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# PRISONERS AND PRISONS<sup>1</sup>

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## FOREWORD

Whatever else a prison does, it should not make people worse. Someone said substantially this. That is an axiom that will doubtless be accepted by everyone and should be in the mind of all prison officers.

Is it true there are prisons in America that do make people worse? Is it so of Federal prisons? Doubtless it is true of many jails. Are there Federal prisoners confined in them?

A prison exists for the prisoners, not prisoners for the prison. If it were not for the prisoners, there would be no prisons.

We sometimes act as though when an offender is sent to prison that is the end of him. Never again shall we have to reckon with him. Is that true?

Let us not deceive ourselves. Prisoners are not always going to remain in prison. All, practically, who go to prison are going to come out again. Are they going to come out better or worse? That is a most serious and practical thing for all of us to consider.

There is perhaps nothing of which people know so little as they do of their public institutions. They do not understand their purpose or what they are trying to do; how different each one is; how difficult a penal institution is; what its background must be if it is to be successful. Everyone of these institutions needs our interest. As good citizens they should have it and their officers should have our support.

President Coolidge in his message to the Congress of December 6, 1923, said: "The National Government has never given adequate attention to its prison problems. It ought to provide employment in such forms of production as can be used by the Government, though not sold to the public in competition with private business, for all prisoners who can be placed at work, and for which they should receive a reasonable compensation, available for their dependents."

<sup>1</sup>Report on Federal Prisoners and Prisons made at the request of the U. S. Bureau of Efficiency for the Special Committee on Federal Penal and Reformatory Institutions, House of Representatives, 70th Congress, Second Session, 1929.

<sup>2</sup>Lately Secretary of the Board of State Charities of Indiana; Former President, American Prison Association.

It was not until about thirty years after the close of our civil war that the Federal Government's Department of Justice began to have prisons of its own. Until then it had made use of the state and local penal and reformatory institutions. For over a hundred years it depended upon others to take charge of its wards. Yet it had not the right to say how they should be cared for.

The method of putting out all such Federal prisoners continued from the foundation of the Government for practically a century. It was not until 1896 that work was begun upon the prison at Leavenworth and ten years later before it was occupied by prisoners. It was forty years ago that Congress took action upon caring for its own prisoners and almost a quarter of a century since the first of the three prisons authorized began to be occupied. Since then it has established two other such prisons and begun a reformatory for women and a reformatory for men.

One of the problems of prison administration is providing labor for prisoners. That is absolutely essential. The Federal Penitentiaries have a unique opportunity to develop the ideal system of prison labor.

It has no jails of its own or prisons of any sort, except those of the Districts of Columbia, for the confinement of short term prisoners. It must depend upon others to care for such charges of the Federal Government. It is impossible for that condition to continue. It will be necessary for the United States to care for its own prisoners.

Jails, Workhouses and other county prisons continue to be used. Yet the jail system of our country is much as it was in John Howard's time. It is a standing reproach to this country.

It is a fundamental thing in penology that all treatment of prisoners, all influences upon them should be reformatory. That is a basic principle. But what do we actually do? Before sending them to prison we give them a moral mud bath in the worst institution we have—the County Jail. The jail, which because it is the first institution to receive the offender, should be first to help him. But instead of that, in most instances, the influences of the jail are certainly not reformatory in character. Instead of being a place for correction it is too often a place of corruption.

The opportunity offers for the Federal Government to inaugurate and carry through an excellent prison system. It is an unusual chance to do a great service for the United States and for humanity.

Fifty years ago the farmer knew little about injurious insects and plant diseases; today such knowledge has been acquired, that to him who knows, perfect fruit may be had. While there has been

progress in certain ways in penology in the past half century, it has not made the notable advance that has been made in pomology. We know about curing the ills of fruits better than we do the delinquencies of men. Most of us have given more attention to things than we have to folks. One reason is we have been obliged to have experts to work with fruits. Most people have not thought them essential in dealing with men. The microscope and the test tube must be used by those who know how to use them. We are just beginning to learn to make use of the sciences that apply to human defects and human behavior. We have been willing to turn positions requiring experts over to politicians, good men many of them, but not experts.

There has been considerable advancement in prisons and in the humane treatment of prisoners in the last half century. That was brought out in the fiftieth anniversary meeting of the American Prison Association, presided over by former United States Attorney General, George W. Wickersham, at Columbus, Ohio, in 1920. In its volume of proceedings is given a series of statements of the progress that had then been made in penology since the famous declaration of principles of 1870.

The most notable advances in that field have come from the medical and mental sciences. These are destined to make more notable progress in the future.

The federal prison service seems to have been a lost department of our government. Why should it be so? We certainly pay the penalty for such an attitude. By it the problems of delinquency multiply and the burden we must carry therefore becomes greater. Certainly these problems of delinquency are very plain, practical ones. Whoever gives his mind to them can discern that. Why then should we not deal with them intelligently? Only in that way shall we be able to accomplish much. Can anything be achieved in any other way?

One cannot separate the Federal prison service from that of the several states. They are all part of one problem. Too long have they been viewed apart. The administration of criminal justice as it is viewed today demands that they be considered together. That should be done by any committee undertaking to deal with the subject. It involves whatever contributions, history, law, penology, the social, medical and mental sciences have to offer.

#### TREATMENT OF PRISONERS

In 1773 the colony of Connecticut took over the old Simsbury Copper Mines and made of it an underground prison. It was called

"Newgate" possibly from the prison of that name in London. From 1775 to 1783 these mines were the national prison of the Continental Government, and after that to 1827 the Connecticut State Prison. Its history is a record of terrible events involving all forms of brutality, criminality and stupidity.

An interesting sidelight on this old subterranean prison is the following letter from George Washington reproduced by Dr. O. F. Lewis, late Secretary New York Prison Association. It was addressed by the Commander of the Continental forces to the "Committee of Safety at Simsbury, Conn."

"Cambridge, Dec. 7, 1775.

"Gentlemen:

"The prisoners which will be delivered to you with this, having been tried by a court martial and deemed to be such flagrant and atrocious villains that they can not by any means be set at large or confined in any place near this camp, were sentenced to Simsbury, in Connecticut. You will, therefore, be pleased to have them secured in your jail, or in such other manner as to you shall seem necessary, so that they can not possibly make their escape. The charges of their imprisonment will be at the Continental expense.

"I am, etc.

GEORGE WASHINGTON."<sup>3</sup>

This indicates one of the earliest efforts to care for prisoners, under Continental control. Later the Federal Government having no prisons of its own followed the same plan of using the local jails and then the state prisons for its prisoners. At first the original states were willing to cooperate and readily accepted such prisoners. That continued until the time of the civil war.

It would seem there never has been any plan adopted by the Federal government for its institutions, or a system of Federal prisons or practical method for the care of all Federal prisoners. Prisoners who violate Federal laws are Federal prisoners from the time of their arrest until their release. The Government has no special places of detention for untried prisoners charged with violation of Federal laws.

In O. F. Lewis' *History of American Prisons*, page 10, Wm. Bradford, who became attorney general of the United States in 1794 said: Sanguinary punishments, contrived in despotic and barbarous ages, have been continued when the progress of science, freedom and morals renders them unnecessary and mischievous; and laws, the offspring of a corrupted monarchy, are fostered in the bosom of a youthful republic.

Thus it is shown how our institutions patterned after European

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<sup>3</sup>*The Development of American Prisons and Prison Systems,* p. 64.

institutions. In some of our prisons and in our jail system, while we have improved in buildings and been helped by inventions, we still largely cling to the ideas then in vogue.

The late Samuel J. Barrows, U. S. member of the International Prison Commission, once remarked: "Back in 1867 a committee of the New York Legislature said: 'There is no one source of crime more operative in the multiplication of thieves and burglars than the common jail' and the statement still remains true of a large number of jails throughout the country."

Robert V. LaDow, former Superintendent of United States Prisons, tells us of the history of the prisons of the Department of Justice.<sup>4</sup> There are other prisons of the War and of the Navy Departments.

The first United States Congress met in 1789. "An Act for the Punishment of Certain Crimes against the United States" was passed. It defined capital crimes against the Government and declared that persons found guilty of such crimes should be punished by death by hanging. Other crimes were punished by fine or imprisonment, or both; and still other crimes by whipping "not exceeding thirty-nine stripes" or "to stand in the pillory for one hour."

"An Act to establish the Judicial Courts of the United States" was also passed. It provided means for the trial of Offenders against its laws. Not having any penal institutions of its own for the confinement of prisoners, it passed a resolution recommending the passage of laws by the several states providing for the keeping of prisoners of the United States in their gaols.

In 1825 Congress passed "An Act more effectively to provide for the Punishment of Certain Crimes against the United States and for other purposes." This act omitted from the criminal code of the Government the punishments of whipping and standing in the pillory, and adopted for the first time punishment by confinement at hard labor. It also authorized the confinement of the convicted person in state prisons or penitentiaries the use of which was allowed by the legislature.

Pursuant to the recommendation of Congress the legislatures of the states then members of the Union passed laws which permitted the use of their penal institutions for Federal prisoners. Other states later granted such permission. Thus it was the government adopted the plan of using the state institutions for the confinement of Federal prisoners. The practice of using jails in the several states for the

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<sup>4</sup>"*Correction and Prevention*," Russell Sage Foundation (1910), Vol. II, p. 168.

detention of persons charged with crimes against the United States, and the use of such jails, workhouses and other similar institutions in the state for the confinement of short term United States convicts has continued ever since. Following the Civil War there was a growing feeling against such practice. This had proved unsatisfactory both to the United States and to the states. Some of the latter passed laws forbidding the use of the state institutions for Federal prisoners.

But few states now accept such prisoners in their state institutions. Others are not inclined to accept them in their jails and local institutions. In fact, New York has virtually served notice upon the Federal Government to that effect.

#### FEDERAL PRISONS

Those under the Department of Justice, sometimes called civil prisons, are at Leavenworth, Kansas; Atlanta, Georgia; McNeil Island, Washington; the Reformatory for Men at Chillicothe, Ohio; and the Reformatory for Women, at Alderson, West Virginia.

There are prisoners under each the Army and the Navy. The former at Fort Leavenworth, Kansas; Governor's Island, New York; and Alcatraz, California. The naval prisons are at Portsmouth, New Hampshire; Paris Island, South Carolina; and Mare Island, California.

The Department of Justice has authority over the Federal prisoners in state and local institutions but it has no voice as to their treatment. There is quite a contrast between the prisons of the Department of Justice and those of the army. The former are still under the political spoils system, with inadequate staff, lack specialists in mental health and education, while the opposite is true of the army prisons. Surely the former prisons are as much in need of these services as are the latter.

It was over a half century ago that the American Reformatory system, separate woman's prisons, the indeterminate sentence and parole, and probation began. They are just beginning in the federal institutions. Some of them cannot be considered to have really begun. Could such conditions have existed if our government had been alert? If it had been informed? If it had been progressive? Compare our penal administration with the federal department of agriculture, or our prisons with the army prisons, with St. Elizabeth's Hospital or with the institutions in a number of states. They do not rate the same. One reason for the state of unpreparedness to meet these after war conditions is, our prison system has been dominated by politics. Look at the changes of Superintendents of Prisons and of

Wardens of Federal prisons in recent years. Progress cannot be satisfactory under such conditions.

Mr. LaDow says: "Conditions surrounding the use of penitentiaries in the states for federal prisoners finally became so unsatisfactory that Congress passed on March 3, 1891, 'an Act for the Erection of United States Prisons and for the Imprisonment of United States prisoners and for other purposes.'"

Two of the three prisons provided for in this act are being erected at Leavenworth, Kansas, and Atlanta, Georgia.

Work upon the prison at Leavenworth was begun in 1896. When completed there will be 1,400 cells. In 1895 the War Department changed its policy with respect to the place of confinement of persons convicted of military offenses. Its military prison (Disciplinary Barracks) at Ft. Leavenworth was turned over to the Department of Justice for its prisoners. That Department had a number of these transferred to that prison. It was three miles from the new prison then building but these prisoners worked in making brick and assisting in the construction of that institution. In 1906 the new prison was sufficiently advanced to receive prisoners and the institution at Ft. Leavenworth was returned to the War Department.

The prison at Atlanta was begun some years later. When completed there will be 1,200 cells. It was begun under contract. When it was sufficiently advanced to accept prisoners, a number were transferred there. After that the prison was built by convict labor.

The Federal penitentiary on McNeil Island, in Puget Sound was a territorial prison prior to the admission of Washington as a state into the Union. Since that time it has been maintained as a United States penitentiary. In 1910 its capacity was 200 prisoners.

Insane Federal prisoners are cared for in Howard Hall, a section of St. Elizabeth's Hospital, the government hospital for the insane at Washington, D. C.

More recently two additional federal institutions have been started. The United States Industrial Reformatory for men, Chillicothe, Ohio, occupies the site and some of the buildings of Camp Sherman used for training quarters during the World War.

On June 7, 1924, an act was passed by Congress authorizing the establishment of a Federal institution for Women which some six months later was located at Alderson, W. Va. The first buildings were completed in time to open the institution on April 30, 1927.

The National Training School for Boys is another of the Federal correctional institutions. It is located at Washington, D. C. It was opened January 13, 1870.



Recommendation of the New York State Commission on Correction for the year 1927 is that the problem of housing federal prisoners in New York State is so grave that the attention of proper Federal authorities be called to the absolute necessity of providing a Federal prison.

From the use by the Federal Government of state prisons and local jails in the original thirteen states, because it had no prisons of any kind of its own, the practice grew until almost all the state prisons and certain jails and other places of confinement in every state were used. No thought appears to have been given to the situation until the aftermath of the civil war seems to have brought the increasing volume of Federal prisoners to the attention of Government authorities and of Congress. Then came the movement for Federal prisons. They have been slow in developing. No new ones were planned. Now the increasing number of prisoners following the world war finds us again unprepared. We are in a condition more serious than that of sixty years ago. The problem is large and rapidly increasing. It calls for prompt action.

Modern penology demands something more than the mass treatment of men in overcrowded prisons. Today the demand is for good scientific work in our hospitals, reformatories and prisons. It begins with medical and mental examination of all prisoners upon admission. That means the individual treatment of prisoners. Prison science today is founded upon the basis of individualization. Unless a prison does that, it cannot qualify.

It is a long way from the old underground prison in the abandoned mine at Simsbury to our best state prisons and modern reformatories. In a paper prepared by the writer for the International Prison Congress in London, attempt was made to show some of the important steps in the treatment of the offender in the United States. Such a view of our history is of value in contemplating this problem. Briefly put, the changes are indicated as follows:

1. More humane methods employed.
2. Gradual grouping of prisoners in special institutions:
  - (a) Juveniles.
  - (b) Women.
  - (c) Young men, generally first offenders, more properly first convictions.
  - (d) Hospitals for Insane Criminals.
  - (e) Institutions for Defective Delinquents.
3. Alternate progress and recession of the movement.
4. Indeterminate or Indefinite Sentences.

