, as opposed to a political issue. In terms

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<sup>39</sup> Law, "Sick of the Abuse: Feminist Responses to Sexual Assault, Battering, and Self Defense," Chapter 2 in *The Hidden 1970s: Histories of Radicalism* (New Jersey: Rutgers University Press, 2010). Law asserts that the beginnings of the battered women's movement was rooted in community responses to gendered violence. These responses were explicitly critical of gendered and racial power. However, the battered women's movement began moving towards state-intervention tactics towards the 1980's. Organizers who viewed state alliance as non-feminist argued that "these same institutions protected, promoted and perpetrated gender violence"(52). As their analyses were ignored, these organizers began withdrawing from the mainstream anti-violence movement to support their communities of origin. As a result, mainstream anti-feminist relied heavily on law and order tactics up until the current day.

<sup>40</sup> Ibid, 50.

of Garcia's 1977 appeal, Law claims that famed Attorney Susan Jordan laid the legal groundwork for this ideological and institutional shift:

[Attorney] Susan Jordan's watershed argument that a woman had the right to defend herself from assault became the Battered Woman's Syndrome, reinforcing negative stereotypes of women as passive, weak, and powerless, and stripping women of both their agency and their right to defend themselves from assault.<sup>41</sup>

Moreover, the battered women's argument has been particularly problematic for women who do not appear feminine or submissive to general society, such as queer women of color "who were (and still are) often stereotyped as strong, masculine, and angry."<sup>42</sup>

According to Law, these feminist legal and social precedents translated into complicity with law and order politics of the time. Instead, Law calls for an anti-carceral feminism that does not align itself with the state and instead focuses intersectional community-driven solutions to violence. These solutions include the building solidarity across bars, engaging in contemporary defense campaigns, and ultimately, the closing of carceral institutions.

Most important to my work, Law investigates how mainstream feminist activism invests in a pathology and victimization of survivors. Contemporary anti-carceral feminism has noted the long-standing historical relationship between psychiatry and mass incarceration, noting how the field contributes to women being robbed of their agency and freedom. Both carceral feminist theoretical frameworks and early female reform schools rely on psychological arguments to pathologize vulnerable women for their defective relationships towards a rule of law. In Garcia's case, psychiatrist Dr. Jane

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<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

Oldden claimed “rape trauma had driven Inez to kill Jimenez,” labeling her as a “psycho neurosis of a hysterical type,” who was triggered by her “frigidity and her sexual feelings and the denial of them,” and “that sex had always been a problem for Inez, and had been the root of her marriage difficulties.”<sup>43</sup> This language exists not only throughout her court cases, but across the intake records and psychological analyses of girls incarcerated at the Hudson Prison.<sup>44</sup> Many young women who landed at Hudson were criminalized for responding to circumstances beyond their control. Whether it be a lack of financial support, familial presence or sexually or physically abusive homes, juvenile courts sought to remedy the shortcomings of communities of color through punishing young women’s agency and resistance to gendered violence. As such, young women’s various methods of self-defense — such as running away, avoiding school or engaging in queer relationships regardless of heteronormative expectations— became a way to practice personal agency.

An analysis of Garcia’s personal history allows us to uncover those links through discussions of race, gender, sexuality and the many forms of incarceration. I refer to Miroslava Chávez-García’s “Youth, Evidence, and Agency: Mexican and Mexican American Youth at the Whittier State School, 1890-1920,” as a critical reading of youth agency within a history of educational and legal systems in the United States. While the majority of her article focuses on boys’ reform-schools, Chavez Garcia provides a significant contribution to conventional understandings of juvenile justice by focusing on race, gender and youth agency within reform school walls. Chávez-García argues that

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<sup>43</sup> Salter, *The Trial of Inez Garcia*, 169; see also Charles Garry and Art Goldberg, *Streetfighter in the Courtroom: The People’s Advocate* (New York: E.P. Dutton, 1977), 221.

<sup>44</sup> Doris Jones Wilson, “The use of the orientation period in a diagnosis at a state training school.” *ETD Collection for AUC Robert W. Woodruff Library*. Paper 843.

youth of color who were incarcerated at the Whittier School “took control of their lives” by escaping the grounds, developing group relations and occasional violence.<sup>45</sup> In particular, she writes that Mexican and Mexican American girls who fled confinement and “disrupted gender and ethnic conventions when they ran away.”<sup>46</sup> If young women were captured, they would suffer corporal punishment or solitary confinement; as a response, some girls engaged “collective agency” through organized rebellions. Chávez-García names these historical experiences as “resolute efforts to overcome constraints and gain control of their immediate and future lives.”

Chávez-García provides an interpretation of reform schools that is explicitly carceral, a perspective that is absent within theories of anti-carceral feminism. Additionally, she attempts to draft a history that recovers experiences of the youth themselves— as opposed school administrators or juvenile courts— as subjects of their own resistance and liberation. As such, I argue that capturing and documenting these moments of youth agency, through their revolts or attempted escapes across reform schools, must be framed through anti-carceral ideologies of self-defense and collective defense. I argue that Inez Garcia Santos represents a key historical link between carceral reform school tactics and anti-carceral feminist politics, and as such, holds a special place within these histories. Failing to address Inez Garcia within both histories of youth agency *and* anti-carceral feminism is a missed opportunity to draw connections along both fields. Most importantly, outlining the historical links between Garcia’s youth

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<sup>45</sup> Miroslava Chávez-García, “Youth, Evidence, and Agency: Mexican and Mexican American Youth at the Whittier State School, 1880-1920,” *Aztlan: A Journal of Chicano Studies* 31, no.2 (2006): 58.

<sup>46</sup> *Ibid.*, 73.

agency during her time at Hudson Prison and her 1970s cases are relevant to contemporary understandings of the sexual assault to prison pipeline.<sup>47</sup>

Maternalist reforms throughout the late nineteenth century advocated for the doctrine of *parens patriae* to rehabilitate deviant youth. The concept of maternalism “accepted, even idealized, women’s traditional role as wife and mother but at the same time insisted that women had a duty to extend their female skills and concerns beyond their own homes.”<sup>48</sup> Maternalists professionalized used a guise of social justice and behavioral science for juvenile justice reform. *Parens patriae*, then, became the legal entity that facilitated this perceived female benevolence. In *Reform and Resistance: Gender, Delinquency, and America's First Juvenile Court*, Anne Meis Knupfer names how maternalism facilitated the collaboration of mental health workers and juvenile courts. In doing so, these relationships developed “a system of regulation based on scientific conceptions of what constituted appropriate sexual behavior” through behavioral examinations.<sup>49</sup> However, while she acknowledges how maternalism ascribed psychological categories to female delinquents, Knupfer also argues that reform schools upheld both punitive and rehabilitative (almost “kind”) practices. Regardless, the use of psychological records in Garcia’s case shows how this system of regulation could be used to re-criminalize previously incarcerated women.

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<sup>47</sup> Malika Saada Saar et al., *The Sexual Assault to Prison Pipeline: The Girl's Story* (Washington: Center on Poverty and Inequality at Georgetown Law, 2015), 1-7.

<sup>48</sup> Platt, *Child Savers*, 3.

<sup>49</sup> Anne Meis Knupfer, *Reform and Resistance: Gender, Delinquency, and America's First Juvenile Court* (New York: Routledge, 2001), 36.

In effect, these “women reformers” enforced both gendered codes of conduct while providing girls with maternity support, medical care, and domestic training. She states that court statistics show that maternalist reform also extended to the “disorganized homes” of “delinquent girls’ family lives and neighborhoods,” with a particular emphasis on immigrant girls. Juvenile courts and their justices, such as Mary Bartelme, saw themselves as “cultural brokers” who mediated multigenerational issues between “immigrant parents and their daughters.”<sup>50</sup> Bartelme committed immigrant girls to juvenile institutions to regulate discipline and acculturation across immigrant families, albeit at times with the consent of their parents. Regardless, mothers were seen as failing not only “to teach their daughters to become good women but to become good *American* women.” Committing immigrant girls into reform school therefore tethered immigrant families into dependence on a carceral welfare state (a set of institutions that historically surveilles and punishes communities of color).<sup>51</sup> Maternalist reforms blamed immigrant and low-income parents and targeted their children as in need of saving. Knupfer’s analysis on immigrant difference falls short, however, as critiques of race or ethnicity are completely omitted within *Reform and Resistance*.

Knupfer does provides an important lens to understand how maternalism and court-enforced ideals of femininity grounded the Hudson Prison. Specifically, her description of women reformers aligns with the role of “house mothers” (often social workers or counselors), who personified state-backed maternalist reform. The house

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<sup>50</sup> Ibid.,3.

<sup>51</sup> Ibid.

mother was to be the girls' role model, teaching proper female behavior and domestic skills in a "family" setting. These skills included cleaning the entire institution (from the cottages to the administration buildings). Abraham G. Novick, avid social work academic and Superintendent of the Hudson Prison from 1953 to 1963, claimed the cottage system provided "the girl the opportunity to live in accordance with certain well defined limits."

<sup>52</sup> According to Giallombardo, this rationale of training was not limited to reform schools:

Like the prison programs for adult women, academic and vocational programs for juvenile delinquents also stress the traditional roles of wife, mother, and homemaker. An important part of the academic school curriculum at Eastern [Hudson Prison] consisted of the following: vocational education courses: home care, home nursing, cooking, problems of family living, and sewing...The vocational school curriculum also included a beauty culture course which was offered to the 'more mature and stable inmates.'<sup>53</sup>

Indeed, these vocational programs did not prioritize an academic education or advancement for incarcerated girls. Giallombardo asserts that vocational assignments were tailored to the needs of the institution, placing girls at a "serious disadvantage" when and if they returned to public education.<sup>54</sup> Inmates had access to the library once a week, and as there were no janitors at the institution, the girls spent most of their time completing maintenance tasks.

Moreover, current scholarship on juvenile justice disagrees on how effectively these social reformers and their network of "child saving" institutions, such as reform schools, protected children they sought to rehabilitate. In the groundbreaking and controversial publication *Child Savors: The Invention of Delinquency*, Anthony Platt

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<sup>52</sup> Giallombardo, *The Social World of Imprisoned Girls*, 68.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid., 69.

was the first to challenge contemporary liberal romanticization of the Progressive era; moreover, he holds their practices as instrumental to the current carceral state of our juvenile justice system. Platt's work claims that social reformers, include female social reformers, upheld practices and policies that "helped to create special judicial and correctional institutions for the labeling, processing, and management of 'troublesome' youth."<sup>55</sup> According to Platt, this liberal agenda aligned itself with capitalism for the social control of low-income children by way of reform schools. Most importantly, Platt's work deconstructed how we imagine crime, delinquency and criminality within the study of the juvenile and criminal justice system. However, as scholars have noted, *Child Savers* is limited to a class analysis within historical juvenile justice studies.

In *Black Child Savers: Racial Democracy and Juvenile Justice*, historian Geoff K. Ward responds to this gap in literature through a conversation of reform schools as carceral institutions built along racial lines. While white youth were seen as misguided or redeemable in the early years of the juvenile court system, Black children's incorrigibility was blamed on their perceived racial difference.<sup>56</sup> In contrast, Black youth were overrepresented in court caseloads that came before the newly instituted juvenile court alongside receiving harsher sentencing. Although reform schools were meant to "save" children from themselves through resources and support, Black youth facilities were devoid of resources. In response, the "Black child-saving movement" responded to this racial inequality in the American juvenile justice system.<sup>57</sup> The movement increased

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<sup>55</sup> Platt, *The Child Savers*, 33.

<sup>56</sup> Ward, *The Black Child-Savers*, 43.

<sup>57</sup> Geoff K. Ward, "Black Child Savers Along the Hudson," Prison Public Memory Project, accessed June 30, 2019, <https://www.prisonpublicmemory.org/blog/2014/black-child-savers-along-the-hudson>.

scrutiny around the Hudson Prison, leading to the state establishing a “Hudson Committee” that recommended “desegregation of housing, vocational training, and other aspects of the institution, *so far as was practical*.”<sup>58</sup> Staff had noted a “sex problem” among committed girls – such as a history of sexual partners or involvement in lesbianism.<sup>59</sup> These staff members focused heavily on the lesbian sexual histories of committed girls – “most alarming when across race lines.”<sup>60</sup> Ward advances a conversation of reform schools by historicizing these racialized institutions within carceral histories. Moreover, his conversation of the Black child savers provides insight into the relationship of Black incarcerated youth, reform schools, and the history of the juvenile court. His analysis allows us to track the historical and current rhetoric around the most targeted demographic within mass incarceration.

In “Damaged Daughters: The History of Girls’ Sexuality and the Juvenile Justice System,” Lisa Pasko examines how girls of color and immigrant girls, both then and now, are incarcerated based on “promiscuity and prostitution to sexual orientation and sexual offending.”<sup>61</sup> Most importantly to my work, Pasko investigates how heteronormativity within reform schools erased queer identities and relationships as only resulting from incarceration. Pasko claims heteronormative punitive practices leave queer incarcerated girls unsupported and without resources. In “Bringing Latinas to the Forefront: Latina Girls, Women, and the Justice System,” Lisa Pasko, alongside Vera Lopez, further

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<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> “Damaged Daughters: The History of Girls’ Sexuality and the Juvenile Justice System,” *Journal of Criminal Law & Criminology* 100, no. 3 (2010):1100.

advances an intersectional perspective on incarcerated Latinas. Pasko and Lopez investigate how race, gender, class, and documented status affect incarcerated Latinas in particular. In this collection, there is a heavy focus on policies and practices that can ultimately hurt Latinas facing gendered violence and policing.<sup>62</sup> While Paskos' scholarship highlights important historical and contemporary understandings of race, gender, sexuality, and criminality, she focuses on reformative changes to existing carceral institutions and resources. However, I hope to provide an explicitly anti-carceral feminist approach that views these institutions as inherently violent to criminalized communities, especially queer girls of color. Moreover, my focus is on the agency of these communities rather than on their victimization.

Current scholarship on juvenile justice should be understood through anti-carceral feminist theories of agency and collective defense. The field of anti-carceral feminism responds to gaps within carceral scholarship that often focuses solely on heterosexual and cisgender men of color. Rather, anti-carceral feminism demands an intersectional perspective on policing, surveillance, and incarceration. Examining reform schools through this lens offers a new vantage point for understanding the history and dimensions incarceration today. Importantly, Garcia's defense campaign is understood as historically monumental within the making of this anti-carceral feminist ideology.<sup>63</sup> Extensive literature has analyzed Garcia's case and subsequent feminist organizing; however, less attention has been given to Garcia's background prior to the assault. An analysis of the

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<sup>62</sup> Lisa Pasko and Vera Lopez, "Bringing Latinas to the Forefront: Latina Girls, Women, and the Justice System," *Feminist Criminology* 12, no. 3 (2017): 197-198.

