

Crime

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OUR CRIMINALS
AND
CHRISTIANITY.

BY

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V.—OUR CRIMINALS AND CHRISTIANITY.*

BY W. M. F. ROUND, NEW YORK,

Corresponding Secretary of the Prison Association of New York.

ONE evening, while attending the meeting of the American Social Science Association in Saratoga, I found myself talking with a venerable member of that body in the parlor of the hotel while the session of the Association was going on in a neighboring hall. I expressed some surprise that he should be absent from the meeting. He replied: "I stayed at home to read a book on social science that furnishes me with a solution of all the problems they discuss there." I asked the name of the book and its author. He answered that it was written by various authors; that the first chapter was written by a man named Moses, and the last chapter by a man named John; and the name of the book was the Bible. And the old man was right in his estimate of the book: it is at once a guide to the solution of our social problems and a standard by which we may measure our success in dealing with the problems of society. No worthy and permanent social reform has ever taken place except in the line of its teachings—and its teachings culminated and crystallized in Him who has given a name to the fairest and most luminous era of civilization that has ever shone upon the earth. All organized philanthropies have centred in Him, and there has been no true philanthropic impulse becoming a part of a national life that was not essentially and professedly Christian. It is our boast as a nation that we are a Christian nation. In His name our name as a people has blossomed. Whenever we have departed from the spirit of His teachings we have met shame and degradation; wherever we have brought ourselves into harmony with His recreation of law, we have met with prosperity and success. So it behooves us to bring to all our institutional developments, of whatever name or nature, the test of the Gospel. Let me ask you to apply with me this touchstone of Gospel teaching to the Penal system of our land.

* In the following article the writer does not undertake to express the views of either the Prison Association of New York or the National Prison Association of the United States, with both of which Societies he is officially connected. The aim of the paper has been simply to call attention to certain radical defects in our Penal System, to provoke a consideration of them, and a discussion of means to effect their removal.

Let us begin by getting solid ground under our feet. Let us first take a glance at the material with which the penal system has to deal, and consider the criminal class. Second, let us briefly study our present method of dealing with the criminal class. Third, let us lay down a few propositions as to certain inevitable conditions that must be fulfilled in our relations to the criminal class. Fourth, let us bring each of these unfolded divisions side by side with the teachings of Christ. Fifth, should we find that any part of our penal system is not in harmony with Christian principles, let us sweep the horizon of thought and power to find means of effecting such harmony.

I. The Criminal Class consists of those persons who are not in harmony with the legal order of things as touching the relations of persons and property. It consists of the active enemies of social order who break the written laws. In its broadest definition, it consists of those who live by crime. This definition makes the criminal class inclusive of all whose livelihood depends on the commission of crime as the dependent families of active criminals. In the United States, according to the census of 1880, there were in our penal institutions, in round numbers, 60,000 persons (59,255). By the best authorities it is reckoned that not more than one-fifth of the active criminals are in prison at one time. This would bring our active criminal population up to 300,000. It is reckoned that the criminals in prison only represent one-twelfth of those whose livelihood is dependent upon criminal practices. Thus we have 720,000, or nearly three-quarters of a million persons directly interested in the perpetration of crime and the perpetuation of the criminal profession. In the State of New York we had last year 15,690 persons in our penal institutions, including the prisons, jails, penitentiaries, and other institutions to which persons are sentenced by the courts of law. This, it will be seen, is more than one-quarter of the criminal population of the country, and is an increase of 33 per cent. over the estimated criminal population of the State in 1880. In the same length of time the population of the State has increased but about 20 per cent. With this alarming increase of the criminal class, it is time to stop and ask if all is right with our penal system? With all the complicated and expensive machinery of law, police and punishment, we see our criminal population increasing; since the administration of our present penal system is in most respects better than it has ever been before, is it not fair to suppose that there is something radically wrong with the system itself? For one, I think there is. I think it is a failure. And I think it is a failure because it is not in harmony with the Christian idea; it is not dominated by the principles of the Gospel.

Let us look into this matter; and let us begin by laying down a few propositions to which I think most intelligent readers will give assent.

1. The object of any penal system is the protection of society.
2. Society can only be adequately protected by the elimination of the criminal.
3. The criminal can only be eliminated by reforming him, and thus converting him into a useful citizen, or by killing him, and thus making him no citizen at all.

