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### Another Man Done Gone

Lisa K. Speer

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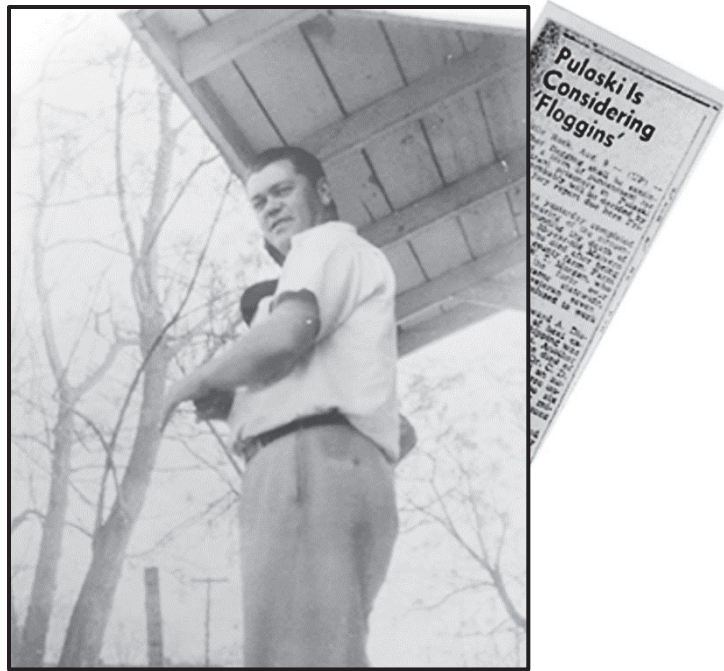
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## ANOTHER MAN DONE GONE

Submitted by Lisa K. Speer

Author's note: I grew up hearing stories about a maternal great uncle who died young following an arrest for some minor offense. As an adult, I hadn't thought much about his story until earlier this year. While hunkered down in quarantine during the COVID-19 outbreak, a cousin texted a photograph and a newspaper clipping to me and asked if I knew who the man was, or anything about what had happened to him. The photograph was of our great uncle, Richard Audell Clift, and the clipping was about his death. Reading about his death made me realize that there was so much about his story that I did not know; and so I began to research. My generation is probably the last one that may have any connection to him, and even that is only tangentially through stories I heard from my parents and grandmother, who was his sister-in-law. He died for a fine of \$11.75. His story deserves to be told and remembered, and is especially fitting at a time in which our society is calling for changes within established systems of law and justice.



In late July 1949, Richard Audell Clift was arrested in North Little Rock for public drunkenness. Audell was a World War II veteran who had served in the United States Navy. He had helped his country win the war; but he was losing his fight. Like many servicemen dealing with the stresses of war, Audell developed a problem with alcohol. According to reports made at the time, his arrest on Monday, July 25, was his third for offenses involving alcohol.<sup>1</sup> He received a fine of \$11.75 for this offense. Because he was unable to pay the fine, Audell was committed to the Pulaski County Penal Farm. Around 9 a.m. on the morning of Wednesday, July 27, Audell was assigned to hoe sweet potatoes.

According to the National Weather Service, average temperatures for July 1949 had hovered around 90.9 degrees, not extraordinarily high for the time of year; but Audell's alcoholism may have left him

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<sup>1</sup>“County Farm Inmate Dies After Beating,” *Arkansas Gazette*, 30 July 1949.

in a depleted physical condition.<sup>2</sup> Farm superintendent W. T. Morgan reported that Audell rebelled and “asserted that he did not intend to work.” Audell was returned to the stockade, where Morgan allegedly administered seven lashes to his buttocks. Following the flogging, Audell “promised to make a good hand” and returned to the field.<sup>3</sup> The timeline for the next few hours is not clear, but within a short while, Audell fell ill and returned to the barracks. Sometime around 12:30 p.m., he was admitted to the Pulaski County Hospital, where his internal body temperature registered 110.5°. By 12:40 p.m., Audell was dead. Attending physician, A. K. Wayman, superintendent of the county hospital, attributed the cause of death to acute heart failure and sun stroke.

**ARKANSAS STATE BOARD OF HEALTH**  
**Division of Vital Statistics**  
**CERTIFICATE OF DEATH**

Registration District No. 527 STATE FILE NO. 10640  
 Primary Registration District No. 2315

**1. PLACE OF DEATH**  
 a. COUNTY Pulaski  
 b. CITY (if outside corporate limits, write RURAL and give township) OR TOWN Little Rock  
 c. LENGTH OF STAY (in day and hours) 10 minutes  
 d. FULL NAME OF (if not in hospital or institution, give street address or location) HOSPITAL OR INSTITUTION County Hospital

**2. USUAL RESIDENCE (Where deceased lived. If institution: residence before admission)**  
 a. STATE Ark  
 b. COUNTY Hot Springs  
 c. CITY (if outside corporate limits, write RURAL and give township) OR TOWN Malvern  
 d. STREET ADDRESS (if rural, give location) Malvern, Ark.