<sup>63</sup> Thuma, *All Our Trials*, 10.

broader importance of her medical records lead us to the long shadow of reform school practices across the lifelong criminalization of women of color. Including an analysis of the disciplinary practices of reform schools, alongside the girls of color and queer girls who resisted them, provides new understandings about the intersections of gender, race, immigration and the carceral state.

As an icon of the anti-carceral feminist movement, Inez Garcia Santos provides a link between reform schools and the feminist analysis being developed against carceral institutions today. Garcia's experience at the Hudson Prison, alongside those of girls like her, is a contoured example of how incarceration produces life-long resistance within the very walls it seeks to uphold. By demeaning and isolating girls, incarceration seeks to shape every crevice within a girls' life. The social sciences, mental health professionals, and the court validated these efforts through psychiatrization of girls' and their perceived feeble-mindedness or vulnerability. Through this isolation and violence, the pathologies and practices work to tear down a girls' identity in the name of public safety and her own well-being. I contend that criminalized girls, such as Garcia, at reform schools are part of anti-carceral histories through their sexual, emotional, and collaborative agency in resisting these carceral institutions.

## Chapter 1: The Trial of Inez Garcia Santos

On March 19, 1974, Inez Garcia Santos was arrested for the murder of Miguel Jimenez, a local landowner in Soledad, California. However, the manner in which Garcia ended up in Soledad was complex in itself. She was born in Spanish Harlem, New York, on April 2nd, 1944 as the second oldest of six children. Her parents, Pedro Santos and Carmen Santos de Ramirez, worked as a school administrator and ledger. In the late 1950s, Garcia relocated to Miami, Florida with her husband, his brother, and her sister to take advantage of the growing Caribbean community. However, by 1971, she had moved to Soledad with her 11-year old son, Johnny, to be near her husband who was then serving time at Soledad State Prison. Although Garcia had gained wealth through her marriage and her family's printing business, she found work in the local farm industry to care for her son.<sup>64</sup> By all accounts, Garcia was an outsider to close-knit Mexican American community of Soledad, California.

Almost immediately, Garcia posed a threat to social hierarchies in the remote prison town of Soledad, California. She was not a Mexican immigrant or a Soledad-born "hometown girl" or "hometown boy."<sup>65</sup> Garcia referred to these social groups as "clicks," where hometown Mexican-Americans were at the top of the social hierarchy, and Mexican migrants who worked the fields were at the bottom. A period of economic stagflation alongside generational tension and competition for scarce housing likely

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<sup>64</sup> Jim Wood, *The Rape of Inez Garcia* (New York: Putnam, 1976), 44.

<sup>65</sup> *Ibid.*, 45.

worsened her isolation in Soledad. Garcia arranged to live with another woman and the woman's four young children in a farm-labor camp. Although Garcia was married, the "hometown boys" resented her for rejecting their advances. Instead, she found comfort in caretaking, sharing stories of local community children named Ramon, Pauli, Stanley and Raoul.<sup>66</sup> Garcia was extremely concerned of the rampant sexual and physical abuse that she witnessed within Soledad's farmworker community. On one occasion, Garcia was arrested for assaulting a woman who was beating a child at the camp.<sup>67</sup> Desperate to leave her housing situation for her welfare and that of her 11-year-old son, Johnny, Garcia sent her son back to Miami. After his departure, she herself had planned to return to Miami within the following months.

For the time being, Garcia planned to take over the two-bedroom apartment lease of a friend, Freddie Medrano, a twenty-five-year-old Vietnam veteran. Freddie Medrano found himself in Soledad after he was discharged for tuberculosis and hepatitis during the Vietnam War. Originally from the Rio Grande Valley in Texas, Medrano was seeking medical treatment at the Army hospital in Fort Ord. Like Garcia, Medrano was coined as an outsider to the tight knit Soledad community. Medrano was financially stable: he was earning six hundred dollars a month from his military pension and had bought himself a restored 1941 Chevrolet Coupe. Medrano ran a side business of selling heroin to people in the community. Freddie Medrano planned to move back to Texas in the following weeks to use his GI loan and pension to purchase two shrimp boats.<sup>68</sup> However, following

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<sup>66</sup> Ibid.

<sup>67</sup> Salter, *The Trial of Inez Garcia*, 165.

<sup>68</sup> Wood, *The Rape of Inez Garcia*, 53.

the evening of March 19, 1974, Medrano and Garcia would be facing charges for the killing of Miguel Jimenez.

Around 8 p.m. on March 19th, 1974, Garcia and Medrano were at their two-bedroom apartment at 1760-A Monterey Street in Soledad, California. Garcia had just moved in and organized a dinner party for two friends, Rosa Bracamonte and Alicia Alcaraz. Medrano was in his room smoking marijuana cigarettes with a man named Crisofono Solis. Their seventeen-year-old neighbor and client, Luis Castillo, interrupted the gathering to purchase heroin with his friend and local landowner, Miguel Jimenez. Castillo and Medrano had known each other for almost two years through heroin deals. Castillo and Jimenez were inebriated when they arrived to Garcia's apartment, collectively drank twenty beers and a bottle of brandy. They began making sexual advances towards Bracamonte and Alcaraz, resulting in the women leaving the apartment. Soon after, a drunken argument ensued between Medrano and Castillo.<sup>69</sup> Castillo claimed that Medrano bragged about his successful heroin business in Soledad. He claimed that Medrano "wanted to be the top man...you know, of the town." Castillo claimed that he could never reach that level of success because Medrano was not a "hometown guy."<sup>70</sup> Medrano called Castillo outside of the apartment, grabbed him by the collar and called him a "punk," resulting in Castillo punching him in the face. Medrano decidedly ended the scuffle, leaving the apartment and walking towards downtown. Only

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<sup>69</sup> Ibid.,17.

<sup>70</sup> Ibid.

a few minutes later, Castillo returned to the apartment to speak with Jimenez until Medrano returned and charged at Castillo.

### *The Rape*

Garcia pleaded with the men to stop the violence when the men began wrestling and throwing punches in the apartment. Jimenez intervened and threw Medrano against the couch, pulled out his knife, and yelled that “he better stop his dealings or else get out of town.”<sup>71</sup> Castillo and Jimenez then walked out of the apartment and Garcia followed them outside. She begged them to move past the incident. Garcia was then shoved behind the apartment building, held down by Jimenez, and raped by Castillo. Garcia remembered Castillo hitting her and saying, “I am going to show me what a hometown boy was because I thought I was too good for the hometown boys.”<sup>72</sup> She knew what these “hometown boys” were going to do, and she took off her clothes out of fear that the 300-pound Jimenez would take out his dagger and place it against her jugular. Jimenez called the Garcia-Medrano home shortly after leaving, laughing and threatening her life if she contacted the police. Garcia immediately placed a long-distance phone call to her brother-in-law, Raul Garcia, in Miami. She explained, in a shaken and agitated voice, “they had raped me and that they had called [me] on the telephone and that they were going to kill [me]....[but] before they kill me, I will kill them.”<sup>73</sup>

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<sup>71</sup> Ibid., 96.

<sup>72</sup> Ibid., 102.

<sup>73</sup> Salter, *The Trial of Inez Garcia*, 213.

According to court transcripts, Garcia loaded her 0.22-caliber hunting rifle and left the apartment approximately twenty minutes later to search the streets of Soledad for Miguel Jimenez and Luis Castillo. She found the two men five blocks away, who were once again beating Medrano. Garcia and Jimenez locked eyes as he brandished his knife and aimed the blade directly at her. Inez Garcia Santos then fired her rifle six times at Miguel Jimenez, killing him with a single gunshot through his left eye. She attempted to shoot Castillo but he managed to flee into a wooded area. After the shooting, Garcia and Medrano relocated to Bracamonte's home. Garcia and Medrano encountered Rosa, her husband, Willie, her sister, Alicia, her nephew, Juan at her apartment. Garcia declared that she had murdered Jimenez because he helped Castillo rape her behind the apartment. Garcia was disheveled; her blouse was ripped around roughly two inches, exposing her breast. Alcaraz told Garcia that she did not look like she had been raped. She then ripped her blouse further and requested to be punched in the face. Garcia clarified that she needed to fit the profile of rape survivor to not be discredited by the police. Juan begrudgingly agreed and punched Garcia in the face, causing the 100-pound woman to almost collapse on the ground. The group then relocated to Alcaraz's apartment a few blocks away to check on her children.<sup>74</sup> Garcia paced in the living room with her 0.22-caliber hunting rifle at her side. She sat down to collect herself while Medrano cleaned the open wounds on his face. She kept repeating what had happened to her during the rape and why she killed Jimenez.

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<sup>74</sup> Wood, *The Rape of Inez Garcia*, 139-141.

By 12:15 a.m., Chief Benjamin Jimenez (no relation to Miguel Jimenez) of the Soledad Police Department arrived at Alicia's home with a squad of police cars. Garcia immediately surrendered to Chief Jimenez, providing him with her 0.22-caliber hunting rifle. Officer Yvonne Moranda collected Inez's ripped blouse and denim jeans before handing them over to Officer Richard Perez as evidence. Shortly after the incident, Garcia was taken into questioning for 45 minutes and admitted to murdering Jimenez with attempted murder of Castillo. During questioning, Chief Jimenez and the Soledad Police Department did not acknowledge the rape. She was held in Monterey County Jail on a charge of first-degree murder with bail set at \$100,000. Garcia requested a medical examination for traces of forced sexual contact on her first day in the county jail but the nurse denied her request without a court order. Garcia saw a doctor the following day but never received a medical examination. The doctor simply told her, without completing a medical examination, that "it was all in [your] head and would go away."<sup>75</sup> Meanwhile, Castillo never faced criminal charges for her sexual assault; instead, he was to be the major witness against Garcia in court.

#### ***Attorney Charles Garry***

Garcia's legal representation was well known to her family and the Bay Area political community. Less than a year before the events of March 19, 1974, Civil rights attorney Charles Garry met with delegates of Poder Cubano (self described "Anti-Castro Freedom Fighters") at his San Francisco law office. Garry had represented clients like

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<sup>75</sup> Garry and Goldberg, *Streetfighter in the Courtroom*, 217-219.

Bobby Seale and Huey P. Newton of the Black Panther Party, alongside Reverend Jim Jones of the People's Temple Cult.<sup>76</sup> Poder Cubano, a United States Department of State designated terrorist group, targeted Air France offices through a series of bombings in New York City, Chicago, and Los Angeles after the airline made a travel pact with Castro.<sup>77</sup> These affluent Cuban exiles had fled the island following Fidel Castro's 1959 Cuban Revolution. They hoped Garry would file an appeal at the Ninth Circuit for their comrade Juan Garcia Cardenas, a Cuban man serving a three-year term at Soledad Prison. Juan was also the financial backer of Poder Cubano in Miami, Florida. He participated in the bombing of the Mexican National Tourist Council, the Mexican Travel Agency, Air France, and the Shell Oil building in Los Angeles. Poder Cubano's strategy was to cut off travel to and from Castro's Cuba.<sup>78</sup> By June 1969, Juan was found guilty on five counts of possession of destructive devices and five counts of unlawful discharge of explosive at five offices in Los Angeles, California.<sup>79</sup> Although Garry denied Juan representation due to irreparable criminal complications his case, the delegates noted him as an honest and conscientious lawyer.

By Spring of 1974, Juan's brother, Raul Garcia, hired Charles Garry to represent Juan Garcia Cardenas' wife, Inez Garcia Santos. Garry accepted Garcia's case given his interest in "the problems faced by rape victims in court," in what he believed was a classic case of self-defense. The Garcia family was quoted a legal fee of \$15,000 plus any

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<sup>76</sup> Garry and Goldberg, *Streetfighter in the Courtroom*, 217.

<sup>77</sup> Christopher Hewitt, *Political Violence and Terrorism in Modern America: A Chronology* (Westport: Greenwood Publishing Group, 2005), 30-35.

<sup>78</sup> "Four Travel Agencies and Shell Offices Bombed on Coast," *The New York Times*, July 20, 1968.

<sup>79</sup> *Garcia Cardenas v. Peter Pitchess*, 506 f.2d U.S.1224 (1974)

additional costs accrued by the case.<sup>80</sup> Garcia was released three months after her arrest until a bail reduction was won from \$100,000 to \$5,000. Upon release, Garcia found a home with Pat Richartz, a local political organizer and Garry's paralegal in Berkeley, California.

Garry quickly recognized his initial defense strategy did not account for several legal obstacles. Firstly, Garcia would face allegations of "premeditated murder" given the 20-minute lapse of time between the phone call from Jimenez and the shooting. Secondly, Garcia would have the burden of proof to prove she was raped in front of a court of law.

<sup>81</sup> The defense attorney believed rape would only provide an explanation for Garcia's mental state at the time of the shooting. While reviewing the police transcripts from her arrest, Garry had discovered Garcia's "emotional problems" and her history of prescription medication. He brought in Dr. Jane Oldden, a psychiatrist based in San Francisco, to evaluate Garcia's current mental state and review prior mental health records from her young adulthood. The psychiatrist, according to Garry, relayed the following:

Dr. Oldden had told me that in her opinion it was the rape trauma that had driven Inez to kill Jimenez and attempt to kill Castillo. Dr. Oldden reported that sex had always been a problem for Inez, and had been at the root of her marriage difficulties. This information strengthened my own belief that a psychiatric defense was in order.<sup>82</sup>

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<sup>80</sup> Garry and Goldberg, *Streetfighter in the Courtroom*, 220.

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.* In defining how "sex had always been a problem for Inez," Garry is explaining that this "problem" was her hesitation to engage in sex with her husband. It is insinuated that because she would deny her husband or feel uncomfortable with sex, it is therefore Garcia's pathological failure.