As the latter clause of the last proposition is so impracticable as to stand for naught, except in those States over which a shadow of the past still lingers in the infliction of capital punishment for murder, I think we may safely stop with saying that the only reasonable way in which we can dispose of the individual criminal, is to reform him.

I have heard sometimes, from men whom I respected none the less because I could not agree with them, something about "the vindication of the outraged majesty of the law," as a thing to be considered in the penal treatment of criminals. But, since God Almighty gave the dearest treasure of His divine heart to satisfy for all time the outraged majesty of His perfect law, we, poor sinful creatures, with our blundering laws and our still more blundering administration of them, had best pause before we mingle other measure of retribution in our penalties than is necessarily inherent in them. Wherein our laws are good laws, they are based upon the revealed laws of God; and nowhere has God delegated to man the task of vindicating His laws, but, on the contrary, He rebukes the presumption of man for doing so, and declares that no being but Himself shall be clothed with the terrible prerogative of "vengeance." In the very idea of reformation there is something abhorrent to the criminal, as in the idea of conversion there is something abhorrent to the sinner. God permits the thorn of retribution to remain in the application of justice, but He forbids man to put it there. To the criminal, the most terrible punishment is to be taken in hand for reformation. The criminal classes protest against the Elmira Reformatory as they never protest against our state prisons; and it seems to us that that form of penalty is likely to be most efficacious which the criminal likes least. Leaving out, then, a consideration which does not seem to concern us, let us return to our propositions, and gather them in this: "Penal systems for the protection of society; Society only adequately protected by the reformation of the criminal."

Having reached this conclusion, let us leave the abstract statement and view the matter in the concrete. Let us see how we undertake to protect society by the reformation of the criminal. Let us bring to our prevailing penal methods the touchstone of our national profession of faith—belief in God and in the equal rights of men.

Perhaps we cannot do better than to follow up the criminal career of a single individual as it progresses under our so-called penal system. I lay the scene of this criminal life in the State of New York—not

because it is one peculiar to this State, but simply because I am more familiar with the course of justice in this than in any other: and, like some of the old-fashioned novelists, I shall bespeak your closer attention by saying that the story I am about to tell is "founded on fact."

John Doe is a lad of eighteen years of age. His father is dead, and his mother has been so much engaged in the struggle to get bread for three younger Does, that she has somewhat neglected master John's moral education. The boy, like Topsy, has simply "growed": he hasn't been "brought up;" he has simply come up. At irregular intervals in his career he has been successively spanked and whipped by his mother, who imagines that she has thereby discharged her whole duty in the matter of discipline. Home has not been a very pleasant place to John, because the growl of the wolf has been heard at the door too often; and when the wolf growls outside the house, there is often a great deal of growling inside. As in too many cases, squalor and poverty have brooded like twin sisters beside that hearth. John has found the street corner and the village loafing-places more congenial than his own home. The corner loafer has become his companion; and the corner loafer is one of the most corrupt and corrupting elements of our social life. John stays out very late at night; never goes home till the pool-room shuts up. Sometimes, when he stays out too late, Mrs. Doe, as a matter of discipline, locks the house door, and master John is forced to find a sleeping-place where he can. On one of these occasions, when looking about for a place to sleep, the freight-room of the village railway station occurs to him. The sliding door is shut, but through neglect the key has been left in the padlock that fastens it. He unlocks the door, crawls in among some household furniture, and goes to sleep there, forgetting to close the door behind him. Presently a night watchman, engaged in the somewhat unusual occupation of prowling around, discovers the door open,—discovers master John, arrests him and locks him up in the county jail. He is brought before a magistrate, charged with burglary, and taken back to the county jail to await his trial. *He waits three months for his trial!* He has not been proven guilty of a crime, is not, in fact, guilty of a crime; but his companions in that jail are burglars, drunkards, vagrants, and a murderer or two. The jail is illy lighted, and he spends his days in a grey twilight. The jail is illy ventilated, and he breathes poison with every breath. The moral atmosphere of the place is worse than the physical atmosphere. All who are there are kept in enforced idleness, and the weary hours are whiled away in the narration of criminal exploits, in telling obscene stories, in singing lewd songs and in gambling for rations. The older criminals tell of fascinating hair-breadth escapes, of exciting chases, of successful burglaries, of booty easily gotten and pleasantly spent, of women they have led astray; making themselves out gallants and heroes, society