5. Juvenile courts established.
6. Probation:
  - (a) For juveniles.
  - (b) For adults.
7. Physical and mental examinations:
  - (a) In juvenile courts.
  - (b) In reformatories and prisons.
  - (c) In courts for adults.
8. Routine mental examinations under Massachusetts law.
9. Movement for uniform criminal records in courts.

#### OVERCROWDING. UNEMPLOYMENT

Having visited our Federal prisons under the Department of Justice from time to time for more than twenty-five years, I am led to these reflections:

Our three Federal penitentiaries are greatly overcrowded. There is great lack of employment. Living conditions are not what they should be. Discipline cannot be properly maintained. It will be understood that overcrowding and unemployment are important factors in the other two unsatisfactory conditions.

The visitor who studies institutions is impressed both by the overcrowding in the shops as well as in the quarters of some prisons and by the amount of complete or semi-idleness in many others. In many cases the population has increased and in some doubled without any corresponding increase in shop capacity, resulting in shops that are seriously overcrowded. Such a condition is found at its worst in Missouri, West Virginia, and especially in the Federal Prison at Leavenworth.<sup>5</sup>

Why should the federal penal institutions be under the prosecuting department of the government? In no state are the prisons under that department. The attitude of the prosecuting officer is not that of one who understands the principles of penology.

Why should these institutions be dominated by political policy? No prison can succeed when under that handicap. The success of prisons depends upon a merit system that applies both to officers and prisoners. Trained and experienced officers are essential.

Only when the United States recognizes that and adopts it for its institutions will they come to the front.

Only when the United States comprehends fully what the modern system of penology is and how it must be founded upon recognized

<sup>5</sup>*"Handbook of American Prisons."* p. 15.

scientific principles will its institutions begin to be what they should be—leaders in the field of penology.

### UNITED STATES PENITENTIARY

Leavenworth, Kansas

Visited September 24, 1928, by Amos W. Butler,  
Superintendent Conner and Representative Bell

This is a walled prison on 1,744 acres of land of which some 700 acres is cultivated; 802 acres lies across the Missouri River, 175 acres of which is under cultivation.

The capacity as rated is 1,700—actually 1,560. That counts the original single cells double.

The population on September 24, 1928, was given as: Civil prisoners 3,296, Military 120, total 3,416. These include 74 life prisoners. No women are received here or at either of the other two penitentiaries. This shows 1,716 over capacity. The largest number at one time the past fiscal year was 3,758.

The buildings in the institution are masonry with steel cells. The farm buildings are a brick residence with brick and frame barns and other buildings. The land was transferred from the War Department without cost. The estimated present value is \$312,600. The estimated present value of the buildings is \$3,000,000, total \$3,312,600.

There are 122 guards. Information is this is not many more than when there was a much smaller population. However, an increase to 128 guards has been authorized. My understanding is the warden hears the complaints of prisoners and the superintendent of prisons says he sees all who want to see him when he visits the institution.

Punishments consist of isolation, restricted privileges and loss of credits.

The inmates were clean. Bathing facilities are in the basement under the cell block which are poorly lighted and unsatisfactory. Clothing is ample, substantial and in fair condition. There are single iron beds with good, ample bedding and chairs.

There is an athletic field for recreation, but with the crowded population it is not as helpful as it should be. There is a library and additional books are to be added to it. Religious services are held. There are two chaplains, one Protestant and one Catholic.

The general health of the population is good. The hospital consists of a central part and two new units which are building and

there is a mental section. There is a regular physician who is competent and takes much interest in the work. There are several inmate physicians who are not allowed to prescribe. There is a mental physician and a dentist. The hospital is doing good work.

The hospital population runs from 90 to 95 patients. Treatment is being given to over 400 syphilitics. The hospital record shows 600 drug addict cases. It has been impossible to segregate the addicts from the other prisoners due to congestion. These unfortunates cannot be properly dealt with until the contemplated narcotic colonies have been established. We were assured that 33-1/3 per cent of the population, or 1,228, were there for violation of narcotic laws and that 65 per cent of these (798) are addicts. However, that does not give the size of the problem. A better way would be to take into account the whole number of such prisoners in the institution for the year. Many require much longer care. In addition to those present at the end of the year, there were discharged during that period 2,303, making a total number of persons under care for that period 5,987. Thirty-three and a third per cent of that number would be 1,995 and 65 per cent of the last would be 1,296.

The general dining room has a capacity of 1,632. It is necessary to serve three tables each meal. They are installing new tables with metal tops and seats. There was complaint of dust from coal going into the nearby bakery and kitchen.

The food is satisfactory. The following was the bill of fare for today: breakfast—oatmeal mush, hot muffins, butter, syrup, coffee; dinner—frankfurters and cabbage, steamed potatoes, bread, water; supper—baked spaghetti and cheese, stewed fruit, bread, tea.

There is good ventilation in the cell houses but it is very bad in some of the dormitories. The institution has its own electric light and steam heat.

The industries are factories for shoes, brooms and brushes. The shoe shop was working on a large order of shoes for the Phillipine Scouts. On the day of our visit there were 368 prisoners employed therein. The work done this month by the prisoners to date, September 24, was 8,231 pairs. They hope to reach 10,000 pairs of shoes this month. Twenty-five cents a pair, I understand, is paid to the prisoners for each perfect pair of shoes.

New construction is in process in the industrial building, two hospital units and the administration building. The isolation building was recently completed. The grounds in front of the main building are being graded.

There are printed rules for the institution. Fiscal affairs are under the Government system. Certain items of supplies are provided for by joint purchasing and others by each institution buying its own. There is a system of requisitions and inspections. The store room for food is not ample. They lack a general store room, but a room that is now otherwise used will soon be available.

The Parole Board consisting of the Superintendent of United States Prisons, warden and physician of each particular institution, meets at each prison every four months and is in session each time four or five days. They try to have special meetings of the Parole Board between the regular sessions. At the last meeting, our information is there were interviewed by the Parole Board at Leavenworth 197, at Atlanta about 200, Chillicothe about 200, Alderson about 90 and McNeil's Island about 90, a total of 777. For the year, three times that number would be 2,331.

As will be noted, the population is more than double the normal capacity of the penitentiary and hundreds of these men are obliged to sleep in dormitories, some of which are light and airy, but others in basements. Those in the basements under the cell houses are practically in the same room with the bathing facilities for the entire population. Such are dark and damp. The cells are crowded, two men to a cell where there should be but one, a condition that should never exist in any prison. That is physically and morally wrong and the cause of much vice and disease in prisons. The dormitories are crowded. About 350 prisoners are in poorly lighted and badly ventilated basements not intended for quartering human beings. The institution under those conditions cannot properly function, discipline cannot be maintained, the drug cases cannot be properly treated.

These conditions the Government should recognize and take prompt steps to remedy. They are not creditable to the United States. Much credit is due to the warden, his staff and his physician for their being able to get along in the conduct of the Penitentiary as well as they do.

#### UNITED STATES PENITENTIARY

Atlanta, Georgia

This is the second of the Federal Penitentiaries built. It is a walled institution. It owns 1,576.1 acres of land, 1,200 of which (known as farm No. 2) is about ten miles from the prison. On the remainder (known as farm No. 1) is the prison on 28.7 acres within the wall.

The rated capacity is 1,843. That counts two men for each single cell. If used for one only the capacity would be 380 less, or 1,463. The population is 3,176. There are 37 life prisoners and 36 military prisoners.

There are 261 prisoners on parole with only one parole officer to supervise them. Paroles are recommended by a parole board composed of the Superintendent of Prisons, the Warden and the physician. They are not effective until approved by the United States Attorney General.

There are four cell houses; two newer ones in front have cells originally intended for 4 men each, now house 8 men. There are *1,600 prisoners in those cells intended for 800*. The two older cell houses are farther back. Each contains a cell block five tiers high of 190 cells each about  $5\frac{1}{2}$  x 9 ft. making 380 cells originally intended for 380 prisoners. There is provision for 760 persons in them. *There were 343 men in basements which* are not intended and should not be used for dormitories, and *366 prisoners* in other dormitories in excess of normal capacity. Some of these are in corridors and some in halls.

The hall connecting the cell houses leads to the dining room back of which is the kitchen, bakery and stores. Off to the left are the isolation and segregation buildings and off to the right is the hospital of two wings with a court between. Behind the hospital is the tuberculosis colony. Behind the kitchen is the power and light plant and behind that the duck mill. To the east is the store room for the mill built of reinforced concrete and then behind that is the athletic field.

The population is 3,176, as follows:

White .....	2,456
Colored .....	703
Indian .....	7
Oriental .....	10
	3,176, being 1,333 over rated capacity

The original cost of the land (including farm No. 1 and farm No. 2) was \$163,676.95 and the present value is the same.

The dormitory at farm No. 2 has 163 prisoners, 143 white and 20 colored. There are 45 prisoners on farm No. 1 at the present. These farm prisoners seem to be well satisfied. There have been no escapes for over twenty months.

The farm buildings are of wood. A long, two story building is used for kitchen, dining room and dormitory. There is a small frame office building and residences for the officer in charge and some of his assistants. There are also stables and barns for dairy, teams and other

live stock. The dairy barns are in poor condition and should be replaced with new ones. A very careful record is kept of production, expenses and earnings, and according to the figures given, is very creditable.

The approximate original cost of buildings was \$1,645,575.67; the estimated depreciation is \$31,861.92; the estimated present value is \$1,613,713.75.

The buildings for isolation and segregation are convenient. In the former is the deputy's office and records. There are 14 cells. The walls of those I visited were badly marked with writing. The segregation building has 17 cells.

Punishments consist in confinement in large, light, solitaires, deprivation of prison privileges and loss of grade. For very severe offenses the prisoners are required to stand at the cell door for not over two four hour periods in twenty-four hours, but this is not often practiced. Those in the solitary are put on short rations and that is generally sufficient. All prisoners in punishment are interviewed daily by the doctor.

The inmates of the prison are generally clean, even though the bathing facilities in the basement of D cell house are unsatisfactory and inadequate, particularly so with the crowded condition. There is a good tailor shop where the clothing of the prisoners is made and repaired. The quantity of clothing is ample, quality good and it is in fair condition considering the disadvantages. The laundry capacity is only about half what is needed. The laundryman said the laundry was only equipped for 1,000 men.

The beds are various kinds of iron and wooden bunks and cots. The bedding is straw or excelsior ticks, with sheet, blankets, pillows and cases. There are benches, chairs and prisoners' personal boxes.

The dining room has 1,670 seats so it is necessary to serve two tables for each meal. Breakfast is served at 6:00 and 7:20; dinner, 10:30 and 12:00; supper 3:30 and 4:45. The farmers have their meal at 5:30 P. M. and the night force at 12 o'clock midnight. The kitchen was designed to cook for 1,600 so the demand upon it is double what it should be. In fact, all the departments are called upon to do double service. The meals are very good. Special diet is provided for the sick and others needing it.

The character and quality of the food is good and it is ample in quantity, well prepared and attractively served. I was present when the following dinner bill of fare was served: Fried smoked link sausage with tomato gravy, mashed Irish potatoes, boiled cabbage,

bread pudding, bread, ice water. The food was examined both in the kitchen and in the dining room. It is one of the functions of the physician to make a sanitary inspection, also an inspection of the food, regularly.

The hospital is well kept. It contains 31 patients; in addition there is a detail of 20 and the basement is used for 40 other prisoners. They recently received a new X-Ray machine. I was very favorably impressed by the physician. He has sick call twice in the morning, at 6:20 and 7:30. On December 2nd he examined 142 at this call. There is an assistant physician, dentist, druggist and oculist, also in special cases the assistance of a psychiatrist from the State Hospital at Milledgeville. The health of the institution is good. However, the physician pointed out 35 per cent of the population are drug cases, either addicts or handlers.

All prisoners requiring medical attention when received are immediately sent to the hospital. In all other cases they are first photographed, finger printed and interviewed for their record, after which they are taken to the hospital and vaccinated and other routine examinations made.

Venereal and contagious cases are isolated either in the cell or in the hospital as long as they are in an infectious or contagious condition. There is no place for complete isolation of contagious cases except in the hospital. In case of smallpox, scarlet fever, etc., the institution would be seriously embarrassed. There is no provision for isolation of acute drug cases. On account of the lack of facilities for segregation elsewhere all new prisoners are subjected to a superficial examination, searched for narcotics, etc., bathed, given clean clothing and segregated in receiving cells, until they have passed through the hospital routine.

They have a library of 22,000 volumes. Books are delivered and collected every three days. It is in charge of the Protestant chaplain.

They have both Protestant and Catholic services, each in its own chapel. The first named seats 1,900; the second 200. The Protestant chaplain is Mr. Ladlow of the Salvation Army.

They have a school with 167 prisoners in it. The school gives instruction up to the third grade, 5 nights a week from 6 to 8 o'clock. They have selected convict teachers and conduct 18 classes. The Catholic and Protestant chaplains alternate in supervision of the school, week about.

An effort is made to provide some kind of employment for some period every day, yet there are listed 284 as idle in the cell houses. A



work sheet is prepared showing the employment of every prisoner and also a sheet showing his location.

The principal industries consist of a mill for making duck and a shop for making mail baskets of duck. The latter is not now running. In addition there are the usual shops such as clothing, carpenter, machine shop, etc. Eight hundred and twenty-eight prisoners are employed in the duck mill.

The duck mill is a one story and basement brick structure. Spooling is on the first floor and the warp is put on the drums in the basement. Adjoining this building is a new building used for machine shop and woodworking.

The institution has paid over \$116,000 out of its working capital fund to prisoners and for the support of their families. It pays 2c a yard for duck.

Every prisoner, except those in isolation or in the hospital, is expected to go out into the yard and exercise and be in the sunshine daily. There is football, baseball, tennis, handball, horse shoes, etc.

The records are prescribed by the department. The rules are old ones that were adopted years ago, but new ones have been prepared and are being printed. The fiscal affairs of the institution are according to government requirement. Most supplies are bought by joint purchase, but in special cases they are bought by the institution. Supplies are only issued on requisition and there is a system of condemnation. The store room is not large enough and is overcrowded.

The Parole Board meets every four months with occasional special meetings. The institution is inspected regularly by the superintendent and his inspectors and from time to time by a representative of the superintendent of prisons. Records appear to be well kept.

New pipes are being installed in the kitchen to provide better ventilation and vent the steam which accumulates therein. Two 10" wells are being put down just outside the prison wall. A new power plant is practically completed. There are eight 300 H. P. boilers in 4 batteries of two each. The building for the electric light plant adjoining is under construction.

The Superintendent has had previous prison experience which is of great help to him in the difficult task he has of managing this overcrowded institution. I was favorably impressed by him personally and in my observations of his methods and work. There are 122 custodial officers, ranging from the warden to the guards, with a daily average of 113.

When complaints are made against a prisoner, the charges are

preferred by the officer having knowledge of them, the deputy tries the case and makes his recommendation to the superintendent. It is not effective without the superintendent's approval and any prisoner may appeal to the superintendent.