**3. NAME OF DECEASED**  
 a. (First) RICHARD  
 b. (Middle) A.  
 c. (Last) CLIFF  
 d. DATE OF DEATH (Month) (Day) (Year) 7-27-49

**4. SEX** M  
**5. COLOR OR RACE** W  
**6. MARRIED, NEVER MARRIED, WIDOWED, DIVORCED** (Specify) Divorced  
**7. DATE OF BIRTH** 11-18-1918  
**8. AGE** (in years: If Under 1 Year: If Under 24 Mos. Indicate Weeks) 30 Months: 0 Days: 0 Hours: 0 Min. 0

**9. USUAL OCCUPATION (Give kind of work done during part of working life, even if retired)** Freight & Taxi Driver  
**10. KIND OF BUSINESS OR INDUSTRY** Freight & Taxi  
**11. BIRTHPLACE (State or foreign country)** Malvern, Ark.  
**12. CITIZEN OF WHAT COUNTRY** USA

**13. FATHER'S NAME** James R. Cliff  
**14. MOTHER'S MAIDEN NAME** Eric Walters  
**15. WAS DECEASED EVER IN U. S. ARMED FORCES? (Yes, no, or unknown) (If yes, give year or dates of service)** Yes World War II Navy  
**16. SOCIAL SECURITY NO.** James R. Cliff - Father 931.9  
**17. INFORMANT** James R. Cliff - Father

**18. CAUSE OF DEATH**  
 Enter only one cause per line for (a), (b), and (c)  
**1. DISEASE OR CONDITION DIRECTLY LEADING TO DEATH\*** (a) acute heart failure  
**ANTECEDENT CAUSES**  
 \*This does not mean the mode of dying, such as heart failure, asthma, etc. It means the disease, injury, or complication which caused death.  
 b. sun stroke  
 c. Temperature 110 1/2 degrees  
**19. DATE OF OPERATION**  
**20. MAJOR FINDINGS OF OPERATION**  
**21. AUTOPSY?** YES  NO

**22. ACCIDENT** (Specify) Suicide  
**23. PLACE OF INJURY** (e.g., in or about home, farm, factory, street, office bldg., etc.)  
**24. TIME (Month) (Day) (Year) (Hour)** 7-27-49 @ 12:40 pm  
**25. INJURY OCCURRED** m.  While At Work  Not While At Work  
**26. HOW DID INJURY OCCUR?**  
**27. I NEARLY CERTIFY THAT I ATTENDED THE DECEASED FROM 7-27-49 @ 12:40 pm THAT I LAST SAW THE DECEASED ALIVE ON 7-27-49 AND THAT DEATH OCCURRED AT 7-27-49 @ 12:40 pm FROM THE CAUSES AND ON THE DATE STATED ABOVE.**

**28. SIGNATURE** A. K. Wayman  
**29. ADDRESS** 3011 W. Roosevelt  
**30. DATE SIGNED** 7-29-49

**31. BURIAL, CREMATION, REMOVAL (Specify)** Removal  
**32. DATE** 7-28-49  
**33. NAME OF CEMETERY OR CREMATORY** Cooper Funeral Home  
**34. LOCATION (City, town, or county)** Malvern, Ark.

**35. REGISTRAR'S SIGNATURE** [Signature]  
**36. FURNERAL DIRECTOR** Griffin-Loggett Funeral Home  
**37. ADDRESS**  
**DATE REC'D BY LOCAL HEALTH OFFICE** 8-4-49

Form VB-64-11M-2-49-10184-C-MCD.

Richard Audell Cliff’s official death certificate showing cause of death as acute heart failure, sunstroke, and body temperature of 110.5°, 27 July 1949.

Audell’s parents and family, unaware that he had been incarcerated, learned about his death when a member of law enforcement came to the home of his brother, Carl Cliff, on Highway 67, to deliver the news.<sup>4</sup>

<sup>2</sup> “Climatological Averages, Statistics and Records for Little Rock, Arkansas,” North Little Rock, AR: National Weather Service Weather Forecast Office, at <https://www.weather.gov/media/lzk/clilit.pdf>, accessed 22 June 2020.

<sup>3</sup> “County Farm Inmate Dies After Beating,” *Arkansas Gazette*, 30 July 1949.

<sup>4</sup> Interview with Gay Hawthorne, Searcy, AR, 12 May 2020. News reports at the time say that official notice was not delivered to the family until 5:30 p.m., several hours following Audell’s death.

Gaylia Hawthorne (nee Clift) remembers her father crying, and that Carl and his wife, Mary Agnes, tried to shield their children from the details of their uncle's death. Carl had the unfortunate responsibility of breaking the news of his brother's death to his parents, James Ramey Clift and Eva Clift. Adding an even more bitter twist to the story, a few days following Audell's demise, James and Eva received a letter from their son, postmarked twenty minutes after his death, at 1 p.m. on July 27. In the letter, Audell asked his father for money to pay his fine, adding, "I need it in a bad way . . . I have learned a lesson . . . Don't let me down this time, and it won't happen no more."<sup>5</sup> Members of Audell's family, including his father, his brothers Carl and Colter, and an uncle, R. F. Walters from Chicago, traveled to Little Rock to seek answers into the death. Unfortunately, they were left with many unanswered questions – questions that the subsequent investigation failed to answer.



Audell did not grow up in a family that drank or condoned drinking. Rather, he grew up in a tight-knit, Missionary Baptist family in the small community of Gifford, just a few miles north of Malvern. He died long before I was born, but I do remember his mother, Eva, my great grandmother, who died when I was four years old. She was short, round, and very kind. She never ran out of soft peppermints, and in her tiny bathroom over the old gas stove, hung the traditional Anglo-American portrait of Jesus. Her house was next door to her son, Carl's home, separated only by the lot of the trucking company he owned. Carl, my grandfather, was her oldest son. Eva and her husband, James, had five children in all, with Audell being the youngest born in November 1918, five and one-half years behind his next oldest sibling, Colter. Sisters Florence and Beulah rounded out the household. I knew all the siblings in my youth, except Audell, who was little more than a name on a tombstone.

*James Ramey Clift and Eva Iola Clift and four of their five children: from left Florence, Beulah, Colter and Carl. Audell had not yet been born.*

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<sup>5</sup> "Relatives Of Dead Prisoner Begin Probe," *Arkansas Gazette*, 31 July 1949.