their easy victim, and the officers of the law their persecutors. They do not mention what they have suffered in the way of imprisonment, and say nothing about the shame of being alienated from the respect of the great body of their fellow-men. They simply make it appear to John Doe's young mind, that a criminal life is the pleasantest life imaginable. Society has taken John Doe in hand for discipline, and every hour he is going deeper down into the valley of moral death. And what is Christian society doing to stay him in his descent into hell? It sends him no reading matter, so he reads the flash newspapers and dime novels that are always to be found in the county jails. The most it does is to permit a group of young and inexperienced men from the Christian Association to go and sing hymns and pray with him and the other prisoners, for an hour once a week; and John Doe may think himself fortunate that he gets this much, since in nearly half the county jails in the State no religious service whatever is regularly held.

At last John Doe has his trial. The burglary is proven, and as there has been a good deal of housebreaking in that neighborhood, and John is known to have been a young loafer, the Judge makes an example of him for the general good of the community, and sends the lad to the State Prison for two years—*branded as a felon!*

Once in prison, John Doe ceases to be John Doe and becomes No. 705. This prison is conducted as a gigantic machine, and in order to make John Doe fit into the machinery every effort is made to destroy his individuality. Everything is done to blot out the man and emphasize the felon. He is allowed to grow no beard. His hair is cut close to his head, like every other prisoner's. He is clothed in stripes, and when he goes to and from his cell he is made to walk touching one felon's shoulder with his hand before, and his own shoulder touched by another felon's hand from behind. This is the lock-step. John Doe becomes a mere vertebral part of the great hated, loathed serpent of felony. He is put to work under the contract system, without reward if he does his work well, but sure of punishment if he does it badly. To fit him to go out into life with the ability to earn an honest livelihood he is kept for two years, ten hours of each working day standing before a machine for polishing the edges of boot soles and heels. In the meanwhile he is being physically fattened on a diet better than is given in the average mechanic's boarding house. His face comes to have a flabby look, a sickly pallor. He becomes ænemic, his blood poisoned by the vitiated air of badly ventilated corridors. Into this corridor open three hundred cells, each of them three by six by seven feet in size. In order to make the prison profitable, under the contract system it is overcrowded so that in many of the cells men must be "doubled up," two men sleeping in a cell three by six by seven feet in size. John Doe has a roommate—a

man who has been in prison five times before—a leader and organizer of thieves. The prison is conducted on what is known as the congregate, or Auburn plan—no communication allowed between prisoners, and all the criminal news cut out of the newspapers before the prisoners are allowed to read them. The officials are so particular about this that they tear off the first page of *The Christian Union* and even scan *The Independent* with suspicion. Notwithstanding all these precautions, all the criminal news of the day gets into the prison. John Doe has been but a few months in prison before he learns that Richard Roe, a lad of his own age and living in the same village, the son of a horse thief and of a woman of the town, has also been arrested. Richard Roe is a thoroughly vicious fellow, a typical "tough," has been suspected of several crimes, and there is little doubt that he has committed them. Richard Roe has gone just over the line into a county where the capital happens to be a city, has entered an unlocked freight car, pried open a case of cigars and stolen a box of them. He is caught, committed, and by good fortune does not have to await a trial. He is sentenced for petit larceny to one month in the county jail; and on the principle that a bad egg cannot be spoiled, is not in any way corrupted, but adds his full share to the corruption of the place.

John Doe hears of this in prison. He feels that there has been a terrible inequality in the administration of justice—and the wrong has fallen on him. He broods over it as he works, as he walks in the lock-step, and most of all in the dark silence when he cannot sleep. He, John Doe, in a felon's cell for having made a blunder; Richard Roe, who has really committed a crime, at liberty! He has heard that there is a wise, a merciful, an omnipotent God in heaven; but he comes to regard Him as a cruel and an unjust God that He permits such wrong. He has heard of human justice, and comes to loathe the very word. In a vague kind of way it occurs to him that society has put him where he is—Christian society, with its long prayers and pious phrases—and he comes to hate it. He vows that from henceforth he will be an enemy of society—a red-handed enemy, if the chance serves him. Every man who has had dealings with men in prison has heard them swear many and many a time that they would "be even with the world yet." It is no secret, we all know it, we have so constructed our penal system that ninety per cent. of the inmates of our prisons regard us as their bitterest enemies, and is it not natural that they should do so?

