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STATE INDUSTRIAL SCHOOL

THE WHOLE TRUTH OF IT

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# STATE INDUSTRIAL SCHOOL

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## The Whole Truth of It



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PHOENIX, ARIZONA

1914



# A STATEMENT

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By GEO. W. P. HUNT  
Governor of Arizona

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TO THE PEOPLE OF ARIZONA:

During a period extending over a number of months, the State Industrial School, recently transferred from Benson to Fort Grant, has been under fire. Over the head of the Superintendent of that institution the State administration, for the success or failure of which I will, should and am willing to be held responsible, has been subjected to severe criticism, not to say abuse. A number of individuals have been untiring in the circulation of tales of alleged irregularities at the School, and certain newspapers, freely and with evident eagerness, have acted as their aides and abettors, disseminating ultra-sensational accounts, always emanating from obscure and indefinite sources, of the serious conditions said to exist at the home for Arizona's delinquent and incorrigible boys and girls.

It would seem unnecessary to suggest the motives which have inspired the individual and journalistic participation in this apparently organized movement; but whether they were of the loftiest patriotism or were merely of a despicable political or personal nature, there is no room for doubt that the movement has been carried forward, persistently and systematically, to the great hindrance and detriment of the Industrial School, and it is reasonable to suppose, to the discredit of the administration among some citizens of the State not in a position to know or to judge of the facts.

It is the purpose of this pamphlet to set forth the facts, as they exist and as they are established by the record of a recent investigation held by and at the instance of State Auditor J. C. Callaghan. The Auditor's report—having every appearance of being the culminating feature of the systematized destroying effort already referred to—was widely published in full, set off by spectacular and glaringly false headings, but not one of the newspapers doing so had the fairness or decency to publish Superintendent Whipple's reply. Thus it becomes necessary, through this extraordinary means, to lay the case before the people.

## **HISTORY OF THE SCHOOL.**

From the beginning of the present administration, the greatest difficulties have beset the State Industrial School's management. Poorly located at Benson, unsupplied with opportunities for agriculture or the teaching of any useful trade, in a single building admittedly unfit for the purpose, overcrowded, unsanitary and unsafe, there was little hope of the institution serving any greater purpose than that of a jail.

Realizing this, one of my first acts as Governor, authorized by the Legislature, was to appoint a Commission—consisting of Judge J. J. Hawkins of Prescott, Hon. John T. Dunlap of Phoenix and Hon. L. F. Vaughn of Duncan—to select a new site for a school. The commissioners unanimously chose Fort Grant, an abandoned military reservation on the southwest slope of the Graham Mountains, beautifully situated and possessing many natural advantages. Through Arizona's Senators and Representative, an Act of Congress was passed presenting the valuable property to the State, and after a somewhat lengthy legislative discussion, the site was formally selected.

In the meantime conditions, for some time none too good, were growing steadily worse at Benson. More than a hundred inmates were cooped in quarters made for forty, and fit for none, a large number of boys being kept at night in an unsafe attic reached by a narrow and dangerous stairway, and eighteen or twenty girls confined in a single small room twenty hours of the day. Out of this condition, increasing with each commitment, grew disorder among the inmates and dissatisfaction elsewhere. The first Superintendent I appointed could not make good—really, I doubt that anyone, under the circumstances, could have done so—and resigned. Another Superintendent was appointed, the disorders grew, runaways became more frequent. It was obvious to the friends of the institution, as well as to its enemies, that it was not serving the purposes of a reformatory; but while its well-wishers realized that the School's failure, foreseen and predicted, was the natural and inevitable result of impossible conditions, its enemies and the enemies of the administration could sense nothing but incompetence and mismanagement—always directly traceable, of course, to me. The bad conditions existing—and none of which were at all wondered at by any fair person—appeared to be just what certain newspapers and a considerable number of people wanted. The causes were misrepresented, the results distorted and exaggerated. The truth, which should have been sufficient for almost any purpose, was forgotten, and hundreds of lies indulged in. A campaign of tearing down at any cost or by any means, the first materials for which thus came ready to hand, was on. It has neither ceased nor slackened from that day to this.

Fuel was added to the flames when it became necessary to remove the Superintendent for brutally whipping the inmates of the School. And while this removal was necessary, and was effected promptly upon the presentation of the facts upon which it was based, it is just and proper to say that the deplorable conditions with which the overcrowded and demoralized institution was surrounded, causing dissatisfaction and mutiny, afforded some palliation for that official's conduct.

The removal of this Superintendent, simultaneously with a number of escapes, and the sensational accounts of every real incident and scores of manufactured details, which swept like wildfire through the same old bunch of newspapers, completed the School's demoralization, and it hardly can be classed as an assumption to say that there was joy in certain quarters.

Superintendent Whipple was appointed and assumed charge under these conditions. The institution at Fort Grant afforded every opportunity for the building up of a great industrial school—an ideal location a sufficient distance but not too far from the rest of the world, a superb climate, healthful surroundings, good soil, plenty of pure water and a large number of buildings capable of being converted at a great saving over the cost of new ones—into desirable institutional structures. Here might be built up a veritable home for the unfortunate boys and girls of Arizona, where their past misfortunes might be forgotten, their old affiliations severed, their misdirected tendencies pointed toward higher and better channels, their latent energies employed in useful pursuits—where they might be transformed from incipient criminals or public charges into good men and women and valuable citizens. But the structures at Fort Grant were old and in various stages of delapidation and decay, fences in ruins, the water system out of repair, the sewer system deficient, brush occupied the streets, covered the parade grounds and afforded hiding and lurking places between and behind buildings. Many of the latter, partial or total wrecks, gave additional opportunities for concealment, and the surrounding country afforded added means of escape. Pending rehabilitation, repair and renovation, Fort Grant was not fit. But Benson, where conditions had been growing worse and worse, was now intolerable; and a choice of two evils pointed to the new location, bad as it was and would be for a time, and regardless of the unsettled and dangerous frame of mind of the School's inmates.

With plenty of funds a great change could have been made at Fort Grant in a short while, and normal conditions brought about much more speedily than they were. But plenty of funds were not available, and a more gradual process of repair, comprehending the utilization of unskilled school labor as far as possible, became necessary. Unfavorable conditions had, unavoidably, obtained for months, and complete order was a thing only to be thought of and striven for. This is sufficient explanation of the comparative slowness with which tranquility was restored—that is, sufficient for fair minds, while for those who have set themselves against the acceptance of any explanation, none of course will avail. At the present time, as for several months past, normal conditions prevail at the Industrial School. Physical requirements are being improved as rapidly as circumstances will permit. A great deal is being done with a small amount of money. A generally good spirit prevails among the boys and girls, in whose minds the seeds of moral instruction are being implanted. Guards are gradually giving way to teachers. The institution is shaping to its purpose. Perfection has by no means been reached, but complete confidence in the outcome has been restored. There is ground for congratulation that a supreme trial has been endured and a great crisis safely passed.

I do not deem it necessary, in this statement, to enter into a discussion of Mr. Whipple's management of the institution. The charges of the Auditor against him are set forth in that official's report of his investigation and an answer is contained in the Super-



intendent's reply, both of which are herewith reproduced in full—the only way that could be found, as before stated, of getting the Superintendent's side of the case before the people. I must say, however, in addition to the Board of Control's findings, that Superintendent Whipple assumed a herculean task, and he has earnestly striven, against the most discouraging odds, to perform it. Whatever may be one's view of what might have been accomplished in the time since the Superintendent took charge, it cannot be denied that a constant change for the better has occurred, the continuance of which there is no reason to doubt. For this, the Superintendent—particularly in view of the unusual conditions with which he was confronted at the start—is entitled to credit.

From the class of newspapers that for reasons of their own will hear no statement that does not condemn have come the persistent and malicious newspaper attacks to which the School has, throughout its period of greatest trial, been subjected. Lurid head-lines have announced every runaway that has occurred, and many that have not. Highly colored pictures of demoralization have been published, and every possible effort exerted to make them true. Scathing editorials denouncing conditions existing only in the imagination of the writers, or based upon half-truths of which no fair explanation was attempted, have supplemented these so-called news stories with clock-work regularity. The limit of effort and malevolent ingenuity has been exerted toward the tearing down of the State Industrial School—a mission, unfortunately, not nearly so difficult of achievement as the work of building it up. Of these newspapers it is not too much to say that their attitude, with its consequent inevitable and evidently purposeful injury to the State Industrial School, constitutes far more of a disgrace to Arizona than the worst conditions so luridly and falsely portrayed would have been had they been true to the smallest detail. Of some such condition of mind, too, must have been born the Auditor's charges, in which the attacks directed against the School culminated. No more charitable interpretation may be placed upon his course of action. The time has gone by when there was grave danger that the combined efforts of the administration's foes might succeed in the institution's utter ruin. There is no longer a fear of that; and I venture the hope that the idleness and uselessness of their unpatriotic efforts will soon be so impressed upon the newspapers and the individuals, official and otherwise, who have lent their instrumentalities to the poor cause of tearing down, as to induce a right-about-face movement which must greatly accelerate the splendid cause of building up.

I wish every patriotic citizen of Arizona could visit Fort Grant, see for themselves what is being done and hear what is being planned. Then would they realize what difficulties have been overcome, and how firm a foundation has been laid for a bright and hopeful future. They would comprehend how unjustified were the attacks which have been leveled at the institution, and if not quite able to understand the motive lying behind those attacks they could make a very fair guess. I venture the confident prediction that without exception they would come away firm friends

of the Industrial School. The federal government's gift to Arizona was a splendid one, and with it the foundation for a great reformatory, a magnificent character-building plant has been laid. And now, by every recognized rule of fair play, every established principle of public policy, every charitable and patriotic desire for the welfare of the boys and girls committed to the Industrial School, and the future of the State, I call upon you, the people of Arizona, to see that this goodly beginning attained thru so many difficulties shall be carried forward to the perfection of the means of redemption of the wayward children of Arizona and to the honor of the State.

NOTE:—Early in the year Mr. Whipple presented his resignation and insisted upon its acceptance. Before it had been acted upon, however, the Auditor made his charges and Mr. Whipple, upon hearing of them, withdrew his resignation. Just as this pamphlet was about to be put on the press, Mr. Whipple again asked to be relieved and, of course, I cannot insist further that he continue his faithful service when he feels that his own interests demand his time and attention.

Phoenix, Arizona, March 31, 1914.

Board of Control, State of Arizona, Phoenix

Gentlemen: During the last week of February, 1914, I received a communication, addressed to me as a member of the Board of Control, from Mr. James A. Sheridan, an inmate of the Home for Aged and Infirm Pioneers at Prescott, complaining of and setting forth specifically conditions existing at the Home. Later, I received a petition signed by prominent citizens of Prescott, including many of the County and City officials, requesting a change of management at that Institution.

About the same time, while upon an official visit to the State Industrial School at Fort Grant, my attention was called briefly to conditions said to have existed there, and while at Willcox, on my return, similar rumors and reports, which appeared to have emanated from former employes of the Institution, came to my attention.

In submitting my report on the State Industrial School, I feel that the circumstances leading up to and difficulties encountered during the investigation were of such unusual character as to warrant recording, prefatory thereto. Hence, before presenting my findings as deduced from the evidence taken at the public hearing on the 19th inst., I here record the incidents in the order in which they transpired.

On the 26th ultimo, I addressed you the following communication:

"Phoenix, February 26, 1914.

Mr. Charles R. Osburn, Sec. Board of Control, Capitol Building  
Dear Sir:

I have the honor to hand you herewith for attention of the Board, a letter received by me a few days ago from Mr. James A. Sheridan, an inmate of the Pioneers' Home. The conditions existing at this institution as set forth in Mr. Sheridan's letter, in my opinion warrant a public investigation at the earliest possible date. As a member of the Board of Control, I request that this investigation be instituted without delay.

In this connection, I would state that my attention has been called to the mismanagement and incompetency at the State Industrial School. It appears to me that a public investigation of the conditions of this institution also should be held. As a member of the Board, I request that a public investigation be instituted immediately in order to arrive at the true conditions existing at Fort Grant.  
Yours very truly,

J. C. CALLAGHAN,

State Auditor and Member, Board of Control."

At a meeting of the Board of Control on the 4th inst., the foregoing communication was read, whereupon the Governor, Chairman of the Board,

stated that there were not sufficient grounds for these investigations, and cast upon me the aspersion of insincerity in my efforts for the betterment of conditions at these institutions.

Upon request of the other members of the Board, I agreed to a postponement of action until the 6th inst., on which date the Board again met, the Superintendent of the Industrial School being present, and at which meeting the following communication was read:

"Phoenix, Arizona, March 6, 1914.

Mr Charles R. Osburn, Sec. Board of Control, Capitol Building.

Dear Sir:

Inasmuch as ulterior motives have been unjustly attributed to me in the matter now before this body, both by the Chairman of the Board of Control at the last meeting, and by the Superintendent of the Industrial School in a communication under date of March 2nd, I shall avail myself, at the outset, of the opportunity to state my position.

My attitude in bringing this matter before the Board is based wholly upon a desire to see a State institution, where the character of young girls and boys is to be safeguarded and molded, so managed that the morals of the inmates will be diligently conserved.

I may be denied the privilege to participate in directing the policy of the management of the State Industrial School; events occurring there may be hidden from me, and reports smothered, but when in due course, through indirect and circuitous routes, I finally come into possession of information disclosing gross immorality and a condition of incompetency existing at the institution, I would feel that I were lax in duty, both to myself and to the people of the State, if I did not insist upon an investigation and remedial action by this Board.

An individual who can justify in his own mind his procedure in holding a secret conference with my associates on this Board in Phoenix, Sunday, February 15th, while studiously ignoring and avoiding me as the third member of the Board; who could further, on the occasion of my visit to the Industrial School on February 23rd, fail to discuss or to disclose the disgraceful orgies so recently enacted at that institution; whose conception of plain duty is so dismally vague, may well be excused in the further effort to devise a hypothesis for criticism of my action in calling for this investigation.

I maintain that the Industrial School is no place to try out experiments based upon unreasonable theories, that immorality, gross and far reaching, which is not, and cannot be denied, and is absolutely inexcusable, has existed there during a considerable period of time; and that such a condition demands no less than a change of management. Very truly yours,

J. C. CALLAGHAN,

State Auditor and Member, Board of Control."

The foregoing communication was read at the meeting of the Board held on the above date, and upon the refusal of both the other members of the Board to take part in the proposed investigations, I assumed alone the responsibility for the undertaking, whereupon the Board acted as set forth in the following excerpt from the minutes of the Board recorded under that date:

March 6, 1914.

The Board of Control met in its office at 3:00 P. M. on the above date; all members, etc.

The investigation of the Pioneers Home, requested by Mr. Callaghan in his letter of February 26, was considered and Mr. Callaghan was appointed to make a public investigation and report to the Board, furnishing Mr. Coldwell copy of the charges against him and notifying him of the date of the hearing, permitting him to have a lawyer present, who shall have the privilege to introduce

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evidence and cross-examine any witnesses, if he so desires. The investigation to include a thorough check of all the financial transactions of Mr. Coldwell since taking charge of the Pioneers Home. The expense of the investigation to be paid out of the Pioneers Home Fund.

Mr. Callaghan's request for investigation of the Industrial School, as set forth in his letter of February 26, was considered, and letter from him under date of March 6, was read, amplifying statements made in first communication. Mr. Whipple, Superintendent of the Industrial School, requested a copy of specific charges, mentioning time and place. Mr. Callaghan stated that by the phrase, "unreasonable theories," as used in his letter of March 6, he meant trusting too much to the honor of the inmates and giving them too much freedom. Mr. Callaghan was then authorized by the Board to make a public investigation of the Industrial School and report to the Board, furnishing Mr. Whipple a copy of the charges against him and notifying him of date of hearing; permitting him to have a lawyer present, who shall have the privilege of introducing evidence and cross-examining any witnesses, if he so desires. The investigation to include a thorough check of all the financial transactions of Mr. Whipple since taking charge of the Industrial School. The expense of the investigation to be paid out of the Industrial School Fund."

Having decided to give the Industrial School my first attention, I therefore departed on the evening of March 6th, for Fort Grant, accompanied by Mr. E. W. Powers, a stenographer, for the purpose of securing the testimony of witnesses, for use in the future public investigation. Before leaving, however, not that it was incumbent upon me, but simply out of courtesy to Mr. Whipple, I wrote him that I intended leaving for Fort Grant that evening, and at five o'clock, in handing the notice to the Clerk at the Hotel Adams, where the Superintendent was a guest, I requested that, if possible, the notice be delivered prior to seven o'clock.

I proceeded to Fort Grant, on the 7:30 train that evening, and on the afternoon of the following day the Superintendent, accompanied by his Attorney, Mr. Wiley Jones, appeared, where they insisted on obtruding upon the privacy of my interviews.

Under these circumstances, I was forced to discontinue my examination of witnesses and returned to Phoenix, where I took the matter up with the Attorney General's office in the following letter:

"Phoenix, Arizona, March 9, 1914

Hon. George Purdy Bullard, Attorney General,  
Phoenix, Arizona.

Dear Sir:

At a meeting of the State Board of Control on Friday, the 6th inst., in response to my request for an investigation of the State Industrial School, I was authorized by the Board to proceed with a public investigation, permitting Mr. W. M. Whipple, the Superintendent, to have a lawyer present at the meeting.

Acting upon this authority, I repaired to the Industrial School at Fort Grant, where, preparatory to holding a public investigation, I began the examination of employes on Saturday morning, March 7th, in accordance with notification given Superintendent Whipple on the afternoon before. While engaged in this preliminary examination, Superintendent Whipple appeared with an attorney and a stenographer, and insisted upon being present. I informed him that the time for a public hearing had not arrived and that when it did they would be afforded the opportunity of being present, but that in the meantime they must not intrude upon my preliminary examination of witnesses. To this they objected and insisted upon remaining, whereupon, I repaired to another building and proceeded with the examination, only to be interrupted for the second time.

The forcible intrusion of Superintendent Whipple upon my preliminary examination of witnesses necessitated postponement of

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my investigation until such time as the situation could be remedied. The contention of Superintendent Whipple and his attorney for such a privilege is absurd and ridiculous. I submit that if such a procedure were considered proper, it would be equivalent to the prevention of a grand jury from examining witnesses except in the presence of defendant and attorney.

During the few hours I was permitted to conduct my examination of witnesses unhindered, sufficient facts were brought out to satisfy me that in justice to the people of the State and the inmates of the institution, a thorough investigation should be made.

Under these circumstances I am forced to report the matter and apply to you, as the highest legal officer of the State, for advice as to whether or not, I, as a member of the Board of Control, am entitled to conduct a preliminary examination of one of the State institutions, without interference by the Superintendent. If, in your opinion, I am not entitled to conduct such examination undisturbed, which right in previous cases has never been questioned or denied other members of the Board, I call upon you to accompany me to the Industrial School and lend me your assistance in the public investigation which I am anxious to conclude at the earliest possible date.

I have the honor to be, Yours very truly,

J. C. CALLAGHAN,  
State Auditor and Member, Board of Control."

The opinion of the Assistant Attorney General, Leslie C. Hardy, is as follows:

"Phoenix, Arizona, March 10, 1914

Honorable J. C. Callaghan, State Auditor and Member, Board of Control, Phoenix, Arizona

Dear Sir:

For this department I have the honor to acknowledge receipt of your communication of yesterday respecting your authority to repair to the State Industrial School at Fort Grant and conduct a preliminary examination, preparatory to holding a public investigation of that institution in accordance with the resolution of the Board of Control of March 6th, 1914.

By your communication you inform this department that under the authority of said resolution of the Board of Control, you on the 7th inst., repaired to the State Industrial School at Fort Grant for the purpose of making a preliminary examination, preparatory to holding a public investigation, and that while engaged in this preliminary examination the Superintendent of the State Industrial School appeared with an attorney and stenographer and insisted upon being present, whereupon you informed them that the time for a public hearing had not arrived and that when it did they would be afforded the opportunity of being present, but that in the meantime they should not intrude upon the preliminary examination of witnesses which you were conducting, but notwithstanding your desire in this respect they insisted upon remaining and you were forced to postpone your preliminary examination.

You now desire to be informed whether you, as a member of the Board of Control, and pursuant to its resolution of March 6th, are entitled to conduct a preliminary examination of the State Industrial School without interference by the Superintendent thereof, and that if you are not you desire a member of this department to accompany you to the State Industrial School at Fort Grant and lend you such assistance in the public investigation as is necessary to consummate the desired purposes of the resolution of the Board of Control of March 6th, 1914.

The copy of the resolution of the Board of Control of March 6th, 1914, in so far as it refers to the public investigation of the State Industrial School at Fort Grant, is as follows:

"Mr. Callaghan's request for investigation of the Industrial

School, as set forth in his letter of February 26, was considered, and letter from him under date of March 6, was read, amplifying statements made in his communication. Mr. Whipple, Superintendent of the Industrial School, requested a copy of specific charges, mentioning the time and place. Mr. Callaghan stated that by the phrase 'unreasonable theories,' as used in his letter of March 6, he meant trusting too much to the honor of the inmates and giving them too much freedom. Mr. Callaghan was then authorized by the Board to make a public investigation of the Industrial School and report to the Board, furnishing Mr. Whipple copy of the charges against him and notifying him of date of hearing; permitting him to have a lawyer present, who shall have the privilege to introduce evidence and cross-examine any witnesses, if he so desires. The investigation to include a thorough check of all the financial transactions of Mr. Whipple since taking charge of the Industrial School. The expense of the investigation to be paid out of the Industrial School Fund."

Your communication informs me that when you repaired to the State Industrial School upon the 7th inst., it was not for the purpose of conducting a public investigation under the resolution of the Board of Control of March 6th, 1914, but it was merely for the purpose of conducting a preliminary examination preparatory to a presentation of charges by you against the Superintendent of that institution. This being true, it is the opinion of this department that you would be, both under the authority of the resolution of the Board of Control of March 6th, 1914, above quoted, and by virtue of your authority as a member of the Board of Control, authorized to conduct a preliminary investigation of the State Industrial School at Fort Grant without molestation or interference by the Superintendent of that institution or any other person. This authority on your part seems to clearly result from the purport of the resolution, itself, and from your prerogatives as a member of the Board of Control. However, after there has been a presentation of charges, as provided by said resolution, it would be incumbent upon you to accord the Superintendent of the State Industrial School a public hearing, to be conducted in the presence of the Superintendent's attorney, and to accord him the privilege of introducing evidence and cross-examining witnesses if he so desires. In other words, it seems to be the fair purport of the resolution above quoted that after there has been a presentation of the charges against the Superintendent of the State Industrial School, that he shall have a full and fair opportunity to defend himself against any charges which might be preferred against him. To this extent, we do not think that a preliminary investigation upon your part is without the purport of the resolution, because such an investigation is merely preliminary and not a public investigation conducted after there has been a preferment of charges against the State Superintendent.

In view of the fact that we have rendered an opinion that you would be entitled to conduct a preliminary investigation undisturbed, we do not deem it necessary to reply to that portion of your communication calling upon this department or one of the members thereof to accompany you to the State Industrial School for the purpose of lending assistance to you in conducting a public investigation, authorized by the resolution above quoted.

Yours very respectfully,

LESLIE C. HARDY,  
Assistant Attorney General."

On the evening of March 10th, fortified in my position with the foregoing opinion, I again left for Fort Grant to resume my preliminary examinations, but upon arrival there, was again obstructed by the Superintendent, who exhibited the following telegram:

"Phoenix, Arizona, March 11, 1914.

Hon. W. M. Whipple, Fort Grant, Arizona

In reply to your request for information, submitted through your attorney, if Callaghan merely undertakes to pursue personal inquiry, with a view to familiarizing himself, as a member of the Board of Control, with conditions at the Industrial School, such action would be within his rights, and should be supported by you, provided that you have not received from him any notification of public investigation, and provided furthermore, that he does not undertake to hold a hearing, at which testimony would be taken, and of which a stenographic report would be made in violation of the Board's order of March 6th, copy of which is being mailed to you.

(Signed)

CHAS. R. OSBURN,  
Sec'y Board of Control."

The Superintendent was this time represented by Attorney James Talbert, and that gentleman saw the justice of my contention and succeeded in so convincing Mr. Whipple. Thereupon it was agreed that if the Board of Control would consent to my continuing, the Superintendent would present no further objection, providing I would furnish him with a copy of my transcript as far as completed. To this I readily consented in order to facilitate the proceedings, whereupon the Superintendent wired the Board for authority, pending reply, which was not received for twenty-four hours, I was not permitted to proceed.

The Board refused to sanction the above-mentioned agreement, as will be seen, by the following telegram:

"Phoenix, Arizona, March 12, 1914.

Hon. W. M. Whipple, Sup't State Industrial School,  
Willcox, Arizona.

Action suggested in your letter is contrary to order of the Board, authorizing, at Mr. Callaghan's special request, a public investigation. This order has not been modified. My telegraphic instructions of yesterday as to procedure which should be followed, pursuant to the order of the Board, should be strictly adhered to. Please write fully.

(Signed)

CHAS. R. OSBURN,  
Sec'y Board of Control."

Upon the receipt of the foregoing telegram, the Superintendent expressed regret, as by this time he had become convinced that the transcript of the preliminary examination would be serviceable to him as well, in preparation for the public hearing to be held later. However, I was obliged to dismiss my stenographers, and to content myself with whatever utility of memory retention of names and evidence I could muster to my aid. I thereupon proceeded with my examinations without notes, which occupied two days, and on the evening of the 14th, I returned to Phoenix.

On the 16th, I wired the Superintendent as follows:

"Phoenix, Arizona, March 16, 1914.

W. M. Whipple, Superintendent State Industrial School,  
Willcox, Arizona.

Pursuant to my preliminary examination at the State Industrial School, you are hereby notified that, on Thursday, the nineteenth instant, I will proceed with a public hearing, to be conducted at Fort Grant

J. C. CALLAGHAN,  
State Auditor and Member, Board of Control."

Accordingly, on the afternoon of the 19th, the public hearing was convened at Fort Grant, and was concluded in the forenoon of the 21st, sessions being held both nights as well as during each day. The State was represented by Assistant Attorney General Leslie C. Hardy, and the Superintendent by Attorney John C. Gung'l. In order to obviate the possibility of collusion, all witnesses except the one testifying were, by agreement, excluded from the room.

The sessions were held in the business office of the Institution, except in

the testimony of female inmates, which was heard in the school room of the Girls' Dormitory Building. From and based upon the evidence herewith transmitted, consisting of two hundred and sixty-nine typewritten pages, I submit hereinbelow my findings:

## 1. ADMINISTRATIVE EXPENDITURES

### a. MAINTENANCE

I find from the records of the Industrial School that, taking for easy and down to date comparison, the month of February of the years 1913 and 1914, the following analogy:

The average number of inmates is shown in each case to be the same, i. e., one hundred nineteen, yet the net daily per capita cost increased from \$1.03 in February, 1913, to \$1.60 in February, 1914, or fifty-five per centum. In other words, for every dollar expended one year ago there is now being expended one dollar and fifty-five cents.

### b. IMPROVEMENTS

There has been expended for improvements at Fort Grant up to February 28, 1914, the sum of \$10,782.55. The evidence discloses that on some buildings condemned by Architect Royal W. Lescher, employed by the Board of Control to inspect same, several hundreds of dollars had previously been expended for repairs.

The testimony of Mr. J. A. Pitts, an employe, in charge of the brick and cement work is to the effect that work performed by him in this line is only about seventy per cent. efficient, due to the conditions under which he is forced to operate, and that in his opinion, the same conditions apply to all construction and repair work done at the Institution. In other words, the State has expended thirty per cent. more money than was necessary for improvements made. I do not say that the Superintendent is responsible for this waste of the State's money, but the blame belongs somewhere, and should be placed.

## 2. SANITATION

The evidence shows that toilet and laundry equipment is insufficient and inadequate. These conditions are susceptible to the spread of disease. Weeks have elapsed between baths and change of underclothing of inmates. Here, also, there may be, at least, a division of responsibility.

## 3. DISCIPLINE

The evidence discloses that no standard rules of discipline have been established. While corporal punishment has, until recently, been rarely invoked, the Superintendent has been quoted as ordering the guards to "Take a club to the boys, knock them down, or shoot their heads off" for infractions of rules. The testimony also shows that boys were stripped and given as many as twenty-five lashes with a strap about four inches wide and two feet long; that boys have frequently been handcuffed to iron hitching posts on the grounds, remaining in that position for several hours, regardless of the weather conditions. In case of the smaller boys the hand being fastened to the hitching ring is said to be in a position somewhat above the boy's head, doubtless retarding circulation. This appears to be a common punishment.

The evidence, and the records of the school, discloses that boys have been sentenced to confinement in the guard house for periods of from ten to forty-five days on a diet of bread and water, a full meal being administered every ten days. This diet applies also to those confined in the dingy underground cells, recently completed. As a result of an exclusive diet of white bread and water, and absence of sufficient physical exercise, inmates have been known to pass a period of many days without process of excretory elimination, and have thereafter required hospital treatment. Immediately upon release from confinement on bread and water diet, and while in a weakened condition, these boys are assigned to manual labor. The rule in the United States Army is to alternate bread and water with full meals every other day.

In the case of one girl, in addition to that punishment, her hair was clipped close to the head and she was handcuffed, night and day, during

the entire period of punishment. The handcuffs were applied at the express command of the Superintendent. Three other girls have had their hair clipped close to the head. It was a common practice to utilize girls as helpers in the blacksmith shop.

I venture the assertion that in no similar institution in the United States or any other Christian country of the civilized world can examples be found of such barbarous punishments and deprivations, calculated to cause stunted growth, being inflicted upon helpless and growing children. Here, indeed, are concrete illustrations of the invocation of "relics of barbarism," regarding which much has recently been heard, condemned as to adult and hardened criminals, it is true, but apparently sanctioned or condoned in the cases of delinquent juveniles.

In the last two and one-half months of former Superintendent Harper's administration, there were eight escapes or attempts at escape. In the first two and one-half months of Superintendent Whipple's administration there were forty-five escapes or attempts at escape. I am obliged to limit the comparison to that length of period for the reason that there is not incorporated in Superintendent Whipple's monthly reports, except during the first two and one-half months of his administration, any intelligible record showing this data.

Among the employes, harmonious co-operation is lacking, but all are of one mind as to the lack of system and competent management under the present Superintendent.

#### 4. MORALS.

During the administration of the present Superintendent, there were several matrons and assistant matrons in charge of the girls' dormitory. My investigation had to do with only two of these, and in this report neither shall be mentioned by name.

The first to whom I shall refer, had formerly been employed by Superintendent Harper as office clerk and by him dismissed. However, she accompanied Superintendent Whipple to the Industrial School when he took charge of the Institution on August 15, 1913, and held the position of head matron until October 10, 1913.

The evidence is conclusive only to the extent that she was indiscreet, and I should loathe to believe that her transgressions were of a more serious character. The testimony shows that she permitted male employes to mingle with the girls and that she herself was several times observed to kiss one of the male employes in the presence of the inmates; that on one occasion she, with a number of girls, set out upon a visit to neighboring cowboys; that a number of the girls visited with her consent and approval, a bathing pool, unattended, a great distance from the dormitory; that whiskey and cigarettes were a source of dissipation among the girls, and that discipline was very lax.

I pass now to the subject of the other matron, who, during the administration of the former matron, was assistant. Upon the departure of the former, the latter became head matron. The evidence shows that her demeanor throughout was characteristic of the demi-monde; that she was lacking in education and refinement; that she engaged frequently, either by herself, or with the girls, in a great variety of immodest and vulgar dances, one of which was the "Hooche-Kooche," and that she taught those dances to the girls; that she was inordinately proud of her physique, and on every available occasion, both in the presence of male employes, and of inmates, she displayed charms of person, usually concealed; that she frequently engaged in suggestive and obscene conversations with the male employes, and that one of these was her nightly companion in her boudoir, which fact was cognizant to the girls; that she allowed smoking in the dormitory and distributed whiskey to the inmates; that she allowed male inmates to visit the girls' dormitory and connived with them to prevent detection by the guards; that she publicly kissed and hugged male employes in the presence of the girl inmates; that she advised the girls to escape, as the only available course of freedom; that she frequently advocated a life of shame for the girls as the only path open to them after their incarceration in the Industrial School; and that she exacted promises from them that they would enter upon a life of prostitution as a reward for her influence

in their behalf, for parole. The evidence shows that the superintendent was frequently, though not always, advised by the employes of her actions, unfitness, and bad influence on the girls; that instead of heeding this advice, he resented it; that on one occasion he was wont to lecture the girls, and while weeping tears in their presence would exhort them to the effect that "The matron was wearing out her life for them," and that "In all the State there was not another woman like her;" that upon the occasion of a visit of the Secretary of the Board of Control to the Institution, complaint of her actions was made to him by several of the employes; that thereafter orders were sent the Superintendent to discharge her paramour; that instead of doing so, the Superintendent became indignant, visited Phoenix, and returned triumphant, with the order countermanded; that not until a later visit of the Secretary, when was presented to him affidavits by several employes setting forth conditions in detail, was she and her paramour discharged; and that even then was suggested a marriage de convenance between them, as a proper procedure toward allowing them to remain, but which was not consummated because of the objection of Professor Gung'l, the Musical Director, who threatened in such event to resign.

This matron departed from the Institution on February 3rd, and notwithstanding the fact that formerly as many as three matrons were employed constantly, the girls' dormitory was now left without a matron, when most needed, for the space of about five weeks.

During this period the school teacher, Mrs. Edwards, a good woman, but without previous experience, in addition to her duty as teacher, effected to discharge as best she might, the duties of matron. However, during this time, as many as seven girls escaped from the dormitory through an aperture in the floor which had been pointed out to them by the former matron. This was a radiator opening over which was a removable metal plate. During these three successive nights from about nine o'clock until four in the morning, these seven girls were in and about the guardhouse, in company with a like number of boys. The ages of these girls and boys range approximately from sixteen to nineteen years. The opportunity for carnal relations between the boys and girls became possible by reason of the fact that one of the inmates was an "honor" boy and was in possession of the keys to the guardhouse, and kindly accommodated all parties by opening the doors.

On the third morning about five o'clock, the presence of the girls at the guardhouse was detected by an officer. On this last night, only four of the girls were visitors, the others, presumably through disinclination or the need of rest, remaining in the dormitory. This escapade was investigated by the Superintendent, and although previously and subsequently other girls were obliged to suffer harsh and humiliating punishment as hereinbefore described, and for lesser offenses, these seven girls were simply given a verbal reprimand.

The Institution contains about ninety-two boys of various ages, ranging from about fifteen to twenty-one years. Many of the younger girls and boys are undoubtedly capable of assimilating under proper conditions, true ideas of life. What, however, could be the expectation for these younger girls under the conditions herein described.

Lives of shame have been depicted to them as easy and profitable, and certain cities depicted to them as the most alluring in which to ply the traffic. Such has been the instruction received by the inmates, instead of the inculcation into the immature minds of the younger girls, of the great truths, that where vice is, there too is regret, sorrow, despair, woe; but where virtue reigns, there is found peace, contentment, hope and happiness of soul; and into those of the older girls, the hopeful teaching that "While the light holds out to burn, the vilest sinner may return."

If the Institution were to be continuously conducted under similar influences as those which have prevailed for the last few months, during the incumbency of the late matron, then above the entrance should be written: "All hope abandon ye who enter here."

I am pleased to report, however, that the new matron, Mrs. Cole, is a woman of experience of wayward girls, and her reputation and appearance gives promise of salutary results, if the same is not too much to expect at this late day.

The evidence shows that young boys have been made the unwilling victims of grown degenerates, and that these penal offenders have gone absolutely unpunished, in fact have been paroled soon after the commission of the offense, instead of being sent to prison.

I must not refrain from referring to the one bright feature of the Institution. That is the musical band conducted by Professor Carl S. Gung'l. It consists of about twenty-five boys, about one-fourth of the total male roster. Professor Gung'l testifies that he has no trouble with these boys; that they respect and admire him; are apt and conscientious students; make no attempts at escape; and that in order to control them it is not necessary to have recourse to barbarous punishment.

If the entire membership of the institution were enrolled under Professor Gung'l and three or four assistants, part of the day being given to the learning of music and the remainder to other studies, including manual arts, the Institution would then, in my opinion, justify its name. In other words, the great need of the Institution is more teachers and less guards. There was in January twenty-four employes, one of whom is a teacher, one a tailor, one a shoemaker, and one a music teacher. There is an average of one employe to every five inmates at the Institution.

Professor Gung'l was for four years engaged with Gilmore's famous band, and spent thirty years of his life in the United States Army, thus becoming familiar with wholesome discipline. I am without the Professor's permission to engage in this eulogium, but I believe in giving credit where due.

This report would be incomplete without reference being had to the activities of Dr. Agnes McKee Wallace, the physician at the Institution. It would seem that the recent adverse rumors and reports which emanated from the school were largely founded upon statements made by the Doctor, and relative to which her own later statements and testimony are conflicting. Nothing is calculated to so excite curiosity, morbid and otherwise, as rumors, based upon statements of the physician in charge, to the effect that females in an Institution are in an enciente condition. While for the purposes of this investigation it was considered immaterial as to whether or not there were, at the institution, instances existing of such actual condition, nevertheless, in view of the pernicious activities of the Doctor in endeavoring to ascertain from the inmates what the trend of my preliminary interviews had been, and in spreading the report, as shown by the evidence, that the writer was at the Institution "for the purpose of making trouble for Governor Hunt and Mr. Whipple," it might be well to state that the testimony of the Doctor to the effect that during her incumbency no cases of pregnancy were present in the Institution, could have been easily offset had I cared to insist upon incorporating in the transcript the testimony of a certain inmate.

If I may be permitted the license of referring to this incident, which is, of course, stipulated as *ex curia* in character, I will state that this inmate was exceedingly reluctant to allow the new matron, Mrs. Cole, whom she has long known, to become apprised of her previous condition at the School, although in my preliminary interview she was frank in detail. Out of regard for her feelings, and as before mentioned, the immateriality of such evidence, I promised her that the record would be made to show her testimony without disclosing her identity. This arrangement, however, was not agreeable to the Superintendent, and I was obliged, either to break faith with the girl or to eliminate her testimony as to the incident referred to; the Doctor should have been the most likely person at the Institution to be aware of the girl's condition and the consequent occurrence, and that if during that time she had been as diligent a visitor to the girls' dormitory as was the case after the commencement of this investigation, her inquisitorial disposition, to say nothing of attention to duty, would have enabled her to be informed as to the happening of unusual events.

My thanks are due the department of the Attorney General, and especially to Attorney Assistant General Leslie C. Hardy, to whom, in the absence of Attorney General Bullard, fell the legal end of the duties connected with the investigation, and whose excellent legal mind and clarity of vision aided greatly in the unusual circumstances.

Having, in this report, laid bare the conditions which have existed at the Institution for many months, it yet remains to be said who is blameworthy. The testimony discloses that the Superintendent had at various times recognized and admitted his incompetency and that he has at least on one occasion endeavored to resign, and to this extent is entitled to favorable mention.

On the other hand, while the visits of the Chairman of the Board of Control have been conspicuous by their infrequency, he appears to have relied upon the reports of the Secretary of the Board as to conditions existing at the Institution. Also, that as early as September, 1913, his suspicions were sufficiently aroused as to cause him to send a special emissary in the person of Adjutant General Harris to the Institution, and although I am unadvised as to the contents of his report or the character thereof, I think I may safely assume that it was adverse as to conditions then existing at the Institution.

Again, in October, 1913, within thirty days after the report of Adjutant General Harris had been filed, the Governor dispatched his private secretary on a mission of investigation and the Secretary, after a stay of several days, was undoubtedly convinced of deplorable morale, and, although not in his confidence as to the character of his report, I may, I believe, safely assume it also was adverse.

Therefore, the testimony is all toward the justifiable conclusion that the Board of Control has not only had, at all times, ample opportunity to be, but has in fact been cognizant of existing conditions.

In the introduction of this report I have given a history of the events leading up to the investigation. I hold that in attempting to take stenographic notes at the Institution I was exercising no greater prerogative than should be accorded any private citizen of the State in desiring to inspect a public institution. Yet, the spectacle is presented of a State official elected by the people, a member of the Board of Control, one of three officials charged by law with the appointment of the Superintendent and the management of the Institution, being confronted, during the performance of a public duty by telegraphic instructions over the signature of a non-elective official, charging the Superintendent to obstruct him in the discharge of his duty. I dare say that in the careers of great artists there are times when, for the depiction of extraordinary subjects they realize the inadequacy of motif; that in the lives of great orators there comes a time when to attempt to do full justice to a theme they feel the attempt would be hazardous to the vocal chords; that in the experience of great writers there are times when they realize the inadequacy of English adjectives to afford proper description; and I, likewise, in this instance, feel, that to attempt to depict a situation probably without parallel in the annals of modern statecraft, would be in me, an ordinary scribe, presumptuous.

In conclusion, therefore, I desire to say that in simply recording the history of this investigation and refraining from any attempt at criticism of the actions of my associates on the Board, and with the conscientious feeling that the evidence herewith submitted amply substantiates the rectitude of my course, I need not feel perturbed by the unjust aspersions cast upon my motives. If, in the performance of a plain public duty, I have been arbitrarily handicapped; if, regardless of law, I have been maliciously harassed at every turn; if, without provocation, I have been subjected to gross insult in my official capacity, I feel, notwithstanding, that every aspect of duty and public policy indicates the righteousness of my course. Respectfully submitted,

J. C. CALLAGHAN,  
State Auditor and Member, Board of Control

State Industrial School, Fort Grant, Arizona, April 10, 1914  
To the Board of Control,  
State of Arizona, Phoenix, Arizona  
Gentlemen:

I have the honor to submit herewith my answer to the charges preferred against this institution and against myself, the Superintendent thereof.

under date of March 6, 1914, by the Hon J. C. Callaghan, State Auditor and member of the Board of Control; a statement of the incidents leading up to, and the facts brought out at, the public hearing held at this place by Mr. Callaghan and the Assistant Attorney-General of the State, March 19-21, and my reply to the Auditor's deductions from said hearing as embodied and set forth in his report to the Board dated March 31—which report, I may here state, first came to my attention, as in the case of the Auditor's charges and of every criticism of this institution emanating from the Auditor's office, through the medium of certain newspapers:

#### BASIS OF INVESTIGATION.

For assistance in keeping clearly in mind the sequence of incidents (as officially disclosed) leading up to the public investigation, upon which the Auditor's sensational report affecting this institution purports to be based, I will borrow from the records:

Under date of February 26, J. C. Callaghan, State Auditor and member of the Board of Control, addressed to the Board a letter of which the following is a portion, and which was considered by the Board at its meeting held on March 4:

"In this connection, I would state that my attention has been called to the mismanagement and incompetency at the State Industrial School. It appears to me that a public investigation of the conditions at this institution also should be held. As a member of the Board, I request that a public investigation be instituted immediately in order to arrive at the true conditions existing at Fort Grant."

Mr Callaghan's final report to the Board of Control, dated March 31, states that upon the reading of the above request for a public investigation of the State Industrial School and another State institution, "the Governor, chairman of the Board, stated that there were not sufficient grounds for these investigations, and cast upon me the aspersion of insincerity in my efforts for the betterment of conditions at these institutions."

Whether or not the chairman of the Board of Control "cast the aspersions" attributed to him has no place herein, while each citizen of Arizona may individually decide, both sides being heard and the evidence in hand, whether such "aspersions," if made, were not wholly justified. In any event, the action of the Board was to postpone further consideration of the Auditor's request for a public investigation until March 6, to afford me an opportunity to appear before the Board and be heard in defense of myself and of the Institution entrusted to my care.

Meantime there had come to my astonished attention a newspaper article, antedating the meeting of the Board of Control on March 4 by several days, and quoting the Auditor as severely criticising the State Industrial School and my management thereof—a criticism which he had never offered or intimated to me in person, and which he had never sought to obviate by friendly advice or official suggestion.

In response to that article, the damaging statements in which proceeded from a high officer of the State—one of the officers, in fact, charged with the care and protection of the State Industrial School, rather than its undoing—and which could not, therefore, be ignored, I addressed to Mr. Callaghan the following letter:

"My dear sir:

"I have experienced considerable surprise on reading in the Arizona Republican of February 28, a news article citing you as authority for statements derogatory to this institution and particularly to me as Superintendent. Before I go further, I desire to assure you that no personal feeling of an unfriendly nature inspires this letter, but merely my deep regret that during your recent visit, on the occasion of which I endeavored to allow you every courtesy and afford you every means at my disposal for the inspection of the Industrial School, you gave me no intimation of your dissatisfaction or of your belief that the institution was not fulfilling, to a reasonable extent, the purposes for which it is main-

tained. As the official in charge, I would greatly have appreciated your courtesy in pointing out to me any matters, which, in your opinion, needed attention or which, by any chance, might not have been fully understood by you as the result of the brief duration of your visit to Fort Grant.

"Even though you deemed it the part of wisdom for reasons personal to yourself, to refrain from advising me of your impressions concerning the Industrial School, I would, nevertheless, never have questioned your undeniable right to exercise a discreet reticence toward me, had you preferred to deal directly with the Board of Control, of which you are a member, and allowed any official action to be set in motion at your instance by that department. I confess, however, my surprise and chagrin on first learning through a newspaper, instead of from any official source, of your views concerning matters directly and intimately affecting the welfare of a hundred or more boys and girls, who are more erred against than erring, and who, in the course of the law's operation, have been sent to the school for care, correction and instruction. I consider it especially regrettable that the course which you have pursued has, according to the newspaper article referred to, placed a new stigma, well-nigh uneffaceable, upon young girls who, in most instances, were committed to the Industrial School for the primary purpose of being safeguarded against their own indiscretions. Nobody having even the most superficial knowledge of the problems attending the management of an Industrial School for both sexes, would attempt to express entire satisfaction with conditions either here or at similar institutions of other States. Constant vigilance, the utmost patience, and above all, kindness and earnestness are required of those in charge of some hundred or more human beings of that age when their characters are in the formative period and are, therefore, most needful of discreet direction. It would, nevertheless, appear to me that any sincere and worthy desire to help these wayward or dependent boys and girls toward a future of usefulness and self-respect, should dictate the seeking of means for their betterment rather than the airing of their deficiencies or the unfortunate incidents of institutional management in the public press. Surely none but prurient minds would care to read such published statements, and it is equally sure that every patriotic citizen of this State should deplore a disposition to engender prejudice at the expense of children whose cup of woe or shame is already filled to overflowing.

"To conclude, I am hopeful of learning that you have been misquoted and trust that in any event, you will be assured of my desire to faithfully perform my official duties, at the same time understanding that the utmost sincerity and promptings of frankness have impelled me to address you this communication. You will pardon me, furthermore, if I venture the hope that the management of the Industrial School, whether vested in me or in another, may henceforth enjoy your helpful co-operation and moral support."

To this letter, neither reply nor meagre acknowledgment has, to this day, been vouchsafed; nor has it, in the newspaper publicity which the Auditor has been so successful in securing for his views respecting this institution and his various steps to discredit it, been deemed worthy of attention. What fruition has come to the hope I ventured to express, "that the management of the Industrial School, whether vested in me or in another, might henceforth enjoy the Auditor's helpful co-operation and moral support," I must leave to the judgment of those who may read the record of succeeding events.

On March 6, in accordance with the action taken at the previous meeting, the Board of Control resumed its consideration of the Auditor's request for a public investigation, and the following supplemental statement, addressed to Mr. Charles R. Osburn, secretary of the Board, was submitted by Mr. Callaghan:

"Dear sir:

"Inasmuch as ulterior motives have been unjustly attributed to me in the matter now before this body, both by the Chairman of the Board of Control at the last meeting, and by the Superintendent of the Industrial School in a communication under date of March 2nd, I shall avail myself, at the outset, of the opportunity to state my position.

"My attitude in bringing this matter before the Board is based wholly upon a desire to see a State institution, where the character of young girls and boys is to be safeguarded and molded, so managed that the morals of the inmates will be diligently conserved.

"I may be denied the privilege to participate in directing the policy of the management of the State Industrial School; events occurring there may be hidden from me, and reports smothered, but when in due course through indirect and circuitous routes I finally come into possession of information disclosing gross immorality and a condition of incompetency existing at the institution, I would feel that I were lax in duty both to myself and to the people of the State if I did not insist upon an investigation and remedial action by this Board.

"An individual who can justify in his own mind his procedure in holding a secret conference with my associates on this Board in Phoenix, Sunday, February 15th, while studiously ignoring and avoiding me as the third member of the Board; who could further, on the occasion of my visit to the Industrial School on February 23rd, fail to discuss or to disclose the disgraceful orgies so recently enacted at that institution; whose conception of plain duty is so dismally vague may well be excused in the further effort to devise a hypothesis for criticism of my action in calling for this investigation.

"I maintain that the Industrial School is no place to try out experiment based upon unreasonable theories; that immorality, gross and far reaching, which is not, and cannot be denied, and is absolutely inexcusable, has existed there during a considerable period of time; and that such a condition demands no less than a change of management."

It will hardly be necessary, after a reading of the above document—a most remarkable document when considered in the light of the truth and of the actual findings—to call attention to the fact that the Board of Control, when it authorized Mr. Callaghan, pursuant to his request, to proceed with a public investigation, placed my trial and the trial of the State Industrial School in the hands of one who was not only at once grand jury, prosecutor and judge, but a grand jury, prosecutor and judge who had already indicted, tried, pre-judged, convicted and sentenced the accused.

This is amply evidenced by the Auditor's declaration, in his letter to the Board of Control, quoted above in full, that he had "come into possession of information disclosing gross immorality and a condition of incompetency existing at the institution," and his startling and unqualified conclusion "that the Industrial School is no place to try out experiments based upon unreasonable theories; that immorality, gross and far-reaching, which is not, and cannot be denied, and is absolutely inexcusable, has existed there during a considerable period of time; and that such a condition demands no less than a change of management."

This may or may not be the proper place to enter my plea to the Auditor's serious charges, but be that as it may, I do, here and now, not only make denial thereof, but declare the same to be shamefully and disgracefully false.

I was present at the meeting of the Board of Control on March 6, and though questioning in my own mind the entire fairness and justice of an examination at the hands of the self-appointed prosecutor himself, I offered no objections to the most thorough investigation that might be had. While sensing the hardship of a trial by a prosecutor-judge whose adverse findings had already been reached and submitted, and whose sole effort henceforth

could only be, not to learn the truth, but to find testimony with which to support his preconceived decision of guilt, I asked only—as Mr. Callaghan had himself demanded—that the investigation be held in the full light of day, and—which Mr. Callaghan had failed to demand—that I be permitted to be present at all hearings and to be represented by an attorney, after the filing of specific charges giving the places where and dates upon which the alleged incidents occurred, which formed the basis of the Auditor's far-reaching accusations.

Not entirely according the opportunity for a fair and unbiased hearing to which I felt that the School and myself were entitled, but affording me nevertheless a reasonable opportunity for defense, while fully complying with Mr. Callaghan's request "that a public investigation be instituted immediately," the Board of Control took the action disclosed by the following excerpt from its minutes:

"Mr. Callaghan's request for investigation of the Industrial School, as set forth in his letter of February 26, was considered, and letter from him under date of March 6, was read, amplifying statements made in first communication. Mr. Whipple, Superintendent of the Industrial School, requested a copy of specific charges, mentioning time and place. Mr. Callaghan stated that by the phrase, "unreasonable theories," as used in his letter of March 6, he meant trusting too much to the honor of the inmates and giving them too much freedom. Mr. Callaghan was then authorized by the Board to make a public investigation of the Industrial School and report to the Board, furnishing Mr. Whipple copy of the charges against him and notifying him of date of hearing; permitting him to have a lawyer present, who shall be privileged to introduce evidence and cross-examine any witnesses, if he so desires. The investigation to include a thorough check of all the financial transactions of Mr. Whipple since taking charge of the Industrial School. The expense of the investigation to be paid out of the Industrial School fund."

Thus are set forth, in full, the grounds (that is, the public grounds) upon which the Auditor demanded a public investigation of the State Industrial School and "a change of management," and the authority extended to him by the Board to proceed in accordance with his wishes.

#### HISTORY OF THE HEARING

Inasmuch as Mr. Callaghan, in his report to the Board of Control, dated March 31, has charged that he was hindered and obstructed in the work of conducting his investigation, and subjected to "interference by the Superintendent," it becomes necessary to recite in some detail the history of the hearing, to describe the "interference" to which he enters objection and to set forth the official data from which the public may judge whether the Auditor proceeded with fairness and good faith, in compliance with the authorization and instructions of the Board, and, in fact, in accordance with his own request.

This digression, while it will perforce lengthen my reply, is justified, if not rendered essential, by the Auditor's statement, as follows:

"In submitting my report on the State Industrial School, I feel that the circumstances leading up to and difficulties encountered during the investigation were of such unusual character as to warrant recording, prefatory thereto."

In conclusion of his report the Auditor says:

"If, in the performance of a plain public duty, I have been arbitrarily handicapped; if, regardless of law I have been maliciously harassed at every turn; if, without provocation, I have been subjected to gross insult in my official capacity, I feel, notwithstanding, that every aspect of duty and public policy indicate the righteousness of my course."

Certainly it is not for me to question the right of the Auditor to lay

this flattering unction to his soul It is simply for me to recite the facts.

The first of these that should be borne in mind is that Mr. Callaghan, by his communication to the Board of Control, dated February 26, requested a **Public Investigation.**

Under anything like ordinary circumstances I should hold, and I am satisfied the intelligent public would hold, that the good of an institution of this character, where the errors, indiscretions, faults and frailties of the boys and girls entrusted to it should be concealed from the gaze of scandal-lovers while the leaven of correction is working on, is not best subserved by advertised investigation; but it is evident that the Auditor, for reasons best known to himself, desired, at the time he made request upon the Board for an investigation, that it be public, and when I learned from his letter of March 6 that the School had, without any hearing whatsoever, been convicted, in his mind, of the most heinous offenses, so serious as to "demand no less than a change of management," I felt that a fair hearing would be imperiled by anything but a public trial. Therefore, as shown by the records, I joined my voice to the Auditor's, adding only the request for definite charges and the privilege of an attorney, both of which requests were in the interest of fairness and justice.

The authorization of the Board, as already quoted, was that Mr Callaghan should "make a public investigation of the Industrial School and report to the Board, furnishing Mr. Whipple copy of the charges against him and notifying him of date of hearing; permitting him to have a lawyer present, who shall have the privilege to introduce evidence and cross-examine any witnesses, if he so desires."

In view of Mr. Callaghan's expressed desire for publicity and the instructions of the Board clearly in line therewith, as well as the confidence I then entertained that the Auditor would not seek by underhand or questionable means to procure support for his pre-announced conviction, I felt assured that there would be nothing but a public investigation, of which I would be fully, freely and in good faith advised. Fearful of nothing, I went confidently about the transaction of my business in Phoenix, on the 6th of March, following the meeting of the Board of Control at which authorization for a public hearing was given to Mr. Callaghan, and at eleven o'clock at night I returned to my hotel.

What was my surprise to find awaiting me the following curt notice:

"Mr. W. M. Whipple,  
"Adams Hotel,  
"Phoenix, Arizona.

"Dear sir:

"You are hereby notified that in accordance with the authority granted me by the Board of Control at a meeting of said Board this day, I shall proceed with an investigation of the Industrial School on Saturday morning, March 7th.

"Yours very truly,  
"J. C. CALLAGHAN,

"State Auditor and Member Board of Control."

Accompanying the notice was a copy of the Auditor's letter to the Board dated March 6, which letter I have heretofore quoted in full.

Here, then, was the notice which the Board had enjoined upon Mr. Callaghan, and which I was so confident would be given me in good faith—left at the hotel, while all unsuspecting, I was engaged in the transaction of important business, within an hour of the departure of the only train that could get me to Fort Grant in time for the "public investigation" which the Auditor had requested and the Board had authorized. Here, too, in mock compliance with the Board's instructions, was "a copy of the charges" against me—all the charges that have ever been filed—setting forth no specific instances upon which to base the demand for a change of management, giving neither dates or places, but merely repeating the generalization "that immorality, gross and far-reaching, which is not, and cannot be denied, and is absolutely inexcusable, has existed there during a considerable period of time."

Can anyone, with these facts in mind, wonder that my faith in a fair

hearing at the hands of the prosecutor-judge, before whom I already stood convicted, rapidly faded away

There is strong evidence, however—evidence in the Auditor's own words—that this was merely his way of showing me a most unusual courtesy. His account of this part of the proceedings I copy from his report to the Board:

"Having decided," says Mr. Callaghan, "to give the Industrial School my first attention, I therefore departed on the evening of March 6th, for Fort Grant, accompanied by Mr. E. W. Powers, a stenographer, for the purpose of securing the testimony of witnesses, for use in the future public investigation. Before leaving, however, not that it was incumbent upon me, but simply out of courtesy to Mr. Whipple, I wrote him that I intended leaving for Fort Grant that evening, and at five o'clock, in handing the notice to the clerk at the Hotel Adams, where the Superintendent was a guest, I requested that, if possible, the notice be delivered prior to seven o'clock.

We insisted, says the Auditor, on obtruding upon the privacy of his interviews—the privacy of the interviews he was having, aided by his assistant, a Mr. Ormond, and a stenographic reporter, under the authority of a resolution of the Board providing for "a public investigation" at which I was privileged to be present with an attorney.

It developed, when my attorney and myself had obtruded upon the privacy of the "interviews" being conducted by Mr. Callaghan and Mr. Ormond—assisted by the stenographic reporter—that the Auditor was not having an investigation, but was merely "securing the testimony of witnesses, for use in the future public investigation." It seemed strange to me that this should be so, since no private investigation, assisted by Mr. Ormond and a stenographic reporter, preliminary to a public investigation, had either been requested or authorized; but it seemed still stranger in the light of the fact that the notice which the Auditor did me the "courtesy" to leave at my hotel so late that I could not possibly take advantage thereof, clearly stated that "in accordance with the authority granted me by the Board of Control at a meeting of said Board this day, I shall proceed with an investigation of the Industrial School on Saturday morning, March 7th."

No intimation here of a preliminary investigation—no honest occasion, in fact, for a preliminary investigation—but imperative notice that the investigation authorized by the Board of Control was to be held Saturday morning—when I couldn't possibly be there. No suggestion of a preliminary private investigation until my attorney and myself, unexpectedly, obtruded on the privacy of the Auditor's interviews—personally conducted by Ormond and the stenographic reporter.

I did obtrude. I had certain rights, in common with the institution under fire, and although already convicted by the judge set to try the case, it was my duty to protect them to the best of my ability. At great inconvenience, I took the morning train on Saturday, March 7, accompanied by my attorney, Hon. Wiley Jones, and by a most fortuitous series of connections reached Fort Grant at two o'clock in the afternoon.

Ignoring his belated notice to me; disregarding the instructions of the Board of Control, and contrary to his own request for a public investigation, Mr. Callaghan—to say nothing of Ormond and the stenographic reporter—had already examined several witnesses. Nevertheless, I served upon the Auditor written notice, in the following words, of my readiness to proceed:

"March 7, 1914.

"Mr. J. C. Callaghan,

"State Auditor and Member Board of Control,

"Fort Grant, Arizona.

"Dear sir:

"In accordance with your notice yesterday, notifying me that you would proceed with the investigation of the State Industrial School, on this the 7th day of March, 1914, I announce myself present and

ready to proceed with said investigation, and will see that all witnesses desired by you belonging to the Industrial School as inmates or employees, will be produced as you may request. Being ready myself, and having my attorney and stenographer, I am ready to proceed at once

Respectfully,

W. M. WHIPPLE, Superintendent."

Following the Auditor's flat denial of my right to be present, to have an attorney, or to cross-examine witnesses; and fast upon its heels the startling disclosure that this was to be merely a private preliminary. His notice of the day before—that is, the night before—was forgotten. I entered vigorous protest, and insisted that if there was to be any examination of witnesses that day, by himself, his Ormond and the stenographic reporter, my attorney and myself should be parties to it, unless the Board of Control should declare him to be acting within his rights, in which event I would interpose no further objections.

Mr. Callaghan then proceeded to privately examine still other witnesses, when, requesting him to produce the authority under which he was proceeding—which he said he could not do—I personally served upon him the following protest:

"Fort Grant, Arizona, March 7, 1914.

"Hon. J. C. Callaghan,

"State Auditor and Member Board of Control,

"Fort Grant, Arizona

"Dear sir:

"Pursuant to your notice to me last night of your intention to make an investigation of the affairs of the State Industrial School, in accordance with the authority of the State Board of Control, I this day gave you oral and written notice of my readiness to proceed with the same.

"Upon your refusal to have such investigation public, I emphatically protest against secret proceedings. However, upon your refusal to hold a public investigation, and since your withdrawal from the Superintendent's office where we met for such purpose, I have ascertained that you have made some effort to conduct a secret inquisition about the place without my presence; I hereby protest against such conduct as merely in line with secret and clandestine methods now pursued in Mexico; and that it is wholly in violation of the conditions under which you were authorized to act, and in which I was to have a part and be present in person and represented by counsel.

"Very respectfully yours,

"W. M. WHIPPLE, Superintendent."

Meantime I had wired the Board of Control, briefly stating the facts as above set forth, and received reply to the effect that Mr. Callaghan's procedure was not in accordance with the powers and instructions given him, at his own request, by the Board.

At this juncture, the Auditor—likewise Mr. Ormond and the stenographic reporter—decided to return to Phoenix. Though I urged them to remain until morning, they left that night for Willcox in the school automobile.

Upon his return to the Capital, Mr. Callaghan, bent upon the holding of a private investigation, in inexplicable contradiction of his demand upon the Board for a public investigation, appealed to the Attorney-General. The correspondence between the Auditor and the Attorney-General's department is probably not properly a part of my reply to Mr. Callaghan's report, but it seems to me desirable that the entire train of events be kept closely connected and the whole record be included under one cover. Besides, there is much interesting reading in the letters of the Auditor and of the Assistant Attorney-General, portions of which I may desire, hereafter, to refer to.

I am indebted to Mr. Callaghan's report to the Board of Control for the following:

"Phoenix, Arizona, March 9, 1914

"Hon. George Purdy Bullard,  
"Attorney General,  
"Phoenix, Arizona

"Dear sir:

"At a meeting of the State Board of Control on Friday, the 6th inst., in response to my request for an investigation of the State Industrial School, I was authorized by the Board to proceed with a public investigation permitting Mr. W. M. Whipple, the Superintendent, to have a lawyer present at the meeting.

"Acting upon this authority, I repaired to the Industrial School at Fort Grant, where, preparatory to holding a public investigation, I began the examination of employes on Saturday morning, March 7th, in accordance with notification given Superintendent Whipple on the afternoon before. While engaged in this preliminary examination, Superintendent Whipple appeared with an attorney and a stenographer, and insisted upon being present. I informed them that the time for a public hearing had not arrived and that when it did they would be afforded the opportunity of being present, but that in the meantime they must not intrude upon my preliminary examination of witnesses. To this they objected and insisted upon remaining, whereupon, I repaired to another building and proceeded with the examination, only to be interrupted for the second time.

"The forcible intrusion of Superintendent Whipple upon my preliminary examination of witnesses necessitated postponement of my investigation until such time as the situation could be remedied. The contention of Superintendent Whipple and his attorney for such a privilege is absurd and ridiculous. I submit that if such a procedure were considered proper, it would be equivalent to the prevention of a grand jury from examining witnesses except in the presence of defendant and attorney.

"During the few hours I was permitted to conduct my examination of witnesses unhindered, sufficient facts were brought out to satisfy me that in justice to the people of the State and the inmates of the institution, a thorough investigation should be made.

"Under these circumstances, I am forced to report the matter and apply to you, as the highest legal office of the State, for advice as to whether or not, I, as a member of the Board of Control, am entitled to conduct a preliminary examination of one of the State institutions without interference by the Superintendent. If, in your opinion, I am not entitled to conduct such examination undisturbed, which right in previous similar cases has never been questioned or denied other members of the Board, I call upon you to accompany me to the Industrial School and lend me your assistance in the public investigation which I am anxious to conclude at the earliest possible date.

"I have the honor to be,

"Yours very truly,

"J. C. CALLAGHAN,

"State Auditor and Member Board of Control."

The following reply from the Assistant Attorney-General, Leslie C. Hardy, rewarded the Auditor for his efforts.

"Phoenix, March 10, 1914.

"Honorable J. C. Callaghan,

"State Auditor and Member Board of Control,

"Phoenix, Arizona

"Dear sir:

"For this department I have the honor to acknowledge receipt of your communication of yesterday respecting your authority to repair to the State Industrial School at Fort Grant and conduct a preliminary examination, preparatory to holding a public investigation of that institution in accordance with the resolution of the Board of Control of March 6th, 1914.

"By your communication you inform this department that under the authority of said resolution of the Board of Control, you, on the 7th inst., repaired to the State Industrial School at Fort Grant for the purpose of making a preliminary examination, preparatory to holding a public investigation and that while engaged in this preliminary examination the Superintendent of the State Industrial School appeared with an attorney and stenographer and insisted upon being present, whereupon you informed them that the time for a public hearing had not arrived and that when it did they would be afforded the opportunity of being present, but that in the meantime they should not intrude upon the preliminary examination of witnesses which you were conducting, but notwithstanding your desire in this respect they insisted upon remaining and you were forced to postpone your preliminary examination.

"You desire to be informed whether you, as a member of the Board of Control, and pursuant to its resolution of March 6th, are entitled to conduct a preliminary examination of the State Industrial School without interference by the Superintendent thereof, and that if you are not, you desire a member of this department to accompany you to the State Industrial School at Fort Grant and lend you such assistance in the public investigation as is necessary to consummate the desired purpose of the resolution of the Board of Control of March 6th, 1914.

"The copy of the resolution of the Board of Control of March 6th, 1914, insofar as it refers to the public investigation of the State Industrial School at Fort Grant, is as follows:

'Mr. Callaghan's request for investigation of the Industrial School, as set forth in his letter of February 26, was considered, and letter from him under date of March 6, was read, amplifying statements made in first communication. Mr. Whipple, Superintendent of the Industrial School, requested a copy of specific charges, mentioning time and place. Mr. Callaghan stated that by the phrase "unreasonable theories" as used in his letter of March 6, he meant trusting too much to the honor of the inmates and giving them too much freedom. Mr. Callaghan was then authorized by the Board to make a public investigation of the Industrial School and report to the Board, furnishing Mr. Whipple copy of the charges against him and notifying him of date of hearing, permitting him to have a lawyer present, who shall be privileged to introduce evidence and cross-examine any witnesses, if he so desires. The investigation to include a thorough check of all the financial transactions of Mr. Whipple since taking charge of the Industrial School. The expense of the investigation to be paid out of the Industrial School Fund.'

"Your communication informs me that when you repaired to the State Industrial School upon the 7th inst., it was not for the purpose of conducting a public investigation under the resolution of the Board of Control of March 6th, 1914, but it was merely for the purpose of conducting a preliminary examination preparatory to a presentation of charges by you against the Superintendent of that institution. This being true, it is the opinion of this department that you would be, both under the authority of the resolution of the Board of Control of March 6th, 1914, above quoted, and by virtue of your authority as a member of the Board of Control, authorized to conduct a preliminary investigation of the State Industrial School at Fort Grant without molestation or interference by the Superintendent of that institution or any other person. This authority on your part seems to clearly result from the purport of the resolution itself, and from your prerogatives as a member of the Board of Control. However, after there has been a presentation of charges, as provided by said resolution, it would be incumbent

upon you to accord the Superintendent of the State Industrial School a public hearing, to be conducted in the presence of the Superintendent's attorney and to accord him the privilege of introducing evidence and cross-examining witnesses if he so desires. In other words, it seems to be the fair purport of the resolution above quoted that after there has been a presentation of charges against the Superintendent of the State Industrial School, that he shall have a full and fair opportunity to defend himself against any charges which might be preferred against him. To this extent, we do not think that a preliminary investigation upon your part is without the purport of the resolution, because such an investigation is merely preliminary and not a public investigation conducted after there has been a preferment of charges against the State Superintendent.

"In view of the fact that we have rendered an opinion to the effect that you would be entitled to conduct a preliminary investigation undisturbed, we do not deem it necessary to reply to that portion of your communication calling upon the department or one of the members thereof to accompany you to the State Industrial School for the purpose of lending assistance to you in conducting a public investigation, authorized by the resolution above quoted.

"Yours very respectfully,

"LESLIE C. HARDY,

"Assistant Attorney General"

It will be noted that Mr. Callaghan, in his appeal to the Attorney-General, neglected to mention the fact that at a late hour on the evening of March 6 he pretended to serve upon me a notice to the effect that he would, at an early hour on March 7, proceed with an investigation of the Industrial School in accordance with the authority granted him by the Board of Control, and that the opinion of the Assistant Attorney-General was, therefore, based upon an entirely false hypothesis.

It may not be entirely out of place, also, to direct attention to that portion of the Auditor's argument wherein he submits that if the procedure upon which I insisted, in accordance with the instructions of the Board and my desire for reasonably fair treatment, "were considered proper, it would be equivalent to the prevention of a grand jury from examining witnesses except in the presence of defendant and attorney." Mr. Callaghan, who thus proposes to arrogate to himself the powers of a grand jury, in addition to those of complainant, prosecutor and judge, had evidently forgotten the purpose and composition of that popular inquisitorial body. It does not appear to have occurred to him that the grand jury, instead of consisting solely of a prosecutor, is made up from the body of the people, and is designed to serve as a protection against persecution no less than an assurance of proper prosecution. It does not appear to have occurred to him that the most a grand jury can do is to discover the probable guilt of the accused and return an indictment, whereas by the Auditor's positive declaration, in his letter of March 6, to the Board of Control, supplemented by his statement to the Attorney-General, I was already indicted—not only indicted, which is as far as a grand jury may go, but convicted.

"During the few hours I was permitted to conduct my examination of witnesses unhindered, sufficient facts were brought out to satisfy me that in justice to the people of the State, and the inmates of the institution, a thorough investigation should be made." Here was a perfect indictment. Then why not proceed at once with "a thorough investigation," in accordance with the Auditor's request and the Board's authorization.

However, weak as was Mr. Callaghan's appeal, the Attorney-General's department armed the Auditor with the opinion which is here set forth in full. It is needless to comment upon this opinion since, based as it was upon false information as to the Auditor's previous movements, it said nothing which has ever been denied, and meant nothing in the light of what had occurred.

Learning that Mr. Callaghan, thus armed, would descend upon the School again on the 11th, I requested further instructions from the Board of Control, and received the following telegram:

"Phoenix, Arizona, Mar. 11, 1914

"Hon. W. M. Whipple,  
"Fort Grant, Arizona.

"In reply to your request for information, submitted through your attorney, if Callaghan merely undertakes to pursue personal inquiry with a view to familiarize himself as a member of the Board of Control, with conditions at the Industrial School, such action would be within his rights, and should be supported by you, provided that you have not received from him any notification of public investigation, and provided furthermore that he does not undertake to hold a hearing, at which testimony would be taken, and of which a stenographic report would be made in violation of the Board's order of March 6, copy of which is being mailed to you.

"CHAS. R. OSBURN,  
"Secretary Board of Control."

Confronted with the instructions contained in this telegram, Mr. Callaghan then agreed to a stipulation that if I would waive my own presence and representation by an attorney at the private examination of witnesses which he desired to conduct, assisted by his stenographic reporters, he would supply me with a transcript of the testimony secured. I acceded to this, conditioned upon the Board's approval.

The Board of Control, however, replied to the proposal as follows:

"Phoenix, Arizona, March 12, 1914.

"Hon. W. M. Whipple,  
"State Industrial School,  
"Willcox, Arizona.

"Action suggested in your telegram is contrary to order of the Board, authorizing, at Mr. Callaghan's special request, a public investigation. This order has not been modified. My telegraphic instructions of yesterday as to procedure which should be followed, pursuant to the order of the Board, should be strictly adhered to. Please write fully.

"CHAS. R. OSBURN,  
"Secretary Board of Control."

The Auditor thereupon dismissed his stenographers, and in his own person, in accordance with law and his right as a member of the Board of Control—a right which, while I have been Superintendent of the State Industrial School there has been no attempt, so far as this institution is concerned, to deny or to deprive him of—a right of which, in fact, it has been my constant desire he should conscientiously avail himself—proceeded with a private, unhampered, unrestricted, unlimited, unobstructed investigation. It occupied two days.

I have set forth, faithfully and in detail, the "obstruction" of which Mr. Callaghan, in his report, complains, and all "the circumstances leading up to and difficulties encountered during the investigation," which were, in his opinion, "of such unusual character as to warrant recording." Here they are fully and truthfully recorded.

#### THE PUBLIC INVESTIGATION.

On March 16 I received, by telegraph, the following notice:

"Phoenix, Arizona, March 16, 1914.

"W. M. Whipple, Superintendent,  
"State Industrial School,  
"Willcox, Arizona.

"Pursuant to my preliminary examination at the State Industrial School, you are hereby notified that on Thursday, the nine-

teenth instant, I will proceed with a public hearing, to be conducted at Fort Grant

"J. C. CALLAGHAN,  
State Auditor and Member Board of Control"

For a recital of the events following, I quote from the Auditor's report:

"Accordingly, on the afternoon of the 19th, the public hearing was convened at Fort Grant, and was concluded in the forenoon of the 21st, sessions being held both nights as well as during each day. The State was represented by Assistant Attorney-General Leslie C. Hardy, and the Superintendent by Attorney John C. Gung'l. In order to obviate the possibility of collusion, all witnesses except the one testifying were, by agreement, excluded from the room.

"The sessions were held in the business office of the institution, except in the case of the testimony of female inmates, which was heard in the school room of the Girls' Dormitory Building. From, and based upon the evidence herewith transmitted, consisting of two hundred and sixty-nine typewritten pages, I submit herebelow my findings:"

The record above quoted, as set forth in Mr. Callaghan's report, is clear, correct and concurred in, except as to the concluding clause. In contravention of that clause I emphatically assert, and shall endeavor to show, that the Auditor's "findings", as disclosed by his report, are neither from nor based upon the evidence secured at the public hearing held at Fort Grant from March 19 to 21, a transcript of which, consisting, as stated, of two hundred and sixty-nine typewritten pages, is in your hands.

I shall, with perfect confidence, endeavor to prove from the testimony secured by Mr. Callaghan and the Assistant Attorney-General, from the array of witnesses selected by the Auditor, after two "preliminary" private hearings, that his charges are unsustainable, his "findings" untenable and his demand for a public investigation of Arizona's institution for the reception and care of its erring and incorrigible boys and girls unjustified by any legitimate demand of public expediency.

I shall endeavor to show that the Auditor's "findings" are based upon nothing more substantial than the necessity for confirming his pre-announced decision of guilt, heretofore referred to, wherein, as early as March 6, he officially declared to the Board of Control, without any investigation, either public or private, obstructed or unobstructed, "that immorality, gross and far-reaching, which is not, and cannot be denied, and is absolutely inexcusable, has existed there during a considerable period of time, and that such a condition demands no less than a change of management."

I shall endeavor to show that in the Auditor's summing up of the testimony secured by himself and his Assistant Attorney-General, from his carefully selected witnesses, there has been distortion, deception and evasion, truths half told which are more damaging and less creditable than frank, outspoken lies, and salient points favorable to myself, if not purposely at least carelessly disregarded.

It were good indeed, but for the disclosures of a nauseating, persistent attempt to add other chapters of blackened character to the stain which comes of the commitment of a boy or girl to a reform institution, if the men and women of Arizona might read in full the transcript of the evidence gleaned by the Auditor and the Assistant Attorney-General from the witnesses so carefully selected from nearly two hundred inmates, employes and ex-employes. I would gladly, without comment, rest my defense upon it.

#### MR CALLAGHAN'S REPORT.

It becomes apparent, from the first word of the Auditor's "findings", that there is to be no attempt to set forth any facts which might be construed as favorable to the Industrial School or to the management thereof; no endeavor to truthfully and impartially depict conditions as they exist,

good as well as bad; no desire to present even the most obvious and essential explanations, if the truth be sought, of undesirable and undesired conditions which are impossible of immediate remedy, if possible of remedy at all; no intention whatever of doing aught but to "prove", by the most damaging and deceptive arrangement of "evidence" that could be suggested by a none-too-sensitive conscience, and by far-fetched deductions wholly at variance with the sworn testimony of witnesses, the verdict of guilty handed down in advance by the prosecutor-judge.

#### ADMINISTRATIVE EXPENDITURE.

Under this heading, of which the first subdivision is maintenance, I must, for clarity, quote in full the Auditor's "findings":

"I find from the records of the Industrial School that, taking for easy and down to date comparison, the month of February of the years 1913 and 1914, the following analogy:

"The average number of inmates is shown in each case to be the same, i. e., one hundred nineteen, yet the net daily per capita cost increased from \$1.03 in February, 1913, to \$1.60 in February, 1914, or fifty-five per centum. In other words, for every dollar expended one year ago there is now being expended one dollar and fifty-five cents."

Certainly it must be admitted, in the words of Mr. Callaghan, that this is an "easy and down to date comparison"—down to the minute, in fact, and no less "easy" than recent. I trust the public, for whose consumption the comparison is clearly intended, may not be so "easy."

To be sure it might not have been so easy, though far more conducive to arrival at the truth, to set forth that in February, 1913, when the per capita cost for maintenance was \$1.03, the State Industrial School was situated at Benson, on a main line of railroad, under one roof; where the inmates were necessarily closely confined and few guards were needed; where facilities for instruction were pitifully limited and few instructors could be utilized; where the true purposes of the institution could not be and were not carried out, but where it could be maintained—without beneficial results, but simply maintained—at a far less cost than at Fort Grant. It might not have been so easy, but it would have been enlightening and accurate to state that in February, 1914, the School was at Fort Grant, thirty miles from the railroad, where the transportation of supplies is as yet comparatively expensive; where the School is housed, in order that its proper functions may be performed, in a score of buildings; where a large number of unused structures, combined with the isolation of the scene and the nature of the institution's physical surroundings, afford convenient hiding places for incorrigible inmates bent upon escape, thus necessitating, for the time being, at least, additional officers; where there are ample opportunities for the carrying out of one of the great purposes of the School's removal, that of affording, under a proper system of segregation, industrial and moral instruction to the inmates, and where the working out of this plan, which is going forward as rapidly as possible under all the circumstances, has added largely to the force and the expense of instructors; where, by reason of the institution's isolation it was found necessary to provide furnished quarters for the families of employes; where the School—the removal of which began little more than six months ago—is, and for some time yet will be, in that formative, organizing period of its existence, which all will recognize as a most expensive stage.

It might not have been quite so easy, but it surely would not have been difficult, to direct attention to the fact that whereas the total cost of maintenance in February, 1913, was \$3,439.98, and in February, 1914, \$5,336.71, from the latter, if fairness were desired the following extraordinary items of expense should be deducted: Supplies for freighting truck, \$156.78; band supplies, \$74.24; added cost of physician's salary and maintenance, \$80; tailor's salary and maintenance, \$95; shoemaker's salary and maintenance, \$80; plumber's salary and maintenance, \$95; additional officers, salary and maintenance, \$400; extra night watches, \$80; freight truck driver, salary and maintenance, \$90; automobile purchased, \$630.00; steward and baker, salary and maintenance, \$87.50. At Benson the cook

did the baking also, but at Fort Grant the bakery is too far from the kitchen to permit of that—a condition which will be remedied. Deducting this total—\$1869.42—of additional and extraordinary but necessary expenditures, the cost of maintenance in February, 1914, is shown to be \$3467.29, not so greatly in excess of \$3439.98 in February, 1913. Neither has there yet been taken into account numerous small items of extra but unavoidable expense which, when properly deducted from the above figures, make possible the authoritative statement that in February, 1914, in spite of all the difficulties with which the School must contend at the present time, the actual cost of subsistence was \$241.93 less than in February, 1913, when the School was situate at Benson.

Just why Mr. Callaghan should have taken, for "easy and down to date comparison," the months of February, 1913, and 1914, and confined himself, so far as the financial transactions of the institution are concerned to those two months, I cannot say, since, as will be seen by a reference to the Board's instructions, he was directed to make "a thorough check of all the financial transactions of Mr. Whipple since taking charge of the Industrial School." Such a check, adequately set forth, would have shown that for "easy and down to date comparison" the Auditor selected the months most favorable—if only the bare, unexplained figures, as he set them forth, were to be employed—to his implied charge of extravagance. Although all of the months from September, 1913, when the removal from Benson began, are subject to the same unavoidable increases over the Benson cost, there might be pointed out months when the difference in per capita cost, even leaving in all claims of unusual and extraordinary expense, was slight. The bare fact is that, owing to changed conditions, and particularly the newness of conditions at Fort Grant, the cost of maintaining the inmates is unavoidably and inevitably higher. The most meagre element of justice in the Auditor's report would have required that this point be made clear. The evolutory process by which order is being brought out of chaos will gradually improve this condition, and I have every confidence that within a reasonable time the per capita cost of maintenance at Fort Grant will compare most favorably with the same expense at Benson. Many of the extraordinary items which, under the changed location and order, have been found necessary, will be eliminated; many inconveniences, which are always expensive, will be replaced by modern labor and material-saving devices, and better and more economical systems will be evolved. These things take time, particularly when one is handicapped by a shortage of funds and a condition of utter confusion from which to bring forth the desired perfection.

In concluding this subject, I desire to express the view that after all the true test of the character and quality of management of this Industrial School does not lie in a statement of the per capita cost of maintaining its inmates. If it was impossible under old conditions, as it was, for the School to properly perform the functions for which it was brought into existence, at \$1.03 or any other sum per capita, and it is now possible—and I submit that the School is today performing those functions to a degree, rapidly increasing, never attained before—then a per capita cost, if necessary, of \$1.60 is not an expense to the people of Arizona, but a far-reaching, wide-spread, future-insuring economy.

Under the sub-heading of "Improvements" Mr. Callaghan again demonstrates that in almost any given case it is possible, by giving consideration only to a portion of the facts, to make a showing for the most unfounded contention.

In reciting the fact—a statement innocent enough in itself—that there has been expended for improvements at Fort Grant up to February 28, 1914, the sum of \$10,782.55, the Auditor injects the following:

"The evidence discloses that on some buildings condemned by Architect Royal W. Lescher, employed by the Board of Control to inspect same, several hundreds of dollars had previously been expended in repairs."

It was obviously Mr. Callaghan's purpose to convey the impression that money was being squandered on the repair of decrepit and condemned buildings. The facts are that when the removal of the school was first

begun, and it was absolutely necessary to place some buildings quickly in condition for the reception of the inmates, a large building was selected as a Girls' Dormitory and some repair work done thereon. This was prior to my incumbency. That the selection of this building was an error was soon discovered, and another, more remote from the main body of buildings, was adopted for housing the girls. Subsequently—to be exact, on January 2, 1914—Mr. Lescher, at the instance of the Board of Control, visited Fort Grant, made an expert investigation—absolutely “unobstructed”—and indicated the buildings which were sufficiently preserved to justify the expense necessary to place them in a thorough state of repair. I quote from his report as follows:

“I also wish to state here that I think the money spent to date upon remodeling, except in one instance, has been well spent, and the work well done under the able superintendence of Mr. Greenwood.”

In my opinion, the inclusion of Mr. Lescher's actual opinion as to the improvements being made at Fort Grant, here quoted, would not have detracted from Mr. Callaghan's report.

Neither was the single building—not “some buildings”—which formed the exception to Mr. Lescher's otherwise complete approval, so bad as to cause it to be condemned. The architect merely discovered that to place it in proper condition would require about \$1000 more than had already been expended, and he did not recommend the expenditure. In other words, he considered it more economical that the limited improvement fund be spent on other buildings, which he indicated, and which professional advice has been followed.

In an effort to prove that the State “has expended thirty per cent more money than was necessary for improvements made,” a “waste of the State's money” for which, with the most unusual and unexpected consideration, he “does not say that the Superintendent is responsible”, but the blame for which he quaintly avers “belongs somewhere, and should be placed,” Mr. Callaghan employs the testimony of J. A. Pitts, who is in charge of the brick and cement work.

The record shows that while there was a studied effort to induce Mr. Pitts to say that the work being done in his line was costing the State more than it should, the most and the worst that he said was that, with the force of inexperienced and comparatively incompetent boy-helpers at his command he was securing only about seventy per cent of efficiency—in other words, as the Auditor with his wide experience and keen intelligence must have well understood, if Mr. Pitts had been given a contract for the work in which he was engaged, and had employed thereon a like number of experienced helpers at regular wages, he could in the same length of time have accomplished thirty per cent more; or, to take it the other way around, he could have done the same amount of work in thirty per cent less time. Instead of costing the State thirty per cent less money, however, it should be obvious to anyone that it would have cost more money, for what may have been lost in time by reason of inefficient helpers—boys whom it was necessary to guide in their labors by the process of patient and doubtless tedious instruction—was much more than compensated for by the saving in wages. This does not take into effect the distinct gain effected by the useful industrial employment given Mr. Pitts's helpers—employment and instruction strictly in line with the true purposes and functions of the State Industrial School.

The circumstance should not be lost sight of, either, that the School's improvement fund is wholly inadequate to the demands upon it, and its conservation, not only by the employment of the inmates whenever and wherever possible, but as well by the use of materials taken from condemned buildings, is absolutely necessary. In this work of taking old materials apart, cleaning and moving, the unskilled help of the institution can be and has been successfully employed—thus effecting another distinct and important saving over contract labor. These economies are worthy of note, and while I do not say that the Auditor is responsible for them, the credit belongs somewhere, and should be placed.

## SANITATION.

To the subject of Sanitation—one of the four main headings under which Mr. Callaghan divides his report—four lines are devoted; four lines, as might be expected, of carping criticism and fault-discovery. The Auditor's "finding" on this subject is not too extended to quote:

"The evidence shows that toilet and laundry equipment is insufficient and inadequate. These conditions are susceptible to the spread of disease. Weeks have elapsed between baths and change of underclothing of inmates. Here, also, there may be, at least, a division of responsibility."

"The evidence shows" just what all who are in any degree familiar with the incomplete conditions at Fort Grant know and freely admit—facts easy of determination by anyone sufficiently interested in the welfare of the place, without the expense or the inconvenience—but, of course, without the advertising also—of a public investigation held, if possible, in private. The toilet and laundry equipment is quite insufficient and inadequate, and whether "these conditions" are or are not "susceptible to the spread of disease," no one will argue that the toilet and laundry equipment should not, as quickly as possible, be brought up to standard—an improvement which is going forward with all of the celerity that could reasonably be expected. If this work, which I do not believe to have been the case, has been inexcusably delayed—as might be inferred from the Auditor's brief but stinging criticism—it may be pertinent and timely to fix, in some detail, the "division of responsibility" therefor to which Mr. Callaghan vaguely alludes.

As for myself. I have no inclination to evade responsibility for any shortcoming, and if in this matter of toilet and laundry equipment there have been delays which might have been avoided, it is likely that two members of the Board of Control will readily shoulder their share of the blame, since they have at no time shirked their full burden of the undertaking. It may therefore be suggested, upon reasonable ground, that not a small share of the responsibility, if perchance there had been a failure—which there has not—would rest upon Mr. Callaghan. During the past eight months he has paid this institution several very brief but most welcome official visits, but I have yet to hear from him the first word of suggestion, of help or of advice regarding its conduct its management or its improvement much less of sympathy or encouragement; though his out-spoken interest, so greatly needed during the stress and chaos of moving and of overcoming the demoralized conditions which had prevailed, was frequently courted. Verily, there have been times over here quite sufficient to try the strongest man's soul, but not once has the Auditor offered his help—friendly, official or patriotic. I quite agree that for whatever unsatisfactory condition exists there may indeed be a "division of responsibility."

## DISCIPLINE.

The problem of the control and discipline of an institution of the character of the State Industrial School, is a real one—not to be solved by parlor speculation. If my abilities have fallen short of its magnitude I have no apologies to offer, for my earnestness and my efforts have not. I may be pardoned, however, for merely referring to the testimony deduced at Mr. Callaghan's investigation, which practically without exception goes to show that disciplinary conditions, almost indescribably serious at the time I took charge of the institution, have grown steadily better until now, while much improvement may yet be made, and differences may reasonably exist as to the proper policies to be pursued, a generally favorable air prevails, and there is ample ground for optimism on the part of those who honestly wish for improvement.

It is not sufficient, in this place, to say that there shall be perfect discipline, and expect that, presto, there shall be perfect discipline. The question is one far more of practice than of theory. We have 119 boys and girls, of all ages and sizes, colors and nationalities, come from every

quarter of the State, with a world of good in them, and rivers of red blood flowing in their veins, but picked from among the body of the commonwealth's youth not for the mildness of their manners, the brightness of their virtues nor the shining excellencies of their conduct. Among them are twenty-five or thirty who are men in stature, and so the suspicion goes, in age as well. There are inmates committed for offenses ranging all the way from petty misfortunes to murder itself. Add the total demoralization which existed seven months ago, when the early work of removal from Benson was going on, and the state of rebellion existent when I assumed charge, and the herculean proportions of the task assigned me—not merely of maintaining discipline, but of bringing discipline out of mutiny, will be, by most people, understood and admitted. That I have proved entirely equal to the undertaking I do not say—it were not for me to say even though it could be said. In truth, I have never ceased to feel my shortcomings, nor to wish and pray for added wisdom to guide me; but I feel that he is a rash man, who, in the light of the testimony and of the facts, deliberately asserts, as Mr. Callaghan does in that portion of his condemnation having to do with the discipline of this institution that, although "among the employes harmonious co-operation is lacking, all are of one mind as to the lack of system and competent management under the present Superintendent."

It is to be regretted that there has not been that entire harmony and co-operation among the employes which is essential to complete success—a condition now vastly improved—and it is not to be wondered at, in view of the consequent jealousies to some extent existing, that, from the witnesses carefully selected by Mr. Callaghan, some criticisms of the disciplinary methods and policies employed and directed by myself were brought out, but without drawing upon an imagination fathered by a similarly discreditable desire, the evidence supplies no ground for Mr. Callaghan's above quoted "finding".

I quote from the testimony of J. B. Burlison, a guard, who, though offering some criticism and confessing that he could not say that conditions were all they should be, declared in response to the questioning of the Assistant Attorney-General that as far as he knew, the rules were enforced, and punishments for their infractions inflicted. When asked by Mr. Gung'l on cross-examination, "You know the conditions in the past and now?" he replied: "I know the conditions in the past, now and when I came here, and I think it is a great deal better now."

Prof. Carl Gung'l, the bandmaster, and for thirty years in the United States army, was asked: "How do you think the discipline in this institution compares with discipline that is administered in the army"—and the question represents about a fair average of the wholly unreasonable and unfair comparisons Mr. Callaghan endeavored to draw. Prof. Gung'l testified:

"It is a hard thing to compare. I look at it this way; this is an old post in a terrible state. When Mr. Whipple came here, look at the buildings which were here, and it was a hard thing to manage things just so. You can't have any discipline. Everything is upside down and \* \* \* in a terrible state, and it takes at least a year or two years \* \* \* before this place will be placed in proper order. You could hardly do like you do in the army. Every soldier knows his duty there, and it is all discipline, and here it is a hard thing I can tell you. You cannot compare it to the army."

From first to last the testimony, whether friendly or unfriendly—and, as I have suggested, Mr. Callaghan selected every witness called but one, which one was not questioned on the subject of discipline—shows, either in direct or cross-examination, that conditions, deplorable for a time, have steadily improved, and are now better than ever before. Furthermore, I think, without a single exception, the testimony shows that where serious breaches of discipline among the inmates have gone unrebuked, or where delinquent or inefficient officers or employes have escaped the full penalty of their misdeeds, thus serving as the basis for a very large share of the criticisms offered and of Mr. Callaghan's extravagant charges of misman-

agement, it was because I had not been informed. And I unqualifiedly assert, with reference to the officers and employes of this institution, that whenever and wherever serious conduct or incompetence upon their part has been clearly shown, discharge has immediately followed.

It is difficult to know how to please Mr. Callaghan in the matter of discipline. It appears that I am "damned if I do and damned if I don't." In his charges of March 6 he "maintains that the Industrial School is no place to try out experiments based upon unreasonable theories"—presumably a complaint that I have trusted too much to the honor of inmates and indulged in too little punishment. He now comes forth with startling charges of brutality, of "boys stripped and given as many as twenty-five lashes with a strap about four inches wide and two feet long;" of boys that have "frequently been handcuffed to iron hitching posts, remaining in that position for several hours regardless of weather conditions, and in case of the smaller boys the hand being fastened to the hitching ring is said to be in a position somewhat above the boy's head, doubtless retarding circulation. This appears," he says with evident horror, "to be a common punishment."

So it is—the commonest sort of punishment, common to every institution of reform and correction in the country, and classed—since the pain of it consists almost entirely of the humiliation it visits upon the offender—among the mildest forms. It is employed at the Industrial School to obviate the necessity of severer punishment. The statement that the testimony shows boys to have been left fastened to posts "regardless of weather conditions" is purely and simply false, for no reference is made in the testimony to "weather conditions," and there is no instance of record where a boy was permitted to suffer through exposure to inclement weather. Likewise, there is no truth in the statement that "in the case of smaller boys the hand being fastened to the ring is said to be in a position somewhat above the boy's head, doubtless retarding circulation." The testimony—supported by the posts, which Mr. Callaghan may consult, without interference, at any time—shows that in the case of the smaller boys, the hand fastened to the hitching ring reaches to "practically near his ear." These last two charges, though casting a serious reflection upon the hitching posts, and seeming to have made a deep impression upon Mr. Callaghan's fatherly sympathies, are really jokes, from which I anticipate no greater suffering than the boys experience at the hands of the punishment. But the charge of brutal beating with a heavy strap, so cunningly worded as to make it appear without saying so, that I have been guilty of the outrage, is barren of humor. Likewise of truth or decency.

Early in my administration I issued the following standing order defining what was permissible in the way of punishment:

"Punishment must not be inflicted upon any boy without first giving the offender a fair hearing, except where it is necessary to compel immediate obedience to a legitimate order, and then only such punishment as is necessary for such purpose"

That order, in all cases coming to my notice, has been complied with. Supplemental thereto, I absolutely forbade corporal punishment, believing it to be unnecessary, degrading and dangerous, and from the date of my arrival at the Industrial School until this blessed moment I have neither administered it myself nor permitted it. The testimony upon which Mr. Callaghan bases his sensational statement disclosed the fact that, about the 16th of February the school disciplinarian, employed by the Board of Control, had a boy stripped and whipped with the given number of lashes, and several other boys whipped, all without my knowledge and contrary to my orders. The man was discharged.

I am aware of the difference of opinion which exists on the question of corporal punishment. Personally, I oppose it, and while I am Superintendent of this institution it shall not be employed unless there should arise some extraordinary and inconceivable occasion therefor. But while I deem this and other brutal methods of punishment to be not only unnecessary, but rather subversive of genuine discipline and incompatible with the work of true reform, I must admit that there have been times when the issue

hung almost in doubt. The darkest of these was when I assumed the reins of management. Whipping had lately been the order; distrust and suspicion permeated the inmates; rebellion, of which there were many visible signs, was in the air; weapons were discovered and a loaded pistol was learned to be on the ground. The night before my arrival three boys escaped; in the course of a few days—during the period of my greatest unfamiliarity—several more. A critical situation existed; heroic measures seemed essential, and it is not extraordinary that a wonder arose if, after all, the whipping post, in such a crisis, could with safety be suddenly and completely abolished. The employees—those who remained—recommended its retention, and some sulked when denied. The tidings went out that the retiring Superintendent had been removed for whipping, and that severe punishment would no longer be permitted; temporarily it made matters worse instead of better. The bad side of the boys showed first. A feeling akin to murder was abroad, and it found escape in bold acts of disobedience, aggravated by exhibitions of defiance which the new order, with its promise of immunity from corporal punishment, inspired. Forcible resistance was in more than one instance offered to the employees. It is not strange that for a moment I doubted, nor that the officers demanded recourse to a system with which they were familiar—which they knew to be efficacious in compelling submission. But that trial passed, and others—none so serious—ever diminishing, have come and gone. Deep-seated conviction triumphed over momentary alarm, and corporal punishment became a thing of the past. Reason prevailed, and gradually comparative order came out of something akin to chaos. But the change was not made easier by lack of sympathy on the part of many employees, and their slowness to enter into the spirit of reform. But even that feature of the situation is much improved now, and I am constrained to feel that even though I may not have made the most of the wonderful opportunity given me in the great crisis through which the State Industrial School has passed, there has at least been afforded satisfying vindication for those "unreasonable theories" of which Mr. Callaghan—when he is not denouncing my heinous brutalities—complains. As he charges, I have much confidence in many of the inmates of our school—a confidence that is growing with added acquaintance with them and increasing interest in the work of their rehabilitation. I cannot say never, but rarely has the confidence which I have reposed in their honor been violated. Boys—a number of them—have at different times been permitted to go unattended to their homes in distant parts of the State, on visits to parents who were ill, for the temporary assistance of their parents or for other good and sufficient reasons, and never once have these boys failed to return at the time appointed or to promptly report by letter in accordance with the conditions imposed upon them. A still more striking instance, which Mr. Callaghan would doubtless describe as "trusting too much to the honor of inmates," is afforded by one of the "rebels" I found at Benson. He was admittedly the leader of the mutiny that greeted me—a growing mutiny, of some-time standing, which I inherited from my predecessor. When I made his acquaintance he was in solitary confinement, and it was not his first experience. He had twice escaped, and for his offenses had been familiarized with the lash. He thought he was a martyr, by his fellows regarded as a hero—he knew he was a rebel. Today he is a trusty—a trusty of trusties. I reposed confidence in him, and he has repaid it with fidelity to his word. He accompanies the freight truck to Willcox, conducts himself as a gentleman and performs valuable service—frequently he goes by himself. Who is to say that trusting this rebellious boy was an unreasonable experiment?

The remainder of Mr. Callaghan's charges of cruel treatment are as ridiculous and silly, and as illy supported by the evidence as those heretofore referred to. He tells of bread and water punishments, and dwells with touching pathos upon the injuries to health sure to follow such treatment. The testimony of Mr. Callaghan's witnesses proves that no evil effect has ever followed the imposition of a bread and water discipline in this institution, and there is no danger that it ever will.

The Auditor makes a curious practice of selecting a particular instance capable of distortion and then making it appear by the use of plurals

that the instance is but one of a common practice. "These boys"—note the plural—"are assigned to manual labor," he says, "immediately upon release from confinement on bread and water diet, and while in a weakened condition." His foundation is this—that a boy—one boy, mind you—released from confinement on bread and water, for an infraction of the rules, was at his own request permitted to mix mortar, which he was well able to do, and a few days later performed valiant service in a baseball game at Willcox, where the Fort Grant boys, in an exciting fourteen-inning struggle, defeated the Willcox athletes 3 to 2—quite a feat for a poor boy in a weakened condition!

Again. "As a result of an exclusive diet of white bread and water, and absence of sufficient physical exercise, inmates"—please observe the plural—"have been known to pass a period of many days without process of excretory elimination, and have therefore required hospital treatment." The "inmates" to which the Auditor refers were a boy who, while undergoing confinement for a serious breach of discipline, was attacked with an illness and removed to the hospital. The cause of his illness and eight days' treatment was not that assigned by Mr. Callaghan at all, but according to the sworn affidavit of Dr. Wallace, was "an attack of angina pectoris," to which the patient told the doctor he was subject. Angina pectoris, liberally translated, means something like a spasm of the chest, and I am disposed to believe that the ailment has a hold upon some of our prominent critics (I have carelessly fallen into the use of plurals from reading Mr. Callaghan's report), as well as our inmates.

"The rule in the United States army," asserts the Auditor, is further protest against our inhuman practices, "is to alternate bread and water with full meals every other day." I hesitate to contradict so high an authority on discipline, and it is with apologies that I quote herewith Rule 8, title Punishment, Manual for Courts-Martial, United States Army:

"B. Solitary confinement, or confinement on bread-and-water diet, shall not exceed fourteen days at a time, nor be again enforced until a period of fourteen days has elapsed"

The girls, also, and very properly, receive Mr. Callaghan's solicitous attention; but again, as before, his criticisms are either without merit or without truth.

It is true that a few girls had their hair clipped. It is an old and common method of punishment, and one not resulting in physical injury or pain. Though an ordinary practice in correctional and reformatory institutions throughout the country and regularly employed in this school since its establishment, in the case of girls who attempt to escape, it has, however, been seldom resorted to during my administration, and then only when a warning that hair-clipping would follow a repetition of the offense above named had proved ineffectual.

I am very glad to say that during my incumbency there has been a minimum of need for the punishment of the girls. Only in rare instances have they been guilty of serious infractions of the rules, and there has therefore been practically no incentive—even had there been an inclination—for the visiting of such brutalities upon them as Mr. Callaghan would represent.

The hair-clipping episodes of which Mr. Callaghan makes so much capital may be easily explained, and even at the expense of burdening an already overlong document, I deem it well to do so.

For escaping from their dormitory, on the night of February 3—an incident which will be more fully described under a subsequent heading—and carrying food to a number of boys confined in the guard-house, I was sorely tempted to order the hair of seven girls clipped, but in response to their earnest pleas, the frankness of their confessions and the extenuating circumstances clearly established by a thorough and painstaking investigation of the affair, I refrained from doing so—while warning all of the girls in the institution that another violation of the rules demanding such punishment would result in its strict enforcement. Nevertheless, when some time after the word came that Mrs. Cole, the new matron, was at Willcox, and would be at the school the next day, two of these girls, toward

whom, upon their protestations of good behavior, clemency had been shown, effected their escape, accompanied by another. The three girls were brought in about four o'clock of the next afternoon, and when I returned from the search about dark, true to my promise and warning I ordered their hair clipped.

The case of a girl who, in addition to having her hair clipped, "was handcuffed, night and day, during the entire period of punishment," is another of the distortions of Mr. Callaghan's mind. During the period when there was no matron at the school, this girl secured the smuggling of a note to a boy, telling him that she was dangerously ill and asking him to come up to the dormitory at once to see her. The note inspired a train of falsehoods on the boy's part and caused a serious breach of the rules, including an attempt to go to the dormitory. For this the boy was appropriately punished, and the girl was ordered to her room and handcuffed. For this offense and at this time there was no hair clipping, contrary to the inference which, in accordance with the writer's obvious intention, would be natural and logically drawn from Mr. Callaghan's report. When, about the time of or immediately after Mrs. Cole's arrival, this girl, in company with another one, ran away, she was punished by the clipping of her hair. In all, ten girls, at about this time, attempted to escape—three, as above stated, the night before the new matron's arrival, and seven afterward. It is hardly likely that their punishment, of which Mr. Callaghan grievously complains, would be so severely condemned had he taken the trouble to learn that it was sanctioned by the new matron, Mrs. Cole, of whom he speaks in the following well-deserved eulogistic terms:

"I am pleased to report, however, that the new matron, Mrs. Cole, is a woman of experience with wayward girls, and her reputation and appearance gives promise of salutary results."

Mr. Callaghan's virtuous indignation is also aroused by the astounding discovery that "it was a common practice to utilize girls as helpers in the blacksmith shop." So horror-struck does he become over this evidence of inhuman treatment that he "ventures the assertion that in no similar institution in the United States or any other Christian country of the civilized world, can examples be found of such barbarous punishments and deprivations, calculated to cause stunted growth, being inflicted upon helpless and growing children."

After suggesting a pause of a moment or so, to allow the nerves of the excited reader to become a little quieter, I will explain, as shown by the testimony of the foreman who was in charge of the work, that the girl-helpers in the blacksmith shop—during a short period when the blacksmith shop was at the girls' dormitory—chiefly turned the wheel of a light-draught drill. It was a task to which any ordinarily robust child of twelve years would be easily equal. The girls whose growth was stunted were from seventeen to twenty years of age, from five feet four to five feet seven inches in height and would probably average 136 pounds in weight. They volunteered to do the work, for the recreation and diversion it afforded, and according to the testimony of the foreman, did it better than the boys who were displaced. With them it was play, pure and simple. "Here, indeed," to quote the withering sarcasm of the Auditor, "are concrete illustrations of the invocation of 'relics of barbarism,' regarding which much has recently been heard, condemned as to adult and hardened criminals, it is true, but apparently sanctioned or condoned in the cases of delinquent juveniles."

In conclusion of his "findings," under the head of "Discipline," Mr. Callaghan states that "in the last two and one-half months of former Superintendent Harper's administration there were eight escapes or attempts at escape. In the first two and one-half months of Superintendent Whipple's administration there were forty-five escapes or attempts at escape."

I shall refrain from quarreling with the Auditor's figures. It could be done, but the point is immaterial. Here and there, in this reply, I have endeavored to afford some idea of the conditions which prevailed when I was given charge of the Industrial School, and the chaos that reigned for some time afterward—of the three boys who ran away the night before my arrival

at Benson (and they were charged to my account); the rebellion which prevailed; the resignation of several of the former Superintendent's assistants and a consequent shortage of guards; the lack of sympathy on the part of many who remained; the difficulties attendant upon initiating a milder policy; the serious problem of removing the inmates to Fort Grant, where, isolated and surrounded by a country with which the officers were unfamiliar and accorded unlimited opportunities for escape, there was no preparation. I have not told the half of the difficulties with which we were overwhelmed, while the purposeful, contemptible distortions and falsehoods of malignant, conscienceless enemies without were adding, as intended, to the confusion and demoralization within. With my anger cooled and my bitterness past, for what I consider the cold-blooded, criminal efforts of certain newspapers and the interests which control them to bring ruin upon the State Industrial School and discredit upon the policy which the Governor of Arizona assigned me to install therein, I solemnly declare that the wonder lies, not in the escape or attempted escape of forty-five rebellious boys, during a period of unspeakable peril, but in the miracle that any able-bodied inmates remained.

If I were to resort to further explanation of the wholesale hegira over which the Auditor makes so much capital, I would refer with regret to the Auditor's sudden discovery, when the epidemic of escapes was at its flood, that he had "no authority of law to pay rewards for the return of escapes," and therefore instantly and at the most critical period in the history of the Industrial School—when battle was on for its very existence—refused to observe a custom as old as the school, which to that time he had not criticised. It will not be difficult to judge the effect of this action—upon its motive let the curtain be drawn.

As in the case of his financial comparison, when a particular month was selected to the exclusion of all others, it is to be supposed that Mr. Callaghan chose "the first two and one-half months of my administration and the last two and one-half of the former Superintendent's" for "an easy and down to date comparison" of escapes. Otherwise he might have stated—as the authentic records of this institution and my reports to the Board of Control will show—that during the last four months prior to Mr. Callaghan's investigation, there have been a total of only six escapes and an equal number of runaways have been returned—a record which has been rarely equaled in any similar period of the institution's history; while of the large number of escapes that have occurred during my incumbency, all but sixteen have been returned. No further comment would seem to be necessary.

#### MORALS.

Of 269 typewritten pages comprising a transcript of the testimony secured at Mr. Callaghan's investigation, no less than 130—or about one-half of the total record—have to do with the morals at the State Industrial School. Clearly, therefore, this is a subject dear to the Auditor's heart, for which he must be highly commended, and it would be both impertinent and misplaced, here or at this time, to question his qualifications for grasping it scientifically, if not sympathetically, and weighing the evidences with judicial accuracy, even though somewhat lacking in the attributes of common, humané charity.

I must, however, express the most poignant regret that Mr. Callahan considered it necessary to fill more than seventy pages of his transcript—fifty per cent, of that large portion having to do with the subject of morals—with testimony, and much of doubtful accuracy, regarding the conduct of two ex-matrons, in neither of whom either the school, the Auditor or myself can have any possible concern, since both were long ago discharged, and so far as I know are now engaged in the living of quiet, respectable, law-abiding lives in no wise distinguished by attempts to blacken the characters of others.

It is even more deplorable that in his report he distorts, exaggerates, misinterprets and magnifies the evidence so zealously and persistently sought, seemingly willing to work wreck to the reputations of defenseless women for the meager gain of questionable proof to support his preconceived and pre-announced decision of Industrial School mismanagement.

In the case of the first of these ex-matrons, whose disconnection with

the school dates over six months back, Mr. Callaghan with seeming reluctance admits that "the evidence is conclusive only to the extent that she was "indiscreet," and while professing that he "should loathe to believe that her transgressions were of a more serious character," does not hesitate to so amplify and color his further comments as to lead inevitably to the conclusion that the lady's "transgressions" were of the most serious character. It is not my purpose to enter upon a defense of this ex-matron, whose conduct, as I have said, is not a matter of concern to this institution, but I must in common fairness to her and the school assert that Mr. Callaghan's insinuations and inferences are unwarranted by the evidence; and his deduction, as they affect this school and the management thereof, are absolutely immaterial.

The other ex-matron, who left here, dismissed by myself, on February 3, is charged by the Auditor with a "demeanor throughout \* \* \* characteristic of the demimonde," and is thereafter subjected to a series of reproaches, which for vindictiveness, intemperance, crudeness and unmanliness I have never seen equaled. Forgetful of its own criticism that I "trust too much to the honor of inmates,"—not taking into account that I know them all and have a means of estimating the respective degrees of their veracity and reliability, whereas he has none—Mr. Callaghan does not hesitate to hear with avidity and accept with alacrity the testimony of every delinquent inmate on the racy subject of this absent and self-defenseless woman. I hold no brief for her. I do not condone her faults or errors, for which, immediately they became known to me (the Auditor's unsupported and untruthful statement to the contrary notwithstanding) she was dismissed. But there is no visible justification, and can be no creditable motive, for the lurid and sensational account of her highly-colored misdeeds in which the Auditor at great length indulges. Over sixty pages of transcript are dedicated to the securing of the material upon which to lay this seeming cornerstone of Mr. Callaghan's attack, and there is much, in truth, that is discreditable, but when honestly sifted, analyzed and weighed, it takes on a much lighter tone than the scarlet hue suggested to sensitively moral minds by the Auditor's indelicate if not boorish language.

It is but fair, also, to say that whatever faults and frailties this woman had, she wielded a strong and good influence over the girls for a considerable time, her chief offenses coming in the latter period of her employment, when it became apparent to her that she must leave. This view is concurred in by Mrs. Edwards, who teaches the girls' school and who was in a position to observe the matron in question for some time prior to her departure, and competent to judge.

On my own behalf, I will say that the charge that I was informed and had knowledge of this matron's misconduct and ignored the same, or that I countenanced any wrong-doing of which I had reliable information, is wholly false, as the transcript of evidence—even in the case of those witnesses who were selected by Mr. Callaghan for reasons other than their friendliness to myself—well bears out. Likewise false, and far more despicable, is the unblushing statement—following the Auditor's conviction of the matron of having a paramour, an employe whom she has since married—that a marriage of convenience between these two was suggested, presumably by myself, "as a proper procedure toward allowing them to remain, but which was not consummated because of the objection of Professor Gung'l, the musical director, who threatened in such an event to resign." This falsehood is merely another, and an unusually contemptible discoloration of the testimony, which finds its only basis in the fact that after the matron and the man who afterward became her husband had been discharged, she told me that they were going to be married and made application to be permitted to remain, which request was of course denied. The resignation of Prof. Gung'l, which he withdrew, was due to a misunderstanding, as he has already and will readily confirm.

In his report, Mr. Callaghan dwells in characteristic vein upon a tolerably recent occurrence. Highly sensationalized accounts of this incident—giving rise to still more sensational and widely-worded "disclosures" of horrible conditions alleged to exist at the Industrial School—fairly saturated the columns of many of the choice family journals of Arizona at the

time, and next to the case of the matrons who were discharged, formed the piece de resistance of the Auditor's trial at the institution. Seven girls—five the first night, seven the second and four the third—escaped from their dormitory, through a ventilator in the floor, and with food they had prepared, found their way to the guard-house, where a number of boys, reported to them as being chained to the floor and starving, were confined. On the third night the girls were apprehended. The details of the escapade, as brought out by a thorough examination at the time, and repeated with great vigor by Mr. Callaghan, must have proved to the Auditor discouragingly commonplace, for there was not produced a single scintilla of credible evidence upon which to base a conclusion of extreme wrong-doing. But the incident did not fail of furnishing ground for horror-struck speculation as to the opportunities thereby afforded, and as to what might have occurred; nor yet of supplying a basis for suggestive intimations, well designed for ready assimilation by suspicious and prurient minds, that something terrible did occur.

It is somewhat remarkable, considering the eager interest Mr. Callaghan manifested in the incident above described and in the moral conduct of two matrons long since removed, that he utterly failed to pursue an investigation of the rumors which have been given wide circulation, and with the existence of which he confesses familiarity, that a number of female inmates of the institution were eniente. It is even more remarkable, in view of the steady trend of his investigations and the evident pleasure he derived from each luscious discovery, great and small, that he actually holds that "for the purposes of the investigation it was considered immaterial as to whether or not there were, at the institution, instances existing of such actual condition." Whatever may be the explanation of this sudden loss of interest in the logical pursuit of information regarding the morals of the Industrial School, the Auditor failed to place upon the witness stand the school physician, who more accurately than any other person could give definite and reliable testimony on the subject, and thus failed to pursue the only course by which the ugly rumors of which the Auditor was at least aware might either be established or set at rest.

It therefore became necessary—though I did not desire to call any witnesses at Mr. Callaghan's investigation—for me to request the attendance of Dr. Agnes McKee Wallace, in order that the stain regarded by the Auditor as "immaterial" might be removed—in order that there might be one single exception to the rule by which the investigation was animated, conducted and bound, of placing stains upon the State Industrial School.

Dr. Wallace, in the course of her examination, which was not in the slightest degree modified by the cross-examination conducted by Mr. Callaghan and the Assistant Attorney-General, definitely and clearly stated that there was no case of pregnancy among the inmates of the Industrial School, nor have there been during her incumbency since the 15th of last September. She explained that several girls had declared themselves to be eniente presumably believing that by such a story they would secure removal to another institution from which they could more easily escape, but an examination had demonstrated the falsity of their claims.

In tardy and pitiful rebuttal of this clear and convincing testimony, which one would think would please rather than chagrin Mr. Callaghan, he asserts that Dr. Wallace's sworn statement "could have been easily offset had I cared to insist upon incorporating in the transcript the testimony of a certain inmate." Thus again is afforded an instance of the Auditor's forgetfulness, while out of his own mouth he convicts himself of the crime laid at my door—"trusting too much to the honor of the inmates"—the only difference being that he would employ the word of a girl, confined for her serious indiscretions, and with whose reputation for veracity he is totally unfamiliar, to discredit the sworn testimony of a reputable woman and physician testifying in behalf of the injured girls under her professional care, while the use to which I would put the confidence and reliance of which he complains is that of encouraging, elevating and rehabilitating the State's unfortunate and wayward youth.

Suffice it to say that the unwelcome evidence of Dr. Wallace, at Mr. Callaghan's investigation for the establishment of guilt, which evidence

has since been supplemented by affidavit, establishes beyond peradventure the utter falsity of the rumors that there are or have been, during any period with which the present administration is familiar, any instances of pregnancy among the inmates; and all of the insinuations of which Mr. Callaghan—conceding his great ability—is capable, combined to the Machiavelian skill of all the scandal-mongers and character assassins of all the clacqueing corporation press in Arizona cannot alter the fact.

#### WHAT WAS FOUND.

What other charges are directed at the school and at myself in the report of the Auditor, are of a minor, if not irrelevant, character. A careful, analytical reading of the report will show that almost without exception they are of the type which does its work by suggestion, intimation and innuendo, rather than by frank, direct, outspoken declaration, designating the fault, naming the author and fixing the responsibility. I shall not notice them, further than to say that the impression they are intended to create is unjustified and misleading, and that the condition at the State Industrial School which they are designed to depict does not exist. To reply to them in detail would require a document of impractical length. Already this reply is much more exhaustive than I should prefer, but there have been covered only such matters as seem to absolutely require refutation or explanation; and it should be borne in mind that it is much harder to refute a falsehood or defend a slander than it is to utter one.

Finally, I wish again to submit and declare, both in reference to the more serious charges which I have discussed and the lesser ones which have not been noticed that the testimony produced by Mr. Callaghan's public investigation, drawn from his own carefully selected witnesses after two private investigations conducted by himself, and contained in the transcript of evidence in your possession, does not in any essential or material particular support either the Auditor's pre-announced decision of guilt or the "findings" included in his report. I should be glad, indeed, if some enterprising newspaper, with a zeal in behalf of the State Industrial School similar to that which a number of them have exhibited in an effort to tear down and destroy the institution, would publish the transcript of the evidence taken at Mr. Callaghan's investigation, not in piece-meal, partial, selected or garbled form, but in full. Then the public might learn, from the Auditor's own record—and not from the statements he makes which purport to be based upon the record—the worst that can be said of the Industrial School and its management; then the public would know, if indeed it does not already know, that the attack which has extended over a period of many months, and of which Mr. Callaghan's investigation is but the culminating feature, was wholly unwarranted, unfair and unpatriotic; then the public would understand why, if the transcript of evidence might be read by every man and woman in Arizona, in conjunction with the Auditor's report, I would be perfectly willing, and I have no doubt the Governor of Arizona—who is the real target of attack—would be perfectly willing, to submit the case without further comment.

Since no enterprising newspaper is likely to volunteer as I have suggested, nor is it likely to be deemed practical in any other way to place Mr. Callaghan's 269 typewritten pages of evidence in the hands of the people of Arizona, I must venture the hope that those newspapers which have shown themselves ever ready to lend the use of their columns to the dissemination of sensational tales calculated to tear down this institution—without the taking of steps to determine whether their information were correct or false—will prove equally ready to give space to this statement of facts. If they fail or refuse, it will be merely another evidence that they are part and parcel of an organized movement to conceal the truth and establish falsehood.

#### THE PROBLEM I FACED.

I have partially described the difficulties which have attended the management and conduct of the State Industrial School since my accession as Superintendent on the 16th of last August. It were well-nigh impossible

to do the subject justice, or to convey an adequate idea of the task with which I was confronted when Governor Hunt said to me: "Mr. Whipple, I give you charge of the Industrial School. Prove to me and to the people of Arizona, how kindly, considerate, humane treatment, linked with Christian teaching and useful instruction will make of Arizona's wayward, delinquent, misdirected boys and girls, valuable men and good women—assets instead of liabilities."

It was a call to duty and I obeyed. Perhaps, if I had realized the enormity of the undertaking—or, rather, the terribly difficult conditions under which the undertaking was to be initiated—I might have found excuses. But when I did learn the truth, having put my shoulder to the wheel, I would not turn back.

The first days at Benson are practically indescribable. I have afforded some indication of what they were, but the situation can not be better portrayed than by saying that pandemonium reigned. This indeed would have been the time, if he wished thoroughly to enjoy himself and gloat over human misfortune and misery, for Mr. Callaghan to make his public investigation. Instead, his Mr. Ormond, who came to check my predecessor out and grudgingly give charge to myself, added to the effect of the deathly silence with which my arrival was greeted by coolly ignoring my presence. Doubtless he did justice to my predecessor, but to me—unacquainted and unfamiliar with the institution—he deigned neither information, encouragement or proffer of help. I was left to my own resources, to find my way, the ways of the school and the routine thereof, as best I could. Well, the ways of the school were not hard to find—they obtruded themselves at every turn, and were hardest to overcome. In three weeks, during a state of chaos—almost a reign of terror—orders came to remove the entire body of inmates to Fort Grant. The place was not ready to receive them, but it was thought—and correctly—that the situation could not be worse than at Benson. About this time there appeared in an El Paso and various Arizona papers the glorious news that I could not handle the situation—a story bearing all the marks of twinship with the Auditor's recent investigation, only it was hoped then that I would not last long enough to be investigated.

Fort Grant, for a time, was indeed a dark and dismal prospect. The presentation of this place was a princely gift from the federal government, but its beauties, the picturesqueness of its surroundings, its great value and wonderful natural advantages for an Industrial School—none of which have been exaggerated—were assets upon which no dividends could be declared during the trying days of installation. Buildings there were—buildings galore—but not one really ready for occupancy, and many of them were and still are a positive menace, affording hiding places and facilitating escape. There was no enclosure to hinder deserters, and dense brush filled the high-ways as well as the by-ways. The water system, the sewer system, the light system—all were in some stage of unrepair or decay. Isolation, unfamiliarity with the country, a scarcity of guards, some lack of harmony and sympathy among the employes, aggravated disquiet among the inmates, and—I freely confess it—my own newness to the work—combined to create an almost appalling confusion. The alarm bell, sounding the news of runaways, rang often. And above the din there arose the continual anvil chorus overture which has now found its greatest, and I trust its final expression—the grand finale, as it were, in—the Auditor's investigation.

For the order that has come out of chaos I claim no credit—nor yet, for the trials through which the Industrial School has passed do I feel called to offer apology. If I might have had—rather, if the school might have had the support, the assistance and the sympathy, or even the barest fairness, from Mr. Callaghan and from the purveyors of news and so-called "moulders of public opinion," to which the helpless and defenseless inmates of the school were, by every law of decency and patriotism entitled, progress would have been much more pronounced, much more rapid, incomparably easier; but in the face of this opposition, steady advance has been made, a great gain is manifest, and with my eyes steadfastly upon the goal which Governor Hunt fixed for me, and in my heart a firm conviction that the policy he then outlined is right in the sight of God and man, justified

by every tenet of humanitarianism, dictated by reason, and directed by experience, I have no fear of the end

Mr. Callaghan has expressed the feeling that unjust aspersions have been cast upon his motives. So far as my own share in such aspersions are concerned I have nothing to add or take away. He will have to settle the matter with his own conscience without assistance from me. I have judged him by his acts of unfriendliness from the time I became Superintendent to the time when, according to the pitiful explanation contained in his report, he demanded a public investigation based upon "rumors and reports which appeared to have emanated from former employes of the institution." If I am wrong in my feeling that such manifest and manifold unfairness as he has in this and ever exhibited could scarcely be actuated by motives of unselfish and patriotic devotion to public duty, I shall be only too glad to learn and acknowledge my error. Contingent upon such a possibility, I again venture the hope that the management of the Industrial School, whether vested in me or another, may henceforth enjoy his helpful co-operation and moral support.

I have the honor to be, Very respectfully yours,

W. M. WHIPPLE, Superintendent.

## DECISION OF THE BOARD OF CONTROL.

The Auditor's charges by letters of February 26th and March 6th, relating to the conduct and management of the State Industrial School, and his report of the investigation held by him under the authority given by the Board of Control at its meeting on March 6th, were considered, and, each member having reviewed the transcript of evidence submitted, the following decision was adopted, Mr. Callaghan voting No:

### I. ADMINISTRATIVE EXPENDITURE.

1. **Maintenance.** The new location, changed character and unusual conditions existing for a time at the School amply justify the increased expenditure which had been anticipated and to meet which the Legislature had increased the appropriation for the School.

2. **Improvements.** What may have been lost in efficiency in the form of labor used was amply compensated by the saving in material and wages, which economy was very necessary in the depleted condition of the Improvement Fund.

### II. SANITATION.

The Auditor's charge on this point has a basis of fact. Progress in installation of facilities has been delayed by unexpected developments, as, for instance, the necessity of opening the sewer in many places to cut out roots of trees which had broken into and clogged the line, and the difficulty in some instances of obtaining fittings now antiquated with which to make repairs. The work is being pushed as rapidly as possible.

### III. DISCIPLINE

1. **Inmates.** The evidence shows that the Superintendent had forbidden corporal punishment; that it was inflicted in three instances by employes of the School and without authority; and that the punishments used cannot fairly be termed "relics of barbarism."

Only one boy was sentenced to forty-five days in the guard-house, and he, as is the custom, was released before the expiration of his sentence upon promise of good behavior.

The evidence does not disclose that the girls were harshly treated, either as to the labor they were required to perform or as to the punishments administered.

The escapes were the natural result of the unsettled conditions in the School when Mr. Whipple took charge and of the removal to Fort Grant. Since that time conditions have steadily improved in this respect.

2. **Employees.** All persons who have had any experience with institutions know that absolute harmony among employes is impossible, and this is especially true where, as at the School, they are isolated and have very little social communion with the outside world. In addition, there are, no doubt, individuals who are antagonistic to the Superintendent. It is sometimes difficult to select such persons, but when the issue is clearly drawn the Superintendent will not hesitate to act.

#### IV. MORALS

1. **Boys.** The one case of immorality proven, as the evidence shows, occurred before the present administration of the School and was not known at the time the culprit was paroled.

2. **Girls.** No major delinquencies among the girls are proven, and those of a minor character Mr. Callaghan attributes to the two matrons and acknowledges that both were discharged some time before he requested an investigation, and that "the new matron, Mrs. Cole, is a woman of experience with wayward girls; and her reputation and appearance give promise of salutary results." If evil conditions existed because of the appointment of these matrons, in which Mr. Callaghan had a part, they have been remedied. What, then, was there to do that demanded an investigation?

#### V. SUMMARY

1. **Charges.** Mr Callaghan charged "mismanagement, and incompetency" and "immorality, gross and far reaching, which is not, and cannot be denied, and is absolutely inexcusable, has existed there during a considerable period of time," and stated the basis for the charges as follows:

"About the same time" (during the last week of February, 1914) "while upon official visit to the State Industrial School at Fort Grant, my attention was called briefly to conditions said to have existed there, and while at Willcox, on my return, similar rumors and reports, which appeared to have emanated from former employes of the institution, came to my attention."

2. **Complaint of Obstruction.** Mr. Callaghan demanded and insisted upon a public investigation after his attention was called to the fact that such a course might operate to the detriment of the School and its inmates. After granting the reiterated demand for a public investigation, this Board, as its telegram quoted by both the Auditor and Superintendent of the School will show, simply insisted upon the investigation being public. Mr. Callaghan was restricted to the course upon which he had previously insisted by a majority of this Board, and not by the Secretary.

3. **Decision.** It is the opinion of the Board of Control of Arizona that the charge of incompetency and mismanagement is not sustained by the evidence; that the charge of immorality grossly misrepresented conditions and that such causes for criticism on that point as may have existed were remedied before the Auditor's demand for an investigation was made; and that the charges, according to the Auditor's own statement, were founded upon insignificant and ill-defined rumors of conditions "said to have existed there, and which appeared to have emanated from former (discharged?) employes of the institution."

I hereby certify that the above is a true and correct copy of minutes of the proceedings of the Board of Control of Arizona of May 15, 1914.

CHAS R OSBURN, Secretary.

(SEAL)