## UNITED STATES PENITENTIARY

### McNeil Island, Wash.

McNeil Island, the site of the United States Penitentiary, is in Puget Sound about three miles from Steilacoom, Washington. The Penitentiary has 488.97 acres of land. The farm of 360 acres which was acquired by an exchange with the State of Washington, is located about two and a half miles from the institution toward the opposite side of the island. Near there is a good harbor which they do not have at their present landing. A considerable part of the farm has been cleared, temporary buildings erected for men and animals, fences built and wells dug. It is well stocked with horses, cattle, hogs and poultry. Altogether this farm development is quite creditable.

The first building was built in 1871.

The original cost of the land was \$12,570 and of the buildings \$505,528.44. Total \$518,098.44. The authorities regard the present value equal to the original cost.

The normal capacity within the wall is.....	544
The normal capacity of the dormitory at farm.....	125
	669
The total normal capacity.....	669

The highest number of prisoners at one time during the fiscal year ending June 30, 1928, was nine hundred and fifty-four. The excess population was distributed among the larger cells and the dormitories. One hundred and eleven men were allotted to a dormitory in the basement of number 3 cell house. The shower baths are also there and the place is damp. The total population September 28, 1928, was 873 or 204 excess.

The normal capacity of the dining room is 872 seats: 748 are seated at one meal. The dining room is used for auditorium and chapel. The kitchen is designed to cook for 800, but there is a lack of room to work in it.

The total number of custodial officers is 54. Since May 1, 1928, the custodial force has been increased from 44 to 54. This is on account of the expected increase in population when Cell House No. 4 is ready for use. There are approximately 16 prisoners to each custodial officer. The average number of custodial officers absent on

vacation is 4; average number absent on sick leave and for other causes is 2. Total average absentees 6. Average number on duty 48. Number of other officers and employees 20.

Cell House No. 4, the cell block of which is five tiers high, will be ready for occupancy about January 1, 1929. Its normal capacity will be 380 prisoners. The total normal capacity then will be 1,049.

Such school work as is given is under the chaplain alone. There is no place for classes to meet. There is no correspondence course. Eighty-two prisoners cannot read or write any language and the percentage of Orientals is decreasing. The old dining room might be used for school. It could seat about 125. The chaplain who also has charge of the library, has secured from publishers a good collection of books. There is a small print shop in which the institution paper is printed. There is a band; also outdoor recreation such as baseball, horse-shoes and handball. The approximate number of prisoners participating in baseball is 100 on one team or another; 50 hand ball; 150 horse-shoes. Practically all the men attend baseball. For indoor recreation there is a weekly movie; three vaudevilles a year. Occasionally an entertainment by the prisoners and three times a year boxing. It is necessary to run the movies twice so that all may see them.

The hospital is entirely too small to serve the institution. Its normal capacity is 23. There were 27 patients and 14 attendants, total 41 persons occupying it today.

There is a resident physician who has been serving since March, 1928. There is a consulting surgeon, a visiting aurist and a visiting dentist; an inmate druggist who has had three and a half years in medical college. There is no employed nurse; six inmates do the nursing. They are given some instruction in practical nursing. The physician thinks they have taken care, by crowding, of all who needed hospitalization. No special provision for caring for venereal cases. Did what they could in the hospital. Twenty per cent of the population is reported syphilitic. The physician reports he is now treating 179 such cases, some once and some twice a week. Thirty per cent of the population have been drug addicts. The treatment is to take them off the drug and administer castor oil daily. The only place to put them is in a room in the hospital. The hospital equipment includes a very poor operating room, supply of drugs, inadequate supply of instruments, sterilizing apparatus. The physician says he examines and vaccinates all incoming prisoners upon arrival. If necessary, a psychiatrist is called in.

The hospital was not in good condition. Cleanliness and order should prevail. Good housekeeping is essential. It should be kept at a good hospital standard.

A needed power and heating plant is under construction. A new engineer had just come to take charge of the construction work. He said much of the work had been wrongly done. He referred particularly to the setting of the marine boilers, 3 of them of 500 H. P. each and the dynamos. It was stated their wants are many because they all come at once. The laundry is too small. It has capacity for a population of 500. In order to do the work it is necessary to run part of the night.

The kitchen is small but was in good order as was the dining room. The food was good, ample and satisfactory. The following is the bill of fare on the day of visit: breakfast—oatmeal mush, coffee cake, coffee, sugar, syrup and milk; dinner—Coney Island Clam Chowder, grilled halibut, Spanish sauce, mashed potatoes, carrots, stewed prunes, hot rolls and tea; supper—baked macaroni au gratin, potatoes with jackets, stewed prunes, bread, oleo, tea.

The bedding is good and ample and fairly well cared for.

The boats of the institution have been repaired, new engines put in some of them and those are now in good condition.

I went over the prison, examined the ground plan, the old and new buildings and those under construction, including the cell house, administration building, power plant and the repaired barn and store house at the farm.

All the prisons have a system of parole based upon definite sentence. The Federal Government has not followed our states in adopting the indeterminate sentence law which has now been in operation over fifty years. The warden reported 94 prisoners paroled last year and only one, an insane man, was returned to the institution.

The Salvation Army supervises some of their parolees. The Federal Government has money enough only for a few parole agents. The Department of Justice admits that the supervision of persons on parole is entirely inadequate and ineffective.

There was some talk about the water supply: 1. that at least one well was polluted; it is tested every two months; 2. there is a tendency for salt water to filter into the wells which reach below the level of tide water; 3. at times the supply is not sufficient. These are all serious questions and demand a thorough investigation and definite reply.

The problem of officers must be serious. There are no residences

for more married officers on the island: They live on the mainland three miles away. Every day they must make the trip to and from the prison. That means very long hours. Everything that is bought must be boated over by the institution. Everything that leaves the institution goes by boat. Every person who comes to or leaves the place must travel by boat. If eventually water must be hauled by boat, as we saw done at the U. S. Disciplinary Barracks on Alcatraz Island, California, the penitentiary would be placed at still greater disadvantage.

This place is not one I should choose as a site for a prison. But it is there and cannot well be abandoned. My impression is that it should be continued as a Federal prison, but not enlarged, for the territory adjacent to Puget Sound.

The spirit of the institution, the appearance of the prisoners, the interest of the officers, and the inspiration of the Warden and his wife made a very favorable impression upon me.

#### THE UNITED STATES REFORMATORY\* Chillicothe, Ohio

The United States Reformatory occupies the site of Camp Sherman, one of the training camps occupied during the great war. The Reformatory is well located, three or four miles from the city of Chillicothe. It has the advantages of good hard roads, built for the army, and of a complete water and sewer system, piped to different parts of the land. The only permanent buildings on the place are a large, handsome brick residence, which is occupied by the superintendent and his family, and a wooden chapel. All of the other buildings are temporary structures, most of which have paper roofs and beaver-board partitions.

There is approximately 1,400 acres of land, valued at \$100 per acre. There are six dormitories with a total rated capacity of 525. The largest number of prisoners at one time during the fiscal year ending June 30, 1928, was 399. At the close of the fiscal year the population was 297.

The capacity of the temporary buildings for dining room, kitchen and auditorium is adequate for all present needs.

There are 48 custodial officers or one to every 8.85 prisoners.

The new institution fell heir to a considerable amount of cooking and dining apparatus; rough dining benches and tables, ovens, office

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\*The sketch of this institution and of the next one is from notes of Dr. Hastings H. Hart, Russell Sage Foundation, New York, N. Y.

furniture, and so forth. Among other things is a large number of well selected books, providing an excellent library of several thousand volumes.

The prisoners are occupying barracks which were built for the use of the soldiers during the war. These buildings were much out of repair, but were made habitable and can be made to serve, with some slight additions, for two or three years to come.

School is organized with six classes and 39 pupils. Teachers are selected from the best qualified prisoners who have at least two years high school education. The school is under the chaplain. Instruction is given in rudimentary subjects, for four hours each afternoon.

Recreation—movies three times a week, which all attend. Baseball, tennis and horseshoes daily during the season.

Medical service—Physician and four prisoners detailed as nurses. Hospital contains 50 beds. It has all modern equipment throughout. Incoming prisoners have a thorough medical examination on admission, but no mental examination.

The idea back of the establishment of this institution was that it should be a Federal Reformatory for young men, preferably first offenders. If the United States is to work in accordance with the best prison experience and develop its prison services in the best recognized way, it will do nothing to change the character of this institution. It is well located, with good surroundings and so far has developed as well as could be expected.

All the prisoners here have been transferred from Atlanta and Leavenworth prisons. As far as possible, they are first-term men, under thirty years of age, selected with reference to their trust-worthiness and their adaptability for outdoor work. No drug addicts have been assigned to the Chillicothe institution.

Plans have been prepared for the first buildings. The intention is to develop them along the best recognized lines. It is proposed to house the great part of the prisoners in dormitories containing 100 men each, in accordance with the plans which are followed in the dormitories at the Illinois State Farm, the Indiana State Farm, the District of Columbia Workhouse at Occoquan, and the Reformatory at Lorton, Virginia.

It is hoped that in developing the plan for this new prison careful study will be given some of the best of the most recent institutions. The superintendent and others interested should visit the Reformatory for Men at Lorton, and the District of Columbia Workhouse at Occoquan, the new Reformatory now building for men in New Jersey, the Connecticut Reformatory at Cheshire and Kilby Prison in Alabama.

The work and the plan of the District of Columbia Reformatory at Lorton will be very suggestive as it follows a similar line of beginning as at Chillicothe and is for the treatment of the same class of prisoners.

There is no reason why, with the proper consideration of the subject, the study of the most approved plans of other institutions and the best thoughts of those who are experienced regarding prison planning and construction, the Federal Government may here develop the ideal institution of its kind in this country.

#### THE FEDERAL INDUSTRIAL INSTITUTION FOR WOMEN

##### Alderson, West Virginia

On June 7, 1924, an act was passed by Congress authorizing the establishment of a Federal Industrial Institution for Women which some six months later was located at Alderson, W. Va. The first buildings were completed in time to open the institution on April 30, 1927.

This institution is located on the main line of the Chesapeake and Ohio Railway about halfway between Washington and Cincinnati and 30 miles west of White Sulphur Springs. It was created by Congress in an enabling act, June 7, 1924. In March, 1925, the first appropriation was granted for construction, followed in July, 1926, by a second, which provided for completing the building. In June, 1928, the completed institution was turned over to the Department of Justice. The entire cost was somewhat less than \$2,370,000. The town of Alderson donated 200 acres for the site and the Government purchased 300 more at a cost of \$80,600.

Formal opening of the newly built Federal Industrial Institution for Women was held on November 24, 1928, by the Department of Justice.

It is not the right policy for either the federal or state government to accept donations of land or other property. The experience is that those things almost always rise up in the future to the detriment of the institution.

The capacity is 500. The institution is being developed on the cottage plan for 34 women each. Each cottage has its own kitchen and dining room. All the inmates and officers can eat at one time. Each woman is to have her own room. The seating capacity of the auditorium is 600 which is adequate to seat staff and inmates.

The total number of custodial officers is 40. They are heads of cottages, of industrial departments or of work details. The number

of inmates in each detail varies from 2 to 25. Half of the officers are absent each week for a weekly rest day.

The school work is organized under the direction of the assistant superintendent. There is one full-time teacher. Inmate teachers instruct small groups in English and Americanization. They are selected by the classification committee on the basis of education and apparent fitness. One hundred pupils are enrolled in the school. There are 25 classes. Instruction is given in English (elementary English, Reading, Spelling, Business English) Arithmetic, Civics, Typewriting, Stenography, Americanization, Household Science, Cooking, Table Service, Dressmaking, Art, Power Sewing, Red Cross classes in Home Hygiene and Care of Sick. Instruction is not limited to illiterate pupils and an effort is made to give instruction in all training work.

Recreation in the cottages and living rooms daily; outdoor recreation consists of walks, baseball games and picnics which are occasional for all the women.

There is a physician and employed nurse. All who need it are given hospital treatment with ample provision for venereal and other contagious diseases, separate rooms and toilets, etc. There are ample separate rooms with seclusive corridor and separate toilet facilities and bath for acute drug cases.

The equipment of the hospital is complete and modern. Medical examination of all incoming prisoners is given by the physician and psychological examination by the assistant superintendent. All new prisoners are assigned to separate rooms in the receiving building and are given an examination within twenty-four hours after they arrive. There are a few barred cells in reception cottage for newly arrived prisoners.

The industrial building is a well lighted workroom. There are school rooms for domestic science and industrial arts.

Good living quarters with bath room have been provided for staff members and employees. There is a good store house and well equipped laundry with modern machinery. Heat and power for all purposes is furnished from their own plant. Electricity is bought at a very low rate.

#### JUVENILE TRAINING SCHOOLS

The National Training School for Boys, Washington, D. C., is under the Department of Justice. It also receives boys from the District of Columbia which pays for their support at actual cost determined by the board of trustees. The average cost for the past year



was \$6.36 per week per capita. The daily average number of boys from the District of Columbia cared for at this school last year was 123. The amount so paid for the last fiscal year was \$40,801.15. This training school is not a well equipped institution. It is conducted by the Federal Government.

The National Training School for Girls is in two divisions—one at Muirkirk with 20 white girls, one on Conduit Road with 92 colored girls and 6 babies. Total 118. There is a Superintendent of the whole school and an assistant who lives at Muirkirk. Some federal wards are cared for. The amount received for their care last fiscal year was \$5,020.43. Improvements to buildings and grounds are noted and the institutions are reported in only fairly satisfactory condition.

#### FEDERAL PRISONERS IN CONFINEMENT

The tables given herein regarding federal prisoners in confinement will repay careful study. Compare those of Federal Prisoners in Confinement for 1927 and 1928. They are upon the same basis for in the former is included under "State and other institutions" the population of the National Training School for Boys which is given separately in the latter. The population of the three Federal penitentiaries has gone up, as has also that of the new institutions at Chillicothe and Alderson. On the contrary, the number of Federal prisoners in State and other institutions and in jails has decreased considerably. The net result shows a total in 1927, of 18,788 and in 1928 of 18,606—a decrease of 182.

In the Population of Federal Penal and Correctional institutions there has been a total increase from 7,628 in 1927 to 8,552 on the same date, 1928. A gain of 924. This means an added population to the five Federal institutions in one year of more than half the real capacity of the largest one. Two increases like that would occupy the normal capacity of either Leavenworth or Atlanta. The real work of these Federal institutions is not shown by those figures. They received altogether within the year 6,552 prisoners. Adding them to 7,628 on hand June 30, 1927, makes the total number cared for that fiscal year 14,180. Truly a large undertaking, particularly when it must be done under the disadvantages of overcrowding, unemployment, lack of proper facilities for classification and segregation. One wonders how the authorities have done as well as they have with the handicaps under which they labor.