I have at some length sketched the penal experiences of John Doe and Richard Roe. They are not isolated instances; they are types of large classes. Read over the reports of Stephen Cutter, the General Agent of the Prison Association of New York, and you will find case after case where men lay in houses of detention for months wait-

ing their trial. You will find records of John Does and Richard Roes on every page of our prison registers! I do not blame the officers of the law for their existence; it is the fault of the system. And you need not go to the official registers to find such cases. The newspapers record them day after day. In a late issue of the *New York Times* I find the following paragraph:

"SOME VERY QUEER SENTENCES.

"Considerable comment has been excited by the sentences imposed in the Passaic County courts, at Paterson (New Jersey), this term. Henry Lehr, convicted of killing a lad who trespassed on a melon patch, was sentenced to four years in State Prison. Another man who stole a bushel of apples was sent to Trenton for five years. John Iserman, who drew a knife in a crowded stage coach and slashed around with it promiscuously, severely injuring a constable and another passenger, was let off yesterday with a fine of \$5. John Brown, a colored man, last summer stole at night into the room of a colored woman with whom he had formerly lived, but who had left him because of his brutality, and while she lay asleep made a savage attack upon her with a razor, injuring her so severely that for weeks her life was despaired of. Brown was known to the police as a desperate character, who had been in State Prison before and in jail several times, and they expected to get rid of him for at least five years. He himself expected a term of three years at hard labor, and was dumbfounded when informed that his sentence was three months in the county jail. The Court said that he had considerable provocation, as it appeared that his mistress had been unfaithful to him."

I know that there are said to be some peculiarities to Jersey justice; but such cases are not peculiar to that State, but can be found in every State in the Union.

I CONSIDER the cases of John Doe and Richard Roe sufficiently common to be illustrative of some of the worst phases of our penal system. Let us see how the system has wrought on these two lads. They complete their sentences and come out into the world. Richard Roe, the born thief, is no worse than when he went into the jail, and decidedly no better. He has simply by his month in jail increased the circle of his colleagues in crime. John Doe, on the other hand, having been ground under the millstone of retributive justice and deterrent penalty, comes out a determined, bitter, vicious criminal. Even should he be so inclined, he is unfitted to earn an honest livelihood. The Trades Unions will not let him polish his few square inches of leather—the only thing he knows how to do—because he has learned to do it in prison. If by any chance he has a nature that rises above the crushing, grinding life in prison, I had almost said it were better otherwise—for society no longer wants him, and honest labor will not make a place for him. He is forced into a desperate struggle with life—and the odds decidedly against him.

It was right perhaps for the officer to arrest John Doe; but, having been arrested and committed to the county jail, he should not have been obliged to wait three months for a trial. Society has no right to keep an innocent man under suspicion for that length of time. It

is an axiom of the law that every man is to be considered innocent until he is proven guilty. It is an outrage upon the personal and constitutional right of the citizen to keep him locked up for an hour beyond the utmost exigencies of the occasion. And here is a wrong that might be remedied. Our present judges are faithful, and I believe are worked harder than any other judges in the world, but there is no reason why there should not be more of them. I can myself think of several excellent lawyers who could be persuaded to accept the office if the people insisted upon their doing so.

But if under our present dilatory administration of justice John Doe must be kept in the county jail for three months, the fact of his constructive innocence, no less than the unwritten law of social ethics, should have given him protection from contamination, and sent him before the court no worse in soul or mind or body because of his imprisonment. Gross absurdity of our civilization, when we protect our youth from the contamination of uncleanness by most rigid laws—save those who are most subject to contamination—the incipient criminal class! These we take by force, as opportunity offers, and lock them up, under conditions that are sure to develop all the uncleanness, all the latent vice that the devil has sown in their hearts. Our county jails are schools of crime, which we pay roundly to support—devil's kinder-gartens! Out upon our boast of philanthropic enterprise, when nearly every county in the land has its moral plague-spot, its pest-house of iniquity, under the very eaves of the churches, where men are perishing while we are at our prayers! My blood boils with indignation when I think of this spot of vantage that we yield to Satan, with hardly a word of protest. It is high time that all who are battling for right against wrong, for heaven against hell, should realize that there is no duty lying nearer them than to rise up, in the power of a combined protest, and destroy this well-fortified outpost of hell! *Let us ring it on a thousand changes, in the name of public economy, in the name of humanity, in the name of Christian charity and duty, in the name of God—DOWN—DOWN WITH THE OLD-FASHIONED COUNTY JAIL!*