*Gifford School basketball team, 1934. Audell Clift is at far right holding ball. In 1934, he was sixteen years old.*

Of Audell's earliest years, I know little. From extant photographs, I know that he attended the Gifford School, and that he played basketball there. Church records indicate that he was a member of and attended Sunday School along with his family at Francois Missionary Baptist Church at Gifford.<sup>6</sup> One of my aunts, who remembers Audell from her youth, recalls his thoughtfulness and generosity. She recounted one instance when several of my grandparents' children were sick with measles and my grandmother was exhausted from taking care of them. Audell came to their house and told my grandmother to rest

while he watched after the children. My aunt remembers Audell keeping vigil next to her bed. She also recalled that he would come by their house with logs of pecan divinity for his nieces and nephews.<sup>7</sup> My father, who would marry Audell's niece, Katie, remembers him fondly. "You couldn't help but like him," recollected Clyde Speer, "he was real friendly."<sup>8</sup>

According to records, Audell joined the United States Navy in June 1940.<sup>9</sup> Reports following his death indicate that he served just over five years in the military, four years overseas and much of the time in combat zones.<sup>10</sup> By September 1941, Audell was on the crew of the U. S. S. Dorsey, a destroyer later assigned to the Hawaiian Sea Frontier Patrol following the attack on Pearl Harbor in December 1941. However, muster rolls indicate that Audell was transferred from the Dorsey to the U. S. S. Wharton headed for San Francisco, California, on November 8, 1941, just a month prior to the attack on Pearl Harbor. By October 1942, Audell was assigned to a Motor Torpedo Boat Squadron, established by the Secretary of the Navy in February of that year.<sup>11</sup>

<sup>6</sup> Francois Missionary Baptist Church Records, 1848-1939, Archives and Special Collections, Riley-Hickingbotham Library, Ouachita Baptist University, Arkadelphia, AR.

<sup>7</sup> Hawthorne interview, 12 May 2020.

<sup>8</sup> Interview with Clyde Speer, Malvern AR, 3 May 2020.

<sup>9</sup> "Richard Andell [sic] Clift," U. S. Headstone Applications for Military Veterans, 1925-1963," [online database] Ancestry, <https://www.ancestry.com>, accessed 22 June 2020.

<sup>10</sup> "Relatives Of Dead Prisoner Begin Probe," *Arkansas Gazette*, 31 July 1949.

<sup>11</sup> The Navy's need for a small, heavily armed gunboat suited to war among the islands of the Pacific prompted the creation of the Motor Torpedo Boat Squadrons Training Center in Melville, Rhode Island, in 1942. More familiarly known as PT Boats, the vessels launched Mark 8 torpedoes, and carried either twin 50-caliber machine guns or 20 mm cannons. The boats could travel between 40-45 mph, and were physically demanding to handle, leading some to say that "PT" meant that those who handled the crafts were "plenty tough." Of the 12 million men and women who served in the armed forces during World War II, only 14,000 trained at Melville. Perhaps the most famous Melville trainee was future United States President John F. Kennedy. For more information on the MTBSC, see Charlie B. Jones, *MTBSTC: Motor Torpedo Boat Squadrons Training Center* (Ann Arbor, MI: Nimble Books, LLC: 2011).

From October 1942 until May 1943, he served with MTB Squadron Four, at which time he was transferred to Squadron Nineteen. In September 1943, Audell was transferred to service on a different type of vessel – a motor minesweeper -- on which he finished out his service in the war, part of which he spent in the Central American country of Panama.



*Richard Audell Clift, U. S. Navy,  
circa 1941.*

Audell apparently left the Navy sometime in the last weeks of November 1944.<sup>12</sup> A “Report of Changes,” for the month ending November 30, 1944, shows him being transferred as of November 20 to Receiving Barracks, Lido Beach, Long Island, New York, a U. S. Navy discharge station. Following the end of World War II, Audell returned to Arkansas, although the details of his life during the time between the end of 1944 and his incarceration at the penal farm in July 1949 are sparse. His obituary, published on July 28 in the *Arkansas Gazette*, notes that Audell was an employee of the East Texas Motor Freight Company.<sup>13</sup> An article published on July 31, however, indicates that Audell had been working as a cab driver in Little Rock. One concrete bit of information is his marriage on November 30, 1944, to Hazel Pauline Hughes (age 18) in Saline County.<sup>14</sup> Audell’s marriage is another part of his life on which there is little information. Relatives who I interviewed were unaware that he ever married. That the marriage lasted less than five years is clear from his death certificate, which listed Audell as divorced.

Did Audell’s marriage end because of his drinking, or did the failure of his marriage accelerate a drinking problem already in existence? This part of the story may remain a mystery. What we do know is that his problem with alcohol created the situation that ended with his fateful commitment to the Pulaski County Penal Farm. That his incarceration ended in his death can be attributed to the state’s barbaric penal practices and the lack of treatment facilities for individuals suffering from addictions, like alcoholism.

Following Audell’s death on July 27, state papers reported that Farm Superintendent W. T. Morgan asked Pulaski County Prosecuting Attorney Edwin E. Dunaway to conduct an investigation into the death.<sup>15</sup> Morgan may have been motivated by the fact that Audell’s death was the second to occur at

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<sup>12</sup> The official discharge date provided on the application for his military headstone is 22 June 1945.

<sup>13</sup> “Richard A. Clift [Obituary],” *Arkansas Gazette*, 28 July 1949. East Texas Motor Freight Company was officially registered as an enterprise in 1934 by Reuben Crim in Gregg County, Texas. By the 1940s, the company had expanded operations into Arkansas, Missouri, and Illinois. See: Larry Johnson, *Tales of the Asphalt Trail: A Documentary History of East Texas Motor Freight, 1934 to 1982* (Coppell TX: n. p., 2018).