Garcia met with the psychiatrist on three separate occasions. Given his understanding of Garcia and the psychiatric advice, he relied on Oldden's diagnosis to argue "impaired consciousness."<sup>83</sup> He defined the condition as "a state of temporary loss of conscious control over one's behavior, usually produced by overwhelming stress and panic."<sup>84</sup> Oldden further described these terms as her "internal conflict" with sex that led to a disassociative episode where she shot Jimenez.<sup>85</sup> To further validate the feasibility of his legal defense, Garry put Garcia in contact with anti-rape women's rights advocates throughout the Bay Area. Her plight quickly gained public traction given the anti-rape politics of the women's movement in the Bay Area. By early August 1974, the Inez Garcia Defense Committee ("IGDC") became a grassroots campaign of lesbian and other feminist women from Berkeley and San Francisco.

### ***The Inez Garcia Defense Campaign***

Defense committees viewed women who retaliated against their rapists as political prisoners and their actions as survival strategies. Louise Merrill and other organizers laid the groundwork for this analysis in Garcia's case through written correspondence with radical feminists around the country and a publication named *The Feminist*. The defense committee was involved with the jury selection, where Garry tested jurors on their beliefs of due process. The women led "Viva Inez" news releases, led press conferences, organized daily carpools and rented a three-bedroom home in

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<sup>83</sup> Garry and Goldberg, *Streetfighter in the Courtroom*, 228-230; Wood, *The Rape of Inez Garcia*, 146.

<sup>84</sup> Garry and Goldberg, *Streetfighter in the Courtroom*, 228.

<sup>85</sup> Salter, *The Trial of Inez Garcia*, 169.

Monterey for greater access to trial proceedings.<sup>86</sup> At the first pretrial press conference at the U.S. Customs House in San Francisco, Elaine Brown declared the Black Panthers support for Garcia's cause as the right to self-defense. It is important to note that this is the only recorded official public statement from an organization led by people of color. While other defense campaigns were led by women of color, the IGDC consisted of mostly white women who did not organize with people of color.<sup>87</sup> Although the Garcia case made for controversial news across mainstream news and radical communities, the publicity raised funds for legal representation and housing costs.

The defense committee immediately sought to develop intimate and supportive relationships with Garcia. At the first public meeting at the Starry Plough in Berkeley, one woman painted Garcia as "stunning"—she was a "small woman, supple, and graceful," one whom feminists adored given "her simplicity, her sincerity."<sup>88</sup> These women shared almost sexual tension towards Garcia alongside worshipful admiration. A principal rule at the Defense House in Monterey became "Don't bug Inez," where the women "idolized her, catered to her every whim, and she ended up living in the rented house in Monterey like a reigning queen."<sup>89</sup> However, the women differed from the 30 year old Cuban Puerto Rican woman in various ways. As journalist Jim Wood described:

Inez in turn spends hours talking with them, listening to their problems, sharing their jokes. She likes the women and is grateful to them, but there are times when they exhaust her; sometimes, in frustration, she acts out angrily as she did at the Monterey meeting. She knows little of their political theory, can't read the books

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<sup>86</sup> Wood, *The Rape of Inez Garcia*, 20-21; Bay Area Research Collective, Folder 2, Carton 2, Louise Merrill Papers, GLBTHS.

<sup>87</sup> Hobson, *Lavender and Red*, 87-90.

<sup>88</sup> "Hundreds of Women Unite Behind Inez," *Berkeley Barb*, August 23-29, 1974.

<sup>89</sup> Wood, *The Rape of Inez Garcia*, 60; Garry and Goldberg, *Streetfighter in the Courtroom*; 221.

they often mention, comes from a background vastly different from theirs.<sup>90</sup>

The racial and power differences between Garcia and her supporters are downplayed in anti-carceral feminist histories. Rather, narratives of an intersectional united front are prioritized over Garcia overt exotification by her largely white lesbian supports. Hobson's critique of the protection racket, however, shows how seemingly anti-racist white women use gender essentialism to deny their own racialized investments in white supremacy.

A lesser known detail around Garcia is her relationship to religion. Representation of Garcia across legal and media accounts focused on her deep Roman Catholic faith. Garry also centered religion in his legal argument; he called a Catholic priest, Father Eugene Boyle, to testify on sexual morality, virtue and honor in church doctrines.<sup>91</sup> However, her religious practice of Santeria was absent from media portrayals.<sup>92</sup> This omission likely represented the organizers' gender essentialist lens of Garcia representing all women.

The trial of Inez Garcia Santos began on August 24, 1974 at Monterey County Superior Court in Salinas, California. By this time, the defense committee and Garry had grown at odds with the defense strategy. The organizers believed the psychiatric defense was demeaning to Garcia; conversely, the attorney understood the argument as "essential if the jury was to see the real Inez Garcia."<sup>93</sup> The prosecution, on the other hand, led by Arthur Braudrick, did not acknowledge the rape as material, argued that this was

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<sup>90</sup> Wood, *The Rape of Inez Garcia*, 60.

<sup>91</sup> Salter, *The Trial of Inez Garcia*, 189.

<sup>92</sup> Brownmiller, *In Our Time*, 219.

<sup>93</sup> Garry and Goldberg, *Streetfighter in the Courtroom*, 222.

premeditated murder, and claimed that the dispute and shooting was a drug rivalry.<sup>94</sup>

Judge Stanley Lawson, an older white male with a reputation for carrying a pistol under his robes, presided over Garcia's trial. Lawson was annoyed from the onset of the trial, particularly given media coverage of this "little Mexican girl" and the word "rape."<sup>95</sup> The judge's comment underscored his investment in white supremacy and clear bias against Garcia and her supporters. This racialization also asserted Garcia's othering as a Caribbean Latina in the Mexican-American and Mexican dominated California Central Valley. During Garry's opening statement, Lawson interrupted:

Counsel, I cannot permit this. We are trying a woman for murder. There is no man on trial for rape, and the attitude of the police for rape or murder, as far as I am concerned, has nothing to do with the guilt or innocence of this woman.<sup>96</sup>

The antipathy that Lawson held towards the topic of rape was clear, and was well-received by Brauderick given his assertion that the rape claim was simply a distraction for planned murder.

The prosecution insinuated a romantic and drug related relationship between Garcia and Medrano to damage her good moral character. Moreover, he asserted that rape was simply an excuse for a drug-related murder of Medrano. Brauderick also called various witnesses to testify along these lines, including Castillo and Solis. Castillo asserted no rape occurred, and even laughed at the idea when Garry interrogated the witness. Medrano's friend, Solis, also testified that Garcia and Medrano planned the murder after Luis and Miguel fled the apartment. According to Solis, Medrano planned to

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<sup>94</sup> Leroy F. Aarons, "Rape as Murder Defense: Woman Says She Killed in Frenzy After Attack," *Washington Post*, September 22, 1974, A2. ProQuest Historical Newspapers (146131197).

<sup>95</sup> Wood, *The Rape of Inez Garcia*, 174.

<sup>96</sup> Garry and Goldberg, *Streetfighter in the Courtroom*, 223; Wood, *The Rape of Inez Garcia*, 84.

kill Jimenez himself until Garcia insisted that she murder Jimenez because her family could afford to bail her out of jail. While potentially extremely damaging to the case, Solis' testimony was disregarded after Garry learned he was "close friends with the entire Jimenez family" and at their farm-labor camp.<sup>97</sup> Braudrick called two fifteen year old witnesses, David Ferrel and Dima Gallardo, who were standing on a porch only one house away from where the shooting occurred. Although the street was extremely dark, the teenagers claimed to have recognized Medrano and the "shadow of a woman" in his restored 1941 Chevrolet Coupe immediately before the shooting.

### *The Psychiatrist*

The defense's argument hinged on the testimony of the first expert witness Psychiatrist Jane Oldden. The psychiatrist had a robust background in elite educational institutions across the country: Dr. Oldden was an assistant clinical professor at the University of California, Berkeley, completed clinical work at Harvard University, and a board certified psychiatrist and physician for twenty years.<sup>98</sup> Based on evaluations with Garcia and her medical records, Dr. Oldden asserted she was not psychotic or sociopathic. Rather, according to Dr. Oldden, Garcia suffered from an internal crisis, or "psycho neurosis of a hysterical type." She testified on Garcia's three psychological evaluations and documents from various pivotal moments in Garcia's personal history. These sources included the Hudson Prison, Bellevue hospital in New York, and Jackson Memorial Hospital in Miami, Florida. Throughout the records, she specifically focused

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<sup>97</sup> Garry and Goldberg, *Streetfighter in the Courtroom*, 226.

<sup>98</sup> Wood, *The Rape of Inez Garcia*, 138.

on Garcia's social, emotional, and psycho-sexual history to explain a state of impaired consciousness due to repressed deficiencies.<sup>99</sup>

Dr. Oldden provided a glimpse into Inez Garcia Santos life before arriving to Soledad. She spoke of Garcia's childhood in Spanish Harlem and her relationship to her parents and their relationship to each other. Dr. Oldden describes Garcia's mother as the most active parent in the household, describing her "very self-reliant and [a] stable person."<sup>100</sup> In contrast, she argues that her father was often not present and fell behind in child support payments for Garcia and her five siblings. Regardless, Garcia had a positive image of him when he was present. Dr. Oldden traces the "various difficulties in her childhood" as her incarceration in the Hudson Prison and time at Bellevue Hospital's adolescent services. The medical records collected at these two particular institutions were instrumental to Garry's argument of psychiatric defense.

Records would show in 1957, shortly after she turned thirteen, Garcia was sentenced by juvenile court to the Hudson Prison for one year. Conversations with Garcia clarified she was incarcerated given chronic truancy from school; however, Dr. Oldden did not disclose this information on the stand, leaving the jury to construct their own interpretation of "emotional instability."<sup>101</sup> Garcia found herself alongside other girls in 1957 who committed "noncriminal misbehavior" that no adult would be convicted—disobeying their parents, truancy or running away from home.<sup>102</sup> These

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<sup>99</sup> Salter, *The Trial of Inez Garcia*, 161.

<sup>100</sup> *Ibid.*

<sup>101</sup> *Ibid.*

<sup>102</sup> Irving R. Kaufman, "JUVENILE JUSTICE: A PLEA FOR REFORM." *The New York Times*, October 14, 1979.

reform schools relied on a moralistic model of “treating” and “rehabilitating” girls for their immoral behavior. However, as historian Anne Meis Knupfer states, some of “the leading female charges of ‘incorrigible’ and ‘defiant,’ often masked claims of widespread “sexual misbehavior.”<sup>103</sup> Through psychology and intelligence testing, reform schools were a laboratory for social and scientific answers to female behavioral and sexual delinquency.<sup>104</sup>

Dr. Oldden did, however, reference Garcia’s intelligence test during her intake examination. Almost twenty years after this diagnosis, Dr. Oldden testified that her results labeled her as “mildly defective in intelligence.”<sup>105</sup> These reform school evaluations have historically been given to deviant youth of color to understand the link between “intelligence, race, class, and heredity and...the role of feeblemindedness in society.” Test results validated segregation and incarceration, including sterilization of “delinquent youths identified as ‘defective.’”<sup>106</sup> Notably, Dr. Oldden claimed the “importance of these reports” is the diagnosis of “emotionally unstable personality with borderline defective intelligence.”<sup>107</sup> Medical records from the Hudson Prison also detailed her psychological intake records. Oldden used these records to describe the “the real Inez Garcia” as :

...as a very negative person and angry young adolescent...[she] had very basic core problems of self-hatred and self-alienation, and this is important because this has continued, but it is not as obvious as it was when she was an adolescent and

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<sup>103</sup> Knupfer, *Reform and Resistance*, 147.

<sup>104</sup> For a discussion of reform schools prior to the post war era, see Miroslava Chávez-García, *States of Delinquency*.

<sup>105</sup> Wood, *The Rape of Inez Garcia*, 163; Salter, *The Trial of Inez Garcia*, XX.

<sup>106</sup> Chávez-García, *States of Delinquency*, 74, 119.

<sup>107</sup> Ibid.

was in the situation.<sup>108</sup>

Garcia was prescribed medication for what Garry considered her “emotional problems.” Once released from the Hudson Prison one year later, Garcia found herself at another pillar of the juvenile-justice system in New York state.

Once she returned home, Garcia’s mother had filed a complaint and summons against her father for lack of financial support for Garcia and her five siblings. Her father was found in contempt and was dragged from the family home while visiting by the New York State Police. Garcia witnessed the incident and threatened to “jump off the roof because she was so upset by seeing her father taken away from the home by the police.”

<sup>109</sup> She was then admitted to the Department of Child and Adolescent Psychiatry at Bellevue Hospital Center for two weeks in Manhattan. Upon her evaluation, no evidence of psychosis or “hostility in the paranoid sense or unreal sense” was found. However, Garcia was diagnosed as “emotionally unstable personality adolescent turmoil,” an adolescent version of Emotionally Unstable Personality Disorder.<sup>110</sup> Dr. Oldden would validate these findings on the stand, claiming:

The gist of both of these reports is that she was not psychotic, that she had no break with external reality; that her problems, her conflict and anxiety arose from a conflict within her own psyche between her conscience and feelings on the way she thought or judged the world to be, and that’s the essence of her conflict and not one of a break in reality, nor delusions, not paranoid, no hallucinations.

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<sup>108</sup> Ibid.

<sup>109</sup> Ibid., 164.

<sup>110</sup> Ibid.

Further, as Charles Garry stated, Dr. Oldden tied Garcia's background to mental health and psychosexual behavior: "she had been sent to a school for emotionally disturbed girls as a teenager but had been released after one year.

At base, the defense's argument tied Garcia's rape to her psychosexual development and perceived emotional instability. As such, Garcia's marriage to Juan Cardenas was instrumental to Garry's strategy. Garcia met the twenty two year old Cuban man when she was only fourteen through her mother's rental properties on the West Side of New York City.<sup>111</sup> They soon married and relocated to Miami, Florida, with Garcia giving birth to their son, Johnny, at nineteen years old. Dr. Oldden describes Garcia's marriage to Cardenas through her difficulty "achieving sexual gratification," tremendous sexual frigidity, and high sense of morality.<sup>112</sup>

Garcia at the time, however, was admitted to Jackson Memorial Hospital shortly after learning about the pregnancy, having drunk disinfectant. She was put under psychiatric evaluation and found to have committed "impulsive melodramatic histrionic expression of her feelings of jealousy and anger and despair; and the [sexual] difficulties in her marriage."<sup>113</sup> One year later, Garcia threatened to kill herself and her son given the difficulties her and Cardenas continued to face. She was admitted to the psychiatric unit but left, against medical advice, around 48 hours later.<sup>114</sup> This testimony would supplement that of Cardenas, brought in chains from Soledad Prison for his wife's trial. While under Garry's questioning, Cardenas stated that "she's not very expressive and the

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<sup>111</sup> Salter, *The Trial of Inez Garcia*, 164.

