

# Oil And Waters

A novella by David Reed Beatty



## Chapter 1: Hell And High Water

"They had no business mixing you and me, Waters," calls a pale and balding man from the bottom bunk of a conical tent as another inmate climbs into the top one.

"That supposed to mean," scowls a darker skinned younger guy as he rolls onto a thin mattress barely filled with cotton batting.

"Hold your horses, mister," laughs the old guy turning from his side onto his back. "You know what they call me, right?"

"Hahaha, I get it," grunts Waters as he pulls a coarse wool blanket over his sodden khaki clothes. "Oil and water don't mix, do they?"

After two days of rising muddy water and sinking drinking water in the old penitentiary, the involuntarily fasting prisoners had taken matters into their own hands. It took the arrival of the National Guard in army boats to quell that flood of rage in the cold torrent of January 1937. Then the inmates had been rounded up and herded across pontoon bridges to an emergency tent city thrown up by the WPA on a bluff just east of the Kentucky State Reformatory.

The Frankfort prison had been operating on the banks of the Ohio River since 1800 with segregated buildings and single-celled rooms barely retrofitted for electricity. Funding had long been earmarked for a new reformatory, but the lean budgets of the Great Depression had put a cog in that wheel of progress. It took the flood of the century to get the modernization process rolling again.

"Speaking of mixing, how did a man like you end up on this side of the river?" the older guy softly calls, tucking the olive army blanket around his bony shoulders.

"They was shipping us down to Eddyville so I slipped into your line," mutters Waters as he rolls his small frame from side-to-side, unable to find a comfortable spot.

"All the coloreds are going to maximum security?"

"In that highwater hell some guys broke into the women's building."

"Whewee, nothing like a black man maybe getting a white woman to get 'em riled up."

"Why they call you Oil, anyways?" whispers down from the top bunk after a few moments of silence.

"Had me a bus garage before the crash."

"Oh, it's not 'cause a that O.L. at the front of your nameplate?"

"Well well, there's your secret to keep - it's Orville Leslie to nobody but you and me."

## Chapter 2: Roll Call

"All right you jerkoffs," shouts a newly assigned prison guard from the parade ground between the inmate tents. "Line up and state your name!"

"Patrick," begins the first man in line, a bean pole of a man with a lean face and a wandering eye squinting into the low January sun.

"Whole name, asshole!" the guard growls, waving a clipboard and stabbing a pencil toward the now slouching prisoner.

"Loy Patrick."

"That's more like it. Next!"

"OL Beatty."

"What's next, Vinegar?" the guard chuckles, noticing Oil's responding laugh as he checks his name off the list.

The Kentucky State Reformatory at Frankfort had been as strict and as segregated as they come. A guard would have known the name and face of every inmate on their assigned block of single-bunk cells. Black and white prisoners were housed in separate buildings and would never have been allowed to fraternize, but the chaos following the unprecedented flooding, riot, and evacuation had not yet restored order to the makeshift prison camp.

Oil had seen this census coming and done all he could to make his bunk mate appear more white. He traded Waters' relatively new khakis to

another inmate for an older and browner set. He plucked about half of the dark hairs to lighten up the eyebrows. He instructed the young Black man on pulling his shirt collar up and hat brim down for less face exposure. He even coached Waters on posture to assume a more upright carriage. It helped that Waters was from a lighter skinned family.

"Next!" continues the guard, glancing at his watch and the long line of inmates.

"Robert Waters, sir."

"Hmm, I don't see you on the list," he ponders, leafing to the next sheet.  
"That spelled like the flooding kind of waters?"

"Yes sir."

"Well looky here, there you is on the colored rolls. Hmm."

"That's a mistake," Oil states as calmly as he can. "Waters has been on my cell block for a year now."

"Righteo," the harried jailer resumes, writing in the name on the checklist of white prisoners. "Next!"

### Chapter 3: White Lies

"What're you in for?" Oil calls up to his bunkmate on a frigid February night when the thin waxed-canvas tent assured that neither could sleep.

"Caught me boating hooch out of Covington," Waters replies with a rueful smile that only he can see in the dark stillness of the frozen camp. "And me just the skipper."

"Shit flows downhill," the fifty-seven-year-old observes while tucking frozen hands into armpits. "Didn't they offer you a deal?"