Let us review John Doe's case. Having had three months of schooling in the jail he is brought up for trial. The Judge has never seen John Doe before—has, in fact, never heard of him. The indictment is read, ingeniously framed by a young and ambitious district attorney. Witnesses are summoned. There is no very positive evidence in his favor. The law is plain enough; he is technically guilty of the offence charged. Stand up, John Doe, and *be branded as a felon!* You have had a fair trial, lasting just one hour, and under the law you are found guilty. The jury, to be sure, was not a very intelligent one; but they knew enough about evidence to find you guilty. The Judge has done his duty; an example is needed; you shall be

that example. We will punish you more severely than your case warrants, that others may not sin. Perhaps, John Doe, you grow hot with rage at the moral indignity thus put upon you; but this "deterrent theory of punishment," notwithstanding that history has proved its fallacy, is one of the most cherished characteristics of our penal system.

But stop, O learned Judge, before you pass sentence, let me implore you in John Doe's behalf that other witnesses be called. Let not the case be closed till John Doe's grandfathers and grandmothers have been called and heard. Let them come and tell how in such a year there flowed into the blood from whence the prisoner came the subtle moral poison of some criminal connection. Let them tell you how this ancestor or that drowned his will in rum, and bequeathed to John a feeble power of resistance to evil. Let his whole hereditary history be unfolded. Before, O learned Judge, you shall pass a just sentence on this lad, you must go down into the intricate mysteries of psychology and physiology; you must unravel a tangled skein of heredity; you must analyze with more than human knowledge the silent and subtle influences of education and environment that have borne fruit in this lad's life. If you sentence this boy for punishment, only and to "vindicate the outraged majesty of the law," and thus snatch from God his unused prerogative of vengeance, you need heed none of these things. But if you sentence him for *reformation*, you must know all these things—aye, and more: you must, with more than human prescience, be able to tell just how long it will take the spirit of good to overcome the spirit of evil in this boy's heart. If you know this good to overcome the spirit of evil in this boy's heart. If you know this not, how can you justly and wisely fix the date of his restoration to society? I deny that finite wisdom can justly fix any term of imprisonment in advance, that shall insure to society a reasonable prospect that the criminal shall be returned to it reformed. And how absurd it is to make anything less than reformation the object of our dealing with this dangerous criminal class. Shall we make a law saying that rabid dogs, upon biting men, shall be kept in confinement for so many hours or days, and then let loose whether cured or not—to be returned for a similar period of confinement when they have bitten other persons? Shall we say that the homicidal maniac shall, upon killing a man, be locked up in an asylum for just 365 days, to be released whether mad or sane, on the 366th day, perhaps to kill another man on the 367th day? I do not say that crime and insanity are identical; but I say there is a close analogy in the manifestations of both, that can guide us in our application of treatment. Shall I shut my boy up in the closet for twenty-five minutes for telling a lie, and at the end of that time let him out, whether he is penitent or not? But you will say, without a time limit to a sentence, do you not put a dangerous power in the hands of the prison officials, upon whose decision the re-

lease of the prisoner must practically depend? Unquestionably; but if you make a time sentence in the court, after an hour's trial, under circumstances that oftentimes conceal rather than reveal the truth, are you not *more likely* to do an injustice, than when you leave the duration of a sentence to the man who night and day, has an opportunity of studying the criminal under the most favorable auspices?