<sup>14</sup> R. A. Clift and Hazel Pauline Hughes, Marriage License, Saline County, 30 November 1944, Ancestry.com. *Arkansas, County Marriages Index, 1837-1957* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2011, accessed 22 June 2020.

<sup>15</sup> Later, in a letter to Governor Sidney McMath, the Thaddeus H. Caraway VFW Post 2278, Hot Springs National Park, took credit for initiating the investigation into Audell’s death. See: Typed letter, signed, A. H. Gallagher, Commander and Adjutant, 9th District, Thaddeus H. Caraway, Post 2278, Veterans of Foreign Wars, Hot Springs National Park, to Hon. Sidney S. McMath, 14 August 1949, Governor Sidney S. McMath Papers, Box 58, Folder 1839, Arkansas State Archives, Little Rock, AR.

the farm within a three-week period. Adolph Christen, 42, of Little Rock, died just over a week earlier on July 14. Both deaths were attributed to sunstroke.<sup>16</sup> Morgan had to know that the penal farm, and he as superintendent, would come under public scrutiny for the death of two inmates – one of whom was a war veteran – in such quick succession. Morgan resigned as superintendent, saying that he wanted the investigation into practices at the farm to have the complete confidence of the public.

The investigation into Audell's death and conditions at the penal farm was complicated by Pulaski County's precipitous embalming of his body. On Monday, August 2, James Ramey Clift made a public statement requesting the return of his son's body for an autopsy. The statement was made in Hot Springs, along with Clift's attorney Marshall Purvis,<sup>17</sup> VFW Commander and Adjutant A. H. Gallagher (District 9), and several family members.<sup>18</sup> Audell's body was returned the following day to Gross Mortuary in Hot Springs for an autopsy, which was performed by Dr. D. C. Lee, who performed all autopsies for the Garland County coroner, and his son, Dr. W. R. Lee, assistant pathologist at the University of Arkansas Medical School in Little Rock. This autopsy proved inconclusive due to "the completeness of the embalming" of Audell's body in Pulaski County.<sup>19</sup> Pulaski County Coroner Howard A. Dishongh believed the report from Garland County vindicated his verdict of death from heat exhaustion, while others speculated that Pulaski County's embalming obscured the real cause of Audell's death – the beating.

Farm Superintendent Morgan defended his use of the lash on Audell as a necessary disciplinary measure. In his resignation letter to County Judge L. A. Mashburn, Morgan wrote:

We have no paid guards on the penal farm. It is absolutely necessary that discipline be maintained in using the form of punishment which I did. I followed the practice which, to my knowledge, has been in effect under at least four different superintendents for a period of more than 15 years.<sup>20</sup>

Morgan also offered as justification for use of the lash the lack of solitary confinement facilities at the penal farm. Despite his defense of the farm's disciplinary procedures, Morgan admitted that there were "undoubtedly many improvements which could be made in the operation of the penal farm as an agency of rehabilitation," but added that to implement those changes would come at considerable expense. He warned that Pulaski County residents needed to be prepared to pay more taxes to operate the farm if they did not want a recurrence of this tragedy.<sup>21</sup>

Some readers of the *Arkansas Gazette* were not convinced by Morgan's comments. "A Citizen" from Little Rock challenged Superintendent Morgan's argument that higher taxes would be necessary to make improvements at the penal farm, since Arkansas penal farms were already profitable institutions. The "citizen" from Little Rock also took issue with the one letter writer who had no sympathy for

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<sup>16</sup> "Father to Ask Autopsy; Jury To Get Report," *Arkansas Gazette*, 3 August 1949.

<sup>17</sup> Carl Clift, Audell's brother, took out a \$5000 loan to pay for an attorney to represent James and Eva Clift as they pursued the investigation into their son's death.

<sup>18</sup> "Father to Ask Autopsy; Jury To Get Report," *Arkansas Gazette*, 3 August 1949.

<sup>19</sup> "Autopsy Fails To Fix Blame In Farm Death," *Arkansas Gazette*, 5 August 1949.

<sup>20</sup> "Penal Farm Boss Resigns; Probe Goes on," *Arkansas Gazette*, 3 August 1949. Morgan was appointed superintendent of the penal farm in 1943 by Pulaski County Judge C. P. Newton. He was reappointed again by Judge Mashburn.

<sup>21</sup> *Ibid.*

Audell. "I also wish to point out . . . that a lot of whiskey drinkers did give their lives for our country in the last world war," the "citizen" wrote.<sup>22</sup> Most letter writers to the *Gazette* agreed that Arkansas's penal system was in need of reform, while offering no viable suggestions on how to begin the process. Another reader questioned whether the form of corporal punishment used at the farm was appropriate in America, "the land of the democracy, land of the free, where justice is for all." To this reader from Malvern, who had gone to church with Audell, the young veteran had not experienced justice.<sup>23</sup>

In general, letters to the editor decried the treatment Audell received at the penal farm. In the late 1940s, public commentary had far fewer channels of expression. Letters-to-the editors of state and local newspapers and letters to city and state government officials were two channels that members of the public used to express their displeasure over the treatment and death of Audell. One reader, who signed her name only as "A Mother" from Harrison wrote, "It positively made me sick to read of the veteran of 30 being sent to the county farm for drunkenness, then put in the hot sun to hoe sweet potatoes. Anyone who has ever had any dealings with an alcoholic knows that he is a sick man and should be dealt with as such." The Harrison mother went on to chastise the Arkansas penal system for failing to put in charge "men who understand that a drunk man is a sick man and should be put to bed until well, not whipped with a leather lash then returned to the hot sun to work."<sup>24</sup> Mrs. Eula Brown, a resident of Little Rock, called Audell's death a "disgrace to the state," and expressed the hope that Governor McMath would implement some action for better treatment of prisoners.<sup>25</sup>