"I'm no rat," groans the younger man curling up into a ball and slipping the wool blanket over his head.

Moonshining was still big business in the dry counties of eastern Kentucky even after the repeal of prohibition in 1933. There was cash to be had at each level of trade from distillers in remote hollows to bootleggers with fast cars rigged for barrel transport to shippers ferrying the duty-free whiskey to more distant cities. Being a federal crime at all stages of the illegal business, it's merchants were hunted down by enforcement officers of the Bureau of Internal Revenue. By the 1930s, after thirty years of field experience, these revenueurs preferred to hook a big fish by snagging the small fry and offering release in exchange for testimony.

"Say Waters, why'd you risk your life sneaking over here?" Oil resumes after a few minutes of tossing and turning in the cold.

"I told ya..." begins Waters before being cut off.

"Really son, I been around long enough to know a white lie when I hear one."

"Well it wasn't just the one guy. We all climbed out through that gash in the women's wall."

"What else?"

"Some stayed awhile, but not me. I just wish I'd a stayed off the river."

"A word to wise, Waters: Your only mistake out there was getting caught."

## Chapter 4: Hut Three

"We don't want no darky in Hut #3," complains a skinny inmate kicking the muddy ground and glancing every which way but into Oil's eyes.

"Now Loy, do you really want to cut off your nose to spite your face?" asks the older man throwing the tent flap closed and standing up to his full six-foot-two height.

Following the January flood Kentucky governor Happy Chandler had moved fast to purchase land in sparsely populated Oldham County. By early March two-hundred inmates from the temporary tent city in Frankfort had been bussed down to LaGrange to be the construction crew for the new penitentiary. Once again they were housed in canvas tents, but this time they were sturdy WPA huts with wooden frames, windows, and triple bunks.

Prison life was finally returning to routine as the days got longer and the afternoon sun warmer with the approach of spring in the bluegrass region. State land had been set aside for grazing and gardening, and the inmates were charged with producing their own food. Visitors were soon to be allowed again, and that prospect had the prisoners plotting the resumption of pre-flood black markets.

"What's that supposed to mean?" counters the back country man who'd been imprisoned the previous year for making and selling whiskey, something his Magoffin County family had been doing for generations.

"John Henry in there might be short, but he's a strong worker and ought to help meet our unit's quotas," Oil reasons before delivering the moonshiner his pièce de résistance: "And he's an experienced smuggler to boot."

Loy Patrick kicks the dirt again, scratches his chin, and declares "I reckon he'll do."

## Chapter 5: A Hole In The Ground

"We was digging the foundation and broke into a hole," declares Loy Patrick sliding his metal food tray onto a wooden picnic table in the darkening mess tent at the end of a long work day.

"You don't say! How deep?" Oil whispers, leaning across the table over his mushy plate of red beans and cornbread.

"Ain't seed bottom," the moonshiner murmurs back without knowing why, "but a stone dropped a ways."

The prison site at LaGrange is at the outer edge of a karst region in which limestone in the soil had been washed down over millennia to leave a dry surface favoring drought-resistant grasses. Underground rivulets gradually created a vast cave system draining into the Kentucky River basin. Rainwater ran into those caverns through surface sinkholes scattered throughout the nutrient-poor grasslands that would become prized for raising lighter and faster thoroughbreds.

The two-hundred inmates transferred over from the flooded Frankfort prison had been assigned the grunt work for construction of the new reformatory. A group of six prisoners bunked and labored together in a newly conceived team model of rehabilitation for non-violent offenders. The completed penitentiary would have dormitories with open floor plans to foster interaction instead of the traditional individual cells.

"What building is you working on?" continues Oil, looking Loy in his wandering eye.

"That old guard said the basement'll be a slaughterhouse."

"Tell you what, jam a sheet of plywood in and cover it with rocks and dirt."

"I declare, Oil's gonna run into a hole in the ground!"

"Keep it down Hillbilly! A storage place might come in handy someday."

## Chapter 6: Come In From The Cold

"Quit your bouncing up there!" Oil groans from the bottom bunk as darkness descends on their first December in the tent city.

Stillness is the only response so he turns on his side and curls under the scratchy wool blanket against the sudden chill.

"Dang you Waters," he growls when the squeak of coil springs starts up again. "Get on down here!"