FEDERAL PRISONERS IN CONFINEMENT  
June 30, 1927

Leavenworth .....	3,406
Atlanta .....	3,160
McNeil Island.....	751
Chillicothe .....	191
Alderson (Women) .....	15
Alderson (Road Camp).....	105
State and Other Institutions*.....	1,925
Jails .....	9,340
Total .....	18,788

FEDERAL PRISONERS IN CONFINEMENT  
June 30, 1928

Leavenworth .....	3,684
Atlanta .....	3,323
McNeil Island.....	923
Chillicothe .....	297
Alderson (Women) .....	174
Alderson (Road Camp).....	151
State and Other Institutions.....	762
Jails .....	8,797
National Training School for Boys.....	495
Total .....	18,606

POPULATION FEDERAL PENAL AND CORRECTIONAL INSTITUTIONS  
Year Ending June 30, 1928

	<i>Beginning of Year</i>	<i>Received During Year</i>	<i>Total</i>	<i>End Year</i>
Leavenworth .....	3,406	2,581	5,987	3,684
Atlanta .....	3,160	2,621	5,781	3,323
McNeil Island.....	751	655	1,406	923
Chillicothe .....	191	490	681	297
Alderson—				
(Women) .....	15	205	220	174
(Road Camp, Men).....	105	....	105	151
Total .....	7,628	6,552	14,180	8,552

DISTRICT OF COLUMBIA  
Penal and Reformatory Institutions

Under the control of the Board of Public Welfare of the District of Columbia are the following penal institutions:

District of Columbia Workhouse, Occoquan, Va.  
District of Columbia Reformatory, Lorton, Va.  
Washington Asylum and Jail, Washington  
National Training School for Girls

It also has contractual relation with:

National Training School for Boys.

\*Includes National Training School for Boys.

St. Elizabeth's Hospital, a section of which cares for insane criminals.

These are all located in and around Washington.

The following shows the population of the penal institutions, including the National Training Schools for Boys and for Girls, and the total number under care the past fiscal year:

Jail, July 1, 1927—Population.....	388	
Received during year.....	12,379	
	<hr/>	
Total under care.....	12,767	12,767
Present July 1, 1928.....	462	
Workhouse, June 30, 1927—Population.....	506	
Received during year.....	4,872	
	<hr/>	
Total under care.....	5,378	5,378
Present June 30, 1928.....	679	
Reformatory, July 1, 1927—Population.....	322	
Received during year.....	308	
	<hr/>	
Total under care.....	630	630
Present July 1, 1928.....	409	
National Training School for Boys—June 30, 1927—Population.	507	
Received during year.....	309	
	<hr/>	
Total under care.....	816	816
Present June 30, 1928.....	495	
National Training School for Girls—June 30, 1927—Population.	116	
Received during year.....	71	
	<hr/>	
Total under care.....	187	187
Present June 30, 1928.....	118	
	<hr/>	
GRAND TOTAL UNDER CARE FOR THE YEAR ENDING		
JUNE 30, 1928.....	19,778	

The jail, workhouse and reformatory are under a general superintendent with an assistant superintendent over each. The first named is an old institution. The workhouse is an open institution established nearly twenty years ago at Occoquan, Virginia. It took the prisoners out of idleness in the jail and gave them employment out-of-doors where they could contribute to their own support. In addition to the farm it has operated a brick plant, besides doing much construction work. Formerly it worked a stone quarry.

The reformatory designed for young men, preferably first offenders is also unwallled, with but few cells, generally dormitory construction. In addition to construction work and farming it operates a foundry, broom factory, makes automobile tags, and has other minor industries. Older, long sentence men have been sent to federal penitentiaries but recently some of them have been sent to the Reforma-

tory. It is to be hoped care will be taken to preserve the reformatory as was intended to be a real reformatory for young men.

The institution at Occoquan and Lorton have the unusual advantage of being located on navigable water. They can control their own transportation. The District of Columbia should take all their product. Thereby they would be assured a regular, reliable market and regular employment for their inmates. With the right cooperation these institutions are in the best positions of any I know to be models of their kind, and to be independent.

A penal institution to succeed must give productive employment to its prisoners. It must have all the things that most any other institution has and in addition a regular, dependable market for its product.

That is possible at Occoquan and Lorton, as at no other place known to me.

#### SIZE OF PRISONS

The London International Prison Congress also declared in favor of the individualization of prisoners and favored prisons small enough so that could be effectually carried out. The resolution contained these words: It is difficult to apply the necessary individual treatment of prisoners where the number in any one establishment exceeds five hundred.

Dr. Liepmann says in his report: And now I will try to summarize what else in the way of suggestions and conclusions is to be gleaned from my American experiences. I will take up *first* what we can learn from America *not* to do—that is, *not* to organize our prisons. Fortunately we have no such institutions as Eastern Penitentiary, Auburn, Sing Sing, and San Quentin, and I hope that in the construction of new prisons we will never take Joliet and Jackson as models. On the other hand, it cannot be denied that to a lesser degree the outworn American traditions of prison construction are still influencing us, inasmuch as we still labor under the delusion that society can be protected by the mere isolation of prisoners in single cells and by mechanical safety devices, such as barred windows, watch towers, and high walls. Such a conception must be utterly discarded; it merely appeals to the emotions of fear and revenge in peaceable citizens, and it puts out of the question the only treatment that is of any real value—educational work with the individual prisoner. Compulsion, continuous observation, and insistence upon outward conformity to rules and regulations make only the caricature of a prison.

These same harsh and unyielding measures were once employed in our mental hospitals and "houses of refuge," where they have since been supplanted by psychological methods that seek to lead the patient back to health through a process of reeducation. That our prisons should follow the same course admits of no question. Therefore, away with monster institutions. A large prison must of necessity be conducted on a system of mass treatment and mass discipline, and so at best can be only a smoothly running machine which compels the prisoner's obedience while he is in the institution, but which makes no attempt to prepare him for a life of freedom.

In planning the Federal penitentiaries at Leavenworth and Atlanta the original number for which it was the intention to provide, I understand, was 1,200 at Atlanta and 1,400 at Leavenworth, certainly a maximum number for such institutions according to our American views, but two or three times as many as our European friends would approve. On our own basis of capacity those two prisons have now each three times as many prisoners as they should have.

#### INSANE CRIMINALS

##### St. Elizabeth's Hospital

Washington, D. C.

St. Elizabeth's Hospital is under the Department of the Interior, yet it receives patients committed from the district of Columbia as well as others from different branches of the Government service.

The population is 4,135 (1,383 females and 2,752 males). The rated capacity is 3,500.

There are a number of different ways of admission. Patients are sent in by different authorities, the courts of the District of Columbia, and by various governmental agencies, as indicated in the laws.

There are 803 acres of land, of which 447 acres are cultivated. They have a garden, fruits, stock (including a dairy of Holstein cows).

The institution is some three-quarters of a century old; consequently the types of buildings are varied and in different stages of repair. The grounds are attractive. The ordinary repairs are kept up so far as the annual appropriations will allow.

New construction planned is the new medical and surgical hospital with a capacity of 200 beds at an estimated cost of \$875,000, of which \$400,000 is now available. This is the beginning of a medical center which will ultimately have 1,000 beds.

The institution is over capacity (as is evident) by 600 or 700 patients.

The Annual Report indicates the Hospital is conforming in records to the uniform tables recommended by the National Committee on Mental Hygiene.

There is a staff of 40 physicians, which is approximately 100 patients per physician.

There are kept in a section of the hospital known as Howard Hall the men who are insane prisoners. The women, of whom there are only a few—some half dozen—are in the woman's department of the hospital. There are 204 patients in Howard Hall today—110 white and 94 colored. This department is built around a hollow square with outside wall. There are eight wards, four on each side for 15 patients each. The capacity is 120 patients. Extra beds are put in and some sleep on mattresses on the floor. These are regarded as specially dangerous patients and extra precautions are taken for their care and to prevent their escape. The attendants are assigned from the regular force. Dr. Lind, the physician in charge, has been connected with the hospital for 16 years. These prisoners have the same examination, treatment and the same records are kept as for other patients. Supper had been finished before we arrived.

Under the law, prisoners admitted to this department (Howard Hall) are:

1. District of Columbia prisoners, charged with crime. found to be insane.
2. District of Columbia prisoners, insane.
3. United States prisoners who are insane, see pp. 3 and 4, "*Laws Governing the Admission of Patients, etc.*" (1925).

#### MENTAL CLINICS

Mental Clinics began in the courts in 1909 in Chicago when Dr. Wm. Healy, now of Boston, was appointed court psychiatrist.

In 1903 Dr. L. H. Streaker, an experienced psychiatrist, was appointed physician at the Indian State Prison. He was to have charge of the medical and mental work of the institution. Dr. Guy Fernald was appointed to a similar position in the Massachusetts Reformatory in 1908. From that time to this such work in the courts and penal institutions has spread until it is now accepted as essential in many states and in the army prisons.

The work in Massachusetts has attracted most attention. There, as a preventive measure the law requires the mental examination of all children three years retarded in school. That is an important

measure to assure early recognition of those who may later become delinquent.

Another law adopted by that state in 1921 provides for the mental examination of certain accused persons awaiting trial.

It is a unique measure that constitutes the most radical step yet taken to provide for the mental examination of such accused persons.

"The original Massachusetts law went into effect September, 1921. Since then it has been slightly amended. The original act was as follows:

"Whenever a person is indicted by a grand jury for a capital offense or whenever a person, who is known to have been indicted for any other offense more than once or to have been previously convicted of a felony, is indicted by a grand jury or bound over for trial in the superior court, the clerk of the court in which the indictment is returned, or the clerk of the district court or the trial justice, as the case may be, shall give notice to the Department of Mental Diseases, and the Department shall cause such person to be examined with a view to determine his mental condition and the existence of any mental disease or defect which would affect his criminal responsibility. The Department shall file a report of its investigation with the clerk of the court in which the trial is to be held, and the report shall be accessible to the court, the district attorney, and to the attorney for the accused, and shall be admissible as evidence of the mental condition of the accused."

"Notice, in the first place, that this act eliminates the bad features present in all other states legislation on the subject; that is, as has already been pointed out, it makes a *routine procedure* of the examination of the classes of offenders mentioned. Further, the examinations are made by a *neutral, unbiased* agency and by experts trained and experienced in mental medicine; and the examinations are made before trial and before it is decided whether or not to resort to the defense of insanity."

Dr. Winfred Overholser, M. D., Director, Division for the examination of Prisoners, Massachusetts Department of Mental Diseases, has recently written on the subject under consideration.<sup>6</sup> He says: of 382 persons examined under the latter law, "85 prisoners, or 22 percent of the total number examined, were found to be either clearly or suggestively abnormal mentally."

The American Prison Association has been the greatest factor in the advancement of penology in this country.

The International Prison Commission, of which the United States

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<sup>6</sup>Proceedings, 55th National Conference of Social Work, Memphis, 1928. Also, "The Practical Operation of the Massachusetts Law Requiring the Psychiatric Examination of Certain Persons Accused of Crime," Mass. Law Quar., Vol. XIII, No. 6 (Aug., 1928).

Government is an adhering member, brings together every few years the official representatives of all civilized governments in an International Prison Congress. Fifty-three governments were officially represented at London in 1925. There an opportunity is afforded of discussing the most pressing and promising questions in penology. Its answers are framed as resolutions and go as its recommendations to all the governments of the world.

The 9th International Prison Congress, London, 1925, unanimously adopted the following resolution:

"It is necessary that the accused as well as convicted prisoners should be physically and mentally examined by specially qualified medical practitioners, and that the necessary services should be installed for this purpose in the Institutions.

"Such a system would help to determine the biological and sociological causes of criminality and to suggest the suitable treatment for the individual offender."

That means mental clinics in the courts as well as in the prisons.

The New York State Commission of Correction strongly recommends a unit for the study and investigation of certain classes of mental cases among prisoners.

#### NARCOTIC CASES

One who visits jails cannot help but be struck by the piteous appeals from the drug addicts in their cells. The jail physician is regularly the recipient of their entreaties. These are often supplemented by the earnest requests of the fellow prisoners. They being confined together in the same section and sometimes in the same cell, seek to add their voices to that of their fellow. The humane impulse as well as the desire to escape the day and night pleadings of this tortured mind lead them to join in his appeal. The result frequently is the "shot" for which he pleads.

But the confinement of drug addicts in jails or for short terms in other prisons is useless. And in prisons for felons they are not where they belong and are in the way.

The testimony of the officials of the Federal Penitentiaries is that from 30 to 35 percent of their population are drug cases—either addicts or handlers. The former have no place in prison. They are sick and need medical care in a special hospital.

If the bill introduced by Hon. Stephen G. Porter, H. R. 11192, providing for the establishment of two farms for drug addicts, passes, it should be of great help to the Federal prisons. It should greatly reduce their population and relieve the present overcrowded conditions.



It would also take them out of the prison group where they are ever the cause of disturbance. It would also take those unfortunates out of prison which is no place for them and put them in a special hospital where they can have the treatment they need.

Massachusetts has just passed a law<sup>7</sup> providing for the commitment of drug addicts, in the operations of which we shall be greatly interested.

### PRISON LABOR

Every person is entitled to work. It is his natural right. It makes no difference if he is sane or insane, prisoner or free. It is a gross injustice for the taxpayers to support prisoners in idleness. It is not only unjust to the taxpayer but also to the prisoner. He should work all he is able to keep fit. Every able-bodied prisoner should do full work. The idea of having hundreds of prisoners in idleness as there are in some prisons, or of having two or three men doing one man's work, is wrong. A man in prison should be kept at such work as will enable him when he is discharged to get and keep a job. If he cannot do a day's work no one wants to hire him. Under such conditions the prison has but fitted him to return to crime and soon to prison. We have no right to take from the prisoner the right and ability to earn a living. A prisoner should not be turned out unfitted for the world and only in condition to return to criminal ways.

In principle I believe in the state use system of prison labor, if the state does its part to make it successful. That no state has done. In fact in but a few of our most populous states it is doubtful if the states, their institutions and political subdivisions can absorb the possible products of the prisons. Therefore in justice to all, both prisoner and the public, there should be for such states authority to sell the surplus on the market.

The prison labor problem is one of the most difficult as well as one of the most important of all prison questions. It is one that has long engaged public attention. It arises from the conflict of different interests. No solution satisfactory to all has been reached. Both the states and the Federal Government have been slow in solving this problem.

The question of the employment of prisoners has long received much attention. Divorced from politics, it could be settled without difficulty upon its merits. It is not as large a question as some apparently think. But it is a question little known to most persons, and

<sup>7</sup>Approved May 18, 1928.

really understood only by those who have dealt practically with prisoners.

Productive labor is essential to the proper treatment of the prisoner. The most valuable labor is that which fits him to make a living when he is released. Major R. W. McClaughry, one of our most successful prison administrators, former warden of the U. S. Penitentiary at Leavenworth, Kansas, was asked what is the most important thing in the administration of a prison. He replied "Nothing is more important than labor—steady, systematic, productive labor. Indeed it is the prime essential in the betterment of men, whether in or out of prison. But labor to be reformatory must have in it the element of productiveness." In this statement he voices the belief of all experienced prison administrators.

A prison warden recently said substantially this: Every prisoner should be fully employed in prison. Now we have here two or three men doing one man's work. They cannot keep a job when they go out. Their condition is such they can not compete with the man on the outside. Out of work, they naturally drift back into prison.