But, right or wrong, John Doe is sentenced for two years. He goes to prison. He becomes one of a heterogeneous mass of humanity; several races, with their peculiarities; several nationalities, with their idiosyncracies; men of all ages and of all social conditions, some educated in the universities, some the products of the slums; some physically strong, some puny and weak; all temperaments, all degrees of crime are represented, and all *ground together*; and the motive power that turns the merciless machinery is the *contract labor system*. Do not say that this is an exaggeration. Wherever the contract labor system prevails in any State, it is because the prisons are to be made to pay in dollars and cents, whether the men are reformed or not. There is not an honest prison warden anywhere but that has felt many a time that he would like to introduce reforms in prison discipline, but dared not do so lest the interest of the contractor might suffer, and the money profit to the State might be less. But I cannot here enter into argument against the contract labor system in prisons, except in so far as it affects the interests of John Doe. The moment he is in prison the contractor claims him. He finds himself in a new and strange environment. He is not allowed a single day in which to sit down and take his bearings with life. He is hurried at once into a routine of labor that absorbs his energies without arousing his interest. The English are wiser than we are in this respect: they give to each incoming prisoner a pause for thought. In England the prisoner is locked up in his cell alone, with only such labor as he can do there. He is deprived of the society of his fellow-beings. He feels what it is to be an outcast, and he comes to loathe his own companionship. His heart, his soul, his whole being cries out for society, and he longs for the blessed sweat of hard toil to rest upon his brow.

In the prison to which John Doe is sent, shoe-making is the principal industry. Three hundred prisoners are employed on a single contract. They work in great teams—each man being set to do some small part of the work: senselessly feeding a machine to shoe pegs, or cutting out soles and heels, or, as in John Doe's case, polishing edges. There is no thought of teaching him a trade. He does precisely the same thing in precisely the same way, ten hours a day during all the days of his imprisonment. When his sentence expires he is turned out into the world to earn his own living. His capital in the way of a trade is his ability to work in a team, and no team will have him. So, in order that the State treasury may be swollen by surplus earn-

ings from the prison, the prison is run on the contract system; and the contract system is like a cat that toys with a captured mouse: if it lets the mouse run a little way it is only that it may catch it again, since it has paralyzed it and deprived it of its ability to run very far. The one weak spot in the contract labor system that appears in John Doe's case, is the necessity it imposes of massing large bodies of men together on a single contract, in order to make their labor profitable. In New York State the contract system has met the demand of the taxpayers; but crime has increased 33 p. c. in ten years. Our able Superintendent of Prisons showed in his report, that he made last year \$50,000 profit for the State out of the labor of the prisoners; and the press bubbled over with praise of his management, and did not say a word as to how many men had been saved—or how many had been ruined. What we want of our prisons is, to make a profit in *men*, as well as in dollars; and it can be done, too, if the prisons are rightly conducted. A man ought to pay for his living anywhere, in prison or out of it; and a criminal ought to be made to work harder than other men, and be made to pay for his own reformation as well as his own keeping. No matter how much it pays in dollars, the contract convict system is an expensive system, because it does not permit the most potent reformatory influences. It makes \$50,000 for the State in a single year; but it turns criminals loose to prey upon society at a cost to society of \$1,800 a year for each criminal. We have 2,800 prisoners in our state prisons, making a profit of \$50,000 a year, and we have 60,000 members of our criminal population at large, costing the State for their sustenance, police surveillance, expenses of trial, etc., more than \$100,000,000 a year! Can it be said that our penal system pays when it directs its energies toward any other end than that of reducing the criminal class?

But to return to John Doe. He falls into his place and goes doggedly to work. His labor is for gain—not for his gain, but for another's gain. He has no control over the product of his labor, no share in its profits. The State looms up in his mind as a gigantic monster, urging him on with whip and goad to the utmost of his strength—for what? That he may be reformed? *No!* but that his strength and flesh and blood may yield as much as possible to the pockets of the taxpayer! The only expense that the State goes to for his moral improvement, is to supply a single chaplain, who is allowed to preach to him once a week, and to give to eighteen hundred men such portions of spiritual consolation and instruction as the prior claims of the contractor on their time will allow.

John Doe comes out of prison unreformed. His treatment has not fulfilled the demands of our first proposition in penology. He is saddened with a sense of the injustice done to him. There has been in his case a violation of the principle that all men are entitled to an

equality of justice under the law. He remembers Richard Roe. He comes out of prison stunted, his individuality undeveloped—a mere rivet dropped out of a machine. His condition is the result of the treatment he has received in a Christian land, under a government that has the name of God in its constitution. His treatment, it seems to me, has not been in harmony with the principles of our civilization. John Doe knows that, and spurns the pretensions of society to a high Christian philanthropy. It is the work of the Gospel, in its application to social laws, to develop the highest capacities of a man's individuality, to educate him, to lead him upward to God. It has been, and is, the work of the penal system in this Christian land, to crush out the individuality of the man, and bring him into the blasting uniformity of felony. The penal system that should make reformation the goal of its endeavor, has wrought its work on John Doe, and made him a criminal!