Governor McMath also received letters expressing concern, shame and outrage following Audell's death. The letters came from Arkadelphia, Fayetteville, Little Rock, Fort Smith, and Olney, Texas.<sup>26</sup> Cecile H. Smith of Little Rock, wrote to Governor Sidney McMath, and the *Arkansas Gazette* also reprinted an edited version of her letter on August 2, 1949. In the letter, she expressed what many who read about the death of Audell likely felt:

After reading of the death of this young man from heat prostration for an \$11 fine, being put out in this broiling hot sun and not being accustomed to it – it looks as if we are going back-wards to the dark ages, with the beating and mistreatment of these men being allowed and I think the man responsible for this should be punished to the full extent of the law.<sup>27</sup>

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<sup>22</sup> "Not With a Whip," *Arkansas Gazette*, 16 August 1949. See also: "Censuring Judges," *Arkansas Gazette*, 6 August 1949.

<sup>23</sup> "Justice for All," *Arkansas Gazette*, 15 August 1949.

<sup>24</sup> "Problems of Sickness," *Arkansas Gazette*, 3 August 1949. While the State Hospital accepted individuals who voluntarily committed themselves as alcoholics and agreed to stay thirty days or until discharged by a doctor, the hospital lacked sufficient resources for everyone in need of treatment. An *Arkansas Gazette* editorial called for the establishment of a special unit for alcoholics with one or more wards set aside for those convicted on charges of drunkenness. See "Alcoholic Clinic," *Arkansas Gazette*, 8 August 1949.

<sup>25</sup> "For Better Prisons," *Arkansas Gazette*, 5 August 1949. See also: "Shocking," *Arkansas Gazette*, 5 August 1949, and "News for Governor," *Arkansas Gazette*, 6 August 1949.

<sup>26</sup> See "Law Enforcement: Prison Reform," Box 58, Folder 1839, Governor Sidney S. McMath Papers, Arkansas State Archives, Little Rock, AR.

<sup>27</sup> Typed letter, signed, Cecile H. Smith, Little Rock, to Governor Sid McMath, 30 July 1949, Governor Sidney S. McMath Papers, Box 58, Folder 1839, Arkansas State Archives, Little Rock, AR.



To all of these letter writers, McMath's office provided very similar replies to the one offered to Smith, which read:

As you probably know, the State does not have jurisdiction over County Farm matters. We are, at the present time, making a survey of all the penal institutions of the State of Arkansas with the view of placing into effect a creditable system of rehabilitation. I assure you that incidents of this type are strictly prohibited in our state penal institutions, and any infraction of this policy will result in immediate attention by my office.<sup>28</sup>

Three organizations sent letters to McMath – the Disabled American Veterans (Little Rock), the Thaddeus H. Caraway Post No. 2278, Veterans of Foreign Wars (Hot Springs), and the Social Welfare League (Bauxite), which offered McMath suggestions for reforming Arkansas's prison system.<sup>29</sup>

The official investigation into Audell's death and conditions at the Pulaski County Penal Farm was conducted by the Public Institutions Committee, which presented its findings before a grand jury. We have only newspaper reports to inform the next part of the story. Grand jury records are not open for public inspection and copying in Arkansas.<sup>30</sup> The grand jury investigation began on Friday, August 5, and concluded on Friday, August 12, 1949. On the first day of questioning, Fred Hall, assistant superintendent at the penal farm, unexpectedly resigned his post, giving no explanation as to his reasons. Hall became assistant in 1943, the same year that former superintendent, W. T. Morgan, took office.

The grand jury questioned about twenty witnesses on August 5, including Pulaski County coroner Dishongh, Dr. D. C. Lee, employees of the Griffin-Leggett funeral home, where Audell's body was embalmed, and prisoners from the penal farm.<sup>31</sup> The day before, Attorney Purvis announced that he had uncovered new evidence relating to the death of Audell. Purvis said that several prisoners told him Audell received fifteen lashes and not the seven claimed by Morgan. Purvis said he had found one prisoner who witnessed Audell's flogging; but that prisoner was being held in the county jail and refused to discuss the incident. Several other prisoners, Purvis reported, told him "they saw Audell on a cot in Morgan's office, screaming and begging not to be whipped, that he was ill."<sup>32</sup>

While the grand jury was interviewing witnesses and hearing evidence, Arkansas' oldest American Legion post, M. M. Eberts (Little Rock), announced that it would also conduct an investigation of the conditions at the Pulaski County Penal Farm. Post Commander A. Kirby Johnson said that

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<sup>28</sup> Typed letter, carbon copy, unsigned, Sid McMath to Mrs. Cecile H. Smith, Little Rock, 2 August 1949, Governor Sidney S. McMath Papers, Box 58, Folder 1839, Arkansas State Archives, Little Rock, AR.

<sup>29</sup> Typed letter signed, Jack B. Jenkins, Jr., Adjutant, Disabled American Veterans, Department of Arkansas, Little Rock, to Hon. Sidney McMath, 7 August 1949; Typed letter, signed, A. H. Gallagher, Adjutant, Thaddeus H. Caraway Post No. 2278, Veterans of Foreign Wars, Hot Springs National Park, to Hon. Sidney McMath, 14 August 1949; and Autograph letter, signed, Mrs. Virginia Hogue, Social Welfare League, Bauxite, to Hon. Sidney McMath, 28 August 1949; Governor Sidney McMath Papers, Box 58, Folder 1839, Arkansas State Archives, Little Rock.