European penologists who have recently visited our penal institutions and observed what they are doing are amazed at the amount of idleness in American prisons. They exclaim that a nation so efficient in other ways has not given of its ability to the solution of this important social problem.

In few prisons throughout the United States are all the prisoners employed. In many of them there is little or no work. In Ohio, California, Illinois, Pennsylvania, New Jersey, Utah, and other states idleness is a very serious problem.

Idleness in the three large Federal penitentiaries is the most difficult question of administration. However, in recent years more men have been employed than formerly.

Not only is there idleness in both state and Federal prisons, but it is more noticeable in jails. In most jails, our primary prisons, the prisoners are idle. These institutions which receive the prisoners have the first opportunity to minister to him. The first change to influence him. They should have the best influence in his life at that time for good but as a rule it is otherwise. In addition to the bad associates and the corrupting influences of the jail he is kept in idleness for weeks, months, sometimes years. In jail there should be opportunity for work.

In general, idleness in jail is harder upon the Federal prisoner than upon others. As a rule their stay in jail averages longer than those locally committed. More of them receive longer sentences. Con-

sequently the evil effects of idleness are endured by them for a longer period.

All agree that prisoners should be employed. That is necessary for their own welfare and for the good of society. They should not be kept in idleness at the expense of the taxpayer. Whatever can reasonably be done in prison to make the prisoner a better man should be attempted.

1. Idleness in prison is subversive of discipline. Discipline is lowered and finally becomes lax. The "idle house" becomes a place of plotting and doing things that mentally, morally and physically destroy the prisoner.

2. In an idle prison men can not be taught habits of industry and the value of regular work. Every prisoner will go out some day. The prison should have fitted him so that when he is released he can earn his living alongside of any other workman.

3. A prison should teach a man to be a good citizen when he is released. Whatever can be done to him or for him to that end we approve. Education, trade teaching, improved health and many other things should be looked after. Idleness interferes with all that.

4. Prisoners should contribute to their own support. They should not be maintained in idleness at the expense of the taxpayer.

A joint select Committee of the Senate and House of Representatives made a report on "Employment of Federal Prisoners" to the 68th Congress (1923). In its report is stated out of a total of 5510 prisoners in the three Federal penitentiaries there remain 4060 who are unemployed. Since then the prison department has made provision for certain industries that provide for more employment for prisoners. Yet at the same time there has been considerable increase in the number of prisoners. From 5510 in 1923, to 7317 in 1928, in Leavenworth, Atlanta and McNeil Island. It is probably safe to say on a careful survey approximately one-half the prisoners are idle or practically so.

The report of the above Committee says: "The unemployment feature of prison life is that which appeals most strongly to the Committee; for this a remedy should be obtained as early as possible. The fact of unemployment is demoralizing and destructive. It is not only the duty of the Government from a humanitarian point of view to provide as far as practicable for the employment of its prisoners, but also from the viewpoint of economy."

The committee also recommended the payment of earnings to prisoners out of the working capital fund.

The least a state can do is to discharge its prisoners well and strong, capable of doing a full day's work alongside other workmen.

There is much more than it should do. It should by training of mind, morals and habits be doing more to strengthen these men to stand against temptation.

We should remember that with few exceptions these men and women committed to prison are coming out again. They are not going to stay there. Are they going to come out worse than when they went in? That is a question we must answer. We, everyone of us, are responsible for the right answer to that question.

There is no institution so complex as a prison. First it is a great hospital. Every prisoner is in need of medical and mental examination and many of them hospital treatment. A large number are illiterate or practically so. They need the rudiments of an education. Many of them have poor bodies, they need physical training. How many lack habits of industry. They need to be developed into good workers. A full day's good, steady work is needed. Some may be taught something of a trade. Then we must not forget man's moral and spiritual nature. They must be fed by one who knows men and knows his job.

In addition to all this it is a running institution, requiring plan, system, method to carry on successfully twenty-four hours a day. Men are needed for that. It is a great manufacturing plant that must turn out goods of a good standard at a good rate. Every part of the manufacturing business must be done in accordance with the best practice.

Further, it is a great merchandising concern, buying and selling daily. Only the best business methods and practices will do. What is more complex than a prison? It is an institution for the making of men and the making of things. The treatment and training of men should come first. If it were not for their needs the prison would not exist. The product of goods is a necessary consequence. But in the output, whether of men or materials, the ideal should be production of a good standard. What I am saying is a very practical thing. It is what students of prisons and of prisoners everywhere are coming to believe. So we should put ourselves in line with the best thought upon these questions.

#### FORMS OF PRISON LABOR

In this country we know three forms of prison labor: "lease," "contract" and "public account." The lease system is no longer used. Nevertheless it may be stated.

Under the lease system the convicts were leased to the highest bidder, who did or did not furnish officers to guard them. They were generally employed away from the prison. While the state nominally

exercised supervision over them, generally this was poor and unsatisfactory.

The contract system may be either for a stipulated wage per day (the "per diem" plan), or at an agreed price for each piece of work done (the "piece price" plan).

The public account system is also conducted in two ways. In one the convicts are worked by the state, which furnishes the capital and disposes of the product to the public, just as any other manufacturer does. This plan is generally termed "state account." In the other, a more restricted form, the state employs men for its own work, or in its own factories, and furnishes the capital, but restricts the sale of the product to the state, its public institutions and political subdivisions. This is the "state use" type.

It also employs them in doing work for the use of the state in some of its activities, such as reclaiming land, building roads, erecting buildings. That is sometimes called the "public works and ways" plan, but it is essentially a form of the "state use" system.

Of the two plans, contract and public account, the contract system is the easier to operate. It means less responsibility for the warden, a smaller investment and less liability for the state. Under it, however, some of the grossest abuses have existed. The contract system is passing, though it is still in operation in some of the best prisons.

Different states have at one time and another tried the public account system. Sometimes it has proved fairly satisfactory, and again it has not. The state prison of Minnesota has three industries: the manufacture of binder twine and of farm machinery; the third, the manufacture of shoes, under contract, or the piece price plan. This institution is in good hands, and has been very successful. Other states have tried the manufacture of binder twine on public account.

Workhouses in Detroit, Cleveland, Toledo and elsewhere have been conducted on the public account plan, with greater or less success financially. In Massachusetts, under this system, the prisons and the reformatory manufacture goods which are sold to the institutions of the state. If there is a surplus, it may be disposed of to the public.

New York adopted the state use system. Under it the state prisons manufacture goods for the use of the institutions and the lesser divisions of the state. They can sell to no one else. The plan was an experiment. At first some of the labor interests objected to the prisons doing certain kinds of work. The typographical unions secured an amendment to the law prohibiting much of the public printing. Without the guidance of previous experience, the attempt to frame a law to establish a theoretical thing resulted in some mistakes,

as was to be expected, and limitations and restrictions were imposed which interfered with the proper operation of the system. New York is trying to solve this problem for herself. What may prove effective and satisfactory in New York may not meet the need in New Hampshire or Nebraska. None of the states that operate under the "state use" plan has been able as yet to utilize all the prison products and keep the prisoners fully employed.

In different places the prisoners quarry and prepare stone for use, dig shale, make brick and tile, reclaim land, among other things.

A study of what is being done in different states offers many fertile suggestions of what may be done, both by states and by the United States in outside work.

The Federal prisons have the opportunity to try out the state use or Government use system better than any of our states. The products of prison labor both at Leavenworth and Atlanta are of good quality. They pass the strict government inspection.

The needs of the different branches of the general government are so many and so varied that with the right kind of cooperation such additional industries could be established as would employ all the population able to work. Of course, there should be taken into account the need for regular productive employment. That is the first essential in any scheme of prison industry. The whole need may be stated in these words: A regular, guaranteed market to furnish full employment to all the prisoners in the Federal prisons.

The United States better than most states has the opportunity to establish workhouse farms for the outdoor employment of its selected prisoners, particularly those in jails. These have demontsarted their success and value under experienced prison men in a number of places.

The following quotation is from the *Handbook of American Prisons*:<sup>8</sup>

"There is no question that the prisons using a combination of state-use and state-account or exclusively the state-account, have the most effective industries and the best industrial organization. The prisons on the state-account plan, with one or two exceptions, are not only giving employment to a much larger percentage of their population than those states on the state use basis, but their industries are better organized as to buying the raw product and manufacturing or selling it. In several state-account prisons most, and in some cases all, of the costs of maintaining the institution are covered by the industries. They have also gone farther in the payment of a wage to prisoners and maintain this wage on a better basis than other prisons.

<sup>8</sup>*Handbook of American Prisons*' (1926), Introd., p. 19.

"Grand totals (28 states).....3,642

"Of the states adhering strictly to the state-use method there is not one state covered in this book in which the industries as a whole are comparable in their effectiveness to the industries in the state-account prisons. Under the state-use system the number of unemployed or semi-idle prisoners is much greater and the wage, when there is any, is small and paid to only a part of the prisoners. It is rather significant that not even one state using this method has so far developed an effective industrial organization which gives adequate employment to most of the prison population, pays the men a real wage, and covers most or all of the cost of running the prison."

As a matter of fact most of those states (using state-use method) are giving even to such of the inmates as once had habits of industry, training in habits of idleness.

#### AGRICULTURAL PRISONS

It is suggested that a combination of agricultural and industrial prison be considered as a type of institution for certain selected prisoners. Possibly the better class of those under sentence of two years or less or selected ones of those who have been given jail or workhouse sentence or its equivalent.

Both of these have been tried and found successful. The agricultural prisons of the South reach back half a century. The best example perhaps is the Florida State Prison Farm at Raiford, Fla.

Of other similar institutions that have demonstrated their possibilities may be mentioned the District of Columbia Workhouse at Occoquan, Virginia, and the Reformatory at Lorton, Virginia, the Ontario Reformatory at Guelph, Ontario, and the Indiana State Farm, Putnamville, Indiana.

We have learned too, the value of the farm colony for the open air employment of almost all classes of public wards. This has been applied to the insane in Wisconsin, Massachusetts and Indiana; to epileptics in New York, New Jersey and Indiana; to feeble-minded in Massachusetts, New Jersey and Indiana; to both dependent and delinquent children in many states, and more recently to certain classes of prisoners including all kinds of misdemeanants of both sexes. What is being done at Cleveland, at Occoquan and at Guelph is well known. The most recent development of this movement is the New York State Farm for Women Misdemeanants. The simple, inexpensive, yet substantial form of buildings, the freer life, and the opportunity to contribute in part at least to their own support, make it far better for the inmates and cheaper to the taxpayers.

In Indiana the first step in this direction came about through the establishment in 1907 of a state workhouse for women misdemeanants

as a branch of the Woman's Prison at Indianapolis. The institution, which it is now proposed to remove to a farm, is entirely in control of women. Then the Board of State Charities began a vigorous campaign for a state farm for male misdemeanants.

These are worthy of consideration because they are so economical. They can be begun in temporary buildings. Plain, substantial, permanent buildings can be built by prisoners themselves, of bricks which they can make; likewise they can quarry the stone needed. They can also be employed in all kinds of work and contribute materially to the cost of their support.

For instance, the Indiana State Farm per capita cost \$155.03 and farm and garden products used \$42.43-\$197.46, while the next lowest per capita was the Indiana State Prison per capita cost, \$211.43 plus farm and garden products \$1.98-\$213.41. Difference in per capita of \$56. or adding farm and garden products—\$15.95.

An industrial or workhouse farm costs the least to develop, is the lowest in cost of operation and of maintenance. At the same time it is the soonest available. It affords employment to prisoners out of doors in the sunshine and air. Of course, it is necessary that careful selection be made of the prisoners and that experienced institution administrators shall be in charge in order that it may be successful, but that it can be successful with the United States prisoners is beyond doubt because it has been successful in the institutions mentioned above.

The Committee on Corrections at the 41st Annual Meeting of the National Conference of Charities and Corrections at Memphis, Tennessee, made a report which covered the ground on the treatment of the misdemeanant quite well. Its conclusions are briefly summed up as follows:

Let us begin at the bottom and study all the steps in the treatment of the offender—his apprehension, detention, trial, conviction, probation, confinement, treatment, employment, conditional release, final discharge. Let us set as our goal:

1. A system of police recognizing character, merit and efficiency in the personnel and a proper social view for its operations.
2. A prompt hearing for every person arrested.
3. The establishment of juvenile courts for all children's cases.
4. Provision for the care and detention of delinquent children outside the jail.
5. A probation system for adults similar to that of juvenile courts.
6. Separate trials for women offenders.
7. A modification of the present system of fines in order not to discriminate against the poor.



8. Classification of prisoners, confinement of individuals apart from each other and absolute sex separation in county jails.
9. The prohibition of the use of the jail for any other purpose than that of temporary detention.
10. The abolition of the fee system.
11. State control of all minor prisons.
12. The establishment of industrial farms for convicted misdemeanants.
13. A form of indeterminate sentence for misdemeanants.
14. Their release on parole under supervision.
15. The abolition of contract labor.

#### CANADIAN PENITENTIARIES

Can not we also get some helpful suggestions from Canada? General W. S. Hughes, long superintendent of the Dominion Penitentiaries, has been very successful in developing and improving their Prison Service.

There are six Federal penitentiaries in Canada. All men and women sentenced for terms of two years and upward, are sent to them. The number of prisoners in these penitentiaries has increased in the past ten years. Following the war their population was down to 1440 in contrast with the present number, 2620 (October 31, 1928).

All prisoners are employed. They are engaged either in construction, farming or in manufacturing articles for the Federal government. They work solely on Dominion Government requirements. None of the products are sold to the public. No prisoners are idle. All are fully employed. Each inmate performs his own work. There are no 2 or 3 men occupied at one man's job.

Among the articles manufactured for the Federal Government are: All the mail bags used by the Canadian Post Office Department; also repairing all mail bags for that Department. All the boots and a portion of the clothing for the Royal Canadian Mounted Police. Clothing and boots for the Dominion Government Treaty Indians and for the Indian Industrial Schools; a great deal of tents, tarpaulins, canvas fire fighting equipment, nose bags, canvas water pails, etc. Uniforms and boots worn by the inmates of penitentiaries including their discharge clothing; leather goods such as suit cases, dispatch cases, portfolios, leather covers for magazines and periodicals; woolen goods, tarpaulins and hatch covers for the Canadian Steamship line, also ballot boxes used by the Dominion Government and much technical equipment for various branches of the Government. Perhaps this will be suggestive in developing the industries in our Federal prisons.

The Dominion Government has a parole law but not an indeter-

minate sentence law. The following is an extract from the report of the Dominion Parole Officer, published March 31, 1927, showing that since the introduction of the Parole Law in 1899 until March 31, 1927, the total number of inmates paroled in Canada was 19,225. Of this number 17,432 satisfied the conditions of parole. Paroles forfeited and revoked number 1,161, or practically 6 percent. On March 31st last (1928) there were still 632 reporting.

In addition to the Dominion Prisons, eight provinces have one or more provincial prisons each, including reformatories for adults, for juveniles and industrial farms.

### COUNTY JAILS

The County Jails were our primary penal institutions. Out of them have come all of our prisons and reformatories. Through them pass all the prisoners who go to those institutions.