<sup>112</sup> Salter, *The Trial of Inez Garcia*, 164-166; Wood, *The Rape of Inez Garcia*, 159.

<sup>113</sup> Salter, *The Trial of Inez Garcia*, 164-166; Wood, *The Rape of Inez Garcia*, 144.

<sup>114</sup> Salter, *The Trial of Inez Garcia*, 164-167.

way that I feel she's frigid, and cause even sometime we been in our room. She feels ashamed even being naked right there in front of me."<sup>115</sup>

Dr. Oldden stressed that these incidents, spanning from 1957 to the present, represented a pattern of internal sexual conflict and anxiety associated with impaired consciousness. She emphasized that her "underlying emotional problem" is Garcia's relationship to herself and self-image—"her anxiety mounts whenever she has something that triggers her feelings, because in essence she presents herself somewhat as a saint."<sup>116</sup> According to Oldden, this self image reflected her devout Catholicism and repressed internal "badness." The renowned psychiatrist's final claim is as follows:

To summarize then, my diagnosis of her is she has what we call a psycho neurosis of a hysterical type...her major problem is a conflict within her own mind which basically has expressed in the early records she has a core of self-hatred and self-alienation which she covers up with great emphasis on her appearance. She has a hundred and twenty pairs of shoes. She cares a great deal about how she looks. She wants to look well even though she may not feel well and about her frigidity and her sexual feelings and the denial of them...The melodramatic histrionic way of expressing her feelings when they are touched off by her father being dragged out of the house by police, by her husband's infidelity, those are the very melodramatic expressions of the ways she feels and isolated from the general ways she sees herself. She is very suggestible which is also typical of psychoneurotic hysterical type and she is also manipulative and part of that is that kind of immaturity or childlike quality manipulating the world around you when you can't really relate to it from your own feelings.<sup>117</sup>

Dr. Oldden believed that while "only something as extreme as rape would provoke [Garcia] to violent retribution," in other words, the murder did not represent political self-defense, but a dissasociative act rooted in her individual emotional and sexual

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<sup>115</sup> Ibid., 205.

<sup>116</sup> Ibid., 167.

<sup>117</sup> Ibid., 164-167.

deficiencies.<sup>118</sup> Further, Oldden believed her protectiveness of children, especially those facing sexual assault, was because of she “identified” with children as a 30 year old woman. Towards the end of Dr. Oldden’s psychiatric testimony, Garcia famously yelled, “Why don’t you find me guilty and put me in jail? I killed the mother fucker because I was raped and I’ll kill him again!”<sup>119</sup> Garcia then stormed out of the courtroom. Garcia had refused to play the role of “meek, distraught victim” put forth by Garry.<sup>120</sup>

Many Garcia supporters and organizers were outraged by Dr. Oldden’s testimony, claiming that it left the jury feeling “alienated and incapable of identifying with Inez Garcia.” Instead, according to these women, Garcia was made to look “crazy” and “sick to start with given her “irrational feelings of her own sexuality” under this psychiatric defense of impaired consciousness. As organizer Louise Merrill explains, Dr. Oldden and “the space given to [her] testimony and so much power wielded by identifying her as a professional, that we are all intimidated to believe Ms. Garcia really was crazy.” Moreover, “the import of the defense testimony that Ms. Garcia was ‘frigid’ is that had she not be “frigid,” she would have enjoyed the rape. In other words, the defense witness completely undermined a woman’s right to self-defense as a legal precedent; instead, it was Garcia’s individual failures that caused the rape and subsequent murder of Jimenez. In contrast, Garry believed Garcia was under the influence of the organizers, claiming “she blew it” with her emotional courtroom outbursts.<sup>121</sup>

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<sup>118</sup> Salter, *The Trial of Inez Garcia*, 164-167; Wood, *The Rape of Inez Garcia*, 146.

<sup>119</sup> Wood, *The Rape of Inez Garcia*, 182.

<sup>120</sup> Bernikow, Louise. “1974 Rape Trial Spurred Women’s Quest for Justice.” *WomensENews*, September 30, 2008.

<sup>121</sup> Bay Area Research Collective, Folder 2, Carton 2, Louise Merrill Papers, GLBTHS.

### *The Conviction*

Inez Garcia Santos was found guilty of second-degree murder on October 4, 1974. The jury of seven women and five men had deliberated for three days before reaching a verdict for Garcia. Beyond the hostile Judge Lawson, one male juror claimed a woman could not kill a man on the basis of rape “because the guy’s not trying to kill her. He’s just trying to give her a good time.”<sup>122</sup> Although Garry submitted an appeal of the guilty verdict, Garcia would eventually fire the attorney prior to filing the application. Less than three weeks after the verdict, Judge Stanley Lawson presented a sentence of five years to life for Garcia in front of 90 people at the courtroom.<sup>123</sup> In response, Garcia raised her fist the moment before she was placed in handcuffs and escorted out of the room to the California Institute for Women (CIW). As the courtroom emptied, chants of “Free Inez!” then erupted from organizers awaiting her sentencing outside the building. In the weeks following the trial, Judge Lawson would continue to reiterate that rape was “problematical” to the clear cut murder case.

Following her conviction, the Inez Garcia Defense Committee and other supporters increased their organizing to include actions, such as chanting “Free Inez Garcia! Rape the judge and see what he does!” in front of Lawson’s home. By February 7, 1975, over three hundred supporters would storm the San Francisco State Building to deliver almost 2,000 petitions asking Governor Jerry Brown to acquit Garcia.<sup>124</sup> By May

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<sup>122</sup> Maria Del Drago, “The Pride of Inez Garcia,” *Ms. Magazine* 111, vol. 11 (May 1975), 84.

<sup>123</sup> “Inez Garcia Acquitted of ‘Rape-Related’ Killing.” *The Washington Post*, March 5, 1977.

<sup>124</sup> Hobson, *Lavender and Red*, 86.

1975, her case reached a high point of media coverage across multiple fronts. San Francisco's public television station KQED released a 90-minute courtroom drama titled *The People vs. Inez Garcia*. The drama was starkly rejected by Garcia's supporters and a subject of much feminist analysis through personal papers and national correspondence. Garry's psychiatric defense was targeted as the cause of Garcia's conviction as it relied on patriarchal ideas of women as irrational or hysterical.

During the same month, Ms. Magazine released a May 1975 issue devoted to discourse of Garcia's case: *Rape Victim or Murderer? Inez Garcia on Trial*. In this issue, liberal feminist icon Gloria Steinem drafted the article "But What Do We Do With Our Rage?" in rejection of "vigilantism" or matrydom as a tool of feminist liberation.<sup>125</sup> In "The Pride of Inez Garcia," writer Maria del Drago discussed the importance of understanding Inez Garcia Santos' story through a lens of *Latinidad*.<sup>126</sup> In other words, she must be seen through a multitude of oppressions across religion, culture and gendered expectations. Most importantly, Del Drago's personal reflection shows the importance of a collective history self-defense representative of Latina women:

Like Inez Garcia, I was raped. Like Inez, I was too ashamed and afraid to report it to the police. But unlike Inez, I did not strike back. I lived out the female, passive part of the Latin code of honor by trying to kill myself. And I never spoke of what happened -- not until Inez freed me with her defiance, her shouted insistence on her own right to self-defense.

While Garcia attempted to report the rape to Chief Benjamin Jimenez, he refused to take her claims seriously. Regardless, the impact Garcia had on other Latina survivors of

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<sup>125</sup> Gloria Steinem, "But What Do We Do With Our Rage?," Ms. Magazine 111, no. 11 (May 1975): 51.

<sup>126</sup> Del Drago, "The Pride of Inez Garcia," 54, 84.

sexual violence is monumental. The campaign following Garcia's 1974 conviction promoted a greater analysis of race, gender and sexuality. While the mainstream analysis of Garcia's case remained highly controversial, organizers sought to hire a feminist attorney for an explicitly feminist defense.

Within a span of a few months, Garcia hired Attorney Susan Jordan of San Francisco, CA to complete the appeal Garry originally started. The State Court of Appeals found Judge Lawson's demand that the jury disregard the issue of rape, or "reasonable doubt," as grounds for a retrial.<sup>127</sup> Garcia was incarcerated for 15 months and was released on \$5,000 bail in December 1975. Although Garcia would have her qualms about Jordan (she fired her in February 1976 and re-hired her in January 1977),<sup>128</sup> the young feminist lawyer represented her throughout the 1977 landmark appeal. The Inez Garcia defense committee remained intact, although "the energy of her case had shifted from the streets to the courtroom." One exception to this change was Garcia joining in San Francisco's Gay Freedom alongside her supporters and the Gay Latino Alliance.<sup>129</sup>

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<sup>127</sup> Ibid., 13.

<sup>128</sup> Ibid. Garcia would also fire two other attorneys before her trial in December 1976.

<sup>129</sup> Hobson, *Lavender and Red*, 67.



Inez Garcia at the San Francisco Gay Freedom Day, 1976. Courtesy of Cathy Cade photograph archive (BANC PIC 2012.054), Bancroft Library, University.

The retrial began on February 14, 1977, and was presided over by Monterey County Judge Nat A. Agliano. Although District Attorney Brauderick would once again represent the prosecution, Jordan presented a radically different case than Garry; she sought to prove that self-defense was the rational response to Garcia's assault. The defense strategy of violence as a "rational act of self-defense" in Garcia's case was a welcome evolution from Garry's temporary insanity argument.<sup>130</sup> However, anti-carceral feminist scholars, such as Victoria Law, do not historicize this legal argument as successful because it would later be used to victimize survivors and criminalize others along racial, sexual, and class lines.

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<sup>130</sup> "The Case of Inez Garcia: Interview with Susan Jordan," in *Dear Sisters: Dispatches from the Women's Liberation Movement*, ed. Rosalyn Baxandall and Linda Gordon. (New York: Basic Books, 2000), 203.

As the defense, Jordan's goal was to convince the judge and jury that Garcia faced future violence following the threatening phone call from Castillo and Jimenez. Jordan aimed to shift their perspective to rape, as "no one had ever asked a jury to look at it that way, from a rape victim's point of view."<sup>131</sup> She challenged a good victim vs. deserving victim dichotomy by asking male jurors whether they would blame their daughters if they were raped. She found men were the most receptive to this tactic and ultimately settled on a jury of ten men and two women. Jordan added cultural context to Garcia's case, including San Francisco-based clinical psychologist Dolores Jimenez. Jimenez echoed Del Drago by describing the distinctly Latina/o aspects of her case, specifically around how rape affects family honor. She also called Arthur Gibbons, a Salinas police detective trained to work on rape cases, who confirmed the police department should have followed up on Garcia's statements ("they got fresh with me") during her initial booking.<sup>132</sup> Rape had become a central piece of Jordan's self-defense strategy.

Jordan's argument proved successful. On March 5, 1977, Inez Garcia Santos was acquitted of second-degree murder almost three years after her arrest. The lawyer believed that Garcia's case was propelled by larger societal changes in the subject of rape and domestic violence. Indeed, the legal community largely claims her 1977 legal strategy was foundational in what we now understand as the battered women's defense argument.<sup>133</sup> As Victoria Law has explained, the battered women's defense has remained controversial for its role in victimization and carceral feminism, Garcia's case remains a

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<sup>131</sup> Ibid., 202.

<sup>132</sup> Susan Rothaizer, "Inez Garcia Acquitted," *off our backs* 7, no. 3 (1977). ProQuest (197138857).

<sup>133</sup> "The Case of Inez Garcia," *Dear sisters*, 202.

watershed legal victory across various feminist histories. However, mainstream feminists, including Susan Brownmiller and Gloria Steinem, have historicized within mainstream feminism as a Puerto Rican and Cuban woman who was illiterate, volatile and beautiful with a short attention span.<sup>134</sup> While she was “the rape victim who fought back,” the agency within her story has been centered largely on the defense campaign that surrounded it. Conversely, although anti-carceral feminist histories have re-centered the intersectional politics of her case, coalitional anti-carceral organizing remains the centerpiece.

Contemporary anti-carceral feminism highlights defense campaigns as sites of collective resistance; however, this analysis critically investigates how survival actions against gendered violence are criminalized unless made legible by white liberal feminism. Through attorney Susan Jordan, legal representation shifted from an argument of mental instability to sexual violence, a topic gaining political momentum from liberal feminists at the time. Moreover, Garcia Inez Garcia Santos’ case shows how she, and women like her, practiced self-determination against this state-sanctioned gendered violence. Beyond her decision to protect her life from death threats following her rape, she defied racial divisions between a “good victim” and a “non-victim criminal.” Moreover, as a woman of color, Garcia was denied legal protection because of “racist and sexist beliefs of state attorneys, prosecutors, judges, and juries (whether those beliefs are conscious or not)” that validate a “presumption of white innocence” that disciplines

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<sup>134</sup> Brownmiller, *In Our Time*, 218; See also Steinem, “But What Do We Do With Our Rage?”, 51.

Black and brown bodies. Garcia's fear or anger was never seen as "reasonable" by the state, the Hudson Prison, or her defense attorney.<sup>135</sup>

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<sup>135</sup> Lisa Marie Cacho, "The Presumption of White Innocence," *American Quarterly* 66, no.4 (2014): 1088-1089.

## Chapter 2: The Racket

A case study of the Hudson Prison (1904-1975) addresses the composition and psychological tactics of juvenile carceral histories. It is usually suggested—if mentioned at all—by anti-carceral scholars that reform schools are somehow less constrictive or violent than adult prisons.<sup>136</sup> These ideas of reform schools are traced to the Progressive era child-saving movement at the end of the nineteenth century, where social reformers “viewed themselves as altruists and humanitarians dedicated to rescuing those who were less fortunately placed in the social order.”<sup>137</sup> They applied an ideology of maternalism that “exalted women's capacities to mother and extended to society as a whole the values of care, nurturance and morality”, and was intended to improve the quality of life of women and children.”<sup>138</sup> These ideologies rested on preserving a white heteronormative and assimilated family structure. However, the child-saving movement developed a judicial and correctional set of institutions that diagnosed and incarcerated youth through ideas of “delinquency” and a guise of maternal care.<sup>139</sup> While the Hudson Prison was a laboratory for this gendered and sexual reform throughout the twentieth century, I focus on the postwar years of 1953 to 1963, a period aligned with Hudson superintendent Abraham G. Novick’s tenure, to best represent Inez Garcia’s period of incarceration.