An issue soon emerged with the experimental dormitory model of incarceration being implemented at LaGrange even before the inmates were moved into the new prison building. Hearing a bunk mate busy at work made some men mad, others lonely, and most aroused. Even behind bars, perhaps especially so, guys would find a way to enact their most primal instinct. The only problem is that sodomy was and still is a felony sex crime in Kentucky, though it's often overlooked and was historically encouraged in the penitentiaries.

"This ain't no tearoom," the larger man whispers, holding open his army blanket for the smaller man to spoon into.

"Don't need no drink," Waters mutters, a bulge already butting against his backside.

## Chapter 7: Emulsification

"Mamaw always said it takes a little bee's wax to mix Oil and Waters," howls Loy Patrick to the five other inmates laying block for the tower on the first fifty degree day of February.

"What are you going on about Hillbilly?" wonders the diminutive black man placing a cinder from each hand onto a growing stack as the others pause to spectate.

"Just that we all hear you all getting on that bus," Loy retorts as he plops a trowel of mud onto a block.

"Piss on you!" streams across from the wheelbarrow along with a cartwheeling hoe.

Oil had kept his anger at bay since the arrest, but his family had been feared for explosiveness from tribal times. They had survived for eons on the hostile borders between Scotland and England by laying low in the Galloway hills, only unleashing violence when provoked. It took the Crown's standing army a century of hangings and deportations to root out the Beattisons from those debatable lands, dispersing that familial potency to Ulster and beyond.

A psychiatrist might name it intermittent explosive disorder or oppositional defiance, a psychologist post-traumatic stress, but any self-respecting borderer would know that a short fuse was just one means of survival.

"You got anything else to say?" Oil scowls over the prostrate bricklayer squinting up into the midday sun as their guard turns his back.

"Not this minute," Loy groans, clutching his head and wobbling back to work while the mortar is still wet.

## Chapter 8: Ataxia

"Sorry Loy," mumbles Oil from his bench in the mess tent on the night after his outburst.

"Say again?" responds the lanky prisoner swaying over with his food tray.

"Just trying to apologize."

"Do what?" puzzles Loy not hearing a word over the dizziness as he pitches into the next bench.

"Don't want you to do nothing," Oil shouts with growing frustration as the guards and other inmates fall silent.

"Don't get mad at me for not hearing," Loy grumbles while picturing his angry father yelling for the kids to do this or that.

Dipsomania was always a drink away in whiskey-making families, and abuse of one kind or another was one step behind that flask. The Patricks of Magoffin County were no exception, and Loy's father had made teatotalers of his thirteen children. That wouldn't stop two of them from entering the family business, but at least they didn't piss away the profits. Alcoholics Anonymous would soon sweep the nation including the prisons, but in 1938 Bill W. was still stumbling into and out of New York bars.

Loy's dizziness was of a different sort. The blow to the back of his head had bruised the cerebellum inside the occipital bone, causing a floating sensation called ataxia. It made him off-balance all the time, especially when moving, and that feeling of falling dominated his other senses.

"Oh nevermind," Oil concedes as the spectators return to their own plates. "Pull up a seat and let's eat!"

"Not much appetite in these rough seas," Loy sniggers.

"This grub don't help, but we'll be tilling soon."

"Well if you plant corn, you get corn."

"That reminds me Loy, could a fellow make a batch of the recipe?"

"Might need a starter this far from the hills," ponders the moonshiner scratching his head.

## Chapter 9: Inside Jobs

"Course they stuck me out in the fields," Waters chortles from the top bunk soon after lights out. "What about you Hillbilly?"

"Dang dishwashing," whines Loy Patrick from the next bed over.

"That's about perfect with me down in the butcher shop," Oil declares with his dentured grin still visible in the slow summer dusk.

Assignments were being divvied out in preparation for the move to the recently completed main building of the new Kentucky State Reformatory. It had been over a year since the flood that finally closed down the old one. The two-hundred non-violent offenders who had been conscripted as the building crew had become accustomed to life in a tent city. The routine of wake-up call at dawn, construction work all day, mess tent in evening shifts, and bedtime at dusk had persisted year round, rain or shine, humid or frigid. Now in their second summer in the camp, it was time for the inmates to start producing their own food.

"Not so great for these dishpan hands," Loy deadpans, getting a chuckle out of a few of the others in their tent.