<sup>30</sup> See Arkansas Code Annotated § 19-25-105 available at: <https://law.justia.com/codes/arkansas/2010/title-25/chapter-19/25-19-105>.

<sup>31</sup> "Penal Farm Aide Quits Post; Jury Begins Flogging Probe," *Arkansas Gazette*, 6 August 1949.

<sup>32</sup> "New Evidence Claimed in Probe," *Arkansas Gazette*, 5 August 1949.

information obtained by the post would be turned over to the authorities, who already had been asked by the post to “take such steps as will eliminate the probability of any person, confined in our county institutions for a misdemeanor . . . which will endanger such person’s life.”<sup>33</sup> In the same statement the Legion made a cryptic remark regarding Audell. “This veteran’s record was well known,” read a resolution from the post, “and it should have been obvious that he was in extremely poor physical condition.”<sup>34</sup> It is unclear whether “the veteran’s record” refers to Audell’s military service record, or hints that the Legion was aware of his battle with alcoholism. In either case, the Legion asserted Audell’s death resulted from the penal farm’s failure to assess his physical ability to perform hard labor on a very hot day. Despite its criticism of the penal farm, the Legion never released its report to the public. On Thursday, August 11, Post Commander Johnson issued a statement in which he said that the post had turned its findings over to the grand jury, and did not plan on releasing their report unless they found the grand jury’s report to be incomplete.<sup>35</sup>

On Friday, August 12, the grand jury delivered its report after hearing thirty-three witnesses, reviewing autopsy findings, and the Legion’s report. The grand jury was persuaded by evidence provided by the Pulaski County coroner, which could not be refuted by the findings of the independent autopsy conducted by the Garland County coroner. The jury declared that Audell’s death was caused by “sunstroke” and not by the flogging he received. At the same time, however, the jury’s report called conditions at the penal farm “deplorable” and “intolerable” and made a series of short- and long-range recommendations for improving conditions at the farm. The jury also recommended a follow-up investigation in one month on the short-range improvements.<sup>36</sup>

Among the recommendations the jury made in its report to Circuit Judge Gus Fulk were: (1) instituting solitary confinement as a disciplinary measure in the place of flogging; (2) “[employing] a man as superintendent with demonstrated administrative ability who will devote his full time to the job, and who guarantees that he has no outside interests; (3) employing a qualified office manager (rather than using inmates) to take care of bookkeeping and medical care of the prisoners, among other duties; (4) performing frequent, regular health checks of prisoners and providing written reports to the county judge; (5) employing a gradual conditioning program for prisoners not immediately physically fit for field work; (6) implementing a diversified farming program for feeding prisoners; (7) furnishing prisoners with free milk and eggs; (8) having a county medical authority regularly inspect food facilities at the penal farm and report in writing his findings to the county judge; (9) implementing a merit based work system for inmates, with lighter tasks going to prisoners with good performance and behavior; (10) disallowing the practice of having prisoner-overseers with authority to punish other inmates; and (11) creating a facility for the treatment of prisoners suffering from illness like alcoholism. Indeed, the jury noted that eighty to ninety per cent of the penal farm inmates were “habitual drunkards.”<sup>37</sup> The biggest problem, the jury stated, with the current method of operating the penal system was the emphasis on profit and not the rehabilitation of inmates. According to the jury’s report, the penal

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<sup>33</sup> “Legion Post Joins Penal Farm Probe,” *Arkansas Gazette*, 6 August 1949.

<sup>34</sup> *Ibid*

<sup>35</sup> “Legion Defers Report On County Farm,” *Arkansas Gazette*, 12 August 1949.

<sup>36</sup> “Jury Assails Penal Farm, Asks Changes,” *Arkansas Gazette*, 13 August 1949.

<sup>37</sup> *Ibid*.

farm had made a net profit over the last five years of \$110,000, with nearly 35% (or \$38,000) of that made in the previous year. “Reformation of prisoners,” the report stated, “is a secondary consideration.”<sup>38</sup>

The jury’s report resulted in some public discussion on needed changes in the state’s penal system, but little action. Echoing the grand jury’s recommendations, the Arkansas Department of the Disabled American Veterans added its voice in petitioning Governor McMath to abolish the policy of flogging at state penal institutions.<sup>39</sup> While Governor McMath had no authority over the Pulaski County Penal Farm, his office did issue a statement following the grand jury proceedings. In mid-August, McMath’s office issued a directive to the administrators of all penal institutions in Arkansas and to the director of the State Highway Patrol, Herman Lindsey, which warned that mistreatment of any inmate, including any person arrested or detained, would not be tolerated. The policy barred the use of the whip at the state penitentiary and at training schools. The directive noted that any violations of the policy would result in “immediate administrative action.”<sup>40</sup> Thaddeus H. Caraway VFW Post 2278 Adjutant Gallagher wrote to McMath thanking him for issuing this statement. “It is the intention of the Veterans of Foreign Wars to continue pressure to reform the penal practices in Arkansas,” Gallagher wrote. He continued, “We feel that Richard Clift is a martyr whose death has probably made it possible to arouse public sentiment against the savage practices in penal institutions in the South, to the extent that Arkansas at least, will reform its prison practices to conform to those in more enlightened institutions of correction.”<sup>41</sup>

For Audell’s family, the grand jury’s decision in 1949 was immensely disappointing. Gaylia Hawthorne remembers her father, Carl, saying that his brother had been “sold down the river” and how, from that point forward, he never again supported Governor McMath, despite the governor’s lack of jurisdiction over penal farm matters. Attorney Purvis issued a statement from Hot Springs indicating intent to file a civil suit for damages on behalf of Audell’s parents. The civil suit, according to Purvis, would be predicated on the grand jury’s finding that profit and not the welfare of inmates was the “main objective in the operation of the Pulaski County Penal Farm.”<sup>42</sup> James Ramey and Eva Clift did file a civil suit against former superintendent W. T. Morgan in the death of their son almost a year later in May 1950, seeking \$132,000 in damages.<sup>43</sup> James would not live to see the end of litigation. He passed away on May 23, 1952, at the age of 67. In March 1958 – almost ten years following

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<sup>38</sup> Ibid. The *Arkansas Gazette* had outlined many of these same problems with Arkansas’ penal system in an editorial entitled “To Abandon the Whip,” published on 3 August 1949. While the *Gazette* editorial writer acknowledged that Arkansans had every reason to be shocked by the use of corporal punishment in its prisons, echoing the sentiment of former penal farm superintendent Morgan, the editorialist concluded that, “[Arkansans] have no reason to expect a modern, enlightened prison program unless they are willing to support it.”

<sup>39</sup> “DAV Seeks End to Prison Whippings,” *Arkansas Gazette*, 10 August 1949.

<sup>40</sup> “McMath Puts Foot Down On Mistreatment of Prisoners,” *Arkansas Gazette*, 14 August 1949.

<sup>41</sup> Typed letter, signed, A. H. Gallagher, Adjutant, 9th District, Post 2278, Thaddeus H. Caraway, Veterans of Foreign Wars, Hot Springs National Park, to Governor Sidney McMath, Governor Sidney Saunders McMath Papers, Box 58, Folder 1839, Arkansas State Archives, Little Rock, AR.

<sup>42</sup> “Attorney Says Action To Be Filed in Death,” *Arkansas Gazette*, 13 August 1949, 1.

<sup>43</sup> “Seeks Damages,” *Northwest Arkansas Times*, 4 May 1950.

Richard Audell Clift's death and eight years following filing of the suit -- Pulaski County Circuit Judge Guy Amsler dismissed the suit, along with fifty-eight others, due to inactivity in the courts.<sup>44</sup>



*Carl, Eva, James Ramey and Audell Clift, mid-1940s.*

How much really changed at the Pulaski County Penal Farm in the wake of Audell's death? It would be gratifying to report that his death resulted in permanent, or at least long-lasting changes, in the treatment of prisoners; but that was not the case.<sup>45</sup> In fact, up until the prison farm closed in 1974, the facility continued to be plagued by reports of prisoner abuse and deaths. Some of the men responsible for the killings were held responsible, but others were given free passes by Pulaski County officials.<sup>46</sup> One killing in the summer of 1968 -- the death of 18-year old Curtis Lee Ingram, Jr., who was beaten with a three-foot piece of wood -- and the subsequent protests in Little Rock's black

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<sup>44</sup> "Convict Death Suit Dropped After 7 Years," *Arkansas Gazette*, 30 March 1958, 4. According to the article, "Morgan's attorney, Sam Robinson, filed a motion in 1950 asking the court to require the Clifts to clarify some of the allegations. The court docket showed this as the last entry, and apparently the Clifts did not respond to the motion or press the case."

<sup>45</sup> A. R. Lamb who succeeded Morgan as Farm Superintendent, did make some minor improvements at the prison farm, such as building a block of solitary confinement cells for discipline and implementing a merit-based work system that allowed prisoners to earn credits toward time served. These reforms, however, seem not have been lasting. "Lamb Named To Operate County Farm," *Arkansas Gazette*, 30 October 1949, p. 4.

<sup>46</sup> "Four Jailed For Failure to Work," *Camden News*, 25 August 1949; "Prisoners End Work 'Strike' after Spell in Solitary Confinement" *The Courier News* [Blytheville], 25 August 1949; "Indicted for Beating Prisoner," *Hope Star*, 17 February 1955; "Negro Shot to Death at Penal Farm," *Hope Star*, 12 March 1955; "Billy Moore's Brother Dies," *Northwest Arkansas Times*, 30 June 1962; and "Tries to Escape, Shot to Death," *Hope Star*, 3 July 1964.

community, led to the largest deployment of National Guard troops to the capital city since the 1957 integration of Central High School.<sup>47</sup>

But Arkansans' attitudes toward the role of prisons were changing, or perhaps were being forced to change, as increased national scrutiny fell on the state's penal institutions. Governor Winthrop Rockefeller made reform of the prison system among the first issues his administration tackled in 1967. He created a Penitentiary Study Commission, and in 1968, called a special legislative session to implement the commission's recommendations. Rockefeller also named Southern Illinois University criminology professor Thomas O. Murton to the position of assistant superintendent of the Arkansas State Penitentiary at Tucker. Murton spent only one year in this position; but his very public criticism of and allegations of abuse at the prison garnered national attention.<sup>48</sup> While Rockefeller, like Sidney McMath in the 1950s, had no jurisdiction over the Pulaski County Penal Farm, reforms in the state prison system in the late 1960s created a ripple effect that began to make its way into other penal institutions around Arkansas.

In 1969, a federal grand jury indicted fifteen officials at Tucker, Cummins, the Pulaski County and Mississippi County penal farms with the "brutal treatment of inmates."<sup>49</sup> Of the fifteen, three were officials at the Pulaski County farm, who were held responsible for the death of Curtis Ingram the year before. Two years later, in 1971, when prisoners filed suit against County Judge B. Frank Mackey and Farm Superintendent Marshall Cherry in U. S. District Court alleging unconstitutional conditions at the farm, their actions set off a series of investigations that eventually led to the farm's closure, although not before more prisoner lives were lost.

Between 1971 and 1973, U. S. District Court investigations revealed living and working conditions at the farm that violated the constitutional rights of prisoners – abuses such as working in inclement weather without proper clothing, trustees allowed to "do bodily harm without restraint," broken toilets with sewage leaking on the floor, drinking water covered in "green slime," and bare mattresses covered in excrement and vomit.<sup>50</sup> With each investigation, county officials failed to make the court-mandated improvements to continue housing inmates. Eventually, the clock ran out on Pulaski County and penal farm officials. On Friday, January 4, 1974, U. S. District Court Judge J. Henley

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<sup>47</sup> "Little Rock Cordoned by Nat'l Guard," *Hope Star*, 10 August 1968; "Grand Jury Probes LR Disturbances," *Baxter Bulletin*, 15 August 1968; "Asks Questions About Beating," *Baxter Bulletin*, 15 August 1968; "Penal Farm Death Brings \$100,000 Suit," *Hope Star*, 16 August 1968; John Kirk, "The 1968 Little Rock Uprising – The death of a black teenager inspired massive protests," *Arkansas Times*, 10 September 2015.

<sup>48</sup> The movie *Brubaker*, starring Robert Redford, is loosely based on Murton and Joe Hyams' book *Accomplices to the Crime: the Arkansas Prison Scandal* (London: Joseph, 1969).

<sup>49</sup> "Grand Jury Charges 15 With Brutality," *Hope Star*, 12 July 1969.

<sup>50</sup> "Inmates Files County Suit," *Hope Star*, 24 March 1971; "Wants Water, Food Tested," *Hope Star*, 26 June 1971. See also: "Prisoner Testifies," *The Courier News* [Blytheville, AR], 11 December 1971; "Pulaski Penal Farm Conditions To Be Checked," *Northwest Arkansas Times* [Fayetteville, AR], 16 Jun 1972; "Minimum Standards Lacking in Pulaski County Farm," *El Dorado Times*, 14 September 1972. In August 1973, U. S. Magistrate Robert Faulkner, who had been appointed by District Judge J. Smith Henley to investigate the farm a year earlier, visited the facility again following a letter of complaint sent by fifty-five inmates. Faulkner found conditions so deplorable that he argued it would be better to send "the prisoners home until such time as a new facility was available to house them if no other space was available." See "Close The Pulaski Penal Farm, U. S. Magistrate Recommends," *Northwest Arkansas Times*, 16 August 1973. In December 1971, Pulaski County had voted to approve construction of a new jail, which would eventually replace the old jail and the penal farm. See, "Pulaski Voters Okay New Jail," *Camden News*, 8 December 1971.

Smith ordered that the Pulaski County farm close by January 31.<sup>51</sup> Some Pulaski County officials, however, continued legal and illegal maneuvers to use the penal farm for the first half of 1974, preferring to conduct “business as usual” in their judgments and sentencing procedures.<sup>52</sup>

Illegal use of the farm might have continued longer than it did were it not for the deaths of two inmates – Freddie Lee Tidwell and Varnell Johnson – on June 17. Tidwell and Johnson, who were at the farm on work detail, were ordered to wade into the Arkansas River, which had unusually swift currents that day, according to the U. S. Army Corps of Engineers. Tidwell, at least, could not swim. Both men were sucked under by the currents and drowned. The mothers of the two men filed damage suits of over \$1 million each against Pulaski County Judge Mackey, Sheriff Monroe Love, and U. S. Fidelity and Guaranty Company, the bonding firm for the two officials.<sup>53</sup> In September, Mackey and Farm Superintendent Cherry were found guilty of civil contempt of court for using convict labor at the farm. Like Richard Audell Clift, however, there would be no justice for Tidwell or Johnson. Judge Smith cleared Mackey and Cherry of any possible charges of criminal contempt of court, saying that he did not consider that they had “deliberately disobeyed the orders of the court.” In fact, “the whole incident,” Smith told reporters, “may have arisen from a misunderstanding,”<sup>54</sup>

The deaths of Tidwell and Johnson, like that of Richard Audell Clift, were excused as unfortunate situations that befall the incarcerated. Because prisoners have already been judged and found guilty, their deaths are easier to write off as caused by forces they bring upon themselves by their own misdeeds. This simplistic reduction of guilt and justice, however, overlooks the complexities of events and circumstance that often lead to a person’s incarceration – circumstances like addiction, poverty, or the ability to obtain adequate representation in the courts. This narrative is also dangerous because it assumes that justice is blind and is meted out fairly to all prisoners regardless of race, age, economic status, gender, and any number of other factors. Richard Audell Clift was a son, a brother, an uncle, a war veteran, and an alcoholic. What he was not, along with many others through the years, was deserving of the abuse and mistreatment that characterized the fate of prisoners unfortunate enough to be sentenced to the Pulaski County Penal Farm for the smallest of infractions. For it was this abuse and mistreatment that ultimately cost him his life.



*Richard Audell Clift military headstone,  
Francois Cemetery, Malvern AR  
Photograph by the author*

Another man done gone from the county farm  
I didn't know his name, didn't know his name  
He had a long chain on, had a long chain on  
They killed another man, killed another man  
Another man done gone from the county farm.<sup>55</sup>

<sup>51</sup> “Henley Orders Pulaski Farm Closed Jan. 31,” *Northwest Arkansas Times*, 5 January 1974.

<sup>52</sup> “No More Terms To Penal Farms Mackey Asks,” *Northwest Arkansas Times*, 13 January 1974.

<sup>53</sup> “Penal farm drowning suit filed,” *Hope Star*, 9 July 1974.

<sup>54</sup> Penal farm head, judge found guilty,” *Hope Star*, 26 September 1974.

<sup>55</sup> Excerpted lyrics from the song, “Another Man Done Gone,” version recorded by Odetta, 1957.