As a frequent product of our penal system, stand up, John Doe, and be measured by the standards of social life that we have set for ourselves. Here is our belief in a God of mercy, of justice, of love. While believing in this God, we have given you an unjust sentence, have mercilessly made you a victim to a fancied need of society—sacrificed two of the best years of your life to the fallacy of deterrent penalty. By our system of prison labor, dominated by the most sordid spirit of greed, we have unfitted you to earn an honest living, and so robbed you of a priceless possession. We have branded you as a felon, and given you nothing by way of compensation. Outraged justice in your person has been vindicated! Now we would have done with you. We would bid you get out of our sight, but we know you will not obey us. You are here to stay—as a criminal! Not one John Doe, but a thousand John Does, breaking into our houses, robbing on the highways, burning and pillaging and murdering—a dreadful menace to us all—returning our vengeance upon you a thousand fold!

I have sketched one of a thousand cases that reveal themselves as the outcome of our prevailing penal system. How can we make the system better? The answer is a plain one in the abstract: it is to bring the fundamental proposition laid down at the beginning of this paper, into harmony with the principles that dominate our national civilization. We are to give the John Doe's of society only such sentences as shall justly mete out the penalty to the need of reformation. No human wisdom can determine the length of such a sentence in advance. We are to take our criminals in hand, because of their past, to train them in relation to their future—holding out every chance and hope of usefulness to them. In this there will be punishment for them; but we do not put it there; our only thought is reformation. In New York State we have begun to do this in the Elmira Reform-

atory, the most splendid penological experiment of the century. In Ohio, the indefinite sentence has been generally adopted. In several countries of Europe it is in partial vogue. But it will be many years before we can make such a revolution in our whole penal system. What shall we do with the institutions as they are? What are the pressing needs in prison reform?

1. Abolish the county jail, except as a house of detention for those awaiting trial.

2. Increase the number of Judges, and recast our whole system of judicial circuits, so that no man will, under ordinary circumstances, have to wait longer than ten days for trial.

3. Insist upon the entire separation of prisoners awaiting trial.

4. Let no prisoners be sentenced to demoralizing idleness in the county jails; but establish a system of district workhouses, where no man who is sentenced by a court of law, whether for a long or a short term, shall eat a second meal till he has earned it.

5. Insist that the sanitary condition of all our jails and prisons be brought to the highest standard of perfection.

6. Take the prisons out of politics—and this, perhaps, should have come first of all.

7. Let the labor in our prisons be for discipline rather than profit—making a prisoner support himself because it is his duty as a man, rather than because it is a part of his punishment as a felon.

8. Insist that every facility for moral and spiritual and educational training shall be in our prisons.

9. Insist that prisoners shall learn a whole trade while in prison and have a share in their surplus earnings above their cost of support.

While making these needed reforms in our present system, we may go on towards the adoption of the indeterminate sentence, applying it experimentally at first, studying the safeguards that are necessary to its fuller application, but never losing sight of the principle, as the only one that can radically reform our penal system itself.

There is, I believe, the possibility of reformation in every criminal. I never look into the face of a prisoner, no matter how much the manhood's strength and hope have been crushed out of him, but I say to myself, "*There is a man in you.*" Can we find any higher work than this: to search for and develop the germ of uprightness in the hearts of men. God has given this blessed task to His servants to do. After all we have done and said; after all we have pondered, and reasoned and wrought, we have only to come back for guidance to His words and learn to "Be not overcome of evil, but to overcome evil with good." We must protect ourselves from our enemies, and sternly prevent their doing wrong; but the moment we acknowledge them as our enemies, there come ringing down the ages the words of the Master: "Love your enemies, . . . do good to them that hate you."

To all who are proud that American civilization is Christian civilization, my plea is: In His name who *saved us*, according to the principles of His life who redeemed us, and according to the example of His life who died for us, let us mould our penal system from its foundation to its cap-stone. Let us tear down from the gates of our penal establishments the old legend, "Who enters here leaves hope behind," and make it a magnificent temple, over the portal of which shall be written the words, "Salvation, redemption, reformation for every man"; and let no criminal, when once convicted, go out thence till his heart has learned the true meaning of those words, and his life has begun to crystalize them into a vital force that makes for righteousness.