"Looky here," Oil declares to clarify his job assessment. "Waters'll grow it, you'll make it, I'll sell it."

"Just where'll I get that yeast?" the moonshiner worries.

"I got me a visitor coming up from Paintsville," Loy concludes as a big black bird alights from the mast pole with a raucous cry.

## Chapter 10: Fathers And Sons

"Whaddya know Frankie?" greets Oil from a low chair beside a small wooden desk.

"Not much Daddy," his lean eighteen-year-old son grins, sitting across from the father he hasn't seen in ten years.

"How's that Duesenberg?" the old man fairly shouts, leaning onto his forearms.

"Rebuilt the carburetor," Frank beams, proud to have kept his dad's fast car running all those years.

"Now all it needs is a new starter," Oil observes, turning his head slightly away from the canvas flap and quickly tipping a thumb into his mouth.

Visitation at the temporary prison was in a small army tent with an armed guard standing watch at the entry. The Beatty men weren't very communicative in the best of circumstances, but a hostile audience brought on even more beating around the bush.

Orville had been a successful bootlegger during Prohibition. Working out of his legitimate bus garage in Hopwood, Pennsylvania, he and his sons had helped to supply the Pittsburgh black market in moonshine. Losing the bus business to the bank after the 1929 stock market crash left the side line exposed, so clandestine operations were moved closer to suppliers in eastern Kentucky. One of them was the Magoffin County court clerk serving his third term as arbiter of business, legal or otherwise.

"Where do ya get a starter down there?" queries the son with a tilt of his pointy chin to the southeast, knowing the car had no such need but playing along with his father's code.

"Since the car's gotta be registered there anyway, you can ask the Magoffin county clerk."

"Will do Pop," nods the son, standing up as the guard grunts to signal time's up.

## Chapter 11: Chicken Hill

"They's a hanging tree back a the corn field," whispers the field hand wriggling in the slight breeze coming in from a small window above the top bunk.

"Things ain't that bad yet," titters the kitchen aid from the stifle of the bottom bed in their dorm room.

"Only ears'll be swinging in that wind," Waters chortles into the shadows of their first private room since the flood. "Takes dried corn to make that mash, don't it?"

"Yep, give 'em two weeks in this heat and we're in business," groans Oil tossing off the thin sheet in the swelter of a bluegrass Indian summer.

The inmates had just been moved into the dormitory of the nearly completed reformatory building. The official opening date was to be 1940, but Governor Happy Chandler, in keeping with his humanitarian prisons plan, decided to get the construction crew out of the tent city before winter by moving the dedication ceremony up to October 4, 1939.

The new prison was Chandler's experiment in social rehabilitation. The ten-floor main structure had staff quarters, dining hall, hospital, and vocational school besides the twelve housing wings. There would be mental health and visitation buildings beside the tower, and even a cemetery for the indigent was being scratched out back behind the chicken coops. Dorms were initially set up with common rooms for group

interaction, unfettered access to outdoor space, and private rooms with self-selected bunk mates.

It's a heady experience to be picked as a roommate for the first time. Oil and Waters were solitary men who'd made it in the world by individual entrepreneurial ingenuity. The former bus company owner hadn't known intimacy for more than ten years after being booted from his family for impregnating the oldest daughter. The ex-longshoreman had only ever known the occasional lonely hobo and had come to crave their rough treatment thrust onto him on the Covington docks.

"Tell you what little buddy," begins Oil settling on his back beside his diminutive roommate on the narrow twin of the upper bunk. "Leave a space inside the crates they're trucking down to Louisville next week."

"Big man like you'll never fit under all that corn," Waters worries.

"It's a test run for our product, silly."

"I get caught and you might as well dig me a hole on Chicken Hill."

"Don't fret yourself!" chides Oil sliding his big hand around Waters small one. "That crate space'll be empty this first run."

## Chapter 12: Yeast Cake

"Here you go Pop," greets the teenager sliding a small cake wrapped in cellophane across the wooden visitation desk as a big black bird alights on the ledge of a barred window.

"That's my boy!" beams Oil reaching for what he thinks will be the key to his prison prosperity. "Was it hard to find?"

"Nah, that Magoffin clerk had his kin meet me on the side of the road down on Cow Creek," grins the son with as much cheer as he'll ever have.

"He's a good ol' boy when he gets a whiff of corn...," begins Oil, pausing as the corvid starts pecking on the glass.

The guards hadn't batted an eye at the yeast cake during check-in at the new visitation hall because the pasty confection had been a fad food for more than a decade. Dried yeast packs would soon replace fresh mash patties for baking, but that change wouldn't come to eastern Kentucky until after the war.

The clandestine distillery was wizening right along with the year's corn. Waters out tending the fields would soon grind the dried kernels with a hammerstone behind the hanging tree. Hillbilly had an old stockpot tucked behind the dishwashing supplies in the kitchen closet. Oil would be ready to load mason jars from the basement butcher shop that doubled as the shipping bay for prison products. They just needed someone on the receiving end, and an eager eighteen-year-old would be just the ticket.

"... and now I just need you to..." Oil begins again until halted by a huge hand landing on his shoulder.

"The warden wants to see you," smirks a goodly-sized guard standing over father and son and dangling a set of handcuffs.

"What's this all about?" the startled inmate pleads, offering up his wrists.

"Waters went missing."

## Chapter 13: Plea Bargain

"Well inmate, we know all about you and Waters," retorts Warden James Hammond to Oil's denial of any knowledge of the whereabouts of his bunk mate. "Sodomy is a felony in Kentucky."

"We just share a bunk," contends Oil standing in front of the large desk on the top floor of the tower and trying hard to keep eye contact despite a view of the distant Ohio River valley out the picture window.

"Tell us how he escaped and we'll see about dropping the bootlegging charges. You'd be eligible for parole in a year."

Oil was no novice to plea bargaining. He hadn't hesitated to point the finger toward an out-of-state son when the Pennsylvania state police traced an intentionally burnt out car to his former bus garage. The favor was returned five years later when that son was arrested for bootlegging in Kentucky and named his father as the kingpin to save his own skin.

He would be sixty in December and, like any older person, knew that an intimate relationship ending might mean never again. Ratting out Waters for stowing away in the corn shipment might shorten his incarceration by a year or two, but it would be the death sentence for his diminutive young companion to be shipped to the notoriously violent maximum security penitentiary known as the Castle on the Cumberland.

"Sorry Warden," Oil mumbles down at his worn black boots to hide the welling tears.

"In that case Orville, we're sending out the flying unit to hunt down your bunk mate. Do you have anything else to add that might save Waters?"

"Roll on," Oil mulls across the broad floodplain, balding forehead reflecting a wan sunset with arms hanging limp and hands held forward by the manacles binding his wrists for another five years.

## Epilogue

An aunt once warned me "Be careful what you look for! You might not like what you find." Such was the case for my paternal grandfather. Family lore held only that he was booted from the family by Granny Beatty for his drinking. It was up to the grandchildren to unearth the rest of his story - the successful early bus company and garage, the bootlegging during Prohibition and beyond, the flight to Kentucky, the extradition from New Jersey, and the imprisonment back in Kentucky.

Orville Leslie Beatty remained a prisoner at the Kentucky State Reformatory without parole for the duration of his five-year sentence for grand larceny and illegal distribution of alcohol. Upon release in 1942, he was able to secure a job as a conductor for the Baltimore and Ohio Railroad, living estranged from the family in Wheeling, West Virginia until his death at the age of sixty-eight in 1948.

Governor Happy Chandler's experiment in humane rehabilitation at the new Kentucky State Reformatory apparently worked for my grandfather, but the prisoner allowances for interaction and free movement were soon rescinded. A series of escapes and dormitory fights in the early 1940s brought the return to locked cells and restricted movement. By then, Chandler had moved on from politics to become the second commissioner of professional baseball, succeeding Judge Kenesaw Mountain Landis in 1945.

It was a delightful surprise of the writing process to discover a prison romance, but nothing in family history corroborates this particular fiction. While the attempted escape of black inmates through the women's building during the flood of 1937 is accurately portrayed, a crossover to the white side and subsequent escape of a prisoner named Robert Waters is entirely

fictional, though a later stowaway attempt in a compartment created by stacks of license plates did occur.

Historical fiction is tricky writing, risking family alienation and non-family boredom. It's my hope that this attempt at minimizing both is as entertaining for the reader as it was insightful for the writer. In penning it, I came to know more of the man who had become a ghost in the family through his own actions, offering him a small measure of forgiveness and redemption.