The original purpose of a jail was a place of detention for prisoners. However, in pioneer conditions in this country they came to be used also as places of confinement for convicts. That was wrong in principle but we have never gotten away from it.

As has been shown out of its necessities our Government in the early days made use of these jails in which to house its prisoners both those who were untried and those who were given short sentences. That practice has grown and has extended throughout the United States. While the Federal Government has the title to the prisoners it has nothing to say as to the condition of the buildings, the administration or the care of prisoners. In this it is helpless. If any criticism is made the use of the jail may be denied and the Department of Justice has no place of its own to house them.

There are a few county workhouses and city houses of correction, such as those at Detroit, Pittsburg and St. Louis, some of which receive Federal prisoners.

We know that our jails are the spoil of partisan politics. They are largely maintained on a fee basis. Most of them were built without any proper idea of the purpose they were intended to serve. As a rule they are unsanitary, they lack proper provision for sex separation and there is no means of employment. Often they are crowded far beyond their capacity. There is little attempt to classify the prisoners. They congregate in the corridors and the older and more experienced in criminal ways instruct the others in vice and crime. In how many such institutions are women not only waited upon but searched by men?

"We seem to have dedicated an institution in every county to the propagation of idleness, viciousness and crime . . . . Put these men on penal farms; where they may have days of wholesome work and nights of refreshing sleep; where they may have every incentive to live a clean life; where they may have the opportunity to realize the power of renewed manhood."

The evils which exist in the county jails are the natural result of the system we adopted from Europe. Over there they have long since changed it. Let us do likewise.

Hon. Joseph C. Hutchison, United States Judge for the Southern District of Texas, in his charge to the Federal Grand Jury, tells something of conditions he found. He says:

"When I came on this Bench, I had no experience whatever in the matter of criminal administration. I was a civil lawyer; I never prosecuted; I never defended a man charged with crime. I had a vague notion that a man charged with crime was in some way an outcast. I know now this is not so; that the man charged with crime is but a poor human being who, if guilty, is guilty because tempted beyond his power to resist.

"After I had gotten on this Court, I went around in the divisions which it has, and went into the jails. I was shocked beyond expression, especially on the Border, to find that in modern society conditions so medieval and barbarous could be found. I talked with prisoners in all of the jails, and with the officials, and after coming back from the Border, I thought the Harris County Jail by comparison loomed up pretty well.

"I talked to different persons in charge of the jails, and tried to get some alleviation of conditions; and, in Laredo and Brownsville, I got a great deal of help, and they are in those divisions doing everything they can with the funds they have to make conditions better.

"I worried over the matter, and the thing that troubled and distressed me most was that these prisoners, with lungs and hearts and bodies like I have, were penned up for months on end without a thing to do, with no access to the open air, and no opportunity for any kind of exercise except in the 'bull pens' and run-arounds inside of dark walls."

In a number of jails the discipline of the jail is given over by the officers to an organization of prisoners, called by different names, but generally known as a Kangaroo Court. These courts differ in their methods. A prisoner is arrested and brought before the prisoner judge charged with breaking into jail. He is usually found guilty and fined. If he has money he must pay. Otherwise he may work out his fine doing porter's work or in other cases he may be punished. Some of these Kangaroo Courts have a very elaborate set of rules posted. Sometimes they are signed by the officers. One copy I obtained from the El Paso, Texas, jail is quite full. On the other hand the Rules of the Los Angeles County Jail prohibit Kangaroo Courts.

Usually such organizations are evidence of the lack of administrative ability on the part of the officers.

While writing this report the newspapers appeared carrying an article concerning the operation of a Kangaroo Court in the Delaware County Jail at Muncie, Indiana. According to it, two men representing the anti-saloon league were arrested and put into that jail. Before bond could be obtained, and it was soon secured, the above named court decided they should be punished for entering the jail. Accordingly they were given a flogging, each receiving thirty lashes.

The above is an illustration of the abuses of such a court.

About the same time, the daily press carried an account of two sentenced federal prisoners in the jail at Cleveland, Ohio, one of whom killed the other. The assailant incensed by the prison term imposed upon him by the judge, slew his cell mate with an iron pipe. The assailant confessed he had intended to use the iron pipe on the federal judge who sentenced him but did not get a chance to do so when he was in court. Two sentenced federal prisoners in one cell! The incoming prisoner not searched! What share must the United States bear in this murder because it does not have control of its own prisoners?

Dr. Liepmann of Germany gives his observations on our jails, following his visit to them, as follows:

"There are no words to describe the almost mediæval conditions in the county jails. Usually no distinction is made between those who have been sentenced and those who are awaiting trial and who perhaps are innocent of any offense. There is no provision for giving the prisoners adequate work or exercise in the open air. In the matters of light and air, sanitary and hygienic conditions, the cells can without exaggeration be compared to stalls for animals, and at that to the neglected stalls that might have been found in country districts at least half a century ago. Furthermore, in many cities the jails are as a regular thing obliged to receive double and triple the number of inmates that they were built to accommodate.

"But on the whole, one must say that the jails are in striking contrast to the kind of institution that one has a right to expect of a civilized nation of the twentieth century, and that Americans especially, because of the important part that they have played in the past in the development of an intelligent and social prison system, ought to bestir themselves with far more energy than they have thus far shown to abolish these unworthy conditions."

Dr. Hastings H. Hart, without doubt our best informed student of jails and prisons, made a valuable report as Chairman of the Committee on Lock-ups, Municipal and County Jails at the fifty-fifth Congress of the American Prison Association at Jackson, Miss., November 10,

1925. He says the system of boarding prisoners in county jails is "a hopelessly unsatisfactory system."

The reasons he gives as a result of the examination of 893 jails are these:

"1. *Bad Sanitation.*

The great majority of the 893 jails which are used are old buildings badly lighted, badly ventilated and badly arranged. In many of them the plumbing and sewerage are defective and in many the heating apparatus is defective. Very few have any suitable provisions for hospital care or for clinical work. Under existing conditions it is impossible to conserve properly the health of the prisoners. It is rather the exception when the prisoners are served with a balanced ration, prescribed by physician or dietitian.

"2. *Lack of Classification.*

A very small number of the 893 jails have proper provision for the classification and segregation of prisoners. In most of the southern jails the only groups that can be segregated are white and colored, male and female, and not infrequently the conditions are such that women can not be completely separated from men.

For proper jail discipline, prisoners awaiting trial should be completely separated from those who are serving sentence. Young and inexperienced criminals should be separated from those who are hardened and vicious. The decent and cleanly should be separated from those who are filthy in their language and their habits. There should be segregation for tubercular and venereal prisoners as well as for those who are insane.

Even in the largest jails, like the Tombs Prison and the Queens Prison in New York, the Moyamensing Prison in Philadelphia, and the jails in Baltimore, Pittsburgh, Cleveland, Chicago and Denver, there is no adequate provision for classification and segregation. As a result, prisoners who are inexperienced in crime and committed to prison for the first time are forced into intimate association with those of the vilest character. There is made on them an indelible impression of humiliation and degradation.

"It is a fact well known to all who have given careful study to the subject that the county jails of the United States are breeding places and schools of crime, and that there is no more prolific source of crime.

"3. *Idleness.*

The evil effect of jail confinement is aggravated by the fact that in nearly all jails prisoners who are awaiting trial and those who are

servicing sentence are kept in absolute idleness, having no other work than the care of their own cells, and even this is usually done in a careless and slovenly manner.

"In a very few jails, like Delaware County Jail at Media, Pennsylvania, and the Penobscot County Jail at Bangor, Maine, simple forms of labor have been provided for sentenced prisoners, and prisoners awaiting trial have been allowed the privilege of working, of which most of them were glad to avail themselves.

"In a few other jails, notably Montpelier, Vermont, and also in Dover, Delaware, and in a few Wisconsin jails, the sheriffs have been authorized to find employment with outside citizens for trustworthy prisoners awaiting trial. Here they earn wages which are available for the benefit of themselves and their families. This kind of employment was expressly authorized by the Huber Law adopted in Wisconsin in 1913.

"A limited amount of employment is often furnished in taking care of jail buildings and court house grounds. Employment for a portion of the population in many jails is provided in the domestic work of the prison, cleaning, cooking, serving food and so forth. An excellent example has been furnished by the Municipal Jail of St. Louis, Missouri, which is kept as clean as a hospital, chiefly by the labor of the prisoners awaiting trial. Efficiency is secured by the inspiration of a competent and socially minded Warden.

"On the other hand, in the Tombs Prison and the Raymond Street Jail in the City of New York and in some other large jails, sentenced prisoners are brought in from outside workhouses to do the domestic work of the prison on the theory that prisoners awaiting trial should not work.

"It is true that it is a Constitutional right of every individual to be treated as innocent until proven to be guilty and that the Constitution provides that slavery or *involuntary servitude* (except for crime) shall not be permitted; but this does not mean that persons awaiting trial may not be permitted to work.

"In a good many county jails prisoners awaiting trial are permitted to make bead work and other fancy articles or toys, which are sold for their benefit, either to visitors or to outside people. These products do not come under the ban of prison labor products and such work, under proper restrictions, should be encouraged.

#### "4. *Lack of Federal Control.*

As Judge Hutchison pointed out in his charge to the Grand Jury, the Federal Government absolutely surrenders to the local au-

thorities the control of its prisoners. He says: "The Federal Court is strictly limited in its authority over jails, and, outside of the right to require that the prisoner be safely kept, is entirely dependent for improvement in jail conditions upon the consent and acquiescence of the county authorities." Neither the Federal judge who commits the prisoner nor the United States marshal who is the officer of the court has any authority to prescribe the treatment of their own prisoners.

"They cannot protect their prisoners from dirt or vermin, ill-treatment or moral corruption. In many jails the sheriff permits the organization of a "Kangaroo Court" which hazes and fines prisoners at their pleasure. In many jails undue privileges are given to favored prisoners while others are bullied and persecuted. The United States authorities do not and can not institute any reformatory measures in the jails.

"These conditions are aggravated by the ancient county jail system which was inherited from England three hundred years ago and prevails to this day, although long since abandoned by the British Government. Under this system the sheriff holds a proprietary right in the county jail, appointing the jailer and turnkeys. These officers are usually selected for the political services which they have rendered to the sheriff in the past and are expected to render to him in the future. They are selected without reference to any special qualifications or training. The sheriff is chiefly occupied with his civil and court duties and often has neither time nor inclination to give close attention to the administration of the jail, which is left to incompetent subordinates.

"Many sheriffs are compensated by fees, receiving a per diem allowance for the feeding of prisoners out of which they save whatever they can for themselves. This offers a strong temptation to provide an inadequate diet in order to make a profit for the sheriff. His income, his home and the education of his children depend upon what he can save from the convicts' rations. This temptation has been removed in many counties by abolishing the fee system.

##### *"5. Injustice and Hardship on Local Prisoners.*

The present system works even more hardship to the prisoners committed by the local courts than to the United States prisoners. The county jails are designed primarily for the accommodation of the prisoners who belong to the county, especially those awaiting trial. With the rapid increase of population, most of the county jails have been outgrown and have insufficient accommodations for their own local prisoners. The county boards are usually anxious to make a record

for economy and are hesitant about undertaking new building propositions. Within the past ten years building costs have increased 100 per cent and many county boards have held back, hoping for lower building costs. This hope has now been largely abandoned; but the hesitancy still remains. The building of the new jail usually involves a bonding proposition which requires a favorable popular vote.

"For example, the Cook County Jail in Chicago and Cuyahoga County Jail in Cleveland, have not been enlarged in the past forty years, though their population has increased six fold. Two successive proposals for bond issues to build new jails were defeated at the polls in each city. A third one has recently been carried in Chicago by the narrow margin of 19,000 votes. Meantime the old jails have been crowded to the point of suffocation; five prisoners sometimes being kept in cells designed for one in Chicago, while the prisoners are herded in the bull pen in the Cleveland jail like hogs in a stockyard.

"The practice of "doubling up," confining two prisoners in a cell, has become general of overcrowding and at the present time, owing to increased cost of construction, many of the new jails are being constructed with two bunks in one cell. Prison wardens generally agree that this practice is a direct encouragement of the worst possible sexual vices.

"The county of Los Angeles, California, is just completing a new jail of which they are very proud. The Chairman of the Committee of the County Board, in welcoming a visitor, said: "Biggest jail in the world! Mr. Brown, Biggest jail in the world! *Sixteen-hundred prisoners!* and I haven't any doubt, with the wonderful growth of the city, we shall have to double it within ten years!"

"This jail contains 800 cells and the capacity of 1,600 is secured by placing two bunks in every cell both for men and women. The county authorities apparently were utterly oblivious of the moral hazard involved in such construction. This is a very good jail for 800 prisoners, but will become a public nuisance if the plan of putting two prisoners in a cell is maintained.

*"6. Injustice to Taxpayers Throughout the United States.*

The General Government boards its prisoners in just about one-third of the county jails and workhouses of the country, occupying perhaps one-third of their space. These prisons represent an investment of probably not less than \$45,000,000, of which the United States uses at least \$15,000,000 worth, on which a fair annual rental would be not less than six per cent, or \$900,000. No rental whatever is paid for this property. In at least half of the counties the amount



paid is less than the actual cost of the proper care of prisoners for food, guards, bedding, furniture, heating, lighting, and laundry work, so that the counties are making an actual cash donation to the General Government. But two-thirds of the counties are entirely free from this national burden.

"UNITED STATES PRISONERS PER JAIL IN BORDER STATES

<i>"State</i>	<i>Jails Used</i>	<i>Number U. S. Prisoners on Hand</i>	<i>Average No. per Jail</i>
"Oregon .....	1	71	71
"Arizona .....	10	243	24.3
"New Hampshire.....	2	41	20.5
"Wisconsin .....	5	84	7.2
"Texas .....	23	334	14.5
"New York.....	33	459	13.7
"Washington .....	14	158	11.3
"California .....	29	304	10.5
"Minnesota .....	25	252	10.1
"New Mexico.....	6	55	9.1
"Vermont .....	7	37	5.3
"North Dakota.....	11	51	4.6
"Idaho .....	26	121	4.6
"Montana .....	12	34	2.8
"Total, 14 states.....	204	2,244	11
"United States.....	893	6,700	7.5

"Not only is this burden borne by one-third of the counties, but it is borne chiefly by states which have less than the average buildings and resources to carry it. These states on the Canadian and Mexican borders receive a disproportionate number of prisoners because many offenses against the Volstead Act, the Drug Act, and the Immigration Laws, are committed within their boundaries. This disproportion is indicated in the table above.

"It will be observed that the average number of U. S. prisoners per jail, in these border states is 50 per cent greater than the general average throughout the country; and for the first seven states named in this table the average number is twice as great as in the country at large. Since most of the jails in these 14 states are small, the resulting congestion is extremely serious.

"The excessive burden of the border states is further indicated by the statement above, which showed the ratio of United States prisoners in jails to the general population in 14 border states as compared with that of 14 adjacent states. It will be seen that the number of prisoners for each million inhabitants in the 14 border states is more than twice as many as those in 14 adjacent states."