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<sup>136</sup> Thuma, *All Our Trials*, 62.

<sup>137</sup> Platt, *The Child Savers*, 3.

<sup>138</sup> Seth Koven and Sonya Michel, *Mothers of a New World: Maternalist Politics and the Origins of Welfare States* (New York, NY: Routledge, 1993).

<sup>139</sup> *Ibid.*

Once incarcerated, criminalized girls used self-defense and queer kinship to resist pathological oppression.

### *Child Savers and Juvenile Delinquency*

The juvenile system was established by paramount efforts from the child saving movement at the end of the nineteenth century. This system was to both provide a judicial court and appropriate reform institutions to process, surveil, and manage problematic youth as an alternative to the adult carceral system.<sup>140</sup> The first juvenile court was instituted in Cook County, Illinois in 1899. Roughly thirty years later, all but two states would approve juvenile court legislation.<sup>141</sup> These courts operated under the doctrine of *parens patrie* when the state believed their biological or natural parents failed to provide adequate care. These early courts asserted the difference between the juvenile system and the adult carceral system: while these youth were indeed placed in court proceedings, the goal of the judge and juvenile court was to empathetically rehabilitate and “cure” their delinquency.<sup>142</sup> The expansion of *parens patrie* as a doctrinal theory resulted in public intervention in family relationships.

Progressive era child savers viewed the reformatory system as a response to the legal and moral doctrine of *parens patrie*. In the late nineteenth century, prominent

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<sup>140</sup> D.J. Rothman, *Conscience and Convenience: The Asylum and Its Alternatives in Progressive America* (Boston, MA: Little, Brown, and Co., 1980). Prior to the creation of the juvenile court, youth would be incarcerated in adult prisons.

<sup>141</sup> J. Trepanier, Juvenile courts after 100 years: Past and present orientations. *European Journal on Criminal Policy and Research*, 7 (1999).

<sup>142</sup> M.C. Kurlychek and Johnson, B.D. “The juvenile penalty: A comparison of juvenile and young adult sentencing outcomes in criminal court,” In C. Spohn & C. Hemmens (Eds.), *Courts* (Thousand Oaks, CA: SAGE Publications, 2012).

reformer Enoch C. Wines sought to build the “ideal penal system” through state control of youth under fourteen years of age deemed without proper care. According to Wines, reformatories represented the state substituting as parental care by replicating conditions of home life under a “cottage plan,” managed exclusively by women to produce “more voluntary effort, more individual interest, more sympathy and zeal.”<sup>143</sup> Following his death in 1879, his son, Frederick Wines, participated at numerous academic conferences as the Secretary of the Board of Public Charities and the eventual Special Commissioner from the United States to the second International Penitentiary Congress. Through his advocacy, Congress resolved that wayward youth not be punished but educated—similar to the upbringing in an ‘honest family’—through moral training, religion and labor.<sup>144</sup> Although this project was carceral, social reformers viewed white youth as salvageable through methods of reform; in contrast, youth of color were understood through their racial inferiority and deserving of preemptive punishment. Rather, Black boys and girls were largely omitted from the records of reform schools throughout the Progressive Era.<sup>145</sup> As Ward explains, “by branding black children as the progeny of an inferior and marginal constituency,” this “white supremacist ideology imposed a dominant racial logic on child welfare ideals and institutions, rationalizing outright refusals and limited institutional investments in black citizen-building initiatives.”<sup>146</sup>

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<sup>143</sup> Platt, *The Child Savers*, 50; See Mary Carpenter, “What Should be Done for the Neglected and Criminal Children of the United States,” *Proceedings of the Annual Conference of Charities (PAAC)*, 1875, 66-76.

<sup>144</sup> Platt, *The Child Savers*, 50.

<sup>145</sup> Geoff Ward, *Black Child Savers: Racial Democracy and Juvenile Justice* (Chicago: University of Chicago Press, 2012), 44.

<sup>146</sup> *Ibid.*, 63.

Notably, the child saving movement was dominated by maternalist middle and upper class white women tasked, as put forth by Wines, with safeguarding the moral social order. Their main focus was to uphold a heteronormative familial structure through their domestic abilities and “natural” childbearing qualities. Affluent women applied the ideology of maternalism towards social activism, increased education, and “moral enterprise.”<sup>147</sup> These well-educated women had access to political and financial resources, often working in philanthropy, settlement homes, and political groups to solve the failures of child care. These women had additional leisure time due to these resources; as such, child saving became a reputable career that solidified heteronormative gender roles. Their central interest became developing a normative set of behaviors for youth, often aligned with immigration and class, through reformatories that would uphold the social order they themselves invested in.<sup>148</sup> However, one of the biggest contradictions of the maternalist movement in the late nineteenth century was the blame they placed on mothers for female juvenile delinquency. These mothers, often low-income or immigrant women, were held accountable for “not only failing to teach their daughters to become good women but to become good *American* women.”<sup>149</sup>

### ***The Hudson Prison***

The New York Training School for Girls, or the Hudson Prison, was originally created as the New York House of Refuge for Women in 1887. Similar to that of the

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<sup>147</sup> Platt, *The Child Savers*, 50.

<sup>148</sup> *Ibid.*, 99.

<sup>149</sup> Knupfer, *Reform and Resistance*, 85.

Philadelphia House of Refuge, it did not allow Black girls within the institution. Rather, Houses of Refuge sought “‘placing out’ programs that would send Black youth back to Africa rather than integrating them into programs created for White youth.”<sup>150</sup> The differences between said institutions rested on the ages of girls’ or women admitted, with the New York House of Refuge for Women having accepted girls and women aged fifteen through thirty years of age. Josephine Shaw Lowell, the social reformer behind the creation of the New York House of Refuge for Women, testified to the New York state legislator in 1879 surrounding the need for the institution. She claims, “there are two distinct and separate objects to be aimed at in dealing with women: to reform them if possible, but if that cannot be done, at least to cut off the line of hereditary pauperism, crime and insanity, now transmitted mainly through them.”<sup>151</sup> Like many reform institutions of the time, the Hudson Prison was developed alongside societal calls for eugenic solutions to delinquency. By 1904, the Hudson Prison became the only institution for wayward girls under the age of sixteen.<sup>152</sup> The Board of Managers of the Hudson Prison released a fourteen page pamphlet to acquaint juvenile courts, public officials alongside other community members about their objectives and methods of instruction.<sup>153</sup> On paper, methods of reformation would include instruction on culture, education, and religion. Importantly, the board of managers asserted:

Corporal punishment is absolutely prohibited...for disciplinary purposes resort is

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<sup>150</sup> (Ward, 2012, p. 43–44)

<sup>151</sup> Nina Bernstein, *The Lost Children of Wilder: The Epic Struggle to Change Foster Care* (New York: Random House, Inc.), 18.

<sup>152</sup> Jones Wilson, “The use of the orientation period in a diagnosis at a state training school,” pg 7.

<sup>153</sup> Board of Managers, *First Annual Report of the Board of Managers of the New York State Training School for Girls at Hudson, N.Y., for the Year Ending September 30, 1904* (Albany, NY: Brandow Printing Company, 1905).

had to withdrawal of some privilege or opportunity which would be prized. In the rare instances in which anything further is required, there is seclusion in well lighted, isolated rooms under medical observation, with light but nutritious diet and regular outdoor exercise.<sup>154</sup>

The pamphlet goes on to describe policies of family visitation alongside parole and discharge procedures from the prison. Information is supplemented with images from the Hudson Prison grounds, including individual rooms, cottages and other buildings on the property.

By 1910, Annie W. Allen, a member of the Board of Managers at the Hudson released an optimistic article on rehabilitating “fallen girls, claiming that reform schools “have actually learned to cure the fault and establish the habits” of girl offenders. Instead of mental bias for a “crooked life,” these girls were simply “neglected, unprotected, ignorant, and childlike,” and must be protected.<sup>155</sup> Ideas of “fixing” girls reflected growing racialized and gendered practices within the growing fields of sociology, anthropology and psychology in the early to mid-twentieth century. As a result of nineteenth century U.S. post-colonial imperialism, juvenile delinquency became a site by which “solve” problems of delinquent children. Scientific research being carried out in reform schools across the country named intelligence and genetics as significant identifying factors of juvenile delinquency. Moreover, these examinations rationalized theories of eugenics and sterilization to uphold white supremacy.<sup>156</sup> Although these psychological categories were claimed to be scientific, they remained rooted in social and

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<sup>154</sup> Ibid.

<sup>155</sup> Annie W. Allen “How to Save Girls Who Have Fallen.” *Survey* 24 (19), 1910.

<sup>156</sup> Chávez-García, “Youth, Evidence, Agency,” 62.

cultural ideas of morality. Psychologists and psychiatrists, in particular, supported gendered pathologies of female juvenile delinquency that relied heavily on psychosexual analysis. Girls were punished for “aggressive acts” that included running away, destroying property, and practicing sexual behavior. Subsequent classifications of these behaviors included “the feeble-minded, psychopathic, hysterical, epileptic, ‘inverted’ (homosexual), and egocentric.”<sup>157</sup>

### *The Cold War Family*

By the 1950’s, societal and political trends also secured the family as the cornerstone of Cold War era democracy. Indeed, the 1950’s also saw the rise of family therapy as a discipline that understood family as “a united of disease and treatment.”<sup>158</sup> The origins of family therapy are grounded in cultural and political undercurrents of the time, placing particular emphasis on the psychological damage of failed motherhood and welfare.<sup>159</sup> Specifically, this discourse of “momism” advanced “postwar links among upbringing, mental health, and national security.”<sup>160</sup> Momism described a “warped maternal instinct” of self-centered and smothering mothers who failed to instill self-reliance in their children. These children, then, would undermine capitalism and the value of individualism and individual liberty by relying on the welfare state for future generations. Indeed, these overtly gendered and racialized undertones would become

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<sup>157</sup> Knupfer, *Reform and Resistance*, 35.

<sup>158</sup> Deborah Weinstein, *The Pathological Family: Cold War America and the Rise of Family Therapy* (Ithaca, NY: Cornell University Press, 2013), 134, 174.

<sup>159</sup> *Ibid.*

<sup>160</sup> *Ibid.*, 15.

keystone texts such as Oscar Lewis's "culture of poverty" theory, Moynihan Report, and *La Vida: A Puerto Rican Family in the Culture of Poverty* in 1966.<sup>161</sup>

In the context of a threat to U.S. global legitimacy in the early years of the Cold War, the call for family treatment became a focal point for reform-minded U.S. politicians, academics, courts, and social workers. In particular, the juvenile delinquent threatened the need for order and obedience from the family, community and the nation to overcome communism.<sup>162</sup> This dialogue was also expanded to include white middle class men and women who were expected to lead the next generation of capitalism in the United States. Moreover, by 1954, a Senate Subcommittee on Juvenile Delinquency was formed to put comic books on trial for inciting violence, horror and crime in middle class teenagers. Their findings also claimed that juvenile delinquency had increased 45 percent following the Second World War, further confirming moral panic across the country.<sup>163</sup> Additionally, Former Director of the Federal Bureau of Investigations, J. Edgar Hoover, published a January 1955 article, "You Can Help Stop Juvenile Crime" where he claimed:

There are several other steps we can take to reduce delinquency at once. One of these is to stop mollycoddling juvenile criminals. It is against the instincts of most Americans to get tough with children. But the time has come when we must impose sterner penalties and restrictions on young lawbreakers for the protection of the law-abiding. I do not mean that I would favor imprisoning every boy and girl found guilty of a minor offense. I agree with those judges who hesitate to send juveniles to penal institutions or reform schools, which neither reform nor rehabilitate youngsters. But it is imperative for those same judges to impose much stricter conditions on the release of juvenile offenders, because, time after time, those freed under slack supervision or in custody of their parents promptly return

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<sup>161</sup> Vargas, "Ruminations on *Lo Sucio* as a Latino Queer Analytic," 716.

<sup>162</sup> Anna Marie Kordas, *The Politics of Childhood in Cold War America* (London, UK: Pickering & Chatto Publishing, 2014), 195.

<sup>163</sup> *Ibid.*

to their criminal ways.<sup>164</sup> Indeed, Hoover asserted that a “tough on crime” approach that turned away from Progressive Era rehabilitation and towards increased criminalization that eventually led to our current carceral state.

As a so-called “reformatory” institution, the Hudson Prison, along with the juvenile justice system as a whole, faced the scrutiny echoed by Hoover as the twentieth century progressed. By 1953, New York state reformatories (namely the State Training School for Boys and New York Training School for Girls) faced pressure to lengthen inmate sentencing and increase capacity. The *New York Times* reported on this “desperate problem”: “the city would have to spend more money ‘in several directions’ to alleviate the problem, but what probably was needed most of all were new facilities to take care of youth who were ‘long term’ cases.”<sup>165</sup> These recommendations were influenced by mass Northern migration of Black families and Puerto Rican immigration to New York throughout the mid-twentieth century. For example, calls for the Hudson Prison to increase capacity to solve the “Negro Problem” in 1934, the *New York Amsterdam News* reported:

The Governor has been asked specifically to put an end to a Jim Crow Policy which allegedly keeps down the number of Negro girls at the State Training School for Girls at Hudson, and sends Negro girls out on parole frequently before they are ready to go out...In the decade from 1920 to 1930 saw an increase of 115 per cent in the Negro population of the city, while during the same time period the number of Negro children brought before the Children’s Court Tripled...this particular phases of the Negro problem, caring properly for children, is probably the most urgent of all the varied phenomena peculiar to the main problem...An account of the many destructive elements of their lives, particularly the high

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<sup>164</sup> J. Edgar Hoover, “You Can Help Stop Juvenile Crime,” in *Juvenile Crime*, ed. Grant McClellan (New York, NY: H.W. Wilson, 1956), 172.

<sup>165</sup> Murray Ilson, “DELINQUENCY CASES RISE SHARPLY HERE: 21% Jump in 5 months brings ‘Desperate Problem’ -- New Centers Asked by Jurist,” *The New York Times*: July 29, 1953, 25.

percentage of broken homes and lack of community resources is a discouraging task and, as such, a task not enjoyed by white officers.<sup>166</sup>

This theme of “broken homes” across gendered, racial and class lines shaped stereotypes of the “welfare queen,” a social space rooted in anti-Blackness and the feminization of poverty. Moreover, New Yorkers essentially relied on the Hudson Prison to disappear female bodies deemed obscene and undisciplined as wards of the state.

Part of the difficulty of tracing a reform school history of Puerto Rican girls is the unstable historical logic of race in the United States. During the first two decades of the postwar era, Puerto Ricans’ shifting racial position made clear how racial boundaries were made and remade to secure U.S. exceptionalism and legitimacy. By 1917, Puerto Ricans were granted citizenship status as the “whitest of the Antilles” by North American legislatures, racialized as somewhat above other undesirables behind their blanket of inherited Hispanicity.<sup>167</sup> Puerto Rico’s extensive racial mixing (*mestizaje*) fascinated leading social scientists who recognized the island as an “example of the racial solution” for postwar America.<sup>168</sup> However, by the end of the 1950’s, the roughly 650,000 Puerto Rican Americans in New York City faced increased white moral panic. Family pathologies of the welfare dependent, violent, and broken Puerto Rican family, including Garcia’s, spread throughout popular discourse. For instance, although the 1957 musical

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<sup>166</sup> As the oldest Black newspaper in the country, the *New York Amsterdam News* is a historically influential and frequently cited news source for the Black community in Harlem and across the East Coast. See Charles E. Grutzner, “DELINQUENCY: Noted Jurist Blames City and State for High Negro Rate,” *The New York Amsterdam News (1922-1938)*, August 4, 1934.

<sup>167</sup> Sonia Song-Ha Lee, *Building a Latino Civil Rights Movement: Puerto Ricans, African Americans, and the Pursuit of Racial Justice in New York City* (Chapel Hill, NC: University of North Carolina Press, 2014), 40.

<sup>168</sup> *Ibid.*, 42-43. According to Lee, leading scholars then placed great interest on the island of Puerto Rico itself in solving the “American Dilemma” referring to a contradiction of American liberal ideals of equality and persistent racism and denial of civil and political rights of Black Americans.

*West Side Story* brought exposure to the Puerto Rican community in New York, it represented Puerto Rican life as being “built on violence (both literal and symbolic), and on stereotypes and erasures.”<sup>169</sup> This racialized interpretation was furthered by several gang-related murders involving young Puerto Rican men towards the end of the 1950’s.<sup>170</sup> Puerto Rican youth, across both the media and culture, were criminalized and blamed for rising juvenile delinquency across the city.

Although discourse of juvenile delinquency often centered young men, it was young women who posed a greater threat to this post-war social fabric. Young women were seen as future mothers and caretakers within a white supremacist family structure. Wayward girls were seen as “sexualized demons who were a danger not to just themselves but to society,” through their social and sexual defiance of heteropatriarchal norms.<sup>171</sup> Further, fears of female delinquency and the “prison lesbian” often entangled historical links of race, sexual deviancy, and aggression. Pathologies within Black women’s criminality “rested in part on a model of sexual inversion, in which Black women more easily engaged in ‘male’ aggressive behaviors.”<sup>172</sup> While conversations of lesbianism were largely omitted in reform schools well into the post-war era, white fems who engaged with a Black stone butch were diagnosed as “psychopathic.”<sup>173</sup> These subjects evoked strong emotional responses from authority figures, courts and families

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<sup>169</sup> Urayoán Noel, “How Puerto Ricans Have Reinvented West Side Story,” *Google Arts and Culture*.

<sup>170</sup> Dan Wakefield, “The Other Puerto Ricans: Headlines have obscured the fight that most must make against slum living and intolerance,” *The New York Times*, October 11, 1959.

<sup>171</sup> Weinstein, *The Pathological Family*, 134; See also Knupfer, *Reform and Resistance*, 94.

<sup>172</sup> Estelle B. Freedman, “The Prison Lesbian: Race, Class, and the Construction of the Aggressive Female Homosexual, 1915-1965.” *Feminist Studies* 22, no. 2 (1996): 397-423.

<sup>173</sup> Knupfer, *Reform and Resistance*, 6.

alike, leading to increased institutionalization of defiant girls.<sup>174</sup> Girls of color and queer girls, received harsher sentencing because of “incurability”— truancy, sexual immorality, running away from home— than boys convicted of criminal offenses.

***Abraham G. Novick (1953-1963)***

Having been diagnosed as a truant girl, Inez Garcia Santos’ 1957 incarceration would have been largely shaped by the Hudson Prison Superintendent Abraham “Abe” Novick’s philosophy of psychoanalysis. As a pioneer in the study of juvenile justice and social work, Novick distinguished himself through his role as the Superintendent of the Hudson Prison and eventually the Berkshire School for Boys.<sup>175</sup> During his tenure at the Hudson Prison from 1953 to 1963, he became most well-known for “introducing the issues and concepts of the distinction between institutional programs for juvenile boys and those for juvenile girls.”<sup>176</sup> Novick holds the reputation for being the most proactive of Hudson’s superintendents within academic circles: he participated in national conferences, spoke in public, and published multiple articles in criminal justice, psychology, and social work.<sup>177</sup> His gendered ideologies reflected the scientific goals of the period, namely the capacity to transform private troubles of the family as a public issue. Unlike explicit societal and government calls for increased punishment, Novick argued discipline and reform should remain the cornerstone of juvenile justice. In contrast

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<sup>174</sup> Kordas, *The Politics of Childhood in Cold War America*, 195.

<sup>175</sup> “Abraham Novick: *NASW Social Pioneers*,” National Association of Social Workers, <https://www.naswfoundation.org/pioneers/n/novick.html>.

<sup>176</sup> *Ibid.*

<sup>177</sup> Tracy Huling, “Abraham G. Novick: An Annotated Bibliography.” *Public Prison Memory Project*.

to explicit law and order politics, Novick invested in recreating a family structure that could give girls the love they desperately sought. Regardless, as his legacy would show, reform under his tenure reflected medicalization as a predominant form of incarceration.

Novick joined institution during the moment of intense scrutiny of the juvenile justice system; however, Hudson Prison in particular was facing allegations of physical abuse and solitary confinement. Under prior superintendent Inez B. Patterson, national papers such as the *New York Times* reported the use of the “punishment cottage”:

Strange as it seems, a youngster is isolated in a room and kept on a diet of bread and water for variable periods of time as reported by the students. Punishment is used at the discretion of the staff officers belonging to any of the departments. In view of the variation of personalities of the officers, this approach entails a certain degree of arbitrary handling of the punitive measures.<sup>178</sup>

In early 1947, an article from the *New York Amsterdam News* investigated allegations from various parents of young girls incarcerated at the Hudson Prison. One mother, Mrs. Epps, claims that when she visited her daughter, she found the 16 year old “suffering from a fractured shoulder” after having been “beaten severely several times” and “subsequently put under ‘punishment’ ordered to a room in which there was no bed or mattress and compelled to thrive on bread and milk for sometimes as long as 21 days.”<sup>179</sup> Another mother was told that girls “beaten by men on the grounds...administer beatings

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<sup>178</sup> “STATE TREATMENT OF GIRLS CRITICIZED: PROFESSOR ASSERTS DELINQUENCY AT A SCHOOL IS NOT HANDLED AS PSYCHIATRIC PROBLEM.” *The New York Times*, November 24, 1947, 29.

<sup>179</sup> Jackie Reems, “Say Bums Abuse Girls at Institute.” *New York Amsterdam News*, Mar 29, 1947, 17. Proquest Newspapers: *New York Amsterdam News*. These reports were supplemented by visits from journalists, such as Albert Deutsch in 1947. During his visit, he found the institution to suffer from “monotonous routine, isolation in solitary cells, restrictions on talking, humiliating punishments, neglected buildings, corporal punishment, and racial segregation.” See Albert Deutsch, *Our Rejected Children* (Boston: Little Brown & Company, 1950).

to 'bad girls' are authorized by officials to do so if the girls seek to protect themselves."

<sup>180</sup> Several other parents in the article share stories of authorities beating the girls and denying them medical treatment. Shortly after, *Los Angeles Sentinel* reported the Hudson Prison was functioning under "100 per cent Jim Crow" under superintendent Patterson, where "Negro girls were housed in Negro cottages and white girls in lily-white buildings" to "take into account the possible prejudices of white girls committed to the institution." The article continues by asserting half of the girls were "colored."<sup>181</sup> On March 17, 1953, the Bureau of Social Welfare appointed Abraham G. Novick as superintendent of the Hudson Prison and introduced into the Board of Visitors<sup>182</sup>. Novick distanced himself from the practices of the superintendents before him by asserting "punishment...as contrasted to discipline, acts as a deterrent for treatment and the subsequent integration between the delinquent and the community."<sup>183</sup> Almost immediately, he noted various problems that needed immediate resolution to the board: "frequent and numerous runaways, extensive property destruction, large turnover of staff...poor understandings of girls' problems with emphasis on restrictions rather than diagnosis and treatment, and poor public relations."<sup>184</sup> Overcrowding became an issue as the Hudson Prison did not have authority in accepting or rejecting new inmates as a state

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<sup>180</sup> Ibid.

<sup>181</sup> "Jim Crow Rule of Reformatory Goes on Violating N.Y. Law." *Los Angeles Sentinel*, August 12, 1948, 4. Proquest Historical Newspapers: Los Angeles Sentinel.

<sup>182</sup> As the superintendent, Novick was responsible to the Board of Visitors. This board is nominated by the senate of New York. For more information, see Doris Jones Wilson, "The use of the orientation period in a diagnosis at a state training school." *ETD Collection for AUC Robert W. Woodruff Library*. Paper 843.

<sup>183</sup> Abraham G. Novick, "Integrating the Delinquent and His Community." *Federal Probation* 20 (1956). 38-43.

<sup>184</sup> Superintendent of the New York Training School for Girls at Hudson, New York, *Report of the New York Training School for Girls to the Governor* (Albany, NY: Brandow Printing Company, 1953).

funded institution. Novick's approach advanced the Progressive era philosophy of the "cottage system" or family system. However, in a departure from Wines' maternalist vision of cottages led by women, Novick advocated for the re-implementation of cottage "parents."<sup>185</sup> The Board agreed with his recommendation, citing that "the idea of having cottage parents would be most valuable to re-educate the girls to resume life in the community."<sup>186</sup> Most notably, the need for a cottage father represented "the need for men at the school...for a new concept of men because of their destructive past experiences."<sup>187</sup>

The psychiatric testimony in Garcia's 1974 trial was a byproduct of this family system method at the Hudson Prison. Under Novick's philosophy, girls committed to the institution as "ungovernable" or "defiant" went through a two to six week diagnostic period.<sup>188</sup> During this time, staff were seeking patterns of intelligence, family issues, lesbianism, and likelihood of running away. After being sentenced by the juvenile court, Hudson "cottage personnel, teachers, recreation supervisors, chaplains, social workers, psychiatrists and psychologists" pathologize the inmate for "her reaction to authority, her aggressiveness or withdrawal, her cleanliness and other habits that should possess the diagnostic."<sup>189</sup> By 1957, the cottage system was organized through a director of cottage service, twelve social workers, and staff (including cottage parents, a cook, a

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<sup>185</sup> Ibid., January 20, 1953. The "Cottage Parents" experiment at Hudson essentially argued that cottages should have both a cottage mother and a cottage father. The experiment failed shortly after instatement as the cottage mother quit, leading the board to believe the cottage father would also resign due to "personal factors."

<sup>186</sup> Ibid.

<sup>187</sup> Ibid., April 23, 1953.

<sup>188</sup> On average, approximately six cars-worth of arrivals came from New York City every week. In contrast, individual intakes often arrived sporadically from up-state New York. It is notable that by 1957, a large percentage of the girls from New York City were Puerto Rican or Black.

<sup>189</sup> Wilson, "The use of the orientation period in a diagnosis at a state training school," 2.

housekeeper, a recreation worker and night workers).<sup>190</sup> As the “domineering and authoritative person, the social worker is responsible for surveilling the bulk of the girls interactions; conversely, the “psychologist receives problems related to personality functioning and intelligence.”<sup>191</sup> Garcia’s psychological evaluation followed this textbook model; however, social workers referred to evaluations from the Bellevue Hospital and the Linden Hill School given recidivism rates across these institutions.<sup>192</sup>

By the early 1960’s, the majority of the inmates at Hudson were Black or Puerto Rican girls from New York City. At this time, the Board of Visitors consisted of only white males and females, with one originating from New York City.<sup>193</sup> During his first week as Hudson superintendent in 1964, Novick’s successor Tom Tunney stated to his wife, “My God, Patty, I’ve got a plantation here to run.”<sup>194</sup> Hudson staff were tasked with observing and pathologizing every aspect of the girls’ behavior— even the full-time chaplain had a “psychiatric orientation” towards his work.<sup>195</sup> Notably absent from Hudson discourse, including Novick’s initial recommendations, was the concern of Gloria McFarland, the Hudson Prison’s psychologist throughout the 1950’s and early 1960’s. Certain girls that arrived at Hudson were pregnant out of wedlock or otherwise (likely though sexual abuse from male guards) impregnated while incarcerated. A baby

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<sup>190</sup> Ibid., 10.

<sup>191</sup> Ibid., 11.

<sup>192</sup> In a study conducted by Wilson, she notes various case studies of young women incarcerated at Hudson. The vast majority of these inmates have been previously interned at the Bellevue adolescent psychiatric division prior to their sentencing. Additionally, many girls spent time at the Linden Hill School, a behavioral-centered residential program for “fragile” students in Hawthorne, New York.

<sup>193</sup> Giallombardo, *The Social World of Imprisoned Girls*, 20.

<sup>194</sup> Nina Bernstein, *The Lost Children of Wilder: The Epic Struggle to Change Foster Care* (New York: Random House, Inc.), 18.

<sup>195</sup> Wilson, “The use of the orientation period in a diagnosis at a state training school,” 11.

nursery existed to “screen infants born to Hudson inmates for any sign of retardation that would make them unadoptable.” However, McFarland claimed that because “the girls didn’t pay any attention to them” thus leading to a depression that caused “the wasting away of the flesh,” or otherwise malnutrition caused by marasmus. Although the nursery eventually closed and the state stopped committing pregnant girls to Hudson in the 1960’s, a cemetery existed on Hudson grounds for babies who perished at the prison.<sup>196</sup>

Following the diagnostic period, girls began training for socially acceptable behavior as put forth by the superintendent. Training programs included “vocational education” courses: beauty culture, home care, home nursing, cooking, problems of family living, and sewing. The beauty culture course also served to provide cosmetology services to the girls with specific restrictions against “men’s haircuts” and full Afros. While vocational programs were claimed to “help inmates” they also served the institution; for instance, as there were no janitors at the Hudson Prison, the girls were tasked with cleaning the grounds of the institution without pay.<sup>197</sup> Vocational work replaced a priority for academic learning, leading girls to a serious disadvantage upon parole. As the *New York Times* reported on July 4, 1956, “girls over 18...of working age... as soon as employers hear the worlds ‘training school’ they slam the receiver. What can the girls do except babysit?”<sup>198</sup> Indeed, the Hudson Prison largely served to psychologically adjust girls to dependent roles built on gendered and racial boundaries.

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<sup>196</sup> Bernstein, *The Lost Children of Wilder*, 25.

<sup>197</sup> Giallombardo, *The Social World of Imprisoned Girls*, 68-69; Nina Bernstein, *The Lost Children of Wilder: The Epic Struggle to Change Foster Care* (New York: Random House, Inc.), 18.

<sup>198</sup> Ira Henry Freeman, “PUBLIC INDICTED FOR DELINQUENCY: Paroled Girls Get in Trouble Because of Social Bars, State Worker Says,” *The New York Times*, July 4, 1956, 38.

### *Self-Defense and The Racket*

The battery of intelligence, morality, and personality tests Garcia received reflected gendered categories of pathologies in the post-war era. Novick believed that “female psychology and cultural expectations in our society determine the manner in which female delinquency is expressed.”<sup>199</sup> In contrast to male delinquency, he believed female delinquency centered psychosexual impulses, running away from home, and truancy from school. Similarly to Dr. Oldden’s diagnosis of Garcia as having “psycho neurosis of a hysterical type,”<sup>200</sup> sexually deviant girls were classified as “psychopathic, perverted, egocentric, and neurotic.”<sup>201</sup> Moreover, the diagnosis “extended beyond the heterosexual to include lesbianism, autoeroticism, and, in some cases, frigidity.”<sup>202</sup> Notably, Garcia was blamed for her rape and pathologized given claims of “frigidity” from Dr. Oldden, attorney Charles Garry, and her husband, Juan. Ironically, a diagnosis of frigidity “could also signal the ultimate turning away from men: lesbianism.”<sup>203</sup> Not surprisingly, these psychological explanations proliferated the Hudson Prison’s institutional climate, authoritative responses, and treatment. Superintendent Abraham G. Novick claimed girls sought control of their lives and “in self defense, [they] developed behavior patterns often regarded as deceitful, sly, and underhanded.”<sup>204</sup> Indeed, with the

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<sup>199</sup> Abraham G. Novick, “The Make-Believe Family: Informal Group Structure Among Institutionalized Delinquent Girls,” *Casework Papers 1960 from the National Conference on Social Welfare*, Family Service Association of America (New York, NY: 1960), 57.

<sup>200</sup> *Ibid.*

<sup>201</sup> Knupfer, *Reform and Resistance*, 55.

<sup>202</sup> *Ibid.*, 42.

<sup>203</sup> *Ibid.*

<sup>204</sup> *Ibid.* 45.

odds against them, girls used self-defense by fleeing the institution, planning escapes, developing queer kinships, and falling in love.

The superintendent drew clear distinctions between middle-class girls and “lower-class girls” who lived in “sidewalk societies.” Middle-class girls who presented sexually deviant behavior reflected “psychological disturbance”: in contrast, the lower-class girl’s behavior was enacting behaviors normalized in these deteriorating communities without “satisfying adult models.”<sup>205</sup> Novick blamed “unhappy relationships” between mother and daughter as the root cause of middle-class female delinquency while lower-class girls’ behavior was “carbon copy of her mother’s.”<sup>206</sup> Excerpts from 1958 Hudson psychological records further the tie between delinquency, momism, and perceived defective families through Freudian Helen Deutsch’s theory on sexuality:

There is a possibility that because L’s (an inmate) father used physical force and has been described by the girl as a rigid person, she has become deeply attached to her mother, but cannot come to accept this. Consequently, she has sought a means of holding on to the mother through her homosexual behavior.<sup>207</sup>

If family was disease, the lesbian delinquent was diagnosed through a psychoanalytic critique of motherhood. Details of the inmate’s life were investigated throughout their initial diagnostic period and social workers were receptive to a girl’s grief or shame around their sexual “urges.” Novick does not explicitly include race within discussions;

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<sup>205</sup> Ibid., 46-47. Novick refers to Alexander H. Leighton, John A. Clausen and Robert A. Wilson--1957 in further describing “lower class pattern of life” as “placing a high premium on immediate physical gratification, on free expression of aggression, on spending and sharing. Cleanliness, respect for property, sexual control, achievement...are of less importance to the lower class family.

<sup>206</sup> Ibid.

<sup>207</sup> Jones Wilson, “The use of the orientation period in a diagnosis at a state training school,” 31.

however, as the Black child savers movement showed, race is historically linked deviance and community decay.

Moreover, girls deemed “incorrigible” or “delinquent,” two of the primary charges brought against inmates at Hudson, had “homosexual attachments” across racial lines that included not only emotional attachment but sexual acts.<sup>208</sup> Perhaps the biggest challenge facing the Hudson Prison administration was a family structure originating from the institution itself— The Racket. A heavily researched topic, the racket was described as:

A form of homosexual activity...It may be overt or covert homosexuality. To the girls at the training school, it has several meanings. To some it is merely a form of Group acceptance; to some it is a form of identification; to some it is a fixation at A psychosexual stage of development; to some it is a way of annoying the staff, etcetera.<sup>209</sup>

The Racket “consisted of courtship, marriage, and kinship ties” across communities of inmates at the Hudson Prison. The Racket family structure include a father, mother, children, and extended family members. Across these identities, there existed a spectrum of butch and fem roles; these included true butches and true fems, trust-to-be butches and trust-to-be fems, and jive time butches and jive time fems. Conversely, these identities flagged the straight inmate who refused queer kinship, and the squealer— essentially, a snitch against The Racket.<sup>210</sup> The true butch and true fem represented the “individual who is lesbian— that is, gay and part of the gay life in the external society,” as opposed to a trust-to-be butch and trust-to-be fem, the “inmate for whom homosexuality is a temporary

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<sup>208</sup> Ibid.

<sup>209</sup> Ibid., 28.

<sup>210</sup> Gialombardo, *The Social World of Imprisoned Girls*, 146.

adjustment to incarceration.”<sup>211</sup> The jive butch or jive fem, conversely, have the reputation of being unable to commit and be “sincere.” Importantly, these relationships were developed across racial lines, leading to interracial queer family structures.

As a well-known aspect of the Hudson Prison, the Board’s Annual Report describes The Racket as “a channel for expressing defiance of the authorities and also serves as a source of affection and/or protection from the other girls.”<sup>212</sup> During the diagnostic period, a staff member spends a few minutes with a newly arrived girls to discuss The Racket: if she “is in it” or “gets in it” at Hudson, “she will be kept longer at the institution.”<sup>213</sup> Previous case workers stated girls who were incarcerated at the Hudson Prison “suffered from serious trauma...many of them had been molested—sexually molested— and had grown up in households where parents...were both alcoholics on drugs.”<sup>214</sup> In referencing Ann Cvetkovich’s understanding of butch-femme culture, The Racket, to the girls, was a “semipublic sphere that makes up for the failures of the public sphere, providing the space for emotional expression that is not available elsewhere.”<sup>215</sup> As a carceral site of queer kinship, it was a “resource for lesbian responses” to emotional and physical trauma rooted in racial, sexual, classist, and gendered oppression. The relationships represented a form of self-defense, gender

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<sup>211</sup> Ibid.

<sup>212</sup> Board of Managers. *First Annual Report of the Board of Managers of the New York State Training School for Girls at Hudson, N.Y., for the Year Ending September 30, 1904.*

<sup>213</sup> Giallombardo. *The Social World of Imprisoned Girls*, 153.

<sup>214</sup> Transcript, “Gale Smith 02APR2015, *Public Prison Memory Project*

<sup>215</sup> Ann Cvetkovich, *An Archive of Feelings: Trauma, Sexuality and Lesbian Public Cultures* (Durham: Duke University Press, 2003), 82.

expression, sexual pleasure and chosen family against psychoanalysis and incarceration.

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Beyond punitive measures to control The Racket, staff members banned girls from speaking to other inmates from separate cottages for social control. In doing so, the cottage remained the location where staff members and social workers could surveil and dictate the girls' behavior.<sup>217</sup> Despite these restrictions, Hudson inmates found various ways to navigate queer courtship and family: they continued speaking Spanish, faked illness to meet in the clinic, or requested different vocational assignments, or planned meetings at the gymnasiums. To avoid detection, the inmates communicated butch and fem identity through the use of make-up, length of their skirts, zippers on their skirts, or the use of socks. The inmates also adopted campus names that reflected their gender identity at Hudson Prison.<sup>218</sup> The backbone of communication throughout courtship practices and within queer family units, however, became the emotional practice of the love letter:

Dear Sweet Dino:

While sitting here with Time on my side and *only* you on my mind, I decided to drop you these few lines of love. That was a sweet letter you wrote me. But I don't understand one? thing. When you wrote in the numbers (711- it's up to you). It's not my job, it's your job. Understand? What I really want to say is that I love you with all my Heart and soul. I love you more that I *loved* Skeeter. And that's a lot. I always did like you even when I was going with Skeeter, but then you

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<sup>216</sup> The Racket was fiercely uncompromising in reimagining heterosexuality and trauma; however, there are also claims of violence. Incidents were claimed to have been largely against straights who refused the advances by butch women. I have reservations about queer family structures constructed during historical moments that pathologized lesbians as violent defiers of patriarchal state and personal violence. For additional information on these claims see Nina Bernstein, *The Lost Children of Wilder: The Epic Struggle to Change Foster Care* (New York: Random House, Inc.), 9-14.

<sup>217</sup> Giallombardo, *The Social World of Imprisoned Girls*, 153

<sup>218</sup> *Ibid.*, 151.

understand. All I want is to make you happy and not regret that you asked me. Just stand by me darling, and I'll never leave you. And if you should ever leave me it would feel like a part of me was also gone. But if you should find out later that you don't love me, it would be better for you to tell me, than to go on playing me for a Dam fool. Okay? If I act like I don't like you, it's Because sometimes I get shy. So I'm closing now saying I love you forever & ever.

110 Baby,

Nita  
DINO  
-N-  
NITA

TLA  
H.-n-W. *Soon.*<sup>219</sup>

Inmates constructed their family structures prior to formalizing their marriages through queer family surnames, marriage certificates, and a formal marriage ceremony. Girls who were enrolled in typing courses drafted these legal documents, including both marriage and divorce certificates, while a “preacher” or “judge” (usually a butch) marries the couple.<sup>220</sup> The traditional wedding services within The Racket, then, was an orchestrated community effort of embracing queer social relations.

While The Racket provided a sense of belonging and protection at the Hudson Prison, it is important to resist the romanticization of these relationships. The Racket was a site of collective defense against incarceration; however, this is not to say that collective-defense is inherently liberation for *all* parties. Through several accounts, The Racket recreated gendered and physical violence enacted outside of the Hudson Prison and by prison staff. For instance, Liz S. explains how “night staff creeping into the girls

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<sup>219</sup> *Ibid.*, 161.

<sup>220</sup> *Ibid.*, 171.

room and doing things, there was sexual shenanigans going on with the girls experimenting...and some of the older girls would abuse the younger girls and make them do sexual acts.” She also shares her own survival strategy within her chosen family: “I don’t remember anybody doing anything to me because I was crazy when I got mad because if you fucked with me, I am gonna try to kill you.”<sup>221</sup> In an account of Shirley Wilder’s time at Hudson, Bernstein also notes an example of sexual violence across girls of different ages:

They cornered her in her room on the second floor of the cottage after supper. ‘We’re going to get you,’ Shirley heard one say. ‘We’re going to initiate you.’ They were big girls, older than she was, a dozen of them. Seven held her down. Some pinioned her arms and legs. Some pulled at her clothes. She saw the stick and suddenly understood. They were trying to thrust it between her legs, inside her.<sup>222</sup>

It is imperative to address sexual and gendered violence within lesbian relationships or queer kinship across The Racket. However, sexual violence should never be equated as a defining aspect of lesbianism. Rather, sexual violence is a reality across all relationships and dynamics. The historical and contemporary concept of “aggressive homosexuality” is explicitly heteronormative and violent towards same-sex relationships. In the case of the Hudson Prison and the mid-century as a whole, heterosexist psychologists and criminologists claimed “homosexual ‘present the greatest sexual problem.’”<sup>223</sup>

The tendency of girls to run away from the Hudson Prison is probably explained, in part, by relationships across The Racket. By the early 1950’s, the issue of runaways became a major issue at the Hudson Prison. On one occasion, the *New York Times*

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<sup>221</sup> Transcript, Liz S., *The Incurrigibles*.

<sup>222</sup> Bernstein, *The Lost Children of Wilder*, 11.

<sup>223</sup> Freedman, “The Prison Lesbian,” 397.

reported, “twenty girls fled the State Training School last night, but state police said only two remained at large late today. State police stated that ten of the girls had been apprehended by police...forty-three miles south of Hudson.”<sup>224</sup> As parents, the married couple were expected to complete “social functions of protection, mutual aid, and affection” for their chosen children and extended family members.<sup>225</sup> The decision to runaway, then, was considered a significant move decided upon as a family given the likely detriment of extended sentencing.<sup>226</sup> Girls who fled or attempted to flee and were caught faced a range of consequences upon returning to the Hudson Prison. While solitary confinement in “the hole” was used for not only running away, but “weird behavior” or “fighting,” girls were almost always imprisoned for four hours to five days. A psychologist would check in daily to look for any self-inflicted wounds, and girls were often tranquilized for beating their heads against the walls.<sup>227</sup> Famed photojournalist Mario Palfi visited the Hudson Prison in the late 1940’s for her book *Suffer Little Children* where she noted extended periods of confinement in the discipline and moral cleansing diets.

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<sup>224</sup> “Girls Flee Training School,” *The New York Times*, August 12, 1952.

<sup>225</sup> *Ibid.*, 177.

<sup>226</sup> *Ibid.*, 183.

<sup>227</sup> Bernstein, *The Lost Children of Wilder*, 12.



A new arrival — a girl of 12 at the quarantine building at the New York State Training School for Girls, near Hudson, New York. This is the only State training school for delinquent girls aged 12 to 16.

At the time, 15 girls were in "solitary" in the "discipline" cottage. The first 10 days the girls received bread and milk for two of their three meals. One girl spent 81 days in solitary confine-

ment, aside from periods when she was let out to scrub the floors in the corridor.

One of the girls was talking to herself. The matron was very annoyed and said to her through the door: "You know you may not talk now—it is rest period." Girls were sent to the discipline cottage for running away, breaking other rules or for being too emotionally disturbed.

*"And whosoever shall give to drink unto one of these little ones a cup of cold water only, I say unto you, he shall in no wise lose his reward."*



*Suffer Little Children* (1952). Photo by Marion Palfi. Courtesy of Prison Culture.

"A new arrival- a girl of 12 at the quarantine building at the New York Training School for Girls, near Hudson, New York. This is the only State training school for delinquent girls aged 12 to 16. At the time, 15 girls were in 'solitary' in the 'discipline' cottage. The first 10 days the girls received bread and milk for two of their three meals. One girls spent 81 days in solitary confinement, aside from periods when she was let out to scrub the floors in the corridor. One of the girls was talking to herself. The matron was very annoyed and said to her through the door: 'You know you may not talk now- it is rest

period.' Girls were sent to the discipline cottage for running away, breaking other rules or for being too emotionally disturbed."

When the discipline cottage was at capacity, girls were also housed at the institution's old hospital building, where "the room was stripped and the window removed." The amount of time a girl may be incarcerated in solitary confinement was dependent on the "disposition of the staff."<sup>228</sup> Regardless, records show that girls continued to runaway up until the closing of the Hudson Prison in 1975.

Queer sexual and emotional kinship, escapes, and attempted escapes by incarcerated girls reveal their use of self-defense to gain control of their bodily agency and immediate lives. As youth and wards of the state, these girls were subject to the political, scientific and legal initiatives that rendered them powerless. While Novick acknowledged *The Racket* in his writing as "the make-believe family," he asserted that these relationships were a psychological reflection of "strongly ingrained dependency needs" of girls.<sup>229</sup> Novick clearly denied queer families of agency and love through heterosexist ideas of womanhood and dependency. However, this does not erase the actions and thoughts of girls who transgressed gendered and sexual inequality of the times and the prison itself. In a contemporary attempt to collect oral histories from these girls, *the Incurables* cites Ona Gritz on her sister, Ana, who was sent away to the Hudson Prison:

I have photographs of two visits...she seemed happy...there is a glow about her in These photos that isn't there in other photos...and she looks beautiful in a way that she blossomed into her beauty while she was there...the families that the kids created explains it...it created a support system and I think she must have had love there. She was a very sexual person very early on. I think she would have been

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<sup>228</sup> Gialombardo, *The Social World of Imprisoned Girls*, 129.

<sup>229</sup> Novick, "The Make- Believe Family," 56.

really comfortable taking a role as somebody's wife in that imagined family. I do believe that she managed to find community there and some kind of familial and romantic happiness.<sup>230</sup>

Despite the attempt of Hudson authorities to reform girls' for their sexual and behavioral incorrigibility, these girls had the agency to defend themselves and resist heteronormative projects through a reclamation of trauma and liberation.

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<sup>230</sup> Transcript, "Ona's Story," transcript of an oral history conducted in 2017 by The Incorrigibles, New York, 2016-2019.

## Conclusion:

In sum, the history of Inez Garcia Santos and the Hudson Prison represents how marginalized girls have survived and resisted deliberate attempts to undo their humanity. I argue that anti-carceral feminism, as an intersectional peoples' history focused on these attempts, must include Garcia's relationship to the Hudson Prison as part of their radical analysis. This offers a lens to understand reform schools within settler colonial projects that both targeted and erased queer girls of color within longer carceral histories. Reclaiming this history is important because being formerly incarcerated granted institutions the ability to target these girls and women throughout their lives. In the case of Garcia, her mental health history and diagnosis was traced through the Hudson Prison and Bellevue Hospital. Like many other girls at Hudson, she was connected to the psychiatric department at Bellevue following her parole in 1958. Throughout most of their lives, they were vulnerable to further incarceration because of the racist, sexist, homophobic, and classist interpretations of their mothers and families. Their methods of coping and survival included queer companionship and care, alongside running away from isolated institutions. Similarly, the Free Inez Garcia Committee (parallel to the Inez Garcia Defense Committee) touched on precisely the same concept: "Any of us who acts [sic] as though we are free, as though we have self-determination, dignity, and the skills to defend ourselves, is labeled unhealthy, hysterical, and unlawful."<sup>231</sup>

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<sup>231</sup> "Inez Garcia: Womanpride Fighting Back," pamphlet by the Free Inez Garcia Committee, 1975. Special Collections, University of Michigan Library.

Importantly, these struggles of sexual self-determination and bodily agency against the carceral state exist today. For instance, after years of abuse and threats to the family, fourteen year old Bresha Meadows shot her father in the head while he was sleeping in 2016. Leading up to the shooting, she told family about the abuse and eventually ran away from home to flee the abuse. These claims were corroborated by family testimony and court filings from her mother, Brandi Meadows. Her mother had filed for a protection order against her father, where she claimed “in the 17 years of our marriage, he has cut me, broke my ribs, fingers, the blood vessels in my hand, my mouth, blackened my eyes. I believe my nose was broken...if he finds us, I am 100% sure he will kill me and the children.”<sup>232</sup> Bresha was immediately sentenced to one year at a juvenile prison, six months in a mental health “facility,” and two years of probation.<sup>233</sup>

Anti-carceral feminist advocates and scholars immediately drew attention to Bresha through a #FreeBresha campaign. The organizing collective, Survived and Punished (S&P), built a defense committee for her case as “an exercise in building collective power and care against staggering odds.”<sup>234</sup> The theory driving Bresha’s case was grounded in the legacy of collective defense and self-determination located in Inez Garcia Santos’ case, alongside others. Instead of entrusting “the criminal legal system with protecting survivors and creating safety, “ S&P acknowledges that Bresha used self-defense against her father in protection of herself and her family.<sup>235</sup> In doing so,

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<sup>232</sup> Melissa Jeltsen, “14 Year-Old Girl Accused of Killing Her Allegedly Abusive Father,” *The Huffington Post*, August 08, 2016.

<sup>233</sup> “Bresha Meadows Returns Home After Collective Organizing Efforts,” #Free Bresha, February 06, 2018.

<sup>234</sup> S &P tool kit.

<sup>235</sup> *Ibid.*

Bresha joins historical and contemporary struggles, such as that of Inez Garcia Santos, that “emerged to resist criminalization and demand freedom.”

As was the case in the nineteenth century, girls are largely arrested for non-violent crimes: “misdemeanors, status offenses, outstanding warrants, and technical violations.” As the decision to arrest and detain these girls is at the discretion of the official, girls outside of “conventional norms and stereotypes of feminine behavior” face higher rates of incarceration.<sup>236</sup> Like Bresha, Garcia and many girls in reform schools faced mental health facilities institutionalization following their release. S&P names the prison-industrial complex (PIC) as directly responsible for justifying the imprisonment of vulnerable populations. The PIC supports the “exponential expansion of prisons, jails, immigrant detention centers, juvenile detention centers, and policing.”<sup>237</sup> Although anti-carceral feminism names the juvenile justice system as a pillar of the carceral state, we still lack in-depth analysis of historical struggles of incarcerated youth.

Throughout this thesis, I have shown how Inez Garcia Santos links girls’ reform schools, particularly the Hudson Prison, to anti-carceral feminist histories and narratives of self-defense. This analysis is two-fold. Firstly, I analyze Garcia’s case and her 1957 incarceration at Hudson Prison to expose legacies of incarceration and psychoanalysis. Secondly, I review carceral practices at the Hudson Prison, and subsequent resistance, as evidence of reform schools as part of a people’s history of gendered violence and incarceration. Attorney Charles Garry, regardless of his status as a Bay Area legend,

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<sup>236</sup> Saada Saar et al., *The Sexual Assault to Prison Pipeline: The Girl’s Story*, 1-7.

<sup>237</sup> Survived and Punished, *Survived and Punished: Defense Campaign Tool Kit*, 2016

rested his entire 1974 psychiatric defense on Garcia's medical history at the Hudson Prison. His main defense witness, Dr. Jane Oldden, memorialized understandings of Garcia as "childlike" or "naive" woman with a lifetime of mental health deficiencies.<sup>238</sup> The Inez Garcia Defense Committee, a staple in anti-carceral feminist histories, vehemently denied this legal argument throughout countless historical records. In contrast, mainstream feminists, namely Susan Brownmiller and Gloria Steinem, often referred to Garcia in these pathologized terms. Although close investigation of Garcia's 1974 trial show how it was shaped by the Hudson Prison, this was overshadowed by platforms of coalitional feminist politics of the 1970's.

During Garcia's year long sentence, the Hudson Prison was under the leadership of social reformer Abraham G. Novick. Throughout the 1950s and 1960s, superintendent Novick applied certain Progressive era tactics of reform, most notably Wines' cottage system and house mothers. The cottage system hoped to minimize the carceral aspect of the reform school through "cottage parents" that would substitute a nuclear family structure that girls were assumed to lack. Novick's ideologies firmly represented academic and political discourse of the family in post-war America. According to Deborah Weinstein, Cold War anxieties fueled a shift to pathologize the family as responsible for juvenile delinquency.<sup>239</sup> Specifically, the social sciences and psychology diagnosed the mother as failing to uphold capitalist individualism in a historical moment of communist containment. As a staple of *parens patriae*, the reform school then became

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<sup>238</sup> Salter, *The Trial of Inez Garcia*, 168.

<sup>239</sup> Deborah Weinstein, *The Pathological Family: Cold War America and the Rise of Family Therapy* (Ithaca, NY: Cornell University Press, 2013).

an accessible solution to problematic behavior caused by morally diseased mothers and families. This tactic simultaneously disciplined undeserving families—namely poor, Black or immigrant families— while upholding U.S. exceptionalism through substitute care.

As opposed to young men, the female juvenile delinquent faced detention because of perceived moral aberrations. According to Novick, these prescriptions of morality reflected the behavior of the delinquent girls' mother and their subsequent "broken home." Throughout psychological evaluations, delinquent girls were interrogated about their "fantasies, desires, and indulgences" as the basis of their medical records and reports.<sup>240</sup> In the case of the Hudson Prison, I refer to Deborah R. Vargas' theorization of *lo sucio* to describe how girls were psychoanalyzed:

Thus the analytic of *lo sucio* operates in conversation with three racialized discourses of difference, with attention to queer genders and sexualities: first, lewd, obscene, offensive hypersexual undisciplined bodies; second, darkened, suspect citizens perpetually untrustworthy, impure, and nonloyal to the state; and third, diseased "cultures of poverty" subjects overdetermined to fail to arrive to normative womanhood and manhood.<sup>241</sup>

As a reform school along the Hudson river, the institution disappeared sexual "violators of state and nation" throughout New York City in the 1950s. The intake of Puerto Rican, Black, and poor white girls continued to rise in the 1950s and 1960s alongside damaging sociological studies of race, sexuality, poverty, and cleanliness.<sup>242</sup>

Perhaps the most public threat to social control at the Hudson Prison during Novick's tenure (and far before, and far after) was The Racket. The cottage system and

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<sup>240</sup> Knupfer, *Reform and Resistance*, 36.

<sup>241</sup> Vargas, "Ruminations on *Lo Sucio* as a Latino Queer Analytic," 715.

<sup>242</sup> *Ibid.*, 716.

cottage parents sought to restore an image of the nuclear family, and most importantly, of men. However, as a queer family structure of butch and fem identities, *The Racket* instead rearticulated family through chosen families and sexual self-determination. Similarly to today statistics —most, if not all, of the girls incarcerated at the Hudson Prison were survivors of sexual or domestic violence. Instead of demonizing families within “cultures of poverty,” an articulation of historical circumstances and pathologies placed on poor families and families of color is imperative. However, what is often left behind in girls’ lives is traumatic histories of gendered violence. *The Racket*, in many ways, could be seen as a queer articulation of emotional and sexual relationships that deems trauma livable even when incarcerated. These kinships, alongside constant escapes or attempted escapes, represented a form of collective defense that does not rely on publicity or support common in defense campaigns.

The claim that reform schools —what we would consider “youth correctional institutions” today— as sites of imprisonment is not new. Scholars such as Geoff Ward, Anthony Platt, and Estelle B. Freedman have long since placed reform schools within histories of crime, juvenile deviancy, and incarceration. These penitentiary institutions were presented as the reformative alternative to incarceration throughout the eighteenth and nineteenth centuries. As scholars have noted, they represented punishment and social control associated with race, gender, sexuality, class and immigration status. However, I argue that it is imperative to include reform schools within anti-carceral feminism to center a history of youth self-defense and collective defense that does not rely solely on validation of public support. Moreover, this analysis is exceedingly critical as Inez Garcia

Santos is one of the only highly publicized figures in anti-violence feminisms that is Latina. The story of Inez Garcia Santos, then, allows us greater insight into her life before her 1974 *and* the defense campaign that came to define her. A rearticulation of this pivotal case in anti-carceral feminist history allows us to center queer, Black, and Puerto Rican girls who remained unknown and unsupported, but that nonetheless resisted.

The limitations of this project are the words of Inez Garcia Santos herself. All of the primary sources available are filled with words claimed by organizers, academics, or journalists. Given that Garcia was illiterate, there is a gap in writing a story directly built upon her perspective. These archives, however, raise important questions around positionality and who can claim histories of marginalized communities because of their distance from certain racial, gendered, sexual, and class realities. Additionally, locating primary sources around Puerto Rican girls became exceedingly difficult while researching the Hudson Prison. Shifting racial understandings of the Puerto Rican community evolved from “white” to “non-white” to “Hispanic.” Despite these limitations, this analysis uses several primary sources accessed through the Public Prison Memory Project archives that do include glimpses of Puerto Rican identities. In conclusion, my hope is that future research will advance a conversation of Puerto Rican and Latina girls who have survived incarceration in the past and present, a subject often rejected by the Latinx community as being too close to “Blackness.” Lastly, it is important to remember that, while reform schools generally did not have walls, some of the most pervasive forms of imprisonment are psychological and unnamed.

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