## "RATIO OF UNITED STATES PRISONERS IN JAILS TO THE GENERAL POPULATION

<i>"Border States</i>	<i>No. of U. S. Prisoners</i>	<i>Prisoners per Million Inhabitants*</i>	<i>Adjacent States</i>	<i>No. of U. S. Prisoners</i>	<i>Prisoners per Million Inhabitants</i>
"New York.....	434	39.1	Pennsylvania .....	73	7.8
"Montana .....	35	54.1	Colorado .....	54	53
"Texas .....	322	63.2	Louisiana .....	50	26.6
"California .....	304	75.6	Utah .....	34	69
"North Dakota.....	52	75.8	Nebraska .....	76	56.1
"Maine .....	65	83.1	Massachusetts .....	56	13.6
"Michigan .....	354	85.2	Indiana .....	49	16
"New Hampshire....	41	91.1	Connecticut .....	7	4.6
"Washington .....	159	107.6	Oregon .....	71	83.9
"Vermont .....	40	113.5	New Jersey.....	137	39.1
"Minnesota .....	363	141.6	Iowa .....	78	31.1
"New Mexico.....	55	145.1	Arkansas .....	134	72.3
"Idaho .....	140	284.6	Wyoming .....	25	112.7
"Arizona .....	245	600.9	Oklahoma .....	189	84.4
"Totals, 14 states.	2,609	70	"Totals, 14 states.	1,033	30.4

*The evils of the county jail system.*

The evils of the county jail system here depicted have been recognized for one hundred years past, and for forty years vigorous efforts for the reformation of the system have been carried on by state boards of charities and corrections or state prison associations in certain states, as: Massachusetts, New York, Pennsylvania, Ohio, Indiana, Illinois, Minnesota, Colorado, Virginia, South Carolina, and Alabama. These bodies have worked earnestly and faithfully for the improvement of the system, but for the most part with little effect, because the jails are under the control of county boards which are constantly changing, and whose action is largely controlled by considerations of economy. The difficulty has been further increased by the fact already mentioned of the sense of proprietorship on the part of sheriff."

## HOW MANY JAILS? HOW MANY PRISONERS?

How many county jails do we have in the United States? No one knows. The number has been estimated at 10,000.

How many prisoners per year are there in these jails? Again, no one knows, but upon the basis of the Bureau of the Census figures, probably 2,000,000.

\*"The table is arranged in the order of the ratios in this column. Note that the border state of New York has five times as many United States prisoners in proportion to its population as Pennsylvania; Maine seven and one-half times as many in proportion as Massachusetts; Minnesota nearly five times as many as Iowa; and New Hampshire 18 times as many as Connecticut.

We have not been able to learn the definite number of jails housing United States prisoners or the number of such prisoners kept in jails.

The Department of Justice estimates the number of prisoners confined in jails June 30, 1929, at 8,797. That is almost half the Federal prisoners reported on that day. It has been stated the El Paso jail had the largest number of Federal prisoners of any jail in the United States. The reports for the fiscal year ending June 30, 1928, show as follows:

Subsistence days in local jails—

Muskogee, Okla. ....	48,605	Cost \$28,428.78
El Paso, Texas.....	41,879	Cost 28,285.73

There is no uniformity in the price paid for the board of Federal prisoners in local jails. Dr. Hart in 1924 found 48 different prices paid ranging from 20 cents per prisoner per day in Porto Rico to \$3.00 per day in Alaska jails.

I have recently visited (inspected) jails in 7 states reaching across the continent. On the whole they are much like other jails I have visited before. Some new jails that are well planned are poorly used; some old jails in the hands of careful, thoughtful persons are well administered. But on the whole they are a part of a poor system that we have had with us for 150 years and have not been able to throw off.

The real purpose of a jail was to detain prisoners awaiting trial. Soon, however, convicted prisoners were sent to them for confinement. Since then they have been used to house both accused and convicted persons, a purpose never intended.

In the State of New York in 1924, 11 different prices were paid ranging from 28  $\frac{4}{7}$  cents per day to 90 cents a day. I have found them ranging from 30 cents a day to \$1.00 a day in the states visited.

The payment for board of prisoners in county jails is generally a personal matter with the sheriff. He feeds the prisoners and gets the per diem. The per diem usually is not more than sufficient to pay for meals. The county, even if it furnishes the meals, as it sometimes does, gets nothing to pay for beds, cleaners, heat, light, water, guard service or rent of buildings. The Federal Government supplies its own physician and medicines for its prisoners.

Why may not the Federal Government pay a graduated rate for the care of prisoners based on what they get. For instance, starting with a minimum rate and taking into account good management, cleanliness, sanitation, discipline, bedding, three sufficient meals (some

only give two), etc., increase the rate according to the service rendered.

Some states have a method of inspection and condemnation of county jails when they are unsanitary, out of repair and unfit for human habitation. Among these states is Alabama, Indiana and New York. Doubtless there are others.

If it were possible to have some such law in every state with adequate means of enforcement many of the abuses in jails might be ended. The jails in which Federal prisoners are confined are often crowded beyond capacity. The prisoners live under shameful conditions. If in all states there were laws providing for effective means of inspecting and condemning jails and of prescribing rules for their administration, doubtless conditions would be improved. Why cannot the Federal Government in some way secure the cooperation of the states to obtain such result?

The United States could probably not centralize the administration of local prisons. Is there a reason why it should not encourage the several states to do so? Some of them are considering that subject.

In Indiana a law was passed on the principle that all prisoners are prisoners of the state and are under the authority of the judges of the circuit and criminal court. He has the right to say where they shall be kept and how. To establish rules regarding the care of prisoners and the duties of officers, the penalty for the violation of which shall be the same as for the violation of any other order of the court. Another move in that direction was a law requiring all women misdemeanants with terms over 30 days to be sent to the House of Correction, a department of the Indiana Woman's Prison. So successful was that, that a movement began to establish a state workhouse for men on a large farm. A large poster hung in the corridors of the State house during that campaign. It was the same used afterwards in Chicago in the movement for a new county jail. It tells the conditions so far as I can learn in county jails in every state.

#### HOW PRISONERS LIVE AND LEARN IN COUNTY JAILS

They live in idleness at the expense of the taxpayer.

They learn vice, immorality and crime.

They become educated in criminal ways.

They degenerate both physically and morally.<sup>9</sup>

The workhouse, called the State Farm, was established. Such prisoners as were theretofore sent to jails for 30 days or more, must

<sup>9</sup>See Report of the Committee on Corrections, 41st National Conference of Charities and Correction, Memphis, Tenn., 1914.

be sent there, and those whose sentence is less, may be admitted. The results have been good.

#### INTERNATIONAL PRISON CONGRESS

##### Centralization.

In the opening address of the International Prison Congress in London in 1925, Sir William Joynson-Hicks, Secretary of State for the Home Affairs, representing the British Government called attention to the fact that it was almost fifty years since the English local prisons came under the control of the central Government. Since that occurred there has been a very striking diminution in the number of persons in prison, notwithstanding the fact that during the same period there has been a large increase in the general population. The population of the local prisons, which was over 20,000 in 1878 is today only just over 8,000, to which, however, must be added 1100 young men and young women undergoing training in Borstal Institutions, who would under former conditions have been in prisons. Even more striking is the decrease which has taken place in the number of persons undergoing penal servitude. In 1878 these numbered no less than 10,000, while at the present day those in convict prisons and those in preventive detention (who would formerly have been in the convict prisons) number altogether only 1600.

A similar striking decrease appears in the number of prisons in which they are confined. The local prisons in 1878 numbered 113 and there were at that time 13 convict prisons. At the present day there are only 31 local prisons, 2 prisons exclusively reserve for convicts, i. e., persons sentenced to penal servitude, 1 prison exclusively reserved for persons undergoing preventive detention, and 4 Borstal Institutions, a total of *38 establishments at the present day compared with 126 in 1878.*

This great reduction in the number of prisoners and of prisons is due to no single cause. Many causes have been at work both general and special. Among the general causes he mentions the more law abiding habits of the general population. Among the special causes, the laws passed by Parliament providing new alternatives for imprisonment such as the probation system; increased facilities for time for the payment of fines. The laws excluding children from prison, providing for the treatment of mental defectives in special institutions, Borstal Institutions for the training of young men and young women, preventive detention whereby habitual criminals sentenced to penal servitude can receive in certain circumstances and additional sen-

tence of prolonged seclusion in a special establishment, under less rigorous conditions for the protection of society. The last sentence is not less than five years and may be not more than ten. As to short sentences the Home Secretary said: "I am convinced that these are absolutely useless. I mean the sentence of a few weeks' imprisonment."

The Lord Chief Justice of England, Lord Hewart of Bury, delivered an address on "Alternatives to Imprisonment." In that he said: "At the bar of public opinion, which tends always to be imperfectly informed, prisons suffer from at least one fundamental disadvantage. Other institutions are judged by their successes: a prison is always running the risk of being judged by what are regarded as its failures. A school or a college, for example, comes before the public eye, and lingers in the public memory, as one at least of the training grounds of this or that distinguished person. But a prison, on the other hand, is always in danger of being made famous by some notorious or frequently convicted wrongdoer. The superficial criticism which results is doubly unfair, and indeed grotesque. Any fair estimate of the results achieved by prisons must obviously take account, not merely of particular instances, but of the total mass."

The International Prison Congress in London was attended by official representatives of 53 governments. A number of important questions previously proposed were discussed. Resolutions were adopted concerning each. By these they were recommended to the governments of the world. Among the resolutions of special interest to me were these:

1. The system of probation should be extended to the utmost extent.
2. The indeterminate sentence is the necessary consequence of the individualization of punishment and one of the most efficacious means of social defense against crime.
3. It is necessary that the accused as well as convicted prisoners should be physically and mentally examined by specially qualified medical practitioners.
4. It is difficult to apply the necessary individual treatment of prisoners where the number in any one establishment exceeds 500.

#### EUROPEAN METHODS AND IDEAS

In the report on European Methods and Ideas of Penal Treatment by the Subcommittee of the National Crime Commission of which Hon. Frank O. Lowden is chairman and Prof. Louis N. Robinson is Secretary, there is much that is very suggestive.

In Europe there is little dependence upon severe penalties. There is an attempt to make punishment for wrong doing swift and certain. There is an absence of any tendencies to turn to more severe

penalties or to a harsher prison regime in the effort to stamp out crime. Everywhere there is manifest a movement to soften the asperities of the penal law and to mitigate the former harshness of prison discipline. The long sentences recently imposed by certain American judges are regarded by European students as a return to the cruelty of the Middle Ages.

On what do European countries rely to keep down crime? The answer is the main reliance is the police.

Another thing that impresses the visitor to European prisons is the existence, in the care and treatment of prisoners, of a standard of care steadily and faithfully maintained. Our constantly shifting personnel, the almost complete absence of any known qualifications for guards and officers, and the unthinkable muddle with respect to prison labor together make impossible the development of a definite standard of care and treatment of prisoners in the United States. These difficulties which if not wholly unknown in prison administration in European countries, are of far less importance and in no way nullify what I have said with respect to the existence of a definite standard of care and treatment that is steadily and honestly maintained from year to year wholly unaffected by changes in the balance of power as between the various political parties within a given country.

## SUBSTITUTES FOR IMPRISONMENT

### PAROLE AND THE INDETERMINATE SENTENCE

Several states and the Federal Government have a system of parole for definite sentence prisoners. Prisoners are eligible to appear before the parole board after having served a certain portion of their sentence. The Federal law provides that they shall serve one-third of their sentence before they may legally appear before that Board for consideration for parole.

The Indeterminate Sentence Law has parole as an integral part of it. Under it our reformatories were organized. It has since been extended to state prisons. It is the same principle that was originally applied in sentencing boys and girls to juvenile reformatories. In all these it has worked well.

The two systems are not distinguished one from the other in the public mind, but there is really a considerable difference. Under the Federal law the board of parole, made up of the superintendent of federal prisons, the warden and physician of the institution, have only authority to recommend to the Attorney General, who must act before a parole is effective.

The Executive, either of the Federal Government or of a State, has the prerogative of extending clemency—pardon, conditional pardon or parole.

It appears that from 2000 to 2500 Federal prisoners are interviewed by the parole board each year. During the fiscal year ending June 30, 1928, there were paroled from the three Federal penitentiaries 643 prisoners: 266 from Leavenworth, 328 from Atlanta, 49 from McNeil Island. In addition there were paroled from the Reformatory at Chillicothe, 228 and from the Woman's Reformatory at Alderson 16, or altogether for these five institutions 887.

The records show that the number paroled from 1910 to 1928 from each of the three Federal penitentiaries was as follows:

3650 from Leavenworth

4087 from Atlanta

658 from McNeil Island

In addition to these there were:

374 from Chillicothe and

16 from Alderson,

making a grand total of . . . . .8785.

These figures do not show all the Federal prisoners paroled. Others were paroled from various state and local institutions.

The number of Federal prisoners released on parole during the fiscal year ending June 30, 1927, was 1104 as compared with 1141 the preceding year. On July 1, 1926 there were 912 prisoners on parole. There are probably nearly 2000 such prisoners on parole regularly.

The work of the Federal parole board is too heavy in connection with the other duties the members have. They cannot give the time that is necessary to the parole work. The Superintendent of Federal Prisons should be relieved of service on the Parole Board. He has enough important duties without that to occupy all his time. Besides it is better to have a separate non-partisan parole board, none of the members of which are connected with an institution. It has been found in some states where the institution officers are or have been members of the board of parole that in some respects it is too close to the institution; also, having the officers on the board has an undesirable influence on the prisoners. The officers can supply the board with information and give their views but it has worked better not to have them vote. Some states formerly had laws similar to the present Federal law but after a time gave them up and changed to have the parole board made up without any of the prison staff as members. Having tried both ways they found the latter preferable.



Successful parole is the real fruit of a prison. That is difficult without an adequate number of capable parole officers. It is clear that the Federal Government does not have enough parole officers now. They should be greatly increased.

#### THE INDETERMINATE SENTENCE AND PAROLE LAW IN INDIANA

The indeterminate sentence and parole law became operative in Indiana April 1, 1897. In the 30½ years from that date to September 30, 1927, the State Prison has paroled 7,812 prisoners, the Reformatory 12,462 and the Woman's Prison 624, a total of 20,898. This number constituted about 75 per cent of the whole number released. Of the remaining 25 per cent some died in prison, some were discharged having completed the maximum term of their sentences, some were pardoned or paroled by the Governor, some ( a very small number) escaped.

It must be remembered that the 20,898 prisoners released on parole would, sooner or later, have left the institution, since all were serving sentences having a maximum limit, beyond which they could not be held. Leaving on parole as they did, all were subject to supervision and the rule is to maintain it for at least a year. Every paroled prisoner, therefore, serves at least his minimum sentence (many are held much longer) and in addition he is held under supervision for at least one year outside the prison. For this purpose the State Prison employs three agents, the Reformatory four, and the Woman's Prison one. It is their duty to find employment for prisoners about to be paroled, place them and visit them frequently thereafter, until satisfied that in all likelihood they will continue self-supporting and law-abiding.

Paroled prisoners must earn their own way, and report regularly their earnings and expenditures. Their savings, at the end of their parole period, averaged \$69.45 each.

If account be taken of the year on parole of all these parolees at the average maintenance cost of the three institutions, \$247.00, it would show a large financial saving to the state.

The indeterminate sentence law has been the most potent single factor in the transformation of our prisons from the old time places of punishment into the reformatory institutions of today. The law has changed the attitude of the state toward the criminal. It no longer merely punishes him for his crime. It rather takes advantage of the opportunity furnished by his incarceration to attempt to make a good citizen out of a bad one. The law changes the attitude of the prisoner

toward the state. From the beginning of his sentence it enlists his cooperation in every effort put forth by the state toward his reformation. He is put through a course in physical, mental, moral and industrial training, in all of which he must pass a certain standard before he is eligible for parole. He can be paroled at any time after the expiration of his minimum sentence, if that is deemed best for him and for society. As the parole board is forbidden to take into consideration any outside petitions for his release he must literally work out his own salvation.

The parole system is immeasurably better for both the prisoner and the state than the former method of discharge. The prisoner returns to his community with the state's endorsement of his good intentions and with the practical assistance of its parole agents in finding employment and in exercising a friendly supervision of his associates and environments. This supervision is maintained for at least one year. It may be continued to the limit of the prisoner's maximum sentence if deemed advisable. Until his discharge the law holds over him the wholesome fear of being returned to prison without the formality of court procedure if in any manner he violates the terms of his parole.

It is well to recall in this connection the action of the last International Prison Congress. It adopted a resolution on the Indeterminate Sentence as follows:

The indeterminate sentence is the necessary consequence of the individualization of punishment and one of the most efficacious means of social defense against crime.

#### PROBATION

We should distinguish between probation and parole. Parole means the conditional release of one committed to an institution. Probation means the conditional release of one who has not been sent to an institution.

In either case proper supervision by competent parole or probation officers is essential.

Parole was a great step in the reclamation of human beings. But it was discovered that some offenders could be reclaimed without having to go to prison at all. That is by release upon probation under competent supervision. Some courts suspend judgment and some after sentence is pronounced suspend the execution of the sentence. In some places the prisoner who is released is required to earn money to pay his fine and at times to make restitution.

Probation has come to be a fixed principle in dealing with of-

fenders. It is used to some extent in practically all the courts of this country. Its application in the juvenile courts caused it to spread rapidly and extended its popularity. Now it has set out on a world journey. One country after another has adopted it. The International Prison Congress in London in 1925 adopted the following resolution.

"The System of Probation should be extended to the utmost extent."<sup>10</sup>

Probation began in Massachusetts fifty years ago (1878). We celebrated its semi-centennial this year. The law creating it provided a non-partisan commission with authority to appoint its own director. Its work has been effective. Today, in Massachusetts, there are more persons on probation than there are in prison. That state has not built a new prison cell in twenty-five years. The prison population year after year has decreased. There were fewer offenders in prison in that state in 1927 than in 1914. This has been made possible by an effective probation system.

No other state nor the Federal Government can show such a record. None has applied that system as has Massachusetts. None has worked at the job as she has. In the light of her experience it is possible for us to see how others could have saved enormous expense and restored many to good citizenship had they pursued the same course.

Hon. George W. Wickersham, former Attorney General of the United States, before the American Prison Association at its semi-centennial meeting in Columbus, Ohio, in 1920, said:

"The liberation of the latter class from prison under the operation of indeterminate sentence and the parole and probation laws has produced most encouraging results. Today, in the State of New York more persons convicted of crime are out of the prisons on probation or parole than are confined within prison walls."

Dr. George W. Kirchwey, former Dean of Columbia University Law School, stated:

"No scheme of criminal justice has any hope of commanding the future which does not increasingly employ these methods—probation, indeterminate sentence and parole—of restoring the offender."

Dean Roscoe Pound, of Harvard University Law School, declares:

"One of the most insistent demands of today is for individualization of criminal justice, for a criminal justice that will not return recidivists through the mill of justice periodically at regular intervals, nor on the

<sup>10</sup>Proceedings of the Ninth International Penitentiary Congress, London, 1925 (Eng. ed.), Bern, Switzerland (1927), p. 366.

other hand divert the youthful, occasional offender into a habitual criminal by treating the crime in his person rather than the criminal."<sup>11</sup>

It is great encouragement to all of us who are studying the progress of human welfare to know that the Federal Government has begun the use of probation. In that it is wise. But it has only begun. It needs to extend, strengthen and improve the Federal probation system. More trained, efficient probation officers are needed and there should be in charge the best and most experienced director to be found.

#### STATISTICS

One thing necessary in a study of any enterprise, business or social, is to know the facts. What are the facts in regard to the crime problem? Who knows? Who can tell?

In a study of the machinery of criminal justice it has been found necessary to inquire into the work of all parts of the mechanism including the police and courts. The National Crime Commission Committee's report on Criminal Statistics and Identification of Criminals, of which former Governor Frank O. Lowden is chairman and Professor Louis N. Robinson, is secretary, states that in any enterprise the first step in business efficiency is accounting and close attention to the lack of, and the need for exact information as to facts. "Certain of the states have tried to keep track of the population in prison, jails, workhouses, etc., but the work of collection, compilation and analysis of the figures has been, for the most part, so poorly done that it might just as well have been left undone."

The earliest United States Census reports are of little value, but recently there has been improvement and beginning with 1927 the Federal government will collect statistics annually from the state prisons, penitentiaries and the state reformatories for adults. "So inadequate are the records kept by jails, workhouses, houses of correction, road camps, etc., that the Bureau of the Census with its present statistical force finds it useless to attempt annually to procure statistical information from them." The annual reports of the Federal Government will therefore cover only about 9.5 per cent of the total commitments to our penal and correctional institutions.

#### OUR FEDERAL CRIMINAL STATISTICS ARE TOTALLY INADEQUATE

Let no one imagine for a moment that the present Federal criminal statistics are adequate for supervision and control over the machinery of criminal justice or give to the scientists the data which is

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<sup>11</sup>Proceedings of the American Prison Association, 1920, p. 168.

needed for the study of crimes and criminals. What we need to know, is, first of all, the number of crimes that are reported to the police each year. Secondly, we should know how many arrests are made, and then be told what happens at each stage of the proceedings until the man is finally released from the court or the prison with a clean bill of health or declared incurable and fit for perpetual confinement. In other words, we should have information showing how many cases are thrown out by trial magistrates, by grand juries and by public prosecutors, how many are tried, convicted and what is done with and what becomes of the convicted. Without this information, we can bluster, complain and scold to our heart's content, but we can not enforce efficiency because we can not place our finger on the sore spots that need attention.

This committee (National Crime Commission) wishes, therefore, to call attention to certain fundamental facts: The public must recognize that the police, the courts, the prisons and reformatory institutions, the probation and parole officers are all parts of one great organization for the protection of society from crime. It must also realize that it can not maintain efficient control of this huge concern without the aid of scientific accounting. Furthermore, it should understand that the collection of criminal statistics is a peculiarly difficult problem in this country. Each of the forty-eight states is free, subject only to certain general provisions in the Federal Constitution, to enact such laws as it deems effective in dealing with crime. Within each state, local control of police, courts and penal institutions adds to the difficulty of collecting figures. Crime, however, is not solely a matter of local importance. Before we can obtain adequate criminal statistics for the United States as a whole, much foundation work will have to be done in each state. Present methods of keeping police, court and institution records will need to be overhauled and a plan of reporting to some central agency thoroughly worked out and placed on a business-like basis. We are convinced that each state should establish a bureau of criminal statistics. Such a bureau would not conflict with the Federal Bureau of the Census but would, on the contrary, be of enormous assistance to it. The individual states have the power, if they care to exercise it, to collect the information needed to enable us to deal intelligently with crime. Unless the individual states can be made to see that criminal statistics are necessary to secure efficiency in the administration of criminal justice, it is extremely doubtful if the Federal Government will ever be in a position to compile trustworthy information on crime and criminals for the United States as a whole. A state bureau of criminal statistics, if properly manned and scientifically run, could within a very few years do more to

make the administration of criminal justice what it should be than any other innovation of which we have knowledge.

#### CRIME COMMISSIONS

General public interest in crime and its control has been aroused and is the favorite topic of the day. Newspapers and current magazines have published much on the subject during the past few years.

While much that has been written does not present the facts, the agitation has aroused the public to the seriousness of the crime problem and the need of a careful study of the whole situation.

One result has been the creation of a number of organizations for investigation. In addition to the National Crime Commission, commissions or committees have been formed in a number of other states, notably New York, Minnesota, Illinois, Indiana among others. One of the first things these committees discovered was that the work they had undertaken was a gigantic task. The subject with which it had to deal was as old as human history. There had been other students of the subject in the ages that have passed. That to secure the best information they must call upon those best informed as to the facts and the results of previous studies.

Among other things they would like to know is what are the causes of crime? There is no one cause, but there are many causes. One thing stands out prominently. The ranks of the army of criminals are recruited from children.

They need to know the facts before anything is done. Definite knowledge is needed. Many striking statements are made. No one knows whether they are true.

So we need correct information on crime and on the machinery for the administration of criminal justice. When we find epileptics, feeble-minded and insane committed by courts to penal and correctional institutions, what does it mean? The workers in mental hygiene have developed such clinics that the mental condition of those persons can generally be determined and they receive the treatment that sick people need instead of a sentence to a penal institution.

These committees say that one of the great needs in dealing with these problems is the cooperation of local agencies. These include social welfare, health, employment, religious, in fact all of the forces for humane service and human betterment in the community.

Another thing that appears clear to them—the prompt apprehension and speedy punishment of offenders is highly important. Certainty of punishment means more than severity of punishment. Some of the surveys that have been made show that few criminals are caught and still fewer are convicted. If that is true of a very small

per cent of the delinquents, how can severe punishment inflicted upon them greatly affect the situation?

The criminal law and court procedure have also been scrutinized by them. They have been frequently and severely criticized by different bar associations and by others. Committees have been appointed by such associations to give consideration to the questions criticized. Their reports will be of interest and should bear fruit. With speedy apprehension and certain punishment there would be more hope for effectively dealing with the offender.

The wide-spread belief that there is an unusual increase in crime at this time has also attracted the attention of those investigating bodies. Many of our best authorities believe that whatever increase there is, is in spectacular and sensational crimes to which wide publicity is given. Penal and correctional institutions, with few exceptions, report increasing population. With the increase in general population that is to be expected. New laws and new inventions are among other causes therefor. It is said that four of our recent laws—the Harrison law on narcotics, the interstate automobile law, the Mann Act and the Volstead law are the four chief causes for the increased population in federal prisons.

From the beginning the right of the chief executive to pardon has been inherent. Conditional pardons were issued in some of our states. Perhaps out of them developed the idea of parole—the release of an offender from an institution under supervision. More than half a century ago came the indeterminate sentence law with parole as an integral part of it.

It is recognized that the primary purpose of punishment is the protection of society. The secondary purpose is the reformation of offenders. In olden times, in some places, we are still living in that ancient period, an individual was punished for the crime—the symptom. Now, in progressive governments, the individual is treated as an offender. That is, the person is treated. They recognize the great contribution to criminal justice of the indeterminate sentence and parole law and of the probation law and feel that these should be strengthened.

The inquirers have also realized the importance of the employment of all prisoners and at real work so that they may, upon discharge, be fitted to do an honest day's work in competition with other men and not be so weakened and debilitated that by reason of that fact they will return to criminal ways.

The greatest of all things that appears to these committees is the prevention of crime. Prevention, first of all, must deal with children. Our best authorities are agreed that criminal tendencies have their

beginning in early youth; consequently, from the experience that has been had, specialists in mental and nervous diseases and in mental defect have made valuable contributions to our knowledge of this subject and promise to be important factors in its solution.

#### RECOMMENDATIONS

First are suggested some things that are most needed and should receive *first* attention.

1. With the greatly over crowded condition of the three Federal penitentiaries it is absolutely essential that ways be found to reduce their population.

2. One way of accomplishing a reduction is by the removal of drug addicts from the penitentiaries and placing them in proper institutions where they can receive the care they need. If the bill proposed for two new institutions is passed perhaps one or two hospitals that may be given up by the veterans' organization could be promptly utilized and give early relief.

3. The time is here for the Federal Government to establish a mental hospital for prisoners who need its care. Such an institution would not only relieve St. Elizabeths Hospital, which is overcrowded, of the criminal insane, but with a proper psychiatric service at each of the Federal prisons would relieve them of many mental cases who are troublesome in prison. The above action is recommended.

4. Extension of the care of prisoners in colonies for farming, quarrying, brick making, etc., could not only reduce the present organization, but also afford employment for those colonized.

5. Every effort should be made for the employment of more prisoners at the earliest possible date.

6. More parole officers are essential for the best success of the parolees. The fruit of the prison should be the product it turns out. Every effort should be made to help those who are conditionally released succeed.

7. Probation deals with those who are not sent to prison. It has been tried for over fifty years with success. The Federal Government has wisely begun to use it. Its results are approved by those who know them. It is a good law, but weak in administration. More trained officers are needed with a competent director of the service.

8. Workhouse farms (Agricultural prisons) afford a good practical way of providing for the employment of prisoners now sentenced to jails. There, in inexpensive institutions they may be employed, and contribute to their own support at less expense than they now cost in many jails. Of course the prisoners should be selected and the one in charge experienced in institution work.



The following are additional recommendations:

9. The Federal penitentiaries should not be enlarged save to provide shops for the employment of prisoners. They were originally planned for 1,200 to 1,400 prisoners each. No prison should be larger than that to secure the best results. The population of Leavenworth and Atlanta should be reduced as early as possible to their normal capacity.

10. Two new penitentiaries should be built, taking into consideration the center of population of the United States and the source of supply for the existing institutions. The increase of population in the three penitentiaries in the past year in round numbers is half the normal capacity of the largest. In other words, at the recent annual rate of increase we should need to build a new penitentiary the size of Atlanta, each two years to provide for the Federal long-time prisoners.

11. There should be thorough mental and physical examinations of all prisoners in all institutions. Upon the basis of those examinations the institution should deal with each prisoner. They should be considered in the employment, education, quarters and all assignments. Also in his medical and mental needs.

12. There should be an agreed policy recognizing that the United States is going to be obliged to care for short-term prisoners as well as those with longer terms upon the establishment of work houses where they are most needed. Some of these may also be used as jails where the demands upon jails are the heaviest. Some jails will also be needed. Some of such institutions should be provided for promptly.

13. The United States should have a prison policy that will be outstanding, a prison system that will be—as some Government departments are—the leader in this country. Those things it has never had. To attain them, these definite things are required:

It should establish a definite policy in its penal affairs, based upon the best experience. From this, politics should be eliminated.

It should be organized under a non-partisan prison board, having entire charge.

It should decide upon a constructive program according to recognized modern ideas. A system should be adopted based upon permanency and necessarily must include recognized scientific work and methods.

These things require it to be founded upon the merit system and in accordance with modern institutional practice of the